



WEB COPY



Tr.CMP.No.593 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2025

CORAM:

**THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

Tr.CMP.No.593 of 2025

&

C.M.P.No.14518 of 2025

S.Divya

... Petitioner

Versus

G.N.Praveen

... Respondent

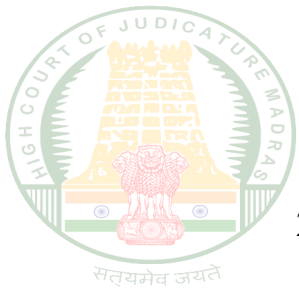
**Prayer:** Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw and transfer G.W.O.P.No.118 of 2022, pending on the file of the Additional Family Court, Coimbatore and transfer the same to the Sub Court, Tambaram.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.K.Karthikeyan

### **ORDER**

The petitioner / wife has come up with the above transfer petition seeking transfer of G.W.O.P.No.118 of 2022 from the file of the Additional Family Court, Coimbatore, to the file of the Sub Court, Tambaram.



Tr.CMP.No.593 of 2025

2. Heard learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. The learned counsel appearing for the petitioner would submit that the respondent/husband has filed G.W.O.P.No.118 of 2022 before the Additional Family Court, Coimbatore, seeking custody of the child. The petitioner is working in Chennai and she is unable to travel to Coimbatore along with the child for each and every hearing to attend the case. Hence, the present petition is filed seeking transfer. He would further submit that the case may be transferred to the Principal Family Court, Chennai.

4. 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/wife.

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:-



WEB COPY



Tr.CMP.No.593 of 2025

"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-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".

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."



Tr.CMP.No.593 of 2025

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 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.

8. Accordingly, this Transfer Civil Miscellaneous petition is allowed. The case in G.W.O.P.No.118 of 2022 is hereby withdrawn from the file of the Additional Family Court, Coimbatore and transferred to the file of the Principal Family Court, Chennai and the Principal Family Court, Chennai, dispose of G.W.O.P.No.118 of 2022 as expeditiously as possible. No costs. Connected Civil Miscellaneous Petition is closed.

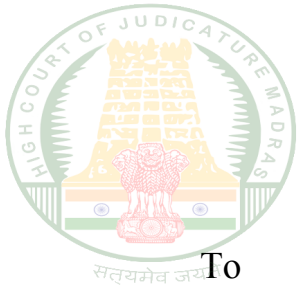
**24.09.2025**

ssb

Index: Yes / No

Speaking Order : Yes / No

NCC : Yes / No



Tr.CMP.No.593 of 2025

To

WEB COPY

1. The Additional Family Court, Coimbatore.
2. The Principal Family Court, Chennai.



WEB COPY



Tr.CMP.No.593 of 2025

**M. JOTHIRAMAN, J.**

ssb

**Tr.CMP.No.593 of 2025**

24.09.2025