



Tr.CMP.No.1137 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM:

THE HON'BLE MR. JUSTICE M.JOTHIRAMAN

Tr.CMP.No.1137 of 2024
and CMP.No.24971 of 2024

Poongkodi

... Petitioner

vs.

Naveen Kumar

... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code seeking to withdraw H.M.O.P.No.120 of 2024 from the file of the Subordinate Court, Tirumangalam, Madurai District and transfer the same to the Subordinate Court, Alandur.

For Petitioner : M/s.M.Vidya

For Respondent : M/s.V.Kirubalani

ORDER

The petitioner / wife has filed this petition seeking to withdraw HMOP.No.120 of 2024 from the file of the Subordinate Court, Tirumangalam, Madurai District and transfer the same to the Subordinate Court, Alandur.



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2. The learned counsel appearing for the petitioner / wife would submit that the respondent / husband has filed a petition in HMOP.No.120 of 2024 on the file of the Sub-Court, Thirumangalam, seeking restitution of conjugal rights against the petitioner making false allegations. It is very difficult for the petitioner to travel to Thirumangalam as the petitioner is the resident of Nanganallur, Chennai. The petitioner is looking for a job in Chennai and only with the support of her parents, she is residing at Chennai and if the petitioner is made to travel to Thirumangalam, it would be inconvenient to her and that she cannot travel all alone and her father will have to accompany her, that would lead much inconvenience to them.

3. The learned counsel appearing for the respondent / husband would submit that the petitioner wanted to live on her own and wanted to enjoy as she wished. She is the one who has shattered the life of the respondent and she lived with the respondent's family only for few months and she did not wanted to lead a life and resigned her job. Knowing the greed of her and her parents and to get a acknowledgement for handing over the cash and jewels, the respondent wanted it in writing and she told that she wanted a divorce from the respondent and to that



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effect, a written agreement also came into being. The petitioner's only intention is to grab money from the respondent and not to allow him to live a peaceful life. In police station, they gave option like the respondent need to leave his parents and settle with her family in Chennai and since the respondent refused for this, she wished for divorce. The petitioner/wife took all her jewels, belongings and returned the Mangalsutra (Thali) as well. The learned counsel for the respondent would further submit that the petitioner is not necessary to attend the case on all hearings.

4. Heard the learned counsel for the parties and perused the materials available on record.

5. The principles regarding transfer petitions, more specifically in the matters of matrimonial cases are well settled. 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:

“18. It is true that Section 19 of the Hindu Marriage Act has been amended by insertion of proviso of (iii)(a) of Section 19. Of course, this amended section 19(iii)(a) gives special reference to the



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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 safeguard 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. In view of the facts and circumstances, this Transfer Civil Miscellaneous Petition stands allowed and the HMOP.No.120 of 2024 pending on the file of the Subordinate Judge at Thirumangalam, Madurai is transferred to the file of the Subordinate Judge at Alandur. No costs. Consequently, connected miscellaneous petition is closed.

22.09.2025

Intex : Yes/No
Internet : Yes/No
Jvm

To

1.The Court of Subordinate Judge,
Thirumangalam, Madurai.

2.The Court of Subordinate Judge,
Alandur.



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M.JOTHIRAMAN, J.

Jvm



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