



Tr.CMP.No.1146 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.1146 of 2024
and CMP.No.25109 of 2024

Vandhana Devi @ Vandana Devi

... Petitioner

vs.

Rajkumar Rathinam

... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code seeking to withdraw the HMOP.No.1105 of 2024 pending on the file of the Honourable Family Court at Coimbatore and transfer the same before the Sub Court, Tambaram and thus render justice.

For Petitioner : Mr. Aroma Manoj

For Respondent : Mr. N. Ishtiag Ahmed



Tr.CMP.No.1146 of 2024

WEB COPY

ORDER

This petition has been filed to withdraw and transfer the case in H.M.O.P.No. 1105 of 2024 from the file of the Family Court at Coimbatore, to the file of the Sub Court, Tambaram.

2. Heard the learned counsel on both sides.

3. The learned counsel appearing for the petitioner would submit that the petitioner is residing in Chennai along with her parents. She has no source of income and is depending on her parents and her brother. She will have to face much hardship travelling all the way from Chennai to Coimbatore 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 in H.M.O.P. No.1105 of 2024 has been filed by the father of the respondent representing as Power Agent, on behalf of the respondent, on the file of Family Court at Coimbatore, seeking for divorce against the petitioner. At



Tr.CMP.No.1146 of 2024

WEB COPY

present, the respondent is working in Australia. If the case is transferred to Coimbatore to Tambaram, it will be hardship to the father of the respondent to attend the proceedings. Hence, he prays to dismiss the petition.

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.

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)



Tr.CMP.No.1146 of 2024

WEB COPY

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:-

"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 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."

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.



WEB COPY

Tr.CMP.No.1146 of 2024

9. Accordingly, this transfer civil miscellaneous petition is allowed.

The case in H.M.O.P.No.1105 of 2024 is hereby withdrawn from the file of the Family Court, Coimbatore and transferred to the file of the Sub Court, Tambaram.

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



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Tr.CMP.No.1146 of 2024

M.JOTHIRAMAN, J.

Lbm

To:

- 1.The Family Court, Coimbatore
2. The Sub Court, Tambaram.

Tr.CMP.No.1146 of 2024
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