



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

C.R.P. (MD) No.1032 of 2020

1.Adithya Prabhu

2.Koushika

... Petitioners/Petitioners/Petitioners

-Vs-

Nil

... Respondents/Respondents/Respondents

Prayer: Civil Revision Petitions are filed under Article 227 of the Constitution of India, against the fair and executable order dated 16.10.2020 made in I.A.No. 3 of 2020 in O.P.No.324 of 2020 on the file of the Family Court Judge, Theni.

For Petitioners : Mr.A.K.Manickam

O R D E R

The only issue involved in these cases is that the marriage between the parties has lasted barely for a day.Both the parties have agreed that their matrimony could not be retrieved and that they can lead a meaningful life. Therefore, they filed H.M.O.P.No.324 of 2020 under Section 13-B of the Hindu Marriage Act atleast two months prior to the expiry of the one year period prescribed for filing a petition under Section 13-B of the Hindu Marriage Act. The learned Family Court Judge has condoned the period of two months under Section 14 of the Act, and taken the petition on file. Therefore, the parties herein have filed I.A.No. 31 of 2020 for dispensing with 6 months period statutorily stipulated to enable the parties to reflect on their decision to dissolve the marriage. This Interlocutory Application however was dismissed by the learned Judge on the ground that dispensing with the waiting period of six months is only at the discretion vested with the court, which it did not intend to invoke.

2. Heard the learned counsel for the petitioners.

3. While this Court understands and appreciates that there is a discretion vested with the court to dispense with the 6 months period, yet it appears to this Court as slightly an incongruent position when the trial Court has chosen to allow I.A.No.2 of 2020 and condoned the two months waiting period in filing H.M.O.P.No. 324 of 2020.

4. Given the scenario, this Court sets aside the present order in I.A.No.3 of 2020 and remand the matter back to the learned trial Judge for him to re-consider the same in the context of the



discretion which he had exercised in deciding I.A.No.2 of 2020.

5. In fine, this civil revision petition is allowed. No costs.

Sd/-

Assistant Registrar (CrI.Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Cm/ta

To,

1.The Judge,Family Court, Theni.

2.The Section Officer,V.R Section,
Madurai Bench of Madras High Court,
Madurai.(2C)

+1 CC to Mr.A.K.Manickam ,Advocate,in SR.No.25379.

C.R.P. (MD)No.1032 of 2020

14.12.2020

(KUN) CO

AP (04/01/2021) 2P 5C