



CRP No.1565 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

C.R.P. No.1565 of 2024

Bhuvanamalini

... Petitioner

Vs

Alagarsamy

... Respondent

Prayer : Civil Revision Petitions filed under Article 227 of the Constitution of India seeking a direction to direct the learned Family Court Judge, Manargudi to expeditiously dispose of the petition in HMOP No.27 of 2023.

For Petitioner

: Mr.Muthu Yazhini

ORDER

The petitioner and respondent herein filed HMOP.No.27 of 2023, under Section 13(B) of the Hindu Marriages Act, 1955, seeking divorce on mutual consent.

2. The contention of the petitioner is that the marriage between the petitioner and the respondent was solemnized on 27.08.2017 at MSPA Unnamalai Ammal Thirumana Mandapam, Manamadurai. It was an arranged marriage and due to incompatibility and difference of opinion,



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they could not live together as husband and wife and they are living separately. Out of the marriage, they do not have any issues. All the gift articles, which were gifted during marriage were exchanged and handed over between them. Thereafter there is no issue between them and from 05.08.2019 onwards, they are living separately.

3. Thereafter, they filed a petition in HMOP No.27 of 2023 for divorce on mutual consent on 21.02.2023. Firstly the said petition came up for hearing on 30.03.2023 and the same was periodically posted for hearing from 30.03.2023 to 12.04.2024. It was almost a year, a mutual divorce petition yet to be ordered for the reason that there is no Regular Judge in the Family Court, Mannargudi and the Principal District Judge, Thiruvarur is holding an additional charge and weekly once, he is sitting in the said Family Court and for that reason only, this Petition could not be taken up regularly and disposed. Both the petitioner and the respondent have decided to have their own way of their life, due to pendency of the above mutual consent petition, they were unable to lead their life, as per their wish. An admitted fact that it is only a mutual divorce petition filed by them during February 2022. The learned counsel further contended that due to difference of opinion between the petitioner and the respondent are



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living separately from 05.08.2019, and there is no issue between them relating to gift articles presented during marriage. A mutual divorce petition filed on 21.02.2023 was periodically adjourned and lastly on 12.04.2024. The petitioner intends to pursue Master degree in Canada and due to pendency of the said petition, she could not go Abroad. Further, the learned counsel submitted that in the said divorce petition, only formal order has to be passed. Therefore, the learned counsel for the petitioner submitted that the concerned Court may be directed to dispose of the petition within a time stipulated.

4.In view of the same, this Court is of the view that in the mutual divorce petition, only a formal order has to be passed by the Family Court, Mannargudi and therefore, the Presiding Officer, (Family Court) Mannargudi is directed to dispose of the HMOP No.27 of 2023, within a period of one month from the date of receipt of a copy of this order.

5.Accordingly, the Civil Revision Petition stands disposed of. However, there shall be no order as to costs.

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Index : Yes/No



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Internet :Yes/No

Note: Issue order copy on 30.04.2024

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M.NIRMAL KUMAR, J
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To
The Family Court, Manargudi

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