



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

**C.R.P. (MD) .No.706 of 2022**

1.Mahalakshmi

2.Jegathguru

: Petitioners/Petitioners/Plaintiffs

Vs.

Nil

: Respondent/Respondent/Respondent

**Prayer:** Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in Daily Order No.Nil, dated 11.02.2022 in H.M.O.P No.216 of 2021 on the file of the learned Principal Sub-Judge, Dindigul and consequently directing the learned Principal Sub Judge, Dindigul to take up the petition filed by the petitioners in H.M.O.P.No.216 of 2021 and pass appropriate orders by granting the decree of divorce under Section 13-B of the Hindu Marriage Act, on 09.06.2022 itself.

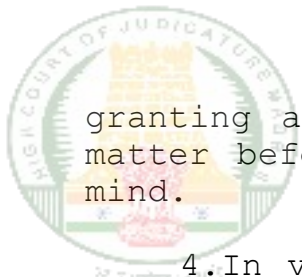
For Petitioners : Mr.R.R.Kannan

**ORDER**

The civil revision petition has been filed to set aside the order passed in H.M.O.P.No.216 of 2021, dated 11.02.2022, on the file of the learned Principal Sub-Judge, Dindigul and consequently direct the learned Principal Sub Judge, Dindigul to take up the petition filed by the petitioners in H.M.O.P.No.216 of 2021 and grant the decree of divorce under Section 13-B of the Hindu Marriage Act, on 09.06.2022 itself.

2.The petitioners are husband and wife. Their marriage was solemnized as per Hindu rites and customs on 26.10.2020. However, due to difference of opinion between them in leading the matrimonial life, they decided to live separately and also decided to desolve their marriage, which was solemnized on 26.10.2020. Both entered into A compromise and mutually agreed to desolve their marriage by way of filing a petition under the provisions of the Hindu Marriage Act. Accordingly, they filed a petition for divorce under Section 13-B of the Hindu Marriage Act, 1955, before the trial Court on 02.08.2021. Subsequently, it was numbered on 30.12.2021 as H.M.O.P.No.216 of 2021. In fact, the petitioners were examined as P.W.1 and P.W.2 and Exs.P1 to P3 were marked as early on 11.02.2022. Unfortunately, without passing the decree, the trial Court again referred the matter before the Mediation for settlement, if any.

3.The petitioners were examined as P.W1 and P.W.2 and Exs.P1 to P3 were marked. When the petitioners filed a mutual consent divorce petition under Section 13-B of Hindu Marriage Act by mutual consent, the Court below ought to have grant a decree of divorce. Instead of



granting a decree of divorce, the trial Court again referred the matter before the Mediation for settlement, without application of mind.

4.In view of the above, the order, dated 11.02.2022, passed in H.M.O.P.No.216 of 2021 by the trial Court, is hereby set aside and the trial Court is directed to grant a decree of divorce on **09.06.2022** in H.M.O.P.No.216 of 2021.

5.With the above direction, the civil revision petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

To

1.The Principal Sub Judge,  
Dindigul.

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

+1 CC to M/s.RR.KANNAN, Advocate ( SR-16143[F] dated 01/04/2022 )

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01.04.2022

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