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Tr.C.M.P.No.123 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 12-09-2025**

CORAM

**THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**Tr.C.M.P.No.123 of 2024  
and C.M.P.No.2629 of 2024**

Kaviya

Petitioner(s)

Vs

1. Santhosh

2. Baskar

Respondent(s)

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C.  
to withdraw and transfer the case in H.M.O.P.No.97 of 2023 from the file of  
the Sub-Court, Harur, to the file of the Sub-Court, Uthangari.



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Tr.C.M.P.No.123 of 2024

For Petitioner(s): Mr.J. Pradeep

For Respondent(s): Mr. C. Prabakaran

### **ORDER**

This petition has been filed to withdraw and transfer the case in H.M.O.P.No.97 of 2023 pending on the file of the Sub-Court, Harur, to the file of the Sub-Court, Uthankarai.

2. Heard the learned counsel on both sides.

3. The learned counsel appearing for the petitioner would submit that the respondent/husband filed HMOP No.97 of 2023 before the Sub-Court, Harur, seeking for dissolution of the marriage with the intention to harass the petitioner on false and frivolous ground. The petitioner has no source of income. The petitioner is staying at Uthankarai, Krishnagiri District with her parents. The Sub-Court, Harur, Dharmapuri is around 40 Kilo Meter from her residence which will be very difficult to travel from



Tr.C.M.P.No.123 of 2024

WEB COPY

Uthangarai to Harur, for attending the case taking her child. Hence, he seeks the relief as prayed for.

4. *Per contra*, the learned counsel appearing for the respondent/husband would submit that the distance between Harur and Uthangarai is around 40 Kilo Meters and the respondent/husband has to take care of his old parents. Hence, he seeks to dismiss the petition.

5. The principles regarding transfer petition, more specifically in the matters of matrimonial cases, in a decision made in TR.CMP(MD)No.108 of 2010, dated 03.03.2011, the Madurai Bench of Madras High Court, has observed as below:-

*"18.It is true that section 19 of the Hindu Marriage Act, has been amended by insertion of proviso of (iii)(a) to section 19. Of Course, this amended section 19(iii)(a) gives special preference to the wife to file a petition or defending the case of the husband before the Court within whose jurisdiction she resides. The intention of the legislator is to safe-guard the interest and rights of the women, who are being subjected to*



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Tr.C.M.P.No.123 of 2024

*harassment and cruelty. But this special preference conferred under section 19 (iii)(a) of the Hindu Marriage Act shall not be used to wreck vengeance on the husband. There must be a justifiable cause to select the jurisdiction of the Court where she resides."*

6. In view of the above observations and also considering the submissions made by both sides and the facts and circumstances of the case, the H.M.O.P.No97 of 2023 pending on the file of the Sub-Court, Harur, stands transferred to the Sub-Court, Uthangari. The learned Judge shall expedite the disposal of the case in H.M.O.P.No.97 of 2023 as quickly as possible.

7. Accordingly, this Transfer Civil Miscellaneous petition is allowed.

No costs. Consequently, connected C.M.P. is closed.

12-09-2025

Index: Yes/No  
Speaking/Non-speaking order  
Internet: Yes;  
Neutral Citation: Yes/No  
lbm



Tr.C.M.P.No.123 of 2024

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To:

1. The Sub-Court, Harur,
2. The Sub-Court, Uthankarai



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Tr.C.M.P.No.123 of 2024

**M.JOTHIRAMAN J.**

lbm

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