



WEB COPY

TR CMP No. 570 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

TR CMP No. 570 of 2025

and C.M.P.No.14007 of 2025

B.Bhuvanalakshmi
W/o.Karthikeyan, No.2, Prakahamkaru St, 1st Cross
St, Vijayalakshmipuram, Ambattur,
Tiruvallur District.

..Petitioner

Vs

S.Karthikeyan
S/o.P.Selvakumar, No.21, East Kollamman Koil St,
Erode, Erode Taluk,
Erode District.

..Respondent

PRAYER – This petition is filed under Section 24 of C.P.C, to withdraw and transfer the proceedings in F.C.O.P.No.179 of 2025 filed by the respondent pending on the file of Family Court at Erode and transfer the same to the file of Sub Court at Ambattur Tiruvallur District and thus render justice.

For Petitioner: A.Balasingh Ramanujam

For Respondent: Mr.C.Prakasam



ORDER

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2. The learned counsel appearing for the petitioner/wife contends that the respondent has filed a petition in F.C.O.P.No.179 of 2025 before the Family Court at Erode under the grounds of restitution of conjugal rights. The petitioner is having a minor child and is residing at Ambattur at Tiruvallur District. The distance from the native place to Erode is about 400 kms and it takes more than 8 hours to travel and she cannot go to the Court alone and she has to take her age old parents as well, along with her minor child. Hence, it is very difficult for her to appear before the Family Court at Erode.

3. *Per contra*, the learned counsel appearing for the respondent/husband would submit that since the respondent is doing business at Chennai, if the petition is allowed, irreparable injury would be caused to the respondent/husband and prayed for dismissal of the petition.



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 through the decision of the Madurai Bench of Madras High Court in the ***TR.CMP(MD)No.108 of 2010, dated 03.03.2011 [Durga Vs. R.Mohan Ganesh]***, wherein it has been 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."

6. Considering the reasons stated in the affidavit and the convenience of the petitioner/wife taken into consideration, this Court is inclined to allow the



petition pending on the file of the Family Court at Erode stands transferred to the Subordinate Court at Ambattur, Tiruvallur District.

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7. Accordingly, this Transfer Civil Miscellaneous Petition No.570 of 2025 stands allowed and F.C.O.P.No.179 of 2025 is withdrawn from the file of the Family Court, Erode and transferred to the file of the Subordinate Court, Ambattur, Tiruvallur District. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

23-09-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GSA

To

1. The Judge,
Family Court at Erode.
2. The Subordinate Judge,
Ambattur,
Tiruvallur District.



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M.JOTHIRAMAN, J.

GSA

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