

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 5713 OF 2018

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed seeking a direction to the learned Senior Civil Judge at Kurnool to expedite disposal of Divorce O.P. No. 80 of 2017.

The petitioners – husband and wife submit that they got married in 2016 and since then, differences arose between them on account of their incompatibility, which, on the advice of elders, led to seek dissolution of marriage, by mutual consent and hence, they had filed the Divorce O.P. Though the statutory period of six months expired, the said O.P. has not been taken up for consideration, is what the petitioners complain. The petitioners state that all terms and conditions, including permanent alimony, have been settled.

Learned counsel for the petitioners submits that his clients are desirous of leading their life separately and in those circumstances, they seek to decide the O.P. as expeditiously as possible. According to the petitioners, when all the conditions have been settled, the waiting period would only prolong agony of the parties. He places reliance on the judgment of the Supreme Court in ***Amardeep Singh v. Harveen Kaur***¹.

In the judgment cited supra, after tracing the history of the provisions of Section 13 of the Hindu Marriage Act, 1955, the Supreme Court had opined that the cooling-off period is not mandatory but directory and it is open to the Court to exercise its discretion in facts and circumstances of each case where there is

¹ (2017) 8 SCC 746

no possibility of parties resuming cohabitation and there are chances of alternative rehabilitation and waive-off the statutory period of six months, under Section 13-B(2). In other words, the judicial trend is to accede to the request for grant of divorce, when an Application is made, by mutual consent, subject to verification of the factum of mutual consent.

In view of the afore-stated judgment, there is no necessity for this Court to go into the merits of the matter. Suffice to direct the learned Senior Civil Judge, Kurnool to consider and pass appropriate orders in O.P.No.80 of 2017 preferably on the next date of hearing, which, according to the petitioner, is 01.11.2018, or at any rate, within eight weeks from the date of receipt of a copy of this order.

With this, the Civil Revision Petition stands allowed. No costs.

25th October, 2018

ksld

CHALLA KODANDA RAM, J