



Tr.C.M.P.No.342 of 2025  
and C.M.P.No.7581 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2025

CORAM:

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

Tr.CMP.No.342 of 2025  
and  
C.M.P.No.7581 of 2025

D.Vandhana Mary

... Petitioner

Vs

L.Deepak Raj

... Respondent

**Prayer:-** Transfer Civil Miscellaneous Petition filed under Section 24 of the CPC, to withdraw I.D.O.P. No.8 of 2025 pending before the Principal District Court, Cuddalore and transfer the same to the file of the Additional District Court, Kumbakonam.

For Petitioner : Mr.A.Mohamed Ismail

For Respondent : No appearance

**ORDER**

This petition has been filed to withdraw I.D.O.P. No.8 of 2025 from the file of the Principal District Court, Cuddalore, and to transfer the same to the file of the Additional District Court, Kumbakonam.



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2. Heard the learned counsel appearing for the petitioner.

3. There is no representation for the respondent.

4. The learned counsel appearing for the petitioner would submit that the petitioner got married to the respondent on 15.09.2013 at Arputha Kuzhandai Yesu Aalayam, Cuddalore, as per Christian Rites and Customs. Out of the wedlock, they blessed with two children since the petitioner could not maintain herself and her children and filed maintenance petition in M.C.No.1 of 2023 before the Chief Judicial Magistrate Court, Kumbakonam, seeking for maintenance. The respondent / husband filed I.D.O.P.No.8 of 2025 before the Principal District Court, Cuddalore, seeking for restitution of conjugal rights making allegations and averments against the petitioner. The petitioner is residing in Kumbakonam with the two children. Therefore, the petitioner would not be able to travel to Cuddalore for attending each and every hearing of the case, since the petitioner needs to travel 115 kms. Therefore, the case in I.D.O.P. No.8 of 2025 may be withdrawn from the



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file of the Principal District Court, Cuddalore, and transferred to the file of Additional District Court, Kumbakonam.

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 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)*



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*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



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allowing this petition as prayed for.

9. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The case in I.D.O.P. No.8 of 2025 is hereby withdrawn from the file of the Principal District Court, Cuddalore, and transferred to the file of the Additional District Court, Kumbakonam. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

**09.10.2025**

mtl

Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

1. The Principal District Court, Cuddalore.
2. The Additional District Court, Kumbakonam.

**M. JOTHIRAMAN, J.**



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