



C.R.P.(PD)No.4517 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **12.11.2024**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.4517 of 2024

1.N.Rajalakshmi

.. Petitioners

2.A.Venkatakrishnan

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the docket order passed in I.A.No.2 of 2024 in H.M.O.P.No.431 of 2024 by the Subordinate Court, Poonamallee.

For Petitioners : Mr.N.Elayaraja

ORDER

The civil revision petition seeks to set aside the order passed by the learned Subordinate Judge, Poonamallee in I.A.No.2 of 2024 in H.M.O.P.No.431 of 2024 dated 19.09.2024.



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2. The civil revision petitioners are the wife and husband. They entered into matrimony on 17.02.2002 at Ranipet. The wedlock produced two children, a son named Pranav Venkatakrishnan, born on 25.01.2006 and a daughter named Pavithra Venkatakrishnan, born on 27.08.2012. Due to disputes and differences, the parties have separated on 01.05.2023. Thereafter, the wife initiated H.M.O.P.No.72 of 2024 on the file of Subordinate Court, Poonamallee, seeking for divorce.

3. Pending such proceedings, the intervention of mediators and conciliators, the parties realised that continuance of marriage would not serve any purpose. Therefore, they filed H.M.O.P.No.431 of 2024 invoking Section 13(B) of Hindu Marriage Act, 1955. As they have already been living separately for more than a year, they took out an application in I.A.No.2 of 2024 to waive the cooling period of six months. This application came to be dismissed by the learned Subordinate Judge. Hence the revision at the instance of the husband and wife.



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4. I Heard Mr.N.Elayaraja for the civil revision petitioners.

5. Narration of the aforesaid facts would go to show that the petitioners have separated in 01.05.2023 and more than a year has gone by from the time of separation. They have taken the advise of mediators and conciliators and have decided to part ways by filing a petition under Section 13(B) Hindu Marriage Act, 1955. Since the period of six months required to be waived, they took out an application.

6. The learned Judge has dismissed the petition stating that there is always a possibility of the petitioners to sort out their differences within this period. When the parties have sworn to an affidavit that they have decided to part ways and have taken return of their respective properties and also made arrangements for the custody of the children, it shows that they are not interested in continuing the matrimony any further. That being the situation, the very continuance of the relationship itself will amount to a harassment of the parties. Interest of justice demands that the parties be permitted to part ways



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7. In the light of the above discussions, the Civil Revision Petition is allowed. The order passed by the learned Subordinate Judge, Poonamallee in I.A.No.2 of 2024 in HMOP No.431 of 2024 dated 19.09.2024 is set aside. The application stands allowed. The learned Subordinate Judge, Poonamallee shall advance the hearing from 18.02.2025 and shall pass appropriate orders in HMOP No.431 of 2024 within a period of two weeks from the date of receipt of a copy of this order.

12.11.2024

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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To

The Subordinate Judge, Poonamallee

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