



Tr.C.M.P.No.795 of 2025
and C.M.P.No.18231 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Tr.CMP.No.795 of 2025
and
C.M.P.No.18231 of 2025

Monisha

... Petitioner

Vs

Pushparaja

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the CPC, to withdraw HMOP No.447 of 2025 pending before the Family Court, Salem and transfer the same to the file of the Subordinate Court, Alandur,

For Petitioner : Mr.R.Vivek

For Respondent : Mr.S.P.Yuaraj

ORDER

This petition has been filed to withdraw HMOP No.447 of 2025 from the file of the Family Court, Salem, and to transfer the same to the file of the Subordinate Court, Alandur.

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2. Heard the learned counsel on both sides.

3. The learned counsel appearing for the petitioner would submit that the petitioner got married to the respondent on 30.08.2020 at the residence of the respondent's house in Salem District as per Hindu Rites and Customs and the said marriage was registered at the office of the Sub Registrar, Magudanchavadi on 20.11.2020. The respondent / husband filed H.M.O.P.No.447 of 2025 before the Family Court, Salem, seeking for restitution of conjugal rights making allegations and averments against the petitioner. The learned counsel further would submit that the petitioner staying in women's hostel at Chennai and pursuing a job at UST Global, ASV Suntech Park, Thoraipakkam, Chennai. The learned counsel further would submit that both the petitioner and the respondent had lastly resided together in T4, Block 2, PTN Pace Adarsha Apartment, 168, Velachery Road, Aarthi Nagar, Selaiyur, Chennai. Hence, the petitioner is working in I.T. Company, Chennai, and it is only source of income and she is taking care of her



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WEB COPY parents. Hence, it is difficult for the petitioner to travel from Chennai to Salem. Moreover, the distance between the Chennai to Salem nearly 700 kms to and fro to attend the Court proceedings for each and every hearing. Therefore, the case in H.M.O.P.No.447 of 2025 may be withdrawn from the file of the Family Court, Salem, and transferred to the file of Subordinate Court, Alandur.

4. *Per contra*, the learned counsel appearing for the respondent/husband would submit that the native district of the petitioner/wife is Dharmapuri District in Harur Taluk and the case may be transferred to the Subordinate Court, Harur, if the case is transferred from the Family Court, Salem to the Subordinate Court, Alandur, it will cause serious prejudice to the respondent / husband.

5. I have gone through the affidavit filed in support this petition and I find merit in the submissions made by the learned counsel for the petitioner.



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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".

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:-



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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."

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. The personal appearance of the respondent shall dispensed with for the present as and when required by the Subordinate Court, Alandur, the respondent shall appear.

10. Accordingly, this Transfer Civil Miscellaneous Petition is



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WEB COPY allowed. The case in H.M.O.P.No.447 of 2025 is hereby withdrawn from the file of the Family Court, Salem, and transferred to the file of the Subordinate Court, Alandur. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

08.10.2025

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

To

1. The Family Court, Salem.
2. The Subordinate Court, Alandur.

M. JOTHIRAMAN, J.



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