



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-09-2025

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THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

**TR CMP No. 281 of 2024 and
CMP No.5845 of 2024**

K.Gracelin Jenci

D/o. Thamson, D.No.77A, Raja Retnam

Nagar, Kesavaneri Road, North

Vallioor, Radhapuram-627117,

Triunelveli District.

Petitioner

Vs

T. Vargees

S/o Thomson, D.No.23/1, Bharathi

Nagar, Neelikonam Palayam,

Coimbatore-641033.

Respondent

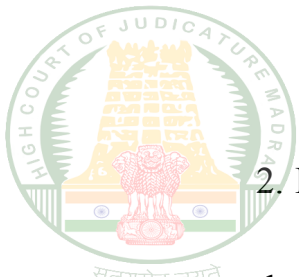
PRAYERThe Transfer CMP is filed under Section 24 of the C.P.C. to withdraw the proceedings in DOP No.1882 of 2023, pending on the file of the Family Court, Coimbatore and transfer the same to the Family Court, Tirunelveli.

For Petitioner(s): Mr.J.Antony Jesus

For Respondent(s): Mr. R.Bhagawat Krishna

ORDER

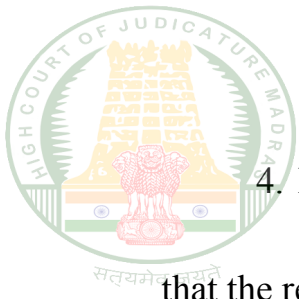
The Transfer CMP has been filed seeking to withdraw the proceedings in DOP No.1882 of 2023, pending on the file of the Family Court, Coimbatore and to transfer the same to the Family Court, Tirunelveli.



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2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

3. Learned counsel for the petitioner submitted that the petitioner is now residing at Vallioor, Tirunelveli District along with her daughter and her daughter is studying in Kings Matriculation School at Vallioor, under the care of petitioner's parents. The petitioner's father who is aged about 63 years and he experienced age related health issues. The petitioner's mother is also aged about 58 years old. Since the petitioner is unemployed and not having any financial resources, she is depending on her parents to meet out the expenses for her daughter and herself. Further the petitioner is facing difficulties to travel to Coimbatore to attend the court proceedings. Further, the petitioner is not having source of money to travel from Vallioor to Coimbatore to attend the court proceedings on all the hearing dates. Hence, the petitioner is seeking transfer of DOP No.1882 of 2023, pending on the file of the Family Court, Coimbatore to the Family Court, Tirunelveli.



4. Per contra, the learned counsel for the respondent/husband submitted that the respondent/husband is working as Ward Boy in Hospital at Coimbatore.

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If the DOP is transferred to Tirunelveli Court, it is very difficult for him to travel from Coimbatore to Trinelveli to attend the court proceedings. If the DOP is transferred to the Court at Madurai, it is convenient to either parties.

5. I have gone through the affidavit filed in support this petition and I find merit in the submissions made by the learned counsel for the petitioner.

6. At this juncture, it may be apposite to cite the judgment of the Hon'ble Apex Court in ***N.C.V.Aishwarya vs. A.S.Saravana Karthik*** (***MANU/SC/1211/2022 : 2022 Live Law (SC) 627***) held at paras 9 and 10, which reads as under:-

"9. The cardinal principle for exercise of power under section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of



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both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer. (emphasis supplied)

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions”.

7. It is also relevant to refer the decision made by the Madurai Bench of Madras High Court in TR.CMP(MD)No.108 of 2010 dated 03.03.2011, wherein, it 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 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."

8. In the light of the proposition laid down in the judgment of the Hon'ble Supreme Court in *N.C.V.Aishwarya* case cited *supra* and also in the light of the



observation made by this Court, wherein, it has been held that convenience of the wife has to be considered, while transferring the case from one Court to another, there can be no impediment for allowing this petition as prayed for.

9. This Court is also satisfied with the reasons stated in the affidavit filed in support of the petition. In the interest of justice, this Court is inclined to allow this petition. Accordingly, this transfer civil miscellaneous petition is allowed. Consequently, connected miscellaneous petition is closed. The case in DOP No.1882 of 2023, is withdrawn from the file of the the file of the Family Court, Coimbatore and the same is transferred to the file of the Family Court, Tirunelveli.

15-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



TR CMP No. 281 of 2024



To

1. The Judge, Family Court,
Coimbatore

2. The Judge, Family Court,
Tirunelveli.



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M.JOTHIRAMAN J.

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