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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2016

CORAM

THE HON'BLE MR.JUSTICE C.T.SELVAM

C.R.P (PD) (MD)No.592 of 2016

Parthasarathi

.. Petitioner / Petitioner / Petitioner

.. Vs ..

Radhamani

.. Respondent / Respondent / Respondent

PRAYER:Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair & decretal order dated 17.12.2015 passed by the Sub-Court, Palani in I.A.No.30 of 2015 in H.M.O.P.No. Of 2015.

For Petitioner : Mr.T.Lenin Kumar

For respondent : Mr.K.Gokul

ORDER

This Civil Revision Petition challenges the order, dated 17.12.2015 passed by the Sub-Court, Palani in I.A.No.30 of 2015 in H.M.O.P.No. Of 2015.

2. Heard the learned counsel on either side and perused the materials available on record.

3.By way of I.A.No.30 of 2015, the petitioner/husband sought permission to move a petition for divorce within one year of marriage with the respondent.

4.Section 14 of the Hindu Marriage Act, 1955 bars the entertainment of any petition for dissolution of marriage by the Court unless at the date of presentation of the petition one year has elapsed since the date of marriage.

5.The proviso permits an exception when a case of exceptional hardship to the petitioner or of exceptional depravity on the part of the respondent is established before the Court concerned.

6. In the instant case, we find that the Court below in refusing to allow a petition within one year of marriage has considered the contentions of the petitioner only subsequently of the respondent having two children through a prior marriage and having undergone family planning operation unlikely since both the parties belonged to same village.



7. Finding no reason to interfere with the order passed by the Court below, this Civil Revision Petition is dismissed. No Costs.

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/True copy/

Sd/-
Assistant Registrar

Sub Assistant Registrar

To

The Subordinate Judge, Palani.

+1cc to M/s.T.Lenin Kumar, Advocate SR.No.21190

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