



WEB COPY



CRP No.5433 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 5433 of 2025

1. S.Madhubala
W/o.Mr.Vigneshwaran, No.32A,
Padavettamman Koil Street,
Sundara Vinayagar Nagr,
Thiruverkadu, Chennai 60 077

Petitioner(s)

Vs

1. M.Vigneshwaran
S/o.Manoharan, No.32A,
Padavettamman Koil Street,
Sundara Vinayagar Nagr,
Thiruverkadu, Chennai 60 077

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the Decretal and order in IA.No.03/2025 in OP.No.413/2025 passed by the Subordinate Judge at Poonamallee by order dated 11.09.2025.

For Petitioner(s): Mr. R.Saravanapandiyan

For Respondent(s): Mr.G.Ponnumani



CRP No.5433 of 2025

ORDER

This civil revision petition is filed challenging the order passed by the Trial Court, dismissing the application filed by the petitioner and the respondent seeking to waive the cooling off period of 6 months under Section 13-B(2) of Hindu Marriage Act, 1955.

2. Both the petitioner and the respondent presented the main HMOP No.413 of 2025 seeking divorce by mutual consent. The said OP was presented before the Subordinate Judge, Poonamallee on 20.06.2025. In view of Section 13-B(2) of the Hindu Marriage Act, the petitioner herein filed the instant application seeking waiver of cooling period. The said application was dismissed by the court below. Aggrieved by the same, the petitioner has come before this court.

3. The learned counsel for the petitioner would submit that both the petitioner and the respondent decided to part ways and hence petition was filed seeking divorce by mutual consent. Since there is no possibility of reconciliation, they filed an application seeking waiver of cooling off period and the same has been erroneously dismissed by the trial court.



CRP No.5433 of 2025

4. A perusal of the impugned order would indicate that the petition was dismissed mainly on the ground that the petitioners therein had not mentioned anything about the interest of the child in the main OP. The present petition has been filed only for waiver of cooling off period. The provision to be made for maintaining the child can be decided by the court at the time of considering the main OP. The order passed by the court dismissing the petition seeking waiver of cooling off period on the ground that no provision has been made for welfare of the child is unsustainable in law and accordingly it is set aside.

5. It is brought to the notice of this court that the main OP was presented on 20.06.2025. Six months period is going to be over by 20.12.2025. In view of the same, the parties are at liberty to move the concerned court seeking consideration of the main OP, after 20.12.2025, by filing appropriate petition. If any application is filed, the trial Court shall take up the main O.P. and dispose it on its own merits. While considering main OP, the court can also consider the welfare of child and provision to be made for upbringing of child.

6. With the above direction, the Civil Revision petition stands disposed of. There shall be no order as to costs.

11.12.2025

Internet: Yes

Index: yes/no

Neutral Citation: Yes/No

3 of Page 5



CRP No.5433 of 2025

MST

To

The Subordinate Judge,
Poonamallee.



WEB COPY



CRP No.5433 of 2025

S.SOUNTHAR, J.

MST

CRP No.5433 of 2025

11.12.2025