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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.1332 of 2025

N.E.Ganga

...Appellant/Petitioner/Petitioner

Vs

D.Prasanna

Acting through his power agent Mr.Dayalan

(Petitioner's father)

....Respondent/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to allow this Civil Revision Petition and set aside the Impugned fair and decretal order of I.A.No.1 of 2025 in H.M.O.P.No.302 of 2025 passed by Family Court, Madurai.

For Petitioner : M/s.G.K.Chitra Devi

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ORDER

The petitioner in H.M.O.P.No.302 of 2025, on the file of the Family Court, Madurai, has filed the present revision petition challenging the dismissal of an application filed in I.A.No.1 of 2025, wherein the couple have prayed for waiving the cooling-off period for 6 months for divorce by mutual consent.



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2.The couple have got married on 06.04.2022, and it is averred that they are living separately from 19.10.2023, onwards. The application seeking divorce by mutual consent has been filed on 03.01.2025. Along with the application, couple have filed I.A.No.1 of 2025, seeking to waive the cooling-off period of 6 months. This application came to be dismissed on the ground that the parties have not taken any effective steps for Mediation and reconciliation and in such circumstances, the conditions stated by the Hon'ble Supreme Court are not satisfied. Challenging the same, the present revision petition has been filed.

3.According to the learned Counsel appearing for the revision petitioner, difference of opinion arose immediately after marriage and all efforts were taken to reconcile and resume the marital relationship. Therefore, the marriage has irretrievably broken down and there is a possibility of further deterioration in the relationship of the parties. Based upon the above said averments, the application has been filed under Section 13(B), seeking mutual consent.

4.A perusal of the divorce petition clearly reveals that the petitioner and the respondent are educated persons and one of the petitioners was working



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abroad and all efforts have been made through friends and elders for reconciliation and those efforts have been rendered in futility. They have also averred that there is irretrievably breakdown of the marriage. In such circumstances, this Court is of the considered opinion that all the conditions enumerated by the Hon'ble Supreme Court in a judgment reported in **2017 (8) SCC 746**, have been satisfied and the order impugned in the present revision petition is hereby set aside.

5.The Family Court, Madurai, is directed to pass orders in H.M.O.P.No. 302 of 2025, on or before **30.06.2025**.

6.With the above said observations, this Civil Revision Petition stands allowed. No costs.

25.04.2025

Internet:Yes/No
Index:Yes/No
RJR



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R.VIJAYAKUMAR, J.

RJR

To

The learned Judge,
Family Court,
Madurai.

Copy to:-

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

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