



C.R.P.(MD)No.149 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.149 of 2024

S.Karthika

... Petitioner/Petitioner/Petitioner

Vs.

R.Vignesh

... Respondent/Respondent/Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 14.12.2023 passed by the Principal Sub Court, Palani in Unnumbered I.A.No. Of 2023 in H.M.O.P.No.87 of 2023 and to direct the Principal Sub Court, Palani to number the said I.A. to advance the hearing of the H.M.O.P.

For Petitioner : Mr.T.Lenin Kumar

ORDER

This petition has been filed seeking direction to the Principal Sub Judge, Palani, to number the unnumbered I.A.No. / 2023 in H.M.O.P.No.87 of 2023, which was filed to advance the hearing.



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2.The above said petition was came to be returned by the trial

Court stating that there is no urgency for advance the hearing.

3.The learned counsel for the petitioner would submit that the H.M.O.P.No.87 of 2023 was filed by this petitioner seeking a decree of divorce on the ground of cruelty on 24.07.2023. The respondent also appeared before the enquiry Court and filed his counter stating that he has no objection to grant divorce, but without admitting the averments made in the petition. He also stated that they are living separately for several months and therefore, there is no possibility of settlement between them. On that ground the petitioner filed the impugned petition to advance the hearing and decide the same. But, it came to be returned. Challenging the same, this revision petition has been filed.

4.At the time of hearing, the learned counsel for the petitioner submitted that both the parties are ready to file amendment petition to convert the H.M.O.P.No.87 of 2023 under Section 13B(2) of the Hindu Marriage Act for granting mutual consent divorce. On that ground he seeks direction.



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5. In view of the above said development that took place between the parties, liberty is granted to the petitioner to amend the petition properly. There shall be a direction to the learned Principal Sub Judge, Palani, to dispose of the petition after complying the formalities, within a period of one month thereafter.

6. With the above said directions, this civil revision petition stands disposed of.

29.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

Note: Issue order copy on 30.01.2024.

To

1. The Principal Subordinate Judge, Palani.
2. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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