

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

**CIVIL REVISION PETITION No.2064 of 2019**

**ORDER:**

This civil revision petition is filed under Article 227 of the Constitution of India, aggrieved by the order dated 06.08.2019 passed in I.A.No.1201 of 2019 in F.C.O.P.No.315 of 2019 by the XVI Additional District and Sessions Judge-cum-III Additional Family Court Judge, Ranga Reddy District, at Malkajgiri, wherein the petition filed by the petitioner No.1/wife seeking to waive off the statutory waiting period of six months as contemplated under Section 13-B of Hindu Marriage Act, 1955 (for short "the Act") and grant decree of divorce by mutual consent, was dismissed.

2) Heard learned counsel for the parties and perused the record.

3) FCOP No.315 of 2019 was filed by both the parties under Section 13-B of the Act, to dissolve their marriage by mutual consent on 25.04.2019. The petitioner No.1/wife made an application for admission into Master of Engineering in Internet of Things Technologies at Dublin Technological University, Dublin, Ireland and she secured admission vide letter No.BM/2019/083 dated 19.06.2019. The classes are going to commence from 23.09.2019 and she had booked air tickets to reach Ireland by 18.09.2019. So, she filed the impugned I.A.No.1201 of 2019 before the Court below for advancement of the said FCOP and to grant decree of divorce by mutual consent by waiving off the remaining

waiting period of six months. However, the Court below declined to allow the application.

4) Both the parties i.e, wife and husband are present before this Court. The petitioner No.1/wife and the petitioner No.2/husband have submitted their Aadhaar Cards, in order to prove their identity. The parties have also been identified by their counsel.

5) The petitioner No.1/wife had also filed copies of the offer letter dated 19.06.2019, air tickets, Visa etc. All these documents substantiate that the petitioner No.1/wife got admission in Master of Engineering in Internet of Things Technologies at Dublin Technological University, Dublin, Ireland. Both the parties have expressed with certainty about their intention to dissolve their marriage by mutual consent. The petitioner No.1/wife's education is paramount consideration. She is required to pursue it peacefully without any disturbance. That being so, sufficient urgency is made out by the petitioner No.1/wife to seek waiver of the statutory waiting period of six months. Once the petitioner No.1 joins the Engineering College at Dublin Technological University, Dublin, Ireland, it is difficult for her to come back within a period of one year. It would also be expensive and inconvenience to the parties. Considering the totality of the circumstances, the statutory waiting period of six months is waived off.

6) Accordingly, this Civil Revision Petition is allowed and the impugned order dated 06.08.2019 passed in I.A.No.1201 of 2019 in F.C.O.P.No.315 of 2019 by the XVI Additional District and Sessions Judge-cum-III Additional Family Court Judge, Ranga

Reddy District, at Malkajgiri, is set aside. Consequently, the said I.A.No.1201 of 2019 is allowed as prayed for, and the Court below is directed to take up the FCOP No.315 of 2019 and pass a decree of divorce by mutual consent in accordance with law, preferably on or before 13.09.2019.

Pending miscellaneous petitions, if any, shall stand closed.

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**Dr. SHAMEEM AKTHER, J**

Date: 09.09.2019

**Note:**

The Registry is directed to issue copy of this order to the parties forthwith.

(b/o)  
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