



Tr.CMP.No.1128 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

CORAM:

THE HON'BLE MR. JUSTICE M.JOTHIRAMAN

Tr.CMP.No.1128 of 2024
and CMP.No.24741 of 2024

Mrs. Nithya

... Petitioner

vs.

Mr.A. Chandru

... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code seeking to withdraw the HMOP.No.187/2024 pending on the file of the Honourable Family Court at Namakkal and transfer the same before the Honourable Family Court at Tiruchirappalli and thus render justice

For Petitioner : Ms.M Srinidhi

For Respondent : Mr. T.Sellapandian



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ORDER

This petition has been filed to withdraw and transfer the case in H.M.O.P.No.187 of 2024 from the file of the Family Court at Namakkal, to the file of the Family Court at Tiruchirappalli.

2. Heard the learned counsel on both sides.

3. The learned counsel appearing for the petitioner would submit that the petitioner has filed HMOP NO.187 of 2024 on the file of the Family Court at Namakkal. The petitioner is residing with her parents at Trichy. Since the petitioner's health had turned to worst and the distance between Trichy and Namakkal is around 90 Kilo meters, she is unable to travel to attend the proceedings frequently and prays the relief as prayed for.

4. *Per contra*, the learned counsel appearing for the respondent would submit that the case can be transferred to the Sub-Court, Musiri which will be convenient to both parties. However, the petitioner would not accept the same and



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states that the petitioner cannot travel from Tirchy to Musiri since the petitioner does not have any support to have accommodation in Musiri.

5.The principles regarding transfer petition, more specifically in the matters of matrimonial cases, 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 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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M.JOTHIRAMAN, J.

Lbm

6. In view of the above observations and also considering the submissions made by both sides and the facts and circumstances of the case, the H.M.O.P.No.187 of 2024 pending on the file of the Family Court, Namakkal, stands transferred to the Family Court, Tiruchirappalli.

7. Accordingly, this Transfer Civil Miscellaneous petition is allowed. No costs. Consequently, connected C.M.P. is closed.

17.09.2025

Lbm

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes;

Neutral Citation: Yes/No

To

1. The Family Court, Namakkal

2. The Family Court, Tiruchirappalli

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