



Tr.CMP.No.510 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2025

CORAM:

THE HON'BLE MR. JUSTICE M.JOTHIRAMAN

Tr.CMP.No.510 of 2024
and CMP.No.10884 of 2024

Mrs.Iswaryalakshmi

... Petitioner

vs.

Mr.V.Balasubramanian

... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code seeking to withdraw H.M.O.P.No.1023 of 2023 on the file of the Hon'ble Subordinate Judge at Ambattur and transfer the same to the file of the Hon'ble Subordinate Judge at Lalgudi and to pass such other or further orders.

For Petitioner : Mr.M.Vijayasundar

For Respondent : M/s.P.Munusamy

ORDER

The petitioner / wife filed this petition seeking to withdraw HMOP.No.1023 of 2023 on the file of the Subordinate Judge at Ambattur and transfer the same to the file of the Subordinate Judge at Lalgudi.



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2. The learned counsel appearing for the petitioner / wife would submit that the respondent/husband filed HMOP.No.1023 of 2023 on the file of the Court of Subordinate Judge, Ambattur for restitution of conjugal rights. The petitioner is having 3 years female child and they are under the care and maintenance of the petitioner's father and they are living at her parental home at Lalgudi, Trichy and she has to travel all along with the child for such a long distance of about more than 400 Kms. to Lalgudi to attend the hearings at Chennai and therefore, she has come up with the present petition.

3. The learned counsel appearing for the respondent / husband has objected for transferring the case to Lalgudi and would submit that if the case is transferred to the Sub-Court Lalgudi, the respondent / husband would be put to irreparable loss and hardship.

4. Heard the learned counsel for the parties and perused the materials available on record.



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5. The principles regarding transfer petitions, more specifically in the matters of matrimonial cases are well settled. In a decision made in ***Tr.CMP(MD).No.108 of 2010 dated 03.03.2011***, the Madurai Bench of Madras

High Court, has observed as follows:

“18. It is true that Section 19 of the Hindu Marriage Act has been amended by insertion of proviso of (iii)(a) of Section 19. Of course, this amended section 19(iii)(a) gives special reference 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 safeguard 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.”

6. In view of the facts and circumstances, this Transfer Civil Miscellaneous Petition stands allowed and the HMOP.No.1023 of 2023 pending on the file of the Subordinate Judge at Ambattur is transferred to the file of the Subordinate Judge at Lalgudi, Trichy. No costs. Consequently, connected miscellaneous petition is closed.

19.09.2025

Intex : Yes/No
Internet : Yes/No
Jvm

M.JOTHIRAMAN, J.



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To

1.The Court of Subordinate Judge, Lalgudi,
Tiruchirapalli.

2. The Court of Subordinate Judge,
Ambattur.

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