



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 08.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.DEVADASS

C.R.P (MD)No.1777 of 2015

and

M.P (MD)No.1 of 2015

R.Krishnamoorthi .. Respondent / Petitioner

-vs-

K.Vasuki .. Petitioner / Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order in memo dated 07.07.2015 in H.M.O.P.No.112 of 2013 on the file of the learned Sub Judge, Palani and consequently direct the parties for concilliation.

For Petitioner : Mr.K.Anandan

ORDER

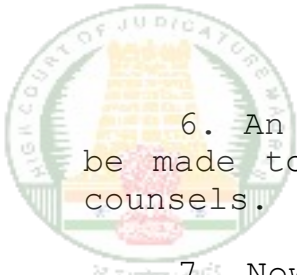
1. As this matter lies in a narrow campus, we shall dispose of this matrimonial matter at the admission stage itself.

2. Love can be a matter of hearts, but it cannot be one sided. It should be bilateral and not unilateral. One side love is useless and dangerous.

3. Petitioner and respondent are lovers before marriage. Now, they are stated to be not so. Wife (respondent) has filed H.M.O.P.No.112 of 2013 for divorce. But, her husband (petitioner) says that he is eagerly awaiting her arrival. He wants his wife, but she don't want him. In the circumstances, she filed C.R.P (MD)No.497 of 2015. This Court directed the learned Sub Judge, Palani to dispose of the matter quickly.

4. In the said order itself, this Court kept opened the avenues for Mediation and parleys. The husband having abiding faith in his wife, filed the impugned memo that he want Mediation, not divorce. But she is adamant. She made endorsement that she is not willing for any Mediation and Conciliation.

5. The submission of the learned counsel for the revision petitioner is that the petitioner's wife is alright, but his in-laws are not alright. They are doing wrong doing by preventing the respondent daughter from joining with her husband and even now, the husband is hopeful of welcoming his wife in his house.



6. An unwilling horse cannot drink water, but even then it can be made to drink water by involvement of the Judge and both side counsels.

7. Now, in this case, on the one side, there is direction of this Court to finish up the work and on the other side, the wife is willing to finish of her husband by getting divorce. But the husband is not willing for this finishing exercise.

8. Even the object of the Hindu Marriage Act, C.P.C, Family Courts Act, 1984 is to effect re-conciliation in between the parties. Instead of having a mechanical approach, the Court has to play a pragmatic role.

9. In such circumstances, we will reiterate what has stated by the earlier Court in C.R.P(MD)No.497 of 2015, namely, the Sub Judge, Palani is directed to take up the matter for Conciliation. There is no *res judicata* for Conciliation. Conciliation, re-conciliation, Mediation can be done at any time. Persons mind is a monkey mind. Couples, who have not steady in their mind, at one stage they may join together. It is always open to the Judge concerned to side by side undertake Mediation efforts vide orders of this Court in C.R.P (MD)No.497 of 2015.

10. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/
Assistant Registrar (AS)

/TRUE COPY/

Sub Assistant Registrar

To
1.The Principal Sub Judge, Palani.
2.The Sub Judge, Palani.

ps
2P/3C SH:JGB:09.10.2015

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