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Tr.CMP.No.646 of 2025 and C.M.P.No.15533 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Tr.CMP.No.646 of 2025

and

C.M.P.No.15533 of 2025

K.Akshayaa

... Petitioner / Respondent

Versus

C.Pugalendhi

... Respondent / Petitioner

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the CPC, to withdraw O.P.No.117 of 2025 pending before the Sub Court, Uthamapalayam and to transfer the same to the VI Additional Family Court Judge, Chennai and to be heard and decided along with O.P.No.1935 of 2025, on the file of VI Additional Family Court Judge, Chennai.

For Petitioner : Mr.S.Namasivayam
For Respondent : Ms.P.M.Hemalatha

ORDER

The learned counsel for the petitioner / wife submits that the marriage between the petitioner and the respondent was solemnized on 19.05.2024. Due to matrimonial disputes, the respondent / husband filed a



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petition in O.P.No.117 of 2025 on the file of the Sub Court, Uthamapalayam, seeking a decree of divorce on the ground of cruelty. Subsequently, the petitioner / wife filed a petition in O.P.No.1935 of 2025 before the learned VI Additional Family Court, Chennai, seeking restitution of conjugal rights. The petitioner / wife is presently residing with her aged parents at Chennai and is entirely dependent on her family for financial as well as and emotional support. The distance between Chennai and Uthamapalayam is approximately 536 kilometers, and it would be extremely difficult and unsafe for the petitioner, being a women, to undertake such a long journey for every hearing. Attending the proceedings at Uthamapalayam would cause her immense hardship, mental agony and inconvenience.

2. The learned counsel appearing for the respondent would submit that there is no serious objection to allowing the present petition and seeks to dispense with the appearance of the respondent for the present.

3. 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.



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4. 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".

5. 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



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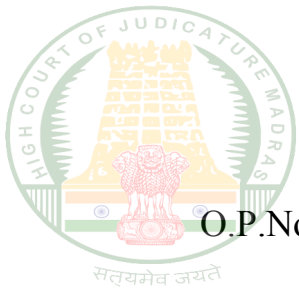


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amended by insertion of proviso of (iii)(a) to section 19. Of Course, this amended section 19(iii)(a) gives special preference to the wife to file a petition or defending the case of the husband before the Court within whose jurisdiction she resides. 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. 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.

7. Accordingly, this transfer civil miscellaneous petition is allowed. The case in O.P.No.117 of 2025 is hereby withdrawn from the file of the Sub Court, Uthamapalayam and transferred to the file of the learned VI Additional Family Court, Chennai. However, the personal appearance of the respondent is dispensed with for the present. As and when necessity arises, the respondent is directed to appear before the Court below in



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O.P.No.117 of 2025 before the learned VI Additional Family Court Judge,
Chennai. Considering the facts there shall be no orders as to costs.

Consequently, connected Civil Miscellaneous Petition is closed.

24.09.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

1. The learned Sub Court, Uthamapalayam.
2. The learned VI Additional Family Court Judge, Chennai.



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M. JOTHIRAMAN, J.

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