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C.R.P.No.5034 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2024

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THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

C.R.P.No.5034 of 2024

1.S.Srimathi @ Gayathri
2.R.Praveen Kumar

.. Petitioners

Petition filed under Article 227 of the Constitution of India against the docket order dated 12.11.2024 passed in I.A.SR.No.5053 of 2024 in H.M.O.P. No.738 of 2024 on the file of Sub Judge at Alandur.

For Petitioners : Mr.B.P.Vinoth

ORDER

This civil revision petition has been presented against the refusal of learned Subordinate Judge at Alandur to dispense with six months cooling off period as required under Section 13B of The Hindu Marriage Act, 1955.

2. The first petitioner married the second petitioner on 14.02.2022 at Sri Venkateswara Thirumana Mahal, 200 Feet Radial Road, Zamin Pallavaram, Chennai - 117. Within a short duration,



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the parties developed serious disputes and differences. On 07.04.2022, the petitioners separated.

3. There are no issues from the marriage. The second petitioner, Mr.R.Praveen Kumar initiated H.M.O.P.No.557 of 2023 on the file of the Subordinate Court at Alandur. Not wanting to be left out of the litigation game, the first petitioner filed D.V.C. No. 7 of 2024 on the file of the Additional Mahila Court at Alandur. On the advice of friends and relatives, the petitioners decided that they cannot live together and filed a petition under Section 13B of the Hindu Marriage Act before the Subordinate Court at Alandur. This petition was numbered as H.M.O.P. No.738 of 2024.

4. The learned Trial Judge has posted the matter for hearing the parties to 23.04.2025. Hence the petitioners moved an application on 12.11.2024 seeking to advance the hearing and to dispense with the cooling-off period of six months. The necessity for filing such application arose because the husband being a marine engineer, has to report for duty on 03.01.2025.

5. The learned Trial Judge dismissed the application saying that the fact that the husband has to go back to his maritime duties



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is not a ground to advance the hearing. Challenging the same, the revision was presented before this Court.

6. When the civil revision petition came up for admission, Mr.B.P.Vinoth represented that the parties are not interested to continue the matrimony and they want to part ways as friends.

7. Taking into consideration this plea, I directed both the parties to be present before this Court. Both petitioners are present. They have been identified. They stated that they have filed a petition under Section 13B of the Hindu Marriage Act out of their own volition and no one has coerced them or forced them to file the said petition. They stated that the articles will be exchanged immediately on passing of the decree. List of articles have also been mentioned in H.M.O.P. No.738 of 2024. The first petitioner states that she has no claim of maintenance, permanent or otherwise as against the second petitioner.

8. When the parties do not want to continue the marriage and when the marriage for all practical purposes is dead and it is existing only on paper, to continue the relationship for the sake of compliance of six months cooling off period would only amount to



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harassment of the parties, it will add to their litigative stress. Apart from that, in case the second petitioner were to rejoin his duty, it would not be possible for him to take off from his duties and present himself before the Court merely for the purpose of getting the consent petition allowed.

9. As the parties are standing by their petition and as they are clear that the possibility of reunion does not exist, exercising the powers under Article 227 of the Constitution of India, I transfer H.M.O.P. No.738 of 2024 to the file of this Court and I declare that the marriage between the petitioners 1 and 2 solemnised on 14.02.2022 at Sri Venkateswara Thirumana Mahal, 200 Feet Radial Road, Zamin Pallavaram, Chennai - 117 as per the Hindu customary rites stands dissolved by mutual consent. Learned Subordinate Judge at Alandur shall record this order and dispose of H.M.O.P. No.738 of 2024.

10. This civil revision petition is disposed of in the aforesaid manner. No costs.

19.12.2024

Index:Yes/No
Neutral Citation:Yes/No
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To

The Subordinate Judge,
Alandur.



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V. LAKSHMINARAYANAN,J.

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