THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL REVISION PETITION No.5218 of 2017

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners, that is, parties to the matrimonial proceeding, assailing the docket order, dated 18.09.2017, of the learned Judge, Family Court, City Civil Court, Hyderabad, passed in I.A.No.1565 of 2017 in O.P.No.931 of 2017.

1.1 The said OP was filed under Section 13-B of the Hindu Marriage, Act, 1955, for dissolving the marriage, dated 06.05.2011, between the parties, by a decree of divorce by mutual consent. The said interlocutory application was filed for waiving the waiting period of six months and grant a decree of dissolution of marriage by mutual consent by advancing hearing of the case from 30.01.2018 to any nearer date convenient to the learned Judge, Family Court, Hydeabad. Since the said interlocutory application was dismissed by a one line order, the parties filed this revision petition, assailing the said order.

2. I have heard the submissions of Sri *Kishore Rai*, learned counsel for the petitioners. I have perused the material record.

3. At the hearing, learned counsel for the petitioners would submit that in view of the decision of the Supreme Court in Ameerdeep Singh Vs. Harveen Kaur[1], the Family Court has got power to dispense with or waive the said cooling period, but, the learned Judge of the Family Court erroneously dismissed the interlocutory application by a one sentence order and the said order, which is cryptic and unreasoned, is unsustainable under facts and in law.

[1] Manu/SC/1134/2017, dated 12.09.2017

4. Having regard to the facts and submissions, this Court is of the considered view that this Civil Revision Petition can be disposed of at the stage of admission with appropriate directions.

5. In the result, this Civil Revision Petition is allowed and the impugned docket order, which is a cryptic and unreasoned order, is set aside. As a sequel, I.A.No.1565 of 2017 is remitted to the Family Court for disposal afresh in strict accordance with the procedure established by law, however, after giving an opportunity of hearing to the counsel for the parties. Considering the urgency pleaded, the trial Court shall endeavour to dispose of the interlocutory application as expeditiously as possible, and preferably with a period of one (01) week from the date of receipt of a copy of this order.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

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M.Seetharama Murti, J

09th October, 2017

Note:-

Furnish C.C. by 10.10.2017
(B/O)
Bvv

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते