



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.CMP.No.432 of 2025

& CMP.No.12526 of 2025

& CMP.No.9952 of 2025

Tr.CMP.No.432 of 2025:

Bhargavi Raajah

... Petitioner

VS.

K.Ramprasath

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC to withdraw HMOP.No.17 of 2025 on the file of the Family Court, Mannargudi and transfer to the file of the Family Court, Chennai.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.A.Ilayaperumal

CMP.No.432 of 2025:

K.Ramprasath

... Petitioner

VS.



Bhargavi Raajah

... Respondent

PRAYER: Civil Miscellaneous Petition filed under Section 151 of CPC, to vacate the interim stay granted in CMP.No.9952 of 2025 in Tr.CMP.No.9952 of 2025 in Tr.CMP.No.432 of 2025 dated 24.04.2025.

For Petitioner : Mr.A.Ilayaperumal

For Respondent : Mr.S.Arivazhagan

COMMON ORDER

Though the petitioner/husband has filed CMP.No.12526 of 2025 to vacate the interim stay granted in CMP.No.9952 of 2025 in Tr.CMP.No.9952 of 2025 in Tr.CMP.No.432 of 2025 dated 24.04.2025 on the ground that the petitioner had lodged a caveat in the present proceedings in Tr.CMP.No.432 of 2025, the husband being put on notice, the transfer petition has been taken up and interim stay has been granted. However, the transfer petition is taken up today on merits.

2.Heard the learned counsel for the parties.

3.The petitioner in Tr.CMP.No.432 of 2025 is the wife. She has sought for transfer of the proceedings pending in HMOP.No.17 of 2025 on the file of the Family Court at Mannargudi to be withdrawn and transferred to the file of the Family Court at Chennai.



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4.The petitioner, admittedly, is residing in Chennai. The learned counsel for the respondent/husband would state that the entire cause of action arose only within the jurisdiction of the Family Court, Mannargudi and therefore, the transfer, as sought by the petitioner/wife, cannot be granted. However, Section 19 of the Hindu Marriage Act has been amended permitting the wife to institute matrimonial proceedings at a Court within whose jurisdiction the wife resides. Therefore, it is immaterial as to where the cause of action arose for filing the matrimonial proceedings and an option is given to the wife alone to choose the Court subject to the said Court having jurisdiction either on account of cause of action having arisen within the jurisdiction of the said Court or by residence of the wife within the jurisdiction of such Court. Therefore, the contention of the respondent/husband lacks merit and cannot be sustained.

5.The petitioner wife has expressed difficulty to travel all the way from Chennai to Mannargudi for attending the hearings and she has also stated that she has two minor female children who have to be taken care of and attended to. Therefore, the petitioner/wife has made out a prima facie case for transfer.



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6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the case in HMOP.No.17 of 2025 is hereby withdrawn from the file of the Family Court, Mannargudi and transferred to the file of the Principal Family Court, Chennai. The Principal Family Court, Chennai is directed to take up HMOP.No.17 of 2025 on its own file or assign it to any other Family Courts, subject to the pending cases before the various Family Courts. At the same time, to not cause inconvenience to the respondent/husband, it is made clear that the personal appearance of the respondent/husband shall not be insisted upon for all hearings and the respondent/husband shall be required to appear in person only for such hearings when his personal appearance cannot be dispensed with, for example, for his examination in chief or cross. There shall be no order as to costs. Connected CMP.No.432 of 2025 is dismissed and CMP.No.9952 of 2025 is closed.

04.06.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

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To

- 1.The Family Court, Mannargudi.
- 2.The Family Court, Chennai.



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P.B. BALAJI,J.

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