



Tr.C.M.P.No.337 of 2024
and C.M.P.No.7027 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Tr.CMP.No.337 of 2024

and

C.M.P.No.7027 of 2024

P.Monika

... Petitioner

Vs

V. Sai Ram

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the CPC, to withdraw HMOP No.8 of 2024 pending before the Sub Court, Alandur and transfer the same to the VI Additional Family Court, Chennai.

For Petitioner : Mr.N.Iyyakannu

For Respondent : Mr.C.Nithiyanandam

ORDER

This petition has been filed to withdraw HMOP No.8 of 2024 from the file of the Sub Court, Alandur and to transfer the same to the VI Additional Family Court, Chennai.

2. Heard the learned counsel on both sides.



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3. The learned counsel appearing for the petitioner would submit that the marriage between the petitioner and respondent was solemnized on 04.12.2022 at Arulmigu Ranganathar Perumal Thirukovil, Thiruneermalai, Chennai as per Hindu Rites and Customs. The respondent / husband has filed a petition for divorce in H.M.O.P.No.8 of 2024 before the Sub Court, Alandur. The learned counsel would further submit that the petitioner is residing at Arumbakkam and facing difficult to travel all the way from Arumbakkam to Alandur to Poonamalle to attend the court proceedings. The petitioner has also filed maintenance case in MC.No.99 of 2024 which is pending on the file of VI Additional Family Court, Chennai.

4. *Per contra*, the learned counsel appearing for the respondent would submit that the maintenance case in M.C.No.99 of 2024 has been dismissed for default and therefore it is not necessary to transfer the HMOP.No.8 of 2024 to the file of VI Additional Family Court, Chennai. He further submitted that if the case has been transferred from the Sub Court, Alandur to VI Additional Family Court, Chennai, it will cause



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serious prejudice to the respondent and object to transfer the same.

5. In response, the learned counsel for the petitioner submitted that the petitioner has file an application to restore M.C.No.99 of 2024 on the file of VI Additional Family Court, Chennai and the case has been posted on 24.11.2025.

6. 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.

7. 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



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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)

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”.

8. 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."

9. In the light of the proposition laid down in the judgment of



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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.

10. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The case in H.M.O.P.No.8 of 2024 is hereby withdrawn from the file of the Sub Court, Alandur and transferred to the file of the VI Additional Family Court, Chennai. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

15.10.2025

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Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No

M. JOTHIRAMAN, J.

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To

1. The Sub Court, Alandur
2. The VI Additional Family Court, Chennai

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