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TR CMP No. 651 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. 651 of 2025

and C.M.P.No.15632 of 2025

KIRUTHIKA

D/o. Shanmugam,4/103, Anna Nagar, Reddipatti,
Namakkal-637002

..Petitioner

Vs

GOWTHAM

S/o. Nagalingam, No.169/C, Block, 15th Floor,
TNHB Quarters, Thirumangalam, Anna Nagar,
Chennai-600 040

..Respondent

PRAYER - This petition is filed under Section 24 of C.P.C to withdraw H.M.O.P.No.5212 of 2024 on the file of the Principal Judge, Family court, Chennai and transfer the same to the file of the Family Court at Namakkal to be heard and decided on merits along with F.C.O.P.No. 45 of 2025 on the file of the Family Court, Namakkal.

For Petitioner: S.Sankar

For Respondent: Ms.V.Rishika Mary for
Mr.D.S.Rajasekaran

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.5212 of 2024 on the file of the Principal Judge, Family court,

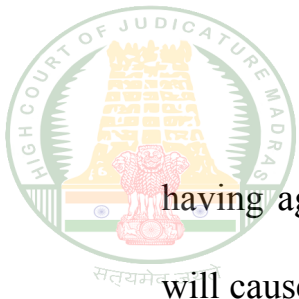


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Chennai and transfer the same to the file of the family court at Namakkal to be heard and decided on merits along with F.C.O.P.No. 45 of 2025 on the file of the Family Court, Namakkal.

2. The learned counsel appearing for the petitioner/wife submits that the respondent/husband filed the petition seeking to declare the marriage as null and void in H.M.O.P.No.5212 of 2024 on the file of the Principal Judge, Family Court, Chennai. The petitioner/wife has also filed restitution of conjugal rights in F.M.O.P.No.45 of 2025 which is pending on the file of the Family Court, Namakkal. The petitioner/wife is residing in Namakkal along with her parents. The petitioner is entirely depending on the earnings of her parents and if the petitioner to appear in person for hearing in Chennai, it is very difficult to travel from Namakkal to Chennai. The learned counsel further would submit that in order to avoid the conflicting judgments, if H.M.O.P.No.5212 of 2024 pending on the file of the Principal Family Court, Chennai may be transferred to the Family Court at Namakkal.

3. *Per contra*, the learned counsel appearing for the respondent would submit that the respondent/husband is working in a contractual basis and is



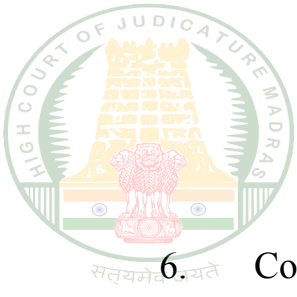
having age old mother and she is also bedridden. If the petition is allowed, it will cause severe prejudice to the respondent/husband.

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4. Heard the learned counsel for the parties and perused the materials available on record.

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."



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6. Considering the submissions advanced on either side and the reasons stated in the affidavit, this Court is of the view that in order to avoid the conflicting decisions, the Transfer Civil Miscellaneous Petition filed by petitioner/wife shall be transferred to the file of the Family Court at Namakkal.

7. Accordingly, this Transfer Civil Miscellaneous Petition No.651 of 2025 stands allowed and H.M.O.P.No.5212 of 2024 is withdrawn from the file of the Principal Judge, Family Court, Chennai and transferred to the file of the Family Court at Namakkal to be tried along with F.C.O.P.No.45 of 2025. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

23-09-2025

Index: Yes/No

GSA

To

1. The Principal Judge,
Family court, Chennai.
- 2.The Judge,
Family Court, Namakkal.



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M.JOTHIRAMAN, J.

GSA

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