

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[ORDERS RESERVED ON : 06.10.2020]

[ORDERS PRONOUNCED ON : 03.11.2020]

CORAM :

THE HONOURABLE MR. JUSTICE **RMT.TEEKAA RAMAN**

C.R.P. [NPD] No.1780 of 2020

S.Sathyamoorthy

... Petitioner/Husband

.. Vs ..

C.Kalpana

... Respondent/Wife

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and final order dated 21.08.2020 made in I.A.No.1 of 2020 in H.M.O.P. (C.F.R.) No.2110 of 2020 on the file of the learned Subordinate Judge, Perundurai.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondent : Mr.Sudarshana Sundar

ORDER

This Civil Revision Petition is filed by the petitioner/husband under Article 227 of the Constitution of India, against the fair and final order dated 21.08.2020 passed by the learned Subordinate Judge, Perundurai, in I.A.No.1 of 2020 in H.M.O.P. (C.F.R.) No.2110 of 2020.

2. Husband is the petitioner herein. The petitioner herein and the respondent herein are married on 03.04.2020 as per the Hindu Marriage Act. There was a misunderstanding between the petitioner and the respondent and in spite of the best efforts taken by the family elders, the marriage could not be carried out and accordingly, they filed a petition in H.M.O.P. (C.F.R.) No.2110 of 2020, under Section 13-B of the Hindu Marriage Act, 1955, for dissolution of marriage, on 13.07.2020. Since the said petition was filed within a period of one year from the date of the marriage, they have also filed an interlocutory application in I.A.No.1 of 2020 under Section 14 of the Hindu Marriage Act, 1955, seeking permission for institution of the above said H.M.O.P. The said I.A. was rejected by the learned Subordinate Judge, Perundurai, and hence, the present Civil Revision Petition is filed by the petitioner/husband.

3. Heard the learned counsel for the petitioner and perused the records.

4. Mr.Sudharshana Sundar, learned counsel, who takes notice on behalf of the respondent/wife, submitted that despite best efforts taken by the family elders and the well wishers in the home town, both the parties were resolved to dissolve the marriage.

5. Though the parties have decided to depart in a peaceful manner, law specifies certain statutory period. Taking into consideration the factual position and also the relevant provisions of law, the impugned order passed by the learned Subordinate Judge, Perundurai, Erode District, in I.A.No.1 of 2020 in H.M.O.P. (C.F.R.) No.2110 of 2020, dated 21.08.2020, is liable to be set aside and accordingly, set aside and the matter is remitted back to the learned Subordinate Judge, Perundurai. The learned Subordinate Judge, Perundurai, is directed to refer the matter to the District Mediation Centre at Erode, and instruct the officials attached to the District Mediation Centre at Erode, to appoint a qualified mediator and also instruct to complete the mediation process within a period of 60 days and thereafter, depending upon the result of the mediation report, the Trial Court is required to deal with the matter in accordance with law.

6. This Civil Revision Petition is disposed of on the above terms. No costs.

03.11.2020

Internet :Yes
Jrl

To

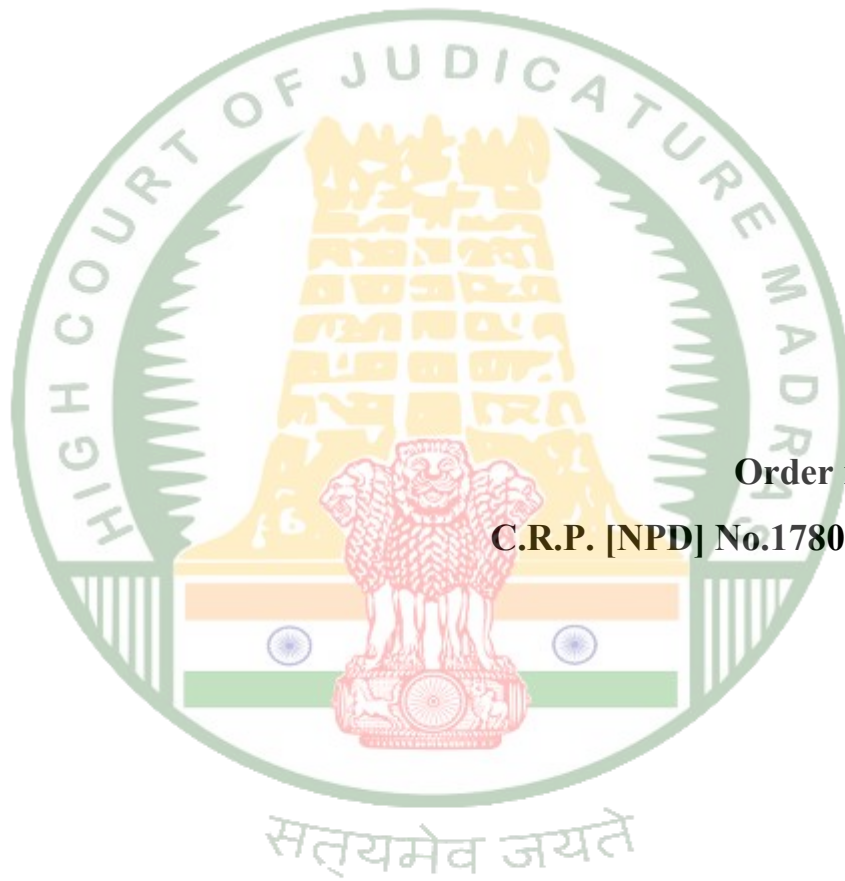
The Subordinate Judge,
Perundurai.



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RMT.TEEKAA RAMAN, J.

Jrl



**Order made in
C.R.P. [NPD] No.1780 of 2020**

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03.11.2020