

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.4894 of 2018

ORDER:

Aggrieved by the refusal of the Court below to waive the period of six months stipulated in Section 13B (2) of the Hindu Marriage Act, 1955, the couple have come up with the above revision.

2. Heard Smt. N. Sasikala, learned counsel for the petitioners.

3. It appears from the pleadings as reflected in the order of the Court below that right from day one, the marriage between the petitioners ran into rough weather. Therefore, they filed a petition for divorce by mutual consent and filed an application for waiver of the period of waiting for six months. But, the Court below refused to exercise the discretion to waive the waiting period.

4. The facts of the case disclose that the parameters laid down by the Supreme Court in **Amardeep Singh v. Harveen Kaur (2017 (5) ALT 23 (SC))** are satisfied. There does not appear to be any possibility of a reunion. The cooling period may not really help the petitioners to reunite.

Therefore, the Civil Revision Petition is allowed and the impugned order is set aside. The Family Court can now record the evidence of both the petitioners and if both of them stick on to their desire to have the marriage dissolved, the Family Court shall pass appropriate orders.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 24-08-2018

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