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C.R.P. (PD) .No.5169 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD) No.5169 of 2024 &
CMP No.28941 of 2024

S.Vaitheeswari

.. 1st Petitioner

S. Venkatesan

.. 2nd Petitioner

Versus

NIL

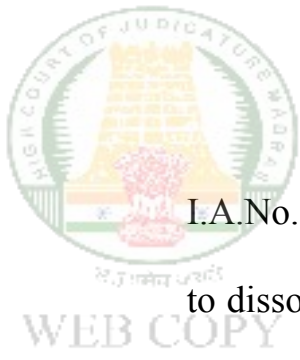
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against I.A.No.3 of 2024 in OP.No.4891 of 2024, on the file of the learned I Additional Family Court, Chennai.

For 1st Petitioner : Mr.G.Rajagopalan, Senior Counsel
for Mr.Francis Ashok

For 2nd Petitioner : Mr.B.Saravanakumar

ORDER

This civil revision petition seeks to set aside the order passed by the learned I Additional Family Court, Chennai, dated 10.12.2024 passed in



I.A.No.3 of 2024 in O.P.No.4891 of 2024 and seeks for consequential orders to dissolve the marriage that had been taken place between the petitioners on 17.09.2023.

2. The civil revision petitioners solemnized their wedding on 17.09.2023. The same was registered on the file of the Sub Registrar at Adyar on 27.10.2023. Due to disputes and differences, they separated on 05.11.2023. After waiting for a period of one year, both the petitioners moved an application under Section 13B of the Hindu Marriage Act, 1955 before the Principal Family Court in Chennai. The said was numbered as O.P.No.4892 of 2024.

3. In the said proceedings, they took out an application for waiving the cooling of period. The parties were referred to counselling. The counselling failed. The learned Judge took up the application for disposal.

4. The petitioners were examined as PW1 and PW2 and Exs.P1 to P5 were marked. Thereafter, orders were reserved on 09.12.2024. Instead of passing orders, the Court *suo motu* reopened the petition for clarification



regarding the period of separation. Though clarification was given, the matter was adjourned to 10.12.2024. On 10.12.2024, yet again the matter was adjourned to 16.12.2024.

5. Being aggrieved over the repeated adjournments, despite the matter had been reserved for orders, the present Civil Revision Petition has come up before this Court.

6. I heard Mr. G.Rajagopalan, learned senior counsel, for Mr.Francis Ashok for the 1st petitioner and Mr.Saravana Kumar, learned counsel for the 2nd petitioner.

7. When the matter was mentioned, I requested the learned senior counsel to direct the parties to be present before this Court. Both the Civil Revision Petitioners are present. They affirm the contents of O.P.No.4891 of 2024. I have enquired with them and both of them state in unison that they separated on 05.11.2023. They also state that there are no issues from the marriage. They have been stated they will unconditionally withdraw any allegation that have been made against each other and that they do not have



any claim against each other. They also state that their respective personal articles and belongings have been exchanged. Both of them state that they want to part ways in terms of their prayers in O.P.No.4891 of 2024.

8. The statement of the parties make it clear that the marriage is existing only on paper. For all practical purposes, it is dead. To continue the marriage on paper would itself amount to harassment of the parties.

9. In the light of the above, I feel setting aside the order and directing the parties to appear again before the Family Court would not serve any purpose. Exercising the powers vested in this Court under Article 227 of the Constitution of India, O.P.No.4891 of 2024 stands allowed.

10. The marriage solemnized between the petitioners on 17.09.2023 at Janaki Ammal Auditorium, APL Global School, Anand Nagar Main Road, Okkiyam Thoraipakkam, Chennai 600 097, which was registered on 27.10.2023 before the Sub Registrar at Adyar in Sl.No.HMR/ADYAR/188/2023 is dissolved.



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11. The learned senior counsel represents the case is listed before the trial Court on 16.12.2024. Learned Principal Family Court at Chennai shall draft a decree in terms of the orders passed by this Court and issue copies to the parties on filing of a copy application. Consequently, connected miscellaneous petition is closed. No costs.

12.12.2024

Index : Yes/No
Neutral Citation : Yes/No
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Note: Issue order copy by 13.12.2024

To

The I Additional Family Court, Chennai



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V.LAKSHMINARAYANAN, J.

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