



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:23.06.2025

Pronounced on: 04.07.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

CRP. PD. No.2447 of 2025

1.M.Jayaraman

2.S.Gayathri

Petitioner(s)

Vs

NIL

Respondent(s)

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Subordinate Court, Poonamallee, Tiruvallur District to expedite the Trial in HMOP. No.213 of 2025 on its file, within a time frame as may be fixed by this Court.

For Petitioner : Ms.J.Madhumitha

ORDER

This Revision Petition has been filed by the Petitioners in HMOP No.213 of 2025 on the file of the Sub Court, Poonamallee. The petitioners have presented the petition under Section 13 B of the Hindu



Marriage Act, 1955 seeking mutual consent dissolution of their marriage, solemnized on 17.05.2021. The Sub Court has refused to condone the cooling period of six months and has adjourned the OP to 16.10.2025 and aggrieved by the same, the present revision has been filed.

2. I have heard Ms.J.Madhumitha, learned counsel for the petitioners. The learned counsel for the petitioners would state that the spouses themselves have agreed to dissolve the marriage and have accordingly filed HMOP under Section 13B seeking a mutual consent divorce. She would rely on the decision of the Hon'ble Supreme Court in the case of *Amardeep Singh Vs. Harveen Kaur*, reported in 2017 (5) CTC 665 (SC) where, the Hon'ble Supreme Court, discussed elaborately and decided the issue regarding waiver of the six months cooling period which is mandated under Section 13B(2) of the Hindu Marriage Act.

3. The Hon'ble Supreme Court relying on earlier decisions of the Hon'ble Supreme Court held that the Court dealing with the matter is entitled to waive the statutory period of six months if it finds that:

(i) the statutory period of six months specified in Section 13B(2), in addition to the statutory period of one year under Section 13B(1) of separation of parties is already over before the first motion itself;



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(ii) all efforts for mediation/conciliation including efforts in terms of Order XXXII A Rule 3 CPC/Section 23(2) of the Act/Section 9 of the Family Courts Act to reunite the parties have failed and there is no likelihood of success in that direction by any further efforts;

(iii) the parties have genuinely settled their differences including alimony, custody of child or any other pending issues between the parties;

(iv) the waiting period will only prolong their agony.

The Hon'ble Supreme Court also held that the six months period is not mandatory but only directory and it will be open to the Court to exercise discretion depending on the facts and circumstances of each case.

4. I have carefully gone through the said decision of the Hon'ble Supreme Court and the ratio laid down therein.

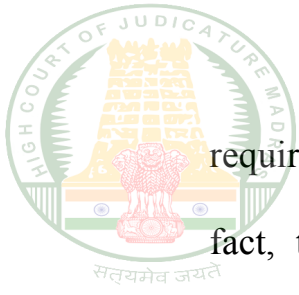
5. The Hon'ble Supreme Court, having held that six months cooling period is only directory and not mandatory, the Courts have to necessarily taking into account various factors to decide whether the cooling period of six months can be waived. In fact, this Court in CRP. No.2016 of 2022, in the case of *K.Mohanarangan and another Vs. Nil* by order dated 22.07.2022, relying on the decision of Hon'ble Supreme Court in *Amardeep Singh's* case, (referred herein supra) waived the cooling periods.



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6. The very object of fixing the cooling period is to give an opportunity to the parties to reconsider their decision to go separate ways and if it is found from the fact that the spouses, the husband and wife have not lived together for a long time and there is no possibility of reconciliation, then the cooling period can be waived. In the facts of the present case, it is seen from the records that the marriage was solemnized on 17.05.2021 and ever since 30.12.2023, the parties are living separately. The OP came to be filed only in January, 2025 after the mandatory period of one year which is required under the provisions of the Hindu Marriage Act. There is no possibility of the parties reconciling their differences, which is further reinforced from the fact that not happy with even the long adjournment granted by the Sub Court, the parties have approached this Court seeking waiver of the cooling period of six months.

7. The Sub Court, without even considering the request for speedy disposal and waiver of the cooling period, has mechanically adjourned the matter to 16.10.2025 for the six months period to expire. The Court ought to have noticed that no useful purpose would be served by



requiring the parties to sit through the cooling period of six months. In fact, the Court failed to see that it would only prolong their agony.

Therefore, in view of the above, I direct the Sub Court, Poonamallee to advance the hearing of HMOP No.213 of 2025 to any date in July 2025 and take up Section 13B Petition and pass orders on merits and in accordance with law.

8. This Civil Revision Petition is allowed with the above directions. Consequently, connected Miscellaneous Petition is also closed. No costs.

04.07.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

The Sub Judge,
Poonamallee.



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P.B.BALAJI, J.,

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Pre-delivery order in
CRP. PD. No.2447 of 2025

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