



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.919 of 2025

N.Vijeesh

...Petitioner/Petitioner

Vs.

K.A.Abisha

...Respondent/Respondent

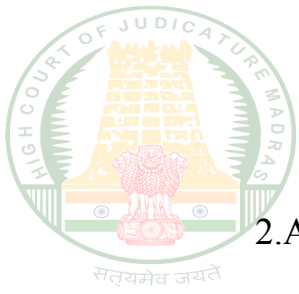
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the returned unnumbered docket order dated 28-02-2025 in H.M.O.P.SR.No.1001 of 2025, dated 28-02-2025 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

* * * * *

ORDER

The first petitioner in H.M.O.P.SR.No.1001 of 2025, on the file of the Family Court, Nagercoil, Kanyakumari District, has filed the present revision petition, challenging the return order passed by the Family Court, Nagercoil, wherein the Family Court, Nagercoil, has pointed out that so far one year has not been completed from the date of marriage and how the divorce petition under Section 13(B) of the Hindu Marriage Act, is maintainable.



WEB COPY

2. According to the learned Counsel appearing for the revision petitioner, as per the proviso to Section 14(1) of the Hindu Marriage Act, 1955, the Court is empowered to consider an application filed for divorce within a period of one year. In case, if the Court arrives at a finding that it is a case of exceptional hardship to the parties. According to the learned Counsel appearing for the revision petitioner, he would file an application under the said provision and the Family Court may be directed to consider the said application.

3. The return order passed by the Family Court, Nagercoil, is hereby set aside and the matter is remitted back to the file of the Family Court, Nagercoil. The Family Court, Nagercoil, is directed to consider the application to be filed under Proviso to Section 14(1) of the Hindu Marriage Act, 1955, in accordance with law. In case, if the Court is satisfied, may proceed to number the H.M.O.P.

4. With the above said observations, this Civil Revision Petition stands disposed of. No costs.

5. The registry is directed to return the original impugned order after getting due acknowledgment from the learned Counsel appearing for the revision petitioner.

26.03.2025

Internet: Yes/No
Index: Yes/No
RJR



WEB COPY
To

The learned Judge,
Family Court, Nagercoil, Kanyakumari District.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



R.VIJAYAKUMAR, J.

RJR

C.R.P.(PD)(MD)No.919 of 2025

26.03.2025