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C.R.P.No.3287 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

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THE HONOURABLE MR. JUSTICE P.B.BALAJI

C.R.P.No.3287 of 2025

1. T.Ranjithkumar
2. A.Pooja

... Petitioners

Vs.

Nil

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, pleaded to set aside the order dated 13.06.2025 passed in I.A.No. 3 of 2025 in H.M.O.P.No. 107 of 2025 on the file of the learned Principal Sub-Judge at Tiruchengode.

For Petitioners : Mr.C.P.Sivamohan

ORDER

Mr.C.P.Sivamohan, learned counsel for the petitioner, submitted that the petitioners are husband and wife, filed H.M.O.P.No. 107 of 2025 before the learned Principal Sub-Judge, Tiruchengode seeking divorce by mutual consent under Section 13-B of Hindu Marriage Act, 1955. The petitioners have moved interlocutory application in I.A.No.3 of 2025 for waiver of the cooling period of six months. However, the said application has

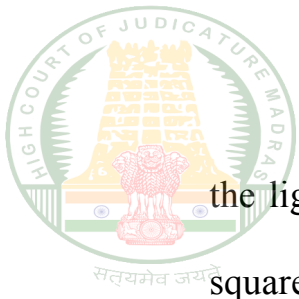


been dismissed relying on the ratio laid down by the Hon'ble Supreme Court

in the case of ***Amardeep Singh Vs Harveen Kaur reported in (2017) 8 SCC 746.***

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2. The learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court in the case of ***Amit Kumar Vs Suman Beniwal reported in (2023)17 SCC 648*** wherein the Hon'ble Supreme Court has clarified that the Family Courts as well as High Courts are misconstruing the judgment of ***Amardeep Singh Vs Harveen Kaur*** that six months period is mandatory and the same cannot be waived. The Hon'ble Supreme Court has further held that six months period is only directory and it is open to the Courts to exercise its discretion to waive the requirement under Section 13B(2) of Hindu Marriage Act having regard to the facts and circumstances of each case, especially if there is no possibility of re-conciliation between the parties and the cooling period would serve no purpose, except prolong their agony. The learned counsel for the petitioner would bring to my notice that the petitioners are living separately right from October 2021 and the domestic violence complaint filed by wife has also been agreed to be withdrawn by her. The issues of permanent alimony and custody of the children have been sorted out mutually and the terms have been arrived at. In



the light of the ratio laid down in *Amit Kumar Vs Suman Beniwal* which squarely applies to the facts and circumstances of the present case and moreover, when the earlier decision of the Hon'ble Supreme Court has been clarified in *Amit Kumar Vs Suman Beniwal*, the family court is not justified in dismissing the petition seeking waiver of the cooling period of six months.

3. I have considered the submissions of the learned counsel for the petitioner and I have also gone through the order of the Family Court and it appears that a consent petition has been filed by the parties. It is evident that the parties have decided that there is no scope for re-conciliation and all issues including alimony and custody of the children have also been amicably resolved. In such event, there is no point in forcing the parties to sit out the cooling period of six months and the family court, considering the facts and circumstances of the case, ought to have waived the six months period.

4. In view of the above, this Court is inclined to allow the civil revision petition and directs the family court to take up the main original petition in H.M.O.P.No. 107 of 2025 and dispose of the same on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order.



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5. With the above observations, the Civil Revision Petition stands

allowed. No costs.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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Note: Issue order copy on 30.07.2025.

To

The Principal Sub-Judge, Tiruchengode.



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P.B.BALAJI, J.

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