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Tr.C.M.P.No.1342 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-09-2025

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THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

**Tr.C.M.P.No.1342 of 2024
& CMP No.29006 of 2024**

Mrs.R.Thenega
W/o.A.S.Rajkumar
D/o.P.Raja
D.No.28, Aiswarya Garden
Kannankurichi Main Road,
Salem-636 008.

Petitioner(s)

Vs

Mr.A.S.Rajkumar
S/o.Senkottuvel, No.4/126, Parayakaadu
Vattur Kavundampalayam, Vattur Post,
Thiruchengode Taluk,
Namakkal District.

Respondent

For Petitioner(s): Mr.S.P.Yuaraj

For Respondent(s): Mr.C.S.Saravanan

Transfer Civil Miscellaneous Petition filed under Section 24 CPC to
withdraw and transfer the HMOP No.228 of 2023 before the Subordinate
Court, Thiruchengode, Namakkal District to the Family Court, Salem.



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ORDER

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This petition has been filed to withdraw and transfer the HMOP No.228 of 2023 before the Subordinate Court, Thiruchengode, Namakkal District to the Family Court, Salem.

2. The learned counsel for the petitioner would submit that the respondent husband filed HMOP No.228 of 2023 on the file of the Subordinate Court, Thiruchengode, seeking divorce. The petitioner is not a working woman and her father spent huge money for treatment of his wife, who is a heart patient. The learned counsel further submits that the petitioner is having a minor son who is studying 4th Standard and that it is very difficult for the petitioner to attend each and every hearing and that too the distance is above 70 km from Salem to Thiruchengode. Therefore, she prays to transfer HMOP No.228 of 2023 to the Family Court, Salem.

3. Per contra, learned counsel for the respondent would submit that the petitioner's father is practicing advocate in Salem and is an influenced person and that he will provide threat to the respondent if he is attending Court proceedings at Salem. Learned counsel also submits that in an earlier



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occasion, there was a dispute between both parties which caused injury to the respondent and a criminal complaint has been lodged by the petitioner before the Namakkal Police Station. To that effect, a discharge summary was also placed before this Court.

4. I have gone through the affidavit filed in support of the transfer petition as well.

5. 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

“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



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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. Considering that the petitioner is a single mother and that she resides far away from Namakkal, this transfer civil miscellaneous petition is allowed. The case in HMOP No.228 of 2023 is hereby withdrawn from the file of the Subordinate Court, Namakkal District and transferred to the file of the Family Court, Salem. No costs. Consequently, connected C.M.P. is closed.

16-09-2025

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes;
Neutral Citation: Yes/No

M.JOTHIRAMAN J.



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- To
- 1.The Subordinate Court,
Thiruchengode,
Namakkal District.
 - 2.The Family Court, Salem.

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