

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.1941 of 2015

1.Dr.J.Vijayakumar

2.Dr.M.Deepalakshmi

... Petitioners

Vs.

NIL

Civil Revision Petition filed under Article 227 of the Constitution of India against the petition and order in H.M.O.P.No.187 of 2015 on the file of the Subordinate Judge, Tambaram dated 13.04.2015.

For Petitioners : Mr.K.Thiruvengadam

ORDER

The petitioners, who are husband and wife, have filed the above Civil Revision Petition challenging the order passed in I.A.No.220 of 2015 in H.M.O.P.No.187 of 2015 on the file of the Subordinate Court, Tambaram.

2.The petitioners filed an Original Petition in H.M.O.P.No.187 of 2015 under Section 13(1)(b) of the Hindu Marriage Act for divorce by mutual consent. In the said Original Petition, the petitioners filed an application in

I.A.No.220 of 2015 to waive the six months cooling off period for the reason that there is no possibility of re-union and that they are going to abroad for higher studies, separately. The trial Court dismissed the application finding that the petitioners are well educated and therefore, there is possibility of change in their mind seeking for divorce, as against which the petitioners have filed the above Civil Revision Petition.

3.The petitioners also filed separate affidavits before this Court stating that there is no possibility of re-union and that they are making arrangements to go abroad for higher studies and they want to concentrate on their profession.

4.The learned counsel appearing for the petitioners reiterated the averments stated in the affidavits filed by the parties and submitted that the six months cooling period fixed by the trial Court may be waived.

5.Having regard to the submissions made by the learned counsel for the petitioners, taking into consideration the averments stated in the affidavits filed in support of the petition, I set aside the order passed in I.A.No.220 of 2015 in H.M.O.P.No.187 of 2015. Consequently, the application in I.A.No.220 of 2015 in H.M.O.P.No.187 of 2015 stands allowed.

6.In the result, the Civil Revision Petition is allowed. No costs.

Index : No
Internet : Yes
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19.06.2015

Note: Issue order copy by 22.06.2015.

To

The Subordinate Judge, Tambaram.

M.DURAIWAMY,J.
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