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CRP NO. 2030 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09-05-2025**

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

CRP NO. 2030 of 2025

Adhish Karthick

Petitioner

Vs

Ashmitha

Respondent

Prayer: Civil Revision Petition filed under Section 227 of Constitution of India, to set aside the daily order, dated 09.01.2025 in H.M.O.P.No.886/2024 on the file of the Subordinate Court at Alandur, consequently to pass a decree of divorce by dissolving the marriage solemnized between the petitioner and the Respondent, dated 01.09.2022.

For Petitioner : Mr.V.Prakash for
Ms.K.Jayasudha

For Respondent : Mr.Anupam Raghuraman

ORDER

This Civil Revision Petition is filed against the daily order, dated 09.01.2025 made in H.M.O.P.No.886/2024 on the file of the Subordinate Court at Alandur.

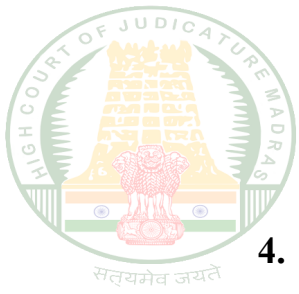


CRP NO. 2030 of 2025

WEB COPY

2. The brief case of the petitioner and the Respondent is that the marriage between the parties was solemnized on 01.09.2022 in Coimbatore as per Hindu rites and customs. However, it is admitted by both the parties that due to some misunderstanding they are living separately for more than one year and eight months. Hence, both the parties filed a petition under Section 13(b) of Hindu Marriage Act, 1955 in H.M.O.P.No.886/2024 before the Subordinate Judge, Alandur seeking for dissolution of marriage on mutual consent. The learned Subordinate Judge while admitting the petition on 09.01.2025, directed both the petitioner and the Respondent to appear before him on 11.07.2025, on completion of the statutory cooling period for considering their prayer for Divorce on Mutual Consent.

3. According to the petitioner, as he was offered an employment in Jakarta, Indonesia, and was required to join the place on or before 21.05.2025, he along with the respondent filed an application on 25.04.2025, to waive the cooling period and to grant a Decree of Dissolution of Marriage. However, the learned Subordinate Judge did not entertain the petition. Hence, both the petitioner and the Respondent filed the present Civil Revision petition.



CRP NO. 2030 of 2025

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the Respondent and perused the materials available on record.

5. Today, when the matter is taken up for hearing, both the petitioner and the respondent appeared before this Court along with their respective counsels and filed a Joint Memo of Compromise, expressing their willingness to dissolve their marriage on mutual consent.

6. The learned counsels appearing for the parties submitted that the petitioner who is aged 27 years and the respondent who is aged 26 years, seek for dissolution of their marriage on mutual consent as they are not interested to continue with their matrimonial life.

7. In view of the fact that the parties are young and want to part ways in their own interests and also because the parties are living separately for more than 20 months with no possibility of reunion, I am of the considered view that nobody's purpose would be served by keeping the HMOP pending. The petitioner/husband, it appears, has an offer of employment in Jakarta, Indonesia and is required to be present on 21.05.2025. Considering the entire facts, I am of the view that the cooling period of six months needs to be waived.

N. MALA, J



WEB COPY



CRP NO. 2030 of 2025

vum/mvs

8. In the result,

- i. This Civil Revision Petition is allowed. No costs.
- ii. The impugned daily order dated 09.01.2025 made in H.M.O.P.No.886/2024 is set aside.
- iii. H.M.O.P.No.886/2024 filed under Section 13(b) of the Hindu Marriage Act, 1955 on the File of the Subordinate Court, Alandur, for divorce is allowed.
- iv. The marriage solemnized between the parties on 01.09.2022 stands dissolved.

09-05-2025

vum/mvs

Index: Yes/No

Neutral Citation : Yes / No

To

The Subordinate Court, Alandur

CRP No.2030 of 2025