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CRP No.5501 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No.5501 of 2025

1. Priyanka,
W/o.Vinothkumar, D/o.Duraisamy,
D.No.58/1, Salem Main Road,
Kailasampalayam, Tiruchengode Taluk,
Namakkal District.

Petitioner(s)

Vs

1. Vinothkumar,
S/o.Chinnamuthu, D.No.117,
Mangarangampalayam,
Veeratchipalayam Village and Post,
Sankari Taluk, Salem District.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order of returning the 13B petition in HMOP.SR.No.872 of 2025, dated 10.10.2025, on the file of Sub Ordinate Judge, Sankari, consequently number the above HMOP by allowing this Civil Revision Petition.

For Petitioner

: Mr.R.Marudhachalamurthy



ORDER

WEB COPY This Civil Revision Petition is filed aggrieved by the order of return passed by the Court below, dated 10.10.2025 in HMOP SR No.872 of 2025..

2. The petitioner and the respondent filed an application for dissolution of marriage that had taken place on 03.03.2025 between them, under Section 13(B) of the Hindu Marriage Act. Since the cooling period of one year was not completed, on the date of presentation of the said HMOP, the petitioner also filed an application under Section 14 of the Hindu Marriage Act seeking exemption, along with the HMOP.

3. The Court below, returned the HMOP SR No.872 of 2025, mainly on the ground that cooling period of one year was not over on the date of presentation of OP. The petitioner and the respondent re-presented the said OP papers stating that the marriage between both the parties irretrievable broken down and there was no possibility of reunion and hence, the OP was filed seeking divorce on mutual consent. The court below, without considering the exemption petition filed by the parties along with the OP, again returned the OP papers. Aggrieved by the same, the petitioner has come before this court.



4. The learned counsel for the petitioner submitted that when the application has been filed by the parties seeking exemption under Section 14 of the Hindu Marriage Act, the court below should have numbered the HMOP and considered the averment made by the parties on its own merits, instead of returning the papers.

5. A perusal of the typed set of papers would indicate that the parties, conscious of the fact that filing of HMOP seeking divorce on mutual consent was presented within the cooling period of one year. They filed necessary application under Section 14 of Hindu Marriage Act seeking leave of the court to present the petition under Section 13(b) of Hindu Marriage Act, within one year. The Court below, without considering the petition filed by the parties under Section 14 of the Hindu Marriage Act on merits, erroneously returned the papers on the ground that the main OP was filed within the cooling period of one year. Therefore, this court is inclined to interfere with the impugned order of return passed by the court below.

6. Accordingly, the impugned order of return passed by the court below dated 10.10.2025 is set aside. The parties are directed to re-present the returned papers before the concerned court, within a period of two weeks from the date of receipt of copy of the order. The Court below shall number the application filed by the parties under Section 14 of Hindu Marriage Act, if it is otherwise in



order and dispose of the same in accordance with law, after giving sufficient opportunity to the parties.

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7. With the above direction, this civil revision petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed. The Registry is directed to return the original returned papers in Filing No. OP/872/205 to the counsel for the petitioner.

11.11.2025

Internet: Yes

Index : Yes/no

Neutral Citation: Yes/No

MST

To

The Subordinate Judge,
Sankari.



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S.SOUNTHAR, J.

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