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C.R.P.Nos.3946, 3947 and 3948 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

C.R.P.Nos.3946, 3947 and 3948 of 2025

C.R.P.No.3946 of 2025

S.Jayasree

... Petitioner

Vs.

P.Yuvaraj

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the decreetal and judgment order in I.A.No.01 of 2025 in H.M.O.P.No.1338 of 2025 passed by the learned Vth Additional Family Court, Chennai, by order dated 10.06.2025.

For Petitioner : Mr.M.Kalaiyaran

For Respondent : Mr.S.Esakkimuthu

C.R.P.No.3947 of 2025

S.Jayasree

... Petitioner

Vs.

P.Yuvaraj

... Respondent

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PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the decreetal and judgment order in I.A.No.02 of 2025 in H.M.O.P.No.1338 of 2025 passed by the learned Vth Additional Family Court, Chennai, by order dated 10.06.2025.

For Petitioner : Mr.M.Kalaiyarasan

For Respondent : Mr.S.Esakkimuthu

C.R.P.No.3948 of 2025

S.Jayasree

... Petitioner

Vs.

P.Yuvaraj

... Respondent

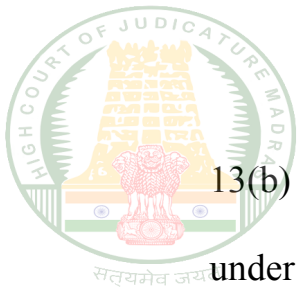
PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the decreetal and judgment order in I.A.No.03 of 2025 in H.M.O.P.No.1338 of 2025 passed by the learned Vth Additional Family Court, Chennai, by order dated 10.06.2025.

For Petitioner : Mr.M.Kalaiyarasan

For Respondent : Mr.S.Esakkimuthu

COMMON ORDER

The petitioner in these Civil Revision Petitions is the wife. The petitioner and the respondent have presented the petition under Section

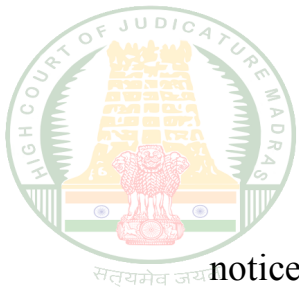


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13(b) of the Hindu Marriage Act, 1955, seeking divorce by mutual consent under the provisions of the Hindu Marriage Act, 1955 and they have also sought for waiver of cooling period of six months. The learned Family Judge has refused to waive the cooling period. Challenging the same and also seeking for emergent hearing of H.M.O.P filed for divorce by mutual consent, the present Civil Revision Petitions have been filed.

2. Heard Mr.M.Kalaiyarasan, learned counsel appearing for the petitioner and Mr.S.Esakkimuthu, learned counsel appearing for the respondent.

3. The learned counsel appearing for the petitioner states that the petitioner, after parting ways with the respondent amicably, has decided to move on in life and she has also got employment abroad and she is required to join duty on or before 15.10.2025 and citing this as urgency, the Family Court was moved for waiver of cooling period of six months, by moving advance hearing applications. However, the said applications were dismissed finding that there was no emergency. Hence, these Civil Revision Petitions have been filed.



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4. The learned counsel appearing for the respondent/husband takes notice and states that he has no objection for early disposal of H.M.O.P.No.1338 of 2025.

5. The parties have taken a conscious decision to part ways and they are also not blessed with the children and all the issues between them have been amicably settled. The Hon'ble Supreme Court of India in the case of ***Amardeep Singh vs. Harveen Kaur*** reported in ***2017(5) CTC 665 (SC)***, has held that the cooling period of six months can be waived under special and exceptional circumstances shown by the parties. The very purpose and object of the parties required to wait for six months is to give them a chance to reconsider their decision to part ways. However, in the present case, I find that both the petitioner and the respondent have already made up their mind and all the issues have been amicably settled already. Therefore, in such circumstances, forcing the parties to sit through the cooling period of six months would only increase their agony. Further, the petitioner/wife has also stated that she has got employment abroad and she has been called upon to join duty on 15.10.2025.



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6. In the light of the above, the Family Court has erred in not exercising the discretion by waiving the cooling period. Even before this Court, the respondent/husband has also stated that he has no objection for early disposal of H.M.O.P.No.1338 of 2025 filed for divorce on the ground of mutual consent.

7. In the light of the above, the impugned orders dated 10.06.2025 passed in I.A.Nos.1 to 3 of 2025 in H.M.O.P.No.1338 of 2025 are set aside. H.M.O.P.No.1338 of 2025 shall be heard and disposed of within a period of two weeks from the date of receipt of a copy of this order.

8. Accordingly, these Civil Revision Petitions are allowed. There shall be no order as to costs.

26.08.2025

Speaking Order/Non-speaking Order
Index : Yes / No
Neutral Citation : Yes/No
ssb

Note: Issue order copy on **29.08.2025**



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To

The Vth Additional Family Court, Chennai.

C.R.P.Nos.3946, 3947 and 3948 of 2



P.B. BALAJI,J.

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26.08.2025