



Tr. CMP.Nos.504 & 505 of 2025 and CMP. Nos.12657 & 12660 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2025

CORAM:

THE HON'BLE MR. JUSTICE M.JOTHIRAMAN

Tr. CMP.Nos.504 & 505 of 2025 and CMP. Nos.12657 & 12660 of 2025

Selva Ganesh K.

... Petitioner in both cases

vs.

Lakshmi Prabha

... Respondent in both cases

Prayer in both cases: Petitions filed under Section 24 of the Civil Procedure Code seeking to withdraw H.M.O.P. Nos.196 of 2021 & 420 of 2020 pending on the file of the Family Court, Tiruchirappalli and transfer the same to Family Court at Chennai or any other nearby competent court.

For Petitioner : Mr.Bharath P.

For Respondent : Mr.S.Saraboji

ORDER

These petitions have been filed to withdraw H.M.O.P. Nos.196 of 2021 & 420 of 2020 pending on the file of the Family Court, Tiruchirappalli and transfer the same to Family Court at Chennai or any other nearby competent court.

2.Learned counsel for the petitioner would submit that the petitioner



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husband filed H.M.O.P. No.196 of 2021 on the file of the Family Court, Tiruchirappalli for dissolution of marriage held between the petitioner and the respondent as null and void. The respondent wife filed a petition in H.M.O.P. No.420 of 2020 on the file of the Family Court, Tiruchirappalli seeking for restitution of conjugal rights. Learned counsel for the petitioner further submitted that the petitioner is residing at Chennai and he is unable to travel to Tiruchirappali to conduct the cases, which will cause heavy inconvenience to the petitioner. Since the petitioner is now in a position to take care of his father's business, it is difficult for the petitioner to travel to Tiruchirappali for each and every hearing. Since the native of the respondent wife is Tiruchirappali, she has filed the above H.M.O.P. No.420 of 2020 before the Family Court, Tiruchirappali. Learned counsel for the petitioner would further submit that if the above H.M.O.Ps are transferred to Chennai, no inconvenience would be caused to the respondent wife since the respondent has a habit of travelling to her native frequently and that the petitioner is also ready to bear the expenses of boarding and lodging of the respondent.

3.Per contra, the learned counsel for the respondent would submit that if these petitions are allowed, serious prejudice would be caused to the respondent



Tr. CMP.Nos.504 & 505 of 2025 and CMP. Nos.12657 & 12660 of 2025

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4.It is not in dispute that originally, the petitioner husband filed the petition in H.M.O.P. No.196 of 2021 only before the Family Court, Tiruchirappalli for dissolution of marriage held between the petitioner and the respondent as null and void. Similarly, the respondent wife filed a petition in H.M.O.P. No.420 of 2020 on the file of the Family Court, Tiruchirappalli for restitution of conjugal rights.

5.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-



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economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

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”.

6.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."

7.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



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wife has to be considered while transferring the case from one Court to another, I am not inclined to allow these petitions.

8.Since the convenience of the wife has to be taken into consideration and the reasons stated in the affidavit are not sufficient to transfer these cases, these petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

9.Considering the pendency of the petitions filed by both the parties from the year 2020 before the Family Court, Tiruchirappalli, the learned Judge, Family Court, Tiruchirappalli shall dispose of the same as expeditiously as possible,

M.JOTHIRAMAN, J.

vga

preferably within a period of six months from the date of receipt of a copy of this order.

25.09.2025



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To

1.The Family Court,
Tiruchirappalli.

2.The Family Court at Chennai

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