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C.R.P.No.2644 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2024

C O R A M:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.2644 of 2024

K.Mahalakshmi

B.Dinesh

... Petitioners

vs.

NIL

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order dated 12.04.2024 made in I.A.No.3 of 2024 in H.M.O.P.No.788 of 2024 on the file of the IV Additional Principal Family Court, Chennai by allowing the Civil Revision Petition.

For Petitioners : Mr.S.Saranraj

ORDER

This Civil Revision Petition has been filed challenging the order dated 12.04.2024 made in I.A.No.3 of 2024 in H.M.O.P.No.788 of 2024 passed by the learned IV Additional Principal Family Court, Chennai.

2. The petitioners married each other on 03.02.2023. Thereafter, they had been living separately from 08.02.2024 and no children were born out of their wedlock. Despite several efforts made by the family members, third parties and well wishers of the petitioners, they are not in a position to reunite. Therefore,



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in order to settle their disputes and to dissolve the marriage, they presented H.M.O.P No.788 of 2024. In order to waive the cooling period, they moved an application in I.A.No.3 of 2024 which came to be dismissed on 12.04.2024. Hence the revision.

3. Mr.Saranraj would point out that the revision has been filed by both the husband as well as the wife and they are interested in parting ways. He will point out from the very order of the learned judge which is impugned before me that the parties have decided to go separately and have settled all their disputes. Keeping the parties together would only prolong their agony as pointed by the Supreme Court in *Amardeep Singh vs. Harveen Kaur*, in which, the Supreme Court had directed that the statutory period of six(6) months as referred under Section 13B(2) can be waived by the Family Court, in case, the waiting period for second motion has already been expired. The parties having got married on 03.02.2023, the period expired on 03.02.2024 and they are currently undergoing the remaining six(6) months period.

4. I am of the view that the parties have decided to part ways and they have filed the present Civil Revision Petition following the judgment of the Supreme Court in the Amardeep Singh's case and in case, if the relationship continues, it will only prolong their agony. As the one(1) year period fixed



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under Section 13B(1) has already expired and as they are currently in the six(6) months period under Section 13B(2), I am inclined to set aside the order passed by the learned IV Additional Principal Family Court Judge.

5. Accordingly, the order dated 12.04.2024 made in I.A.No.3 of 2024 in H.M.O.P.No.788 of 2024 is set aside and the Civil Revision Petition stands allowed. The learned Family Court Judge is requested to take up H.M.O.P.No. 788 of 2024 and ascertain the wishes of the petitioners and if they are still interested to part ways, she is requested to pass appropriate orders in H.M.O.P.No. 788 of 2024. No costs.

19.07.2024

msv

Index:Yes/No

Internet:Yes/No

Speaking order: Non-speaking order

Neutral Citation: Yes/No

To

The Judge,

IV Additional Principal Family Court, Chennai



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V.LAKSHMINARAYANAN,J.

Msv

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