



Tr.C.M.P.No.797 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

**Tr.C.M.P.No.797 of 2025 and
C.M.P.No.18253 of 2025**

S.Sangeetha

... Petitioner

Versus

D.Manojprasadh

... Respondent

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, praying to transfer HMOP.No.18 of 2025 on the file of Principal Sub-Court, Chengalpet to the file of Family Court, Chennai.

For Petitioner

: M/s.K.N.Shanthi

For Respondent

: Mr.Anil Sandeep.

ORDER

The respondent/husband has filed a divorce petition in H.M.O.P.No.18 of 2025 on the file of Principal Sub-Court, Chengalpattu on the grounds of cruelty. The petitioner/wife has come up with the present petition seeking transfer of the case which is pending on the file of the Principal Sub-Court, Chengalpattu to the file of Principal Family Court, Chennai.



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2. The learned counsel for the petitioner/wife submitted that at the time of filing the petition in HMOP.No.18 of 2025, the petitioner/wife was resided at Guduvancherry, Chengalpattu District and now she is residing in her parental house at Villivakkam, Chennai. Further submits that the petitioner is not in a position to travel alone from Chennai to Chengalpattu to contest the divorce case filed by the respondent/husband. The respondent/husband is conducting the case through power agent i.e., father of the husband and there is no prejudice would cause, if the case is transferred from Chengalpattu to Family Court, Chennai.

3. Per contra, the learned counsel for the respondent/husband submitted that at the time of filing the case by the respondent/husband, the petitioner/wife was residing at Guduvancherry. The certificate of registration of marriage also states that petitioner/wife is residing only at Guduvancherry. The parental home of the petitioner/wife is Guduvancherry and only in order to harass the respondent/husband, she has chosen to file the present transfer civil miscellaneous petition and there is no acceptable reason stated in the affidavit filed in support of this petition seeking for transfer. To strength his



contentions, the learned counsel for the respondent/husband has relied upon the judgment of this Court in ***Tr.CMP.No.123 of 2016 dated 31.03.2016*** in the case of ***B.Hemalatha Vs S.Senthil Kumar*** to show the lack of bonafide on the part of the wife in seeking such transfer, for example, wife shifting her residence after receiving summons in the matrimonial proceedings with a view to seek transfer of the proceedings to another Court cannot be considered.

4. In response, the learned counsel for the petitioner/wife submits that there is no dispute that petitioner/wife has been resided in Guduvancherry and recently she has shifted her residence and stayed in her parental home at Villivakkam.

5. 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”.

6. 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."

7. 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



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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.

8. Considering the submissions advanced on either side and considering the nature of dispute, this Court is inclined to allow the petition. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. The case is transferred from the file of Principal Sub-Court, Chengalpattu to the file of Principal Family Court, Chennai. No costs. Consequently, the connected miscellaneous petition is closed.

9. The personal appearance of the parties is dispensed with for the present and they shall appear as and when required by the Principal Family Court, Chennai.

26.09.2025

Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No
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M. JOTHIRAMAN, J.



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- To
- 1.The Principal Sub-Court, Chengalpattu
 2. The Principal Family Court, Chennai.

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