



C.R.P.No.4499 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-09-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No.4499 of 2025

1.G.Isaac

2.A.Mary Merlin

.... Petitioners

Vs

Nil

.... Respondent

Revision filed under Article 227 of the Constitution of India against the petition and order dated 16.07.2025 made in unnumbered IDOP No....of 2025 on the file of Family Court, Coimbatore.

For Petitioners :Mr.Durai Gunasekaran

ORDER

The revision has been filed by the petitioners, who are husband and wife and the marriage was solemnized on 26.05.2024 as per Christianity customs and rights. The petitioners have not been blessed with any child. The petitioners, considering the irreconcilable differences between themselves, presented a joint petition for divorce under Section 10(A) of the Divorce Act (Amended), 2002 before the Family Court, Coimbatore on 16.07.2025. The said divorce petition has been returned stating that the



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petition is pre-mature.

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2. Heard the learned counsel for the petitioners.

3. Learned counsel for the petitioners relies on the decision of the Division Bench of *Kerala High Court in Saumya Ann Thomas vs Union of India and Another* reported in *2010 (2) DMC 526* as well as the ruling of this Court in *CRP(NPD) No.1011 of 2016 dated 30.03.2016* in the matter of *P.Epsi vs J.Eugeen Durai Mahesh Kumar*.

4. In fact, I had also an occasion to deal with an identical issue in *CRP No.4013 of 2025 dated 04.09.2025 (Shivkarthik G.S and another vs Nil)* and allowed the revision and directed the trial Court to waive the cooling period and proceed to take up the Original Petition and dispose of the same on merits and in accordance with law. The present revision also is one challenging the order returning the application filed by the petitioners seeking mutual consent divorce. However, the separation period of two years which was originally mandated under the provisions and read down as one year by the Division Bench of the Kerala High Court, which subsequently has been



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followed by this Court as well. In view of the settled legal principles enunciated by this Court, I am inclined to allow the civil revision petition, by directing the Family Court, Coimbatore to entertain the said Original Petition jointly filed by the petitioners' seeking divorce under Section 10(A) of the Divorce Act (Amended) 2002 and pass orders on merits and in accordance with law without holding that the petition is pre-mature under Section 10(A) of the Divorce Act (Amended) 2002.

5. Registry is directed to return the original petition that has been filed along with the revision to the learned counsel for the petitioners to enable the petitioners to move the Family Court, Coimbatore.

6. With the above direction, the civil revision petition is allowed. No costs.

19.09.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order

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P.B.BALAJI,,J

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To

The Family Court, Coimbatore

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