



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2017

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(PD) (MD)No.1927 of 2017

Prabhu Dhayalan

... Petitioner

vs.

Kalpana

... Respondent

Petition filed under Article 227 of the Constitution of India, to direct the learned Sub Court, Pattukottai, to dispose of the petition in HMOP.No.87 of 2017 on the file of the Sub Court, Pattukottai within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Pon Karthikeyan
For Respondent : Mr.P.T.Ramesh Raja

ORDER

This revision petition has been filed to issue a direction to the learned Sub Court, Pattukottai, to dispose of the petition in HMOP.No.87 of 2017 within the time frame to be fixed by this Court.

2.The revision petitioner is the petitioner in HMOP.No.87 of 2017 on the file of the Sub Court, Pattukottai and the respondent is the respondent in the said OP. The case of the petitioner is that the marriage between him and the respondent was solemnized on 15.09.2014. They started their matrimonial life at Chennai and subsequently, for their livelihood, they moved to Bangalore, where they blessed with a female child on 20.07.2015. Thereafter, they moved to Orathanadu which is the native place of the petitioner and as the petitioner could not run the family at Chennai due to financial crisis, misunderstanding arose between the petitioner and the respondent which resulted in filing of HMOP.No.87 of 2017 seeking divorce on the ground of mutual consent.

3.During the hearing of the above HMOP, the petitioner produced the judgment of the Hon'ble Supreme Court in Amardeep Singh vs. Harveen Kaur (Civil Appeal No.11158 of 2017, dated 12.09.2017), wherein, the Apex Court held that the cooling period of 6 months contemplated under Section 13(B) of the Hindu Marriage Act can be waived off. However, the learned Sub Court, Pattukottai, without taking note of the same, adjourned the



matter. Hence, the petitioner has come up with the present petition.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

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5. Considering the facts and circumstances of the case and taking note of the abovesaid judgment of the Hon'ble Apex Court that cooling period of 6 months contemplated under Section 13(B) of the Hindu Marriage Act can be waived off, this Court feels that ends of justice would be met by directing the Court below to dispose of the HMOP within a time frame. Accordingly, the learned Sub Judge, Pattukottai, is directed to dispose of HMOP.No.87 of 2017 in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To
The Subordinate Judge,
Pattukottai.

+1CC to Mr.P.Pon Karthikeyan, Advocate, SR.No. 85427

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