



Tr.C.M.P.No. 631 of 2025
and C.M.P.No.15030 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Tr.CMP.No. 631 of 2025

and

C.M.P.No. 15030 of 2025

Amatul Baseer

... Petitioner

Vs

Mohammad Shabir

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the CPC, to withdraw the O.S.No.138 of 2024 before the District Munsif Court, Tambaram, and to transfer the same to the Additional Family Court at Chennai.

For Petitioner : Mr.I.Abdul Basith

For Respondent : Mr.K.Poomalai

ORDER

This petition has been filed to withdraw the O.S.No.138 of 2024 before the District Munsif Court, Tambaram, to the file of Additional Family Court, Chennai.



Tr.C.M.P.No. 631 of 2025
and C.M.P.No.15030 of 2025

WEB COPY

2. Heard both sides and perused the records.

3. The learned counsel appearing for the petitioner/wife would submit that the marriage was solemnized between the petitioner and the respondent on 28.06.2019 as per Islamic rites and customs at Masjid-e-Thawheed, Tambaram. The respondent has filed O.S.No. 138 of 2024 before the District Munsif Court, Tambaram seeking dissolution of marriage on false allegations and the same is pending for further adjudication. The respondent has also filed the suit with malafide intention to harass the petitioner. The petitioner is residing in Mylapore. Therefore, the petitioner would not be able to travel to Tambaram for attending each and every hearing of the case. Therefore, the suit in O.S.No. 138 of 2025 may be withdrawn from the file of the District Munsif Court, Tambaram, and the same transferred to the file of Additional Family Court, Chennai.

5. I have gone through the affidavit filed in support this petition



Tr.C.M.P.No. 631 of 2025
and C.M.P.No.15030 of 2025

and I find merit in the submissions made by the learned counsel for the petitioner.

6. 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".



Tr.C.M.P.No. 631 of 2025
and C.M.P.No.15030 of 2025

WEB COPY

7. 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."

8. 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.

9. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The case in O.S.No. 138 of 2024 is hereby withdrawn from the



Tr.C.M.P.No. 631 of 2025
and C.M.P.No.15030 of 2025

file of the District Munsif Court, Tambaram, and transferred to the file of the Additional Family Court, Chennai. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

16.10.2025

MSM

Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

1. The District Munsif Court, Tambaram.
2. The Additional Family Court, Chennai.

M. JOTHIRAMAN, J.

MSM



WEB COPY



Tr.C.M.P.No. 631 of 2025
and C.M.P.No.15030 of 2025

Tr.CMP.No. 631 of 2025
and
C.M.P.No. 15030 of 2025

16.10.2025