

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.(PD).Nos.1685 and 1686 of 2019

and

C.M.P.Nos.10885 and 10886 of 2019

Aarathi Bharadwaj ...Petitioner in both C.R.Ps.(PD)

Vs

K.S.Siva Subramaniam ...Respondent in both C.R.Ps.(PD)

PRAYER in C.R.P(PD).No.1685 of 2019: Civil Revision Petitions filed under Article 227 of the Constitution of India as against the Orders dated 26.03.2019 made in I.A.No. 385 of 2019 in O.P.No. 4000 of 2018 on the file of III Additional Principal Family Court, Chennai.

PRAYER in C.R.P(PD).No.1686 of 2019: Civil Revision Petitions filed under Article 227 of the Constitution of India as against the Orders dated 26.03.2019 made in I.A.No. 446 of 2019 in I.A.No. 385 of 2019 in O.P.No. 4000 of 2018 on the file of III Additional Principal Family Court, Chennai.

For Petitioner : Mr.K.S.Shanthi
both C.R.Ps.(PD)

COMMON ORDER

The above Civil Revision Petitions have been filed challenging the Orders dated 23.10.2018 made in I.A.Nos. 385 and 446 of 2019 in O.P.No. 4000 of 2018 passed by the learned III Additional Principal Family Judge, Chennai.

2.The application in I.A.No.385 of 2019 has been filed by the

husband to dismiss O.P.No.4000 of 2018 stating that his consent for divorce in the Original Petition has been obtained under threat and coercion. The said application was allowed and the wife who is the respondent has challenged the said order stating that the allegation of threat and coercion was absolutely false. It is seen that the petitioner/wife did not appear before the Court below and since the consent was not voluntary, the Interlocutory Applications were allowed.

3.I.A.No.446 of 2019 has been filed by the petitioner/wife in I.A.No.385 of 2019 to cross examine the husband on his allegation that his consent was not voluntary. The learned III Additional Principal Family Judge had dismissed the petition stating that the petition was being moved at a very early stage. This order has been challenged in C.R.P.(NPD).No.1689 of 2019.

4.I do not find any infirmity in the order passed by the learned III Additional Principal Family Judge, Chennai. It is one's prerogative to proceed with the petition which has filed under Section 13 (B) of the Hindu Marriage Act, 1955 or not. This Court cannot compel the party to proceed further with this petition. Infact the waiting period contemplated under the proceedings of Section 13 (B) of the Act is only to allow the parties to have a rethink.

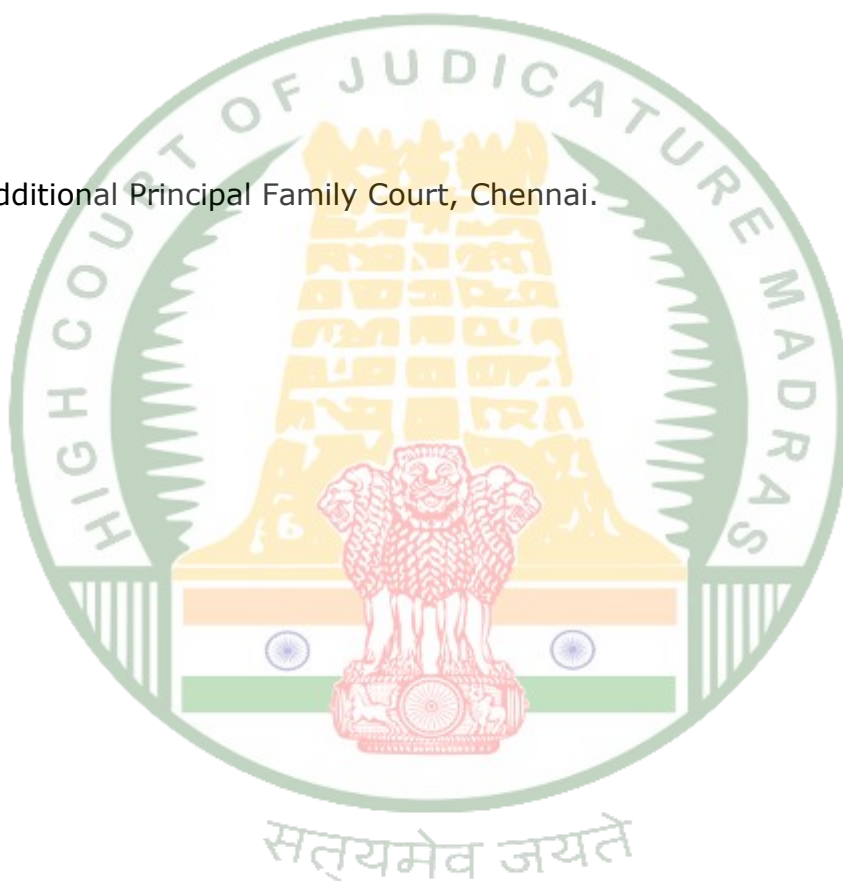
5. Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

30.04.2019

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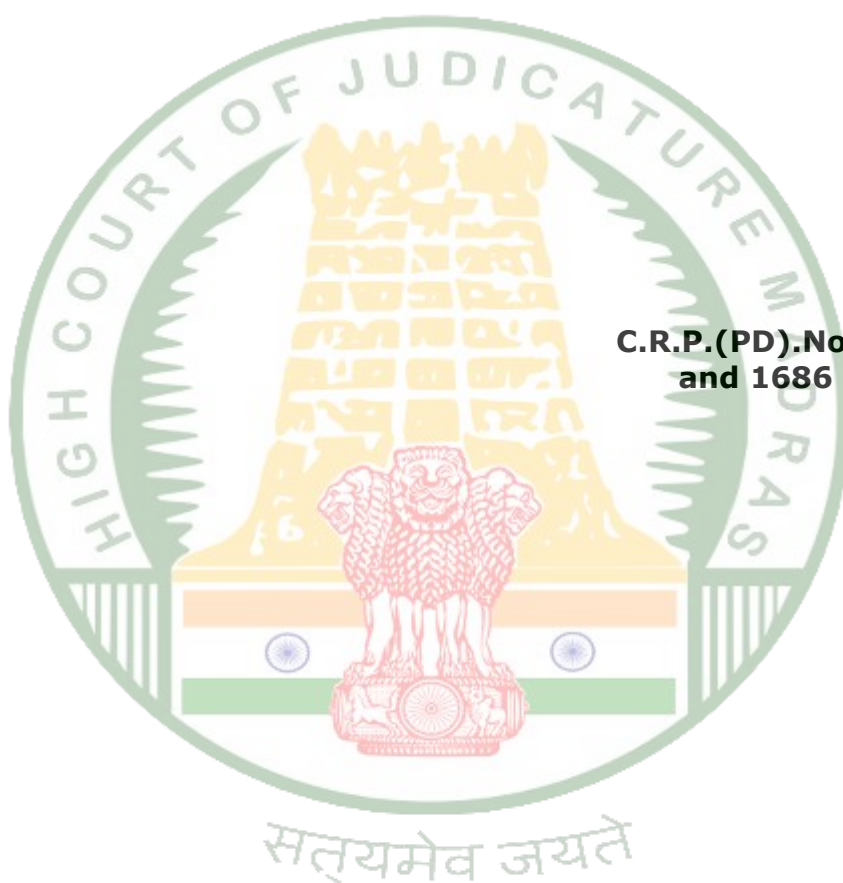
To

The III Additional Principal Family Court, Chennai.



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P.T.ASHA, J



**C.R.P.(PD).Nos.1685
and 1686 of 2019**

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