



C.R.P(MD)No.400 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.02.2025**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.400 of 2025

1.Sibichakaravarthy

2.Subanalakshmi

... Petitioners/Petitioners

Vs.

Nil

... Respondent/ Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the judgment and decree in I.A.No.2 of 2025 in H.M.O.P.No.297 of 2024 on the file of Subordinate Court, Kovilpatti, dated 01.02.2025.

For Petitioners : Mr.V.Jawahar Srinath

ORDER

The couple who were the petitioners in H.M.O.P.No.297 of 2024 on the file of Sub Court, Kovilpatti have filed the above revision petition challenging the dismissal of their application filed under Section 13 (B) (2) of the Hindu Marriage Act.



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2. A perusal of the petition in H.M.O.P.No.297 of 2024 reveals that they got married on 20.08.2023 and due to matrimonial dispute, they had filed the above said H.M.O.P on 03.06.2024.

3. Pending H.M.O.P, the couple have filed I.A.No.2 of 2025 seeking to waive the cooling period of six months. This application has been dismissed by the Sub Court, Kovilpatti on the ground that no valid reasons have been assigned for granting waiver of such a cooling period.

4. A perusal of the records reveal that the H.M.O.P was filed on 03.06.2024 and the cooling off period has already expired in December 2024. In such circumstances, the Court ought to have proceeded to pass orders in the mutual consent divorce application on the ground that already cooling off period has expired. Instead the Court has proceeded to pass an order on 01.02.2025 rejecting the application to waive the cooling off period.



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5. In view of the above said deliberations, the order passed in

I.A.No.2 of 2025 is hereby set aside and the Sub Court, Kovilpatti is directed to pass orders in H.M.O.P.No.297 of 2024 on or before 20.02.2025.

6. With the above direction, this Civil Revision Petition stands disposed of. No costs.

12.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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Note : Issue order copy on 12.02.2025.

To

- 1.The Sub Court,
Kovilpatti.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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R.VIJAYAKUMAR ,J.

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Order made in
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12.02.2025