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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 16.04.2025

CORAM

**THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR**

**C.R.P.(PD)(MD)No.1192 of 2025**

D.Samuvel Joseph

...Petitioner/Petitioner

Vs.

J.Mercy Sheefa

...Respondent/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order passed in Unnumbered I.D.O.P.No. of 2025, on the file of Principal District and Sessions Court, Virudhunagar District at Srivilliputhur, dated 28.03.2025, and thereby allow the present civil revision petition and thereby order to take into file of the Petition and number the I.D.O.P. and pass such further orders in accordance with law.

For Petitioner : Mr.V.Meenakshi Sundaram  
for Mr.S.Kishore Kumar

\* \* \* \* \*

**ORDER**

The petitioner in unnumbered I.D.O.P.CNR.TNVR01-0001104 of 2025, on the file of the Principal District and Sessions Court, Virudhunagar District at Srivilliputhur, has filed the present revision petition challenging the rejection of I.D.O.P. without being numbered.

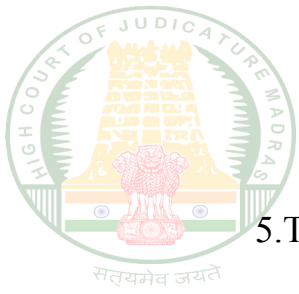


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2.A perusal of the divorce petition reveals that it has filed under Section 10(1)(vii)(x) of the Divorce Act, 1869. In other words, the petitioner has sought divorce on the ground of non-consummation of marriage and mental cruelty. The learned Principal District Judge, has rejected the application on the ground that the marriage has been solemnized only on 28.09.2023 and so far, two years have not lapsed. Two years embargo has been prescribed under Section 10 only when divorce is sought for, on the ground of unsoundness of mind or on the ground that the partner is suffering from Venereal disease or there is desertion. Two years waiting period has not been prescribed, if the divorce petition has been filed on the ground of non-consummation of marriage or on the ground of cruelty.

3.In view of the above said facts, the order impugned in the revision petition is hereby set aside and the trial Court is directed to number the same, if it is otherwise in order.

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 obtaining due signature from the learned Counsel appearing for the revision petitioner.

**16.04.2025**

Internet:Yes/No  
Index:Yes/No  
RJR

To

The learned Principal District and Sessions Judge,  
Virudhunagar District at Srivilliputhur.

**Copy to:-**

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



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**R.VIJAYAKUMAR, J.**

RJR

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**16.04.2025**