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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

TR CMP No. 194 of 2026
AND
CMP NO. 5971 OF 2026

K.Shanmuga
W/o. M.Umasankar,
D/o. Kanagasabapathi,
No.2, 10th Street, C Block,
Hamsadhwani Apartment,
Anna Nagar East,
Chennai-600 102.

..Petitioner(s)

Vs

M.Umasankar
S/o. Manavalan,
No.52/W2, Muthumariyamman Street,
Kadampadi Post,
Thirukazhukundram,
Chengalpattu District-603 104.

..Respondent(s)

CMP No. 5971 of 2026

K. Shanmuga
W/o. M.Umasankar,
D/o. Kanagasabapathi,
No.2, 10th Street, C Block,
Hamsadhwani Apartment,
Anna Nagar East,
Chennai-600 102.

..Appellant(s)

Vs

M. Umasankar
S/o. Manavalan,
No.52/W2, Muthumariyamman Street,
Kadampadi Post,
Thirukazhukundram,
Chengalpattu District-603 104.

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..Respondent(s)

TR CMP No. 194 of 2026

Petition filed under Section 24 of CPC to withdraw H.M.O.P.No.196 of 2023 on the file of Honble Principal Sub Judge, Chengalpet and transfer the same to the file of II Additional Family Court, Chennai to be heard along with H.M.O.P.No.342 of 2026 pending on the file of II Additional Family Court, Chennai.

For Petitioner(s): D.Manimaran
For Respondent(s): M/s.S.Thanigai Selvan ---- Na

Order

(1) The wife has filed the above petition to withdraw HMOP.No.196/2023 on the file of the Principal Sub Court, Chengalpattu, and to transfer the same to the file of the II Additional Family Court, Chennai, to be tried along with HMOP.No.342/2026.

(2) The marriage of the petitioner and the respondent was solemnised on 01.02.2021, as per Hindu rites and customs in the presence of family elders, well-wishers and friends. Out of the wedlock, the couple have no issues. While so, matrimonial disagreements and disputes arose between the couple and therefore the petitioner filed HMOP.No.342/2026, on the file of the learned II Additional Judge, Family Court, Chennai, for divorce on the ground of cruelty and desertion. The respondent also filed HMOP.No.196/2023, on the file of the Principal Sub Court,

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Chengalpattu, for restitution of conjugal rights. The petitioner states that due to the respondent's conduct, she was forced to leave the matrimonial home and stay with her aged parents and that, she was totally dependent on her parents for her basic needs and also for contesting the litigation. The petitioner further states that in order to avoid multiplicity of proceedings, conflicting decisions, unnecessary expenses and to meet ends of justice, the petition filed by the respondent in HMOP.No.196/2023, may be transferred and heard along with the petition filed by her in HMOP.No.342/2026 on the file of the Family Court, Chennai. Hence, the petitioner filed the present petition seeking the aforesaid relief.

(3) On 20.08.2026, when the matter was taken up for hearing, this Court recorded that though the respondent was represented by a counsel, there was no representation. This Court, to give an opportunity to the respondent to file a counter, adjourned the matter to today. However, when the matter is taken up for hearing today, there is no representation for the respondent.

(4) Heard the learned counsel for the petitioner and perused the materials placed on record.

(5) It is trite that in matrimonial proceedings, the convenience of the wife takes precedence over that of the husband. In the present case, the petitioner has filed HMOP.No.342/2026, on the file of the learned II

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Additional Judge, Family Court, Chennai, for divorce on the ground of cruelty and desertion. So also the respondent has filed HMOP.No.196/2023, on the file of the Principal Sub Court, Chengalpattu, for restitution of conjugal rights. The petitioner in her affidavit, has categorically stated that she is under the care of her aged parents and is dependent on them for her basic needs and also for litigation expenses. The petitioner further states that to avoid multiplicity of proceedings and to meet ends of justice, it would be expedient to transfer HMOP.No.196/2023 filed by the respondent before the Principal Sub Court, Chengalpattu, to be tried along with HMOP.No.342/2026, filed by her before the II Additional Family Court, Chennai.

(6) This Court finds that in both the HMOPs, the parties, the issues involved and the evidence are one and the same. Therefore, to avoid duplication of evidence, multiplicity of proceedings and contradictory decisions, this Court finds it expedient and in the interest of justice, to transfer HMOP.No.196/2023 pending on the file of the Principal Sub Court, Chengalpattu, to the file of the II Additional Family Court, Chennai, to be tried along with HMOP.No.342/2026.

(7) Accordingly, the Transfer Civil Miscellaneous Petition is ***allowed*** and HMOP.No.196/2023 is withdrawn from the file of the Principal Sub Court, Chengalpattu, and is transferred to the file of the II Additional

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Family Court, Chennai. No costs. Consequently, the connected miscellaneous petition is closed.

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

AP

To
1.The Principal Sub Judge, Chengalpattu.
2.The II Additional Judge, Family Court, Chennai.

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N.MALA J.

AP

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