



C.R.P(MD)No.2406 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.10.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.2406 of 2024

Shalini

... Petitioner /
Petitioner /
Petitioner

Vs.

Ajay Prithivi

... Respondent /
Petitioner /
Petitioner

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records connected with the order dated 06.08.2024 returning interlocutory application for advance hearing in I.A.(Filing)No.3757 of 2024 by the Subordinate Court, Devakottai and to set aside eh same, consequently directing the Subordinate Court, Devakottai to number the unnumbered Interlocutory Application in I.A. (Filing) No.3757 of 2024 in H.M.O.P.No.124 of 2024 and to waive off the cooling period provided in section 13-B, of the Hindu Marriage Act, 1955 and to dispose of the same as expeditiously as possible.



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For Petitioner : Mr.S.Malaikani

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ORDER

Heard the learned counsel appearing for the revision petitioner.

2.The parties herein filed H.M.O.P.No.124 of 2024 on the file of Sub Court, Devakottai seeking dissolution of their marriage by mutual consent. They also filed an Interlocutory Application for waiving the waiting period of six months. The Court below had declined to number the said Interlocutory Application. Questioning the same, this Civil Revision Petition came to be filed.

3.The learned counsel for the petitioner drew my attention to the decision of the Hon'ble Supreme Court reported in **(2017) 8 SCC 746 (Amardeep Singh Vs. Harveen Kaur)**. It has been held therein that the period mentioned in Section 13(B)(2) of the Hindu Marriage Act is not mandatory but directory. And that it will be open to the Court to exercise its discretion in the facts and circumstances of each case where there is no possibility of parties resuming cohabitation and there are chances of alternative rehabilitation.



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4.In this view of the matter, I permit the parties herein (petitioner and respondent) to file a fresh Interlocutory Application for waiving the waiting period of six months. After such Interlocutory Application is filed, it shall be numbered immediately and disposed of on merits and in accordance with law within a period of two weeks thereafter.

5.This Civil Revision Petition is allowed on these terms. There shall be no order as to costs.

03.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

The Subordinate Court,
Devakottai.



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G.R.SWAMINATHAN, J.

MGA

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