



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) (PD) No. 1884 of 2018

Smt. Meenakshi

... Petitioner

/Vs./

Shri. S. Santhosh Kumar

... Respondent

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to direct the Learned Family Judge Sivagangai to number the Unnumbered Divorce Original Petition in SR No. 1654 of 2018 filed by the Petitioners and to waive off the Statutory cooling period of 6 months prescribed Under Section 13 B(2) of the Hindu Marriage Act 1955 and to dispose of the Divorce Petition within stipulated time framed by this Honourable court and granting such other and further reliefs.

For Petitioner

: Mr. R. M. Arun Swaminathan

ORDER

The petitioner herein got married to the respondent on 13.11.2011. The parties now want to dissolve their marriage by mutual concern. It appears that due to the employment related situation, they are not in a position to wait for a period of six months. They want this cooling period of six months to be waived.

2. The learned counsel appearing for the revision petitioner placed reliance on the decision of the Hon'ble Supreme Court reported in 2017 8 SCC 746 [Amardeep Singh v. Harveen Kaur].

3. The Hon'ble Supreme Court has held in the above said case that the period mentioned in Section 13 B(2) of the Hindu Marriage Act 1955 is not mandatory but directory, It would be open to the Court to exercise its discretion in the facts and circumstances of each case where there is no possibility of parties resuming cohabitation.

4. I am satisfied with the reasons stated in the affidavit filed in support of the civil revision petition. Therefore, the Court below is directed to number the joint petition in SR No. 1654 of 2018 filed by the parties under Section 13 B(2) of the Hindu Marriage Act 1955 and dispose of the same immediately after enquiring both the parties with regard to other requirements of the statute. This Court grants relief only to the extent that six months



waiting period shall stand waived. Accordingly, the Civil Revision Petition is allowed. No costs.

5. The Registry is directed to return the original petition filed by the revision petitioner herein to the learned counsel appearing for the revision petitioner, so that it can be re-presented before the concerned Court.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1.The Judge,
Family Court,
Sivagangai.

2.The Section Officer,
ER.Section,
Madurai Bench of Madras High Court,
Madurai.(to return the original petition
filed by the revision petitioner.)

+1CC to Mr.R.M.Arun Swaminathan Advocate in Sr.No.81221.

SM
DS SKN RSK SAR-4;31.08.2018; 2P/4C

Order made in
C.R.P.(MD) (PD)No.1884 of 2018
30.08.2018