



TR CMP No.200 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-09-2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

**TR CMP No.200 of 2025
and CMP No.4014 of 2025**

Santhiya
W/o.A.Rajkumar, D/o.Chandrasekaran,
No.12, Jag Agraharan Street,
Arcot Town, Ranipet District – 632 503.

Petitioner(s)

Vs

A.Rajkumar
S/o.Arumugam,
No.2/7E, Bharathiyar Street,
4th Lane, Choolaimedu,
Chennai – 600 094.

Respondent(s)

Transfer Miscellaneous Petition filed under Section 24 CPC to
withdraw the case in O.P.No.5379 of 2024 from the file of the VI
Additional Family Court, Chennai and transfer the same to the file of the
Subordinate Court, Ranipet, Ranipet District.

For Petitioner(s): Mr.M.Padmanaban



WEB COPY



TR CMP No.200 of 2025

For Respondent(s): Mr.J.J.R.Edwin

ORDER

This petition has been filed to withdraw O.P.No.5379 of 2024 from the file of the VI Additional Family Court, Chennai and transfer the same to the file of the Subordinate Court, Ranipet, Ranipet District.

2. Heard the learned counsel on both sides.

3. The learned counsel appearing for the petitioner would submit that the respondent/husband filed an application for divorce before the VI Additional Family Court, Chennai and the same is pending in O.P.No.5379 of 2024. The petitioner has filed a complaint in D.V.C.No.1 of 2023 and the same is pending on the file of the District Munsif-cum-Judicial Magistrate Court, Arcot, Vellore District. The petitioner/wife is residing in Ranipet District and she has to travel 200 kms all along to Chennai with her female child for attending each and every hearing of the case, which is causing inconvenience for her. Therefore, the case in O.P.No.5379 of 2024 may be withdrawn from the file of the VI Additional Family Court, Chennai and transferred to the file of the Subordinate Court, Ranipet District.



TR CMP No.200 of 2025

WEB COPY

4. The learned counsel appearing for the respondent/husband filed a counter affidavit, wherein, it has been stated that the if the case is transferred from Chennai to Ranipet District, it will cause serious prejudice to the respondent/husband, as he is employed in Chennai and it is difficult for him to travel from Chennai to Ranipet for attending each and every hearing of the case. Therefore, he prays for dismissal of this petition.

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/wife.

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



WEB COPY



TR CMP No.200 of 2025

behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of 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. Considering the proposition laid down in the judgment of the Hon'ble Supreme Court in *N.C.V.Aishwarya* case cited *supra* and also



TR CMP No.200 of 2025

WEB COPY

considering 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.

Accordingly, this transfer civil miscellaneous petition is allowed. The case in O.P.No.5379 of 2024 is hereby withdrawn from the file of the VI Additional Family Court, Chennai and transferred to the file of the Subordinate Court, Ranipet, Ranipet District. No costs. Connected C.M.P. is closed.

25-09-2025

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

To

- 1.The VI Additional Family Judge,
Chennai.
- 2.The Subordinate Judge, Ranipet,
Ranipet District.



WEB COPY



TR CMP No.200 of 2025



WEB COPY



TR CMP No.200 of 2025

M.JOTHIRAMAN J.

nsd

TR CMP No. 200 of 2025

25.09.2025