



TR.CMP.No.713 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

TR.CMP.No.713 of 2025

and

C.M.P.No.16667 of 2025

J.Meena

... Petitioner

Versus

R.Udhayaraman

... Respondent

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw and transfer HMOP.No.05 of 2025 on the file of the Subordinate Court, Cheyyar to Principal Subordinate Court, Chidambaram.

For Petitioner : Mr.M.Ragul Kousik

For Respondent : Mr.K.Selvakumar



TR.CMP.No.713 of 2025

ORDER

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This petition has been filed to withdraw and transfer HMOP.No.05 of 2025 on the file of the Subordinate Court, Cheyyar to Principal Subordinate Court, Chidambaram.

2. The learned counsel for the petitioner/wife would submit that the respondent/husband has filed HMOP.No.05 of 2025 on the file of the Subordinate Court, Cheyyar, Tiruvannamalai District seeking divorce. The petitioner/wife has filed a petition in HMOP.No.38 of 2025 on the file of the Subordinate Court, Chidambaram, seeking restitution of conjugal rights. The marriage between the petitioner and the respondent was solemnized on 15.04.2025 in accordance with the Hindu Customs and Rites at KVM Marriage Hall, Cheyyar. The petitioner/wife has no independent source of income to afford frequent travel and related expenses. The place where the current case is pending is nearly 200 KM away and completely unfamiliar to the petitioner and the petitioner have no friends or relatives residing there to assist her during the Court proceedings.



TR.CMP.No.713 of 2025

WEB COPY

3. The learned counsel for the respondent/husband would submit that originally the respondent/husband filed a petition in HMOP.No.05 of 2025 seeking divorce. On the first hearing, the petitioner/wife herein appeared and undertook that she is ready to join with her husband. Thereafter, wantonly the petitioner/wife has filed a petition in HMOP.No.38 of 2025 under Section 9 of Hindu Marriage Act, seeking the relief of restitution of conjugal rights. If the petitioner/wife is willing to join with the respondent/husband there is no necessity to conduct the case proceedings which would cause pre-judice to the respondent/husband and objected to the transfer the same. The learned counsel appearing for the respondent would further submit that there is no serious objection in allowing the present petition and seeks to dispense with the appearance of the respondent for the present.

4. I have gone through the affidavit filed in support this petition and I find merit in the submissions made by the learned counsel on either side.

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-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



TR.CMP.No.713 of 2025

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 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. Considering the reasons stated in the affidavit that another case in HMOP.No.38 of 2025 is pending on the file of the Subordinate Court, Chidambaram, in order to avoid conflicting decisions this Court is inclined to allow this petition. Accordingly, the case in HMO.P.No.05 of 2025 is hereby withdrawn from the file of the Subordinate Court, Cheyyar and transferred to the file of the learned Principal Subordinate Court, Chidambaram. However, the personal appearance of the respondent is dispensed with for the present. As an when necessity arises, the respondent is directed to appear before the



TR.CMP.No.713 of 2025

Court below in H.M.O.P.No.05 of 2025 before the learned Subordinate Court, Cheyyar. No Costs. Consequently, connected Miscellaneous Petition is closed.

13.10.2025

Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No
dna

To

- 1.The Principal Subordinate Court, Chidambaram.
- 2.The Subordinate Court, Cheyyar.



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TR.CMP.No.713 of 2025

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