



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **30.11.2021**

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

C.R.P. (MD) No.1887 of 2021

and

C.M.P. (MD) No.10181 of 2021

Saimeenkshi Ramu

... Petitioner/Petitioner/Respondent

vs.

Ceena Thana Karuppaiya

... Respondent/Respondent/Petitioner

PRAYER:- This Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 05.10.2021 passed in I.A.No.3 of 2021 in HMOP.No.34 of 2020 on the file of the Subordinate Court, Devakottai.

For Petitioner : Mr.P.L.Narayanan

For Respondent : Mr.Vasudevan

ORDER

The above Civil Revision Petition is filed challenging the order passed by the learned Subordinate Judge, Devakottai, dismissing the petition filed by the petitioner herein to accept the counter claim filed by her under Order VIII Rule 6-A of the Code of Criminal Procedure after condoning the delay in filing the same.

2.Mr.P.L.Narayanan, learned counsel appearing on behalf of the petitioner had made his submissions on the said petition and had submitted that the respondent/husband had after the filing of the application forwarded the draft petition for dissolving the marriage between the petitioner and the respondent on mutual consent under Section 13-B of the Tamil Nadu Hindu Marriage Act, 1955. He would submit that the petition has been prepared by the respondent's counsel. The matter was later passed over for the respondent's counsel to appear virtually.

3. Mr.Vasudevan, learned counsel for the respondent appeared before this Court and both the learned counsels agreed that the parties were not willing to continue with the marriage and were agreeable to have the marriage dissolved. A perusal of records would show that the parties have been living apart for several years and the petitioner herein would also state that she has got the marriage dissolved before the Court at Singapore. The petition for divorce filed by the respondent/husband on the grounds of cruelty in HMOP.No.34 of 2020 on the file of the learned Subordinate Judge, Devakottai, has been reserved for judgment. Since the parties are now agreeable to have the marriage dissolved



on mutual consent, this Court is passing the following orders:-

i) The learned Subordinate Judge, Devakottai shall receive the petition filed by the parties under the provisions of Section 13-B of the Tamil Nadu Hindu Marriage Act, 1955, which shall be filed within a period of 1 week from the date of receipt of a copy of this order.

ii) The learned Subordinate Judge, Devakottai, shall dispense with the mandatory waiting period considering the fact that HMOP.No.34 of 2020 has been pending for over a year.

iii) The learned Subordinate Judge, Devakottai, shall dismiss HMOP.No.34 of 2020 as infructuous in view of the mutual consent petition that is to be filed by the parties herein.

iv) On receiving the said petition under Section 13-B of the Tamil Nadu Hindu Marriage Act, 1955, the learned Judge shall proceed to pass orders within a period of 3 weeks from the date of filing of the petition.

4.With the aforesaid directions, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Subordinate Judge,
Devakottai.

+1 CC to M/s.P.L.NARAYANAN, Advocate (SR-36690[F] dated 01/12/2021)

C.R.P. (MD) No.1887 of 2021

30.11.2021

—
RS (01.12.2021) 2P 3C