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Tr.C.M.P.No.870 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-09-2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Tr.C.M.P.No.870 of 2024

V.Gayathri
D/o.Vasudevan
No.35/1-15, Krishnan Koil Street,
Salem 636 001.

Petitioner(s)

Vs

S.D.Santhosh
S/o.Dhanasekaran,
No.12/2, Ragupathi Layout 2nd Street,
Saibaba Colony, Coimbatore-641 011.

Respondent

For Petitioner(s): Mr.S.J.Bharath Gowtham

Transfer Civil Miscellaneous Petition filed under Section 24 CPC to
transfer the HMOP No.1802 of 2023 from the Family Court,Coimbatore to
the Salem Family Court.



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ORDER

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2. Heard Mr.S.J.Bharath Gowtham, learned counsel for the petitioner.

3. The learned counsel for the petitioner would submit that the respondent has not chosen to enter appearance despite service of notice. I find that the service of notice has been completed on the respondent and the name of the respondent is also printed in the cause list. The respondent is called and set ex-parte.

4.The learned counsel for the petitioner would submit that she is living with her parents at Salem. The petitioner is not an earning woman and she is facing difficulty to attend the case before the Coimbatore Family Court for each and every hearing.

5. In a decision made in Tr.CMP (MD) No.108 of 2010, dated 03.03.2011, the Madurai Bench of Madras High Court, has observed as follows:



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“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.”

6. I have gone through the affidavit filed in support of the transfer petition as well.



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7. Considering that the petitioner is not earning and faces difficulty in travelling to Coimbatore, this transfer civil miscellaneous petition is allowed. The case in HMOP No.1802 of 2023 is hereby withdrawn from the file of the Family Court, Coimbatore and transferred to the file of the Family Court, Salem. No costs.

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Index:Yes/No
Speaking/Non-speaking order
Internet:Yes;
Neutral Citation:Yes/No

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1.The Family Court, Coimbatore.

2.The Family Court, Salem.

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M.JOTHIRAMAN J.

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