



C.R..P.(PD)(MD).No.1160 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.1160 of 2025

1. P.Muthumayandi

2. Tamizharasi

... Petitioners/Petitioners

Vs.

Nil

... Respondent/Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the entire records, and set aside the judgment and decree dated 13.02.2025 made in I.A.No.2 of 2025 in H.M.O.P.No.1487 of 2024 on the file of the learned Family Court Madurai.

For Petitioners : Mr.S.Vidhya Sagar

ORDER

The petitioners in H.M.O.P.No.1487 of 2024, have filed the present Civil Revision Petition challenging the dismissal of their application filed in I.A.No.2 of 2025, wherein, the Family Court has rejected the request of the petitioners to waive off the cooling period.



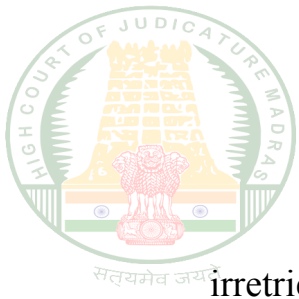
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2. A perusal of the records reveal that the petitioners herein have filed the above said petition seeking divorce on mutual consent. Along with petition, the petitioners have filed I.A.No.2 of 2025 under Section 13 (B) (2) of the Hindu Marriage Act, seeking waiver of the cooling period of six months for seeking divorce by mutual consent. The said application has been dismissed by the Family Court. Challenging the same, the present Civil Revision Petition has been filed.

3. The learned counsel appearing for the revision petitioners has relied upon the judgment of the Hon'ble Supreme Court reported in **(2017) 8 SCC 746 (Amardeep Singh Vs.Harveen Kaur)** wherein, the Hon'ble Supreme Court has held that the cooling-off period is directory and therefore, it is open to the Court to exercise its discretion in the facts and circumstances of each case, where there is no possibility of parties to resume cohabitation and there are chances of alternative rehabilitation.

4. In the present case, admittedly, the parties are living separately from 10.07.2022 onwards and according to them, the marriage has broken down



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irretrievably and there is no chance of reunion. In such circumstances, no purpose would be served in directing the parties to wait for the cooling period.

5. In view of the above said facts, the order impugned in the Revision Petition is set aside and this Civil Revision Petition stands allowed. The learned Judge, Family Court, Madurai is directed to take up H.M.O.P.No. 1487 of 2024 and pass orders in accordance with law, on or before **30.04.2025**. There shall be no order as to costs.

08.04.2025

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

Note: Issue order copy on 09.04.2025.

To

1. The Family Court,
Madurai.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

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