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TR CMP No. 253 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

TR CMP No. 253 of 2026

Megala
W/o Koteeshwaran @ Pugalvendhan,
Door No 36,
Kasangulam,
Keelakarai,
Pattukottai Taluk,
Thanjavur District.

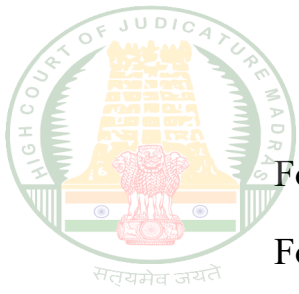
..Petitioner(s)

Vs

Koteeshwaran @ Pugalvendhan
S/o Parthiban,
No 2/2,
Kurisilapattu Village and Post,
Tirupathur District.

..Respondent(s)

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code 1908 praying to withdraw and transfer the H.M.O.P.No.17 of 2024 pending on the file of the Sub-Ordinate Court,Tirupathur to the Sub-Ordinate Court at Pattukottai as this Hon'ble Court.



For Petitioner(s): MR.R.Balachanderan

For Respondent(s): MR.S.MAGESH KUMAR

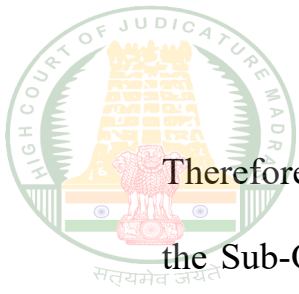
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ORDER

This petition has been filed seeking to withdraw the case in HMOP.No. 17 of 2024 pending on the file of the Sub-Ordinate Court, Tirupathur and the same may be transferred to the Sub-Ordinate Court, Pattukottai.

2. Heard both sides and perused the materials available on record.

3. The learned counsel appearing for the petitioner/wife would submit that the petitioner/wife got married to the respondent/husband on 26.02.2018 as per Hindu Religious and Customs. Thereafter, there was some misunderstanding between the petitioner and the respondent. The respondent/husband filed HMOP.No.17 of 2024 on the file of Sub-Ordinate Judge, Tirupathur District, seeking for declaring that the marriage of plaintiff/husband solemnized with the defendant/wife on 26.02.2018 as null and void on the ground of cruelty and desertion. The petitioner/wife herein is residing in Pattukottai along with her aged mother who is 76 years old suffering from various age-related ailments. Therefore, the petitioner/wife herein would not be able to travel to Family Court, Erode, for attending each and every hearing of the case, since the petitioner/wife needs to travel 350 kms. The petitioner/wife is residing with her parents without any sources of income.



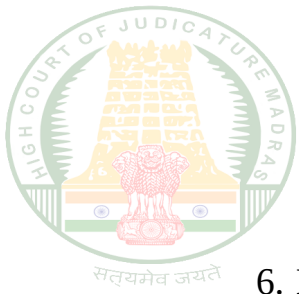
Therefore, the case in HMOP.No.17 of 2024 may be withdrawn from the file of the Sub-Ordinate Court, Tirupathur and transferred to the file of Sub-Ordinate Court, Pattukottai.

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".

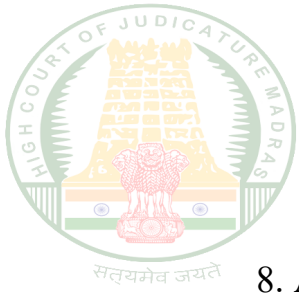


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6. It is also relevant to refer the decision made by the Madurai Bench of Madras High Court in TR.CMP(MD)No.108 of 2010 dated 03.03.2011, wherein, it has observed as below:-

"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."

7. 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.



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8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The case in HMOP.No. 17 of 2024 is hereby withdrawn from the file of the Sub-Ordinate Court, Tirupathur, and transferred to the file of the Sub-Ordinate Court, Pattukottai. The respondent/husband shall appear before the Court below for trial and also through Video Conferencing Mode as and when required. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

23.06.2026

MSM

Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

1. The Sub-Ordinate Court, Tirupathur.
2. The Sub-Ordinate Court, Pattukottai.



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T.V.THAMILSELVI, J.

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