

THE HON'BLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN

CIVIL REVISION PETITION NO.5092 OF 2018

ORDER:

The plaintiff, Dr. Jyothi, has challenged the legality of the order dated 08.08.2018, passed by the Family Court, City Civil Court, Hyderabad wherein the learned court had returned the plaint ostensibly on the ground that the divorce petition under Section 13(b) of Hindu Marriage Act, ('the Act' for short) was submitted prior to the completion of one year of marriage. Hence, in view of Section 14 of the Act, the petition was not maintainable.

Admittedly, the petitioner and the respondent were married on 01.10.2017. Therefore as of today the period of one year is over.

In the meanwhile the parties have submitted deed for seeking divorce by mutual consent under Section 13-B of the Act.

However, it will be in the interest of justice to relegate the parties to the concerned Family Court. In case a petition under Section 13-B of the Act were filed by the parties before the concerned Family Court, the learned court is directed to consider the same. The Family Court is also requested to keep in mind that in the case of **Amardeep Singh v. Harveen Kaur**¹, the Hon'ble Supreme Court has opined that the period of six months is merely directory in nature and not mandatory. Therefore, the said period can be waived by the concerned Family Court.

¹ (2017) 8 SCC 746

With these directions, the revision petition stands disposed of. The miscellaneous petitions pending, if any, shall stand closed.
No costs.

RAGHVENDRA SINGH CHAUHAN, J

Date: 14.12.2018
MRKR

