

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P. (PD) No.3906 of 2018

Prema

...Petitioner

VS

Prabhusankar

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the petition and order passed in I.A.No.260 of 2018 in unnumbered HMOP.(CFR) No.8742 of 2018 before the Sub-Court, Pollachi, dated 02.11.2018.

For Petitioner : Mr.S.Gunalan

ORDER

By relying upon various Judgments of the Hon'ble Apex Court, the learned counsel for the petitioner submitted that an application seeking for divorce under Section 13 (1) (ia) of the Hindu Marriage Act, is maintainable within a period of one year from the date of marriage, when the Court grants leave.

M.S.RAMESH.,J

jen/hvk

2. In my view, such a ground of maintainability can be agitated before the trial Court by giving due opportunities to both the sides. As such, the main petition for dissolution of marriage can be numbered.

3. In this background, the learned Sub Judge, Pollachi is called upon to direct his Registry to number the petition in HMOP.No.No.8742 of 2018, within a period of one week from the date of receipt of copy of this order, if it is otherwise in order.

4. Accordingly, the Civil Revision Petition stands disposed of. No costs.

07.12.2018

Index:Yes/No

Speaking Order: Yes/No

jen/hvk

(Note: Registry of this Court is directed to return the original petition to the learned counsel for the petitioner.)

C.R.P. (PD) No. 3906 of 2018