



C.R.P.(PD)No.5274 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.5274 of 2024

B.Sowmya

.. Petitioner

Vs

N.Vijay

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the dismissal docket order dated 06.11.2024 in I.A.No.1 of 2024 in H.M.O.P.No.635 of 2024 on the file of the learned Subordinate Judge at Alandur.

For Petitioner : Mr.Guru Dhananjay

For Respondent : Mr.M.Muthuraj



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ORDER

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This civil revision petition challenges the order passed by the learned Subordinate Judge at Alandur in I.A.No.1 of 2024 in H.M.O.P.No.635 of 2024 dated 06.11.2024.

2. The civil revision petitioner is the wife. The respondent is the husband. For the sake of convenience, the parties shall be referred to husband and wife.

3. The parties to the revision solemnised their wedding on 04.09.2019 at Chidambaram. Subsequently, due to disputes and differences, they separated on 10.12.2022. The husband initiated H.M.O.P.No.9 of 2024 on the file of the Subordinate Court at Chidambaram seeking for restitution of conjugal rights. After the filing of the petition, the parties realised that there is no possibility of reconciliation or reunion. Hence, H.M.O.P.No.9 of 2024 was dismissed as withdrawn on 12.08.2024.



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4. Since the wife is residing within the jurisdiction of the Subordinate Court at Alandur, the husband and wife presented a petition under Section 13B of the Hindu Marriage Act before that Court. The petition was numbered as H.M.O.P.No.635 of 2024. As required under the law, the learned Trial Judge adjourned the matter to 07.03.2025, after the cooling of period of six months.

5. In the meantime, the wife, who is working in M/s.Transunion Private Limited in DLF IT Park, had been directed by her employer that she go onsite to Canada. Therefore, it would not be possible for her to be present in March 2025 to complete the process. As the marriage is existing only on papers, since the parties have no claim for maintenance against each other and since they have exchanged their articles, the wife moved an application to advance the hearing in the O.P. and to waive off the cooling period of six months. This application was received as I.A.No.1 of 2024. The application was filed on 06.11.2024. The learned counsel representing the husband endorsed “no objection” to the same.

6. When the matter was called before the learned Subordinate



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Judge at Alandur, the learned Subordinate Judge on that day was flooded with work of about 140 cases. Hence, he did not find any reason to dispense with the cooling of period and therefore, dismissed the same.

7. Aggrieved by the said order, this revision has been presented to this Court.

8. When the matter came up yesterday (08.01.2025), Mr.M.Muthuraj entered appearance for the husband. He stated that he has “no objection” for the cooling of period being waived. I did not want to proceed with the revision only on the basis of the statements made by the respective counsel. Therefore, I called upon the counsels to produce the husband and wife before this Court today.

9. Today, Ms.Sowmya and Mr.N.Vijay are present. Their identities have been verified. Ms.Sowmya states that she has to travel abroad that is the reason why she filed an application for waiving the cooling of period. She points out, in case, the proceedings are not disposed of, it will cause interference with the processing of her visa with the Canadian embassy.



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10. I questioned both the husband and wife. Both of them stand by the averments they have stated in H.M.O.P.No.635 of 2024. Both of them in unison state that there is no possibility of reunion and that they have exchanged their respective articles. Ms.Sowmya further states that she is not claiming maintenance, interim or otherwise, as against the respondent/husband.

11. As pointed out by the Supreme Court in ***Amardeep Singh v. Harveen Kaur***, AIR 2017 SC 4417, when all efforts of reconciliation and mediation have failed and the parties are not willing to reside with each other, the adherence to the statutory cooling of period, for the sake of adherence, would only amount to harassment of the parties.

12. The only point on which both the petitioner and the respondent agree is that they want to go part ways as friends. That being the situation, I feel, keeping the proceedings pending would not be in the interest of the parties. It only add the load to the Court.

13. In the light of the above discussions, exercising the powers



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under Article 227 of the Constitution of India, H.M.O.P.No.635 of 2024 is transferred from the file of the Subordinate Court at Alandur to the file of this Court. As the parties do not want to continue the proceedings, H.M.O.P.No.635 of 2024 stands allowed. The marriage that took place between the petitioner and the respondent on 04.09.2019 at Hari Mahal A/C, Thirumana Mandapam, Sirkazhi Main Road, Chidambaram, as per Hindu Rites and Customs stands dissolved.

14. The learned Subordinate Judge at Alandur is requested to record this order and pass a decree in the H.M.O.P. accordingly.

15. The civil revision petition stands ordered accordingly. No costs.

09.01.2025

Index:Yes/No
Internet:yes/No
Neutral Citation:Yes/No
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To

The Subordinate Judge at Alandur.



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V.LAKSHMINARAYANAN,J.

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