



Tr.C.M.P.No.919 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2025

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THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

TR CMP No.919 of 2025

and

CMP No.20944 of 2025

Sathya @ Mangayarkarasi

...Petitioner

Vs

Suriyaprakash

...Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.18 of 2025 filed by the respondent pending on the file of the Sub Court, Uthankarai, Krishnagiri District and transfer the same to the Sub Court, Palacode, Dharmapuri District.

For Petitioner(s): Mr.D.Rameshkumar

For Respondent(s): Mr.V.Saravanan



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ORDER

This petition has been filed to withdraw H.M.O.P.No.18 of 2025 pending on the file of the Sub Court, Uthankarai, Krishnagiri District and to transfer the same to the file of the Sub Court, Palacode, Dharmapuri District.

2. The learned counsel appearing for the petitioner/wife would submit that the marriage between the petitioner and the respondent was solemnized on 21.01.2024 at Balathandayuthapani Temple, Krishnagiri District. The respondent/husband has filed H.M.O.P.No.18 of 2025 on the file of the Subordinate Court, Uthangari, Krishnagiri District seeking a divorce on the ground of cruelty. He would further submit that the petitioner is presently residing with her aged parents at Palacode and is dependent on them for livelihood and support. Therefore, it would be very difficult for her to travel from Palacode to Uthangarai, covering a distance of about 160 kilometres (to and fro), to



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attend each and every hearing. Hence, this transfer petition has been filed.

3. Per contra, learned counsel appearing for the respondent-husband would submit that the respondent is suffering from 40% disability and if the petition is allowed, it would cause serious prejudice to the respondent. Hence, he objected to allow this transfer petition.

4. 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.

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."

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7. In 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 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.

8. Accordingly, this transfer civil miscellaneous petition is allowed. The case in H.M.O.P.No.18 of 2025 is hereby withdrawn from the file of the Subordinate Court, Uthankarai, Krishnagiri District and transferred to the file of the Subordinate Court, Palacode, Dharmapuri District. Considering the fact that the respondent/husband is physically challenged person with 40% disability, his personal appearance of the respondent-husband before the Court below is dispensed with for the present. However, as and when his presence is required by the Court below, the respondent shall appear in person. No



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costs. Connected C.M.P. is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes;

Neutral Citation: Yes/No

To

1. The Subordinate Court,
Uthankarai, Krishnagiri District

2. The Subordinate Court,
Palacode, Dharmapuri
District.



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