



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.05.2019

Coram

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

C.R.P. (MD) No.770 of 2019

1.Kannappan @ Rajesh ... Petitioner No.1
And
2.Thenammai @ Sindhuja ... Petitioner No.2
-Vs-
Nil ... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records of the order passed by the learned Judge, Family Court, Sivagangai, in I.A.No.3 of 2019 in O.P.No.92 of 2019, dated 01.04.2019 and set aside the same.

For Petitioners

:Mr.RM.Arun Swaminathan

ORDER

The second petitioner herein got married to the first petitioner on 27.08.2017. The parties now want to dissolve their marriage by mutual consent. 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 petitioners placed reliance on the decision of the Hon'ble Supreme Court reported in **2017 (8) SCC 746 [Amardeep Singh Vs. Harveen Kaur]**, wherein, the Hon'ble Supreme Court held that the period mentioned in Section 13-B(2) of the Hindu Marriage Act, 1955, is not mandatory, but directory and it would be open to the Court concerned to exercise its discretion in the facts and circumstances of each case, where there is no possibility of parties resuming cohabitation.

3.In view of the above judgment of the Hon'ble Supreme Court, the order dated 01.04.2019, passed in I.A.No.3 of 2019 in O.P.No.92 of 2019, by the learned Judge, Family Court, Sivagangai, is set aside and six months waiting period shall stand waived. Accordingly, this Civil Revision Petition is allowed. No costs.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //



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To

The Judge,
Family Court,
Sivagangai.

+1CC TO MR.RM.ARUN SWAMINATHAN, Advocate Sr. No. 65817

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GRC (CO)

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