

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

C.R.P (PD) No.1228 of 2016

B.T.Stalin

... Petitioner

vs.

Cinthiya Selvin

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 22.03.2016 passed by the Hon'ble Principal Judge, Family Court, Chennai in O.P.S.R.No.2037 of 2016 and consequently directing the office to number the O.P.S.R.No.2037 of 2016.

For Petitioner : Mr.R.Manickavel

ORDER

As the issue involved in this case is regarding the constitutional validity of a statutory provision, namely, Section 10 A(1) of the Indian Divorce Act, this Court deemed it appropriate to seek the assistance of three learned Senior Advocates, Mr.S.Parthasarathy, Rev.Fr.Xavier Arul Raj and Mr.Sirajudeen. During the course of hearing, Mr.R.Manickavel, learned counsel for the petitioner has brought it to the notice of this Court that a writ petition regarding the Constitutional validity of Section 10 A(1) of

the Indian Divorce Act is pending before the Hon'ble Supreme Court. The order of the Hon'ble Supreme Court dated 13.07.2015 made in the said writ petition (Civil)No.127 of 2015 has also been placed in the hands of this Court.

2. In view of the fact that, the issue is dealt with by the Hon'ble Supreme Court in the said Writ Petition and the said writ petition is pending, this Court deems it appropriate not to venture to render a decision in this petition before ever the Hon'ble Supreme Court will dispose of the said Writ Petition or issues any specific direction.

3. This Court decides to keep it pending till the disposal of the above said Writ Petition by the Hon'ble Supreme Court or till a specific direction in this regard would be issued by the Hon'ble Supreme Court. At this juncture, the learned counsel for the petitioner wants to withdraw the Civil Revision Petition and seeks the leave of the Court to do so. An endorsement to that effect has also been made.

4. Endorsement is recorded. In view of the endorsement, leave is granted and the Civil Revision Petition is dismissed as withdrawn. No costs.

20.04.2016

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To

The Principal Judge,
Family Court, Chennai

P.R.SHIVAKUMAR, J

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