



C.R.P.(MD)No.3209 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2025

CORAM

THE HON'BLE MR. JUSTICE K.KUMARESH BABU

C.R.P.(MD)No.3209 of 2025

1.Arunachalam

2.Naachu

...Petitioners

Vs.

Nil

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to direct the Subordinate Court, Devakottai, Sivagangai District to expedite the trial in H.M.O.P.No.199 of 2025 on its file, within a time frame as may be fixed by this Court.

For Petitioner : Mr.VA.Shanmugaraj
Advocate

ORDER

This Civil Revision Petition is filed to direct the Subordinate Court, Devakottai, Sivagangai District to expedite the trial in H.M.O.P.No.199 of 2025 on its file, within a time frame as may be fixed by this Court.



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2. The petitioner has come up with the petition for a direction to the learned Subordinate Judge, Devakottai, to dispose of the HMOP No.199 of 2025 within the time frame. Learned counsel for the petitioner would submit that the petition in HMOP had been filed on 12.08.2025 and the same stood adjourned to 03.03.2026 noting the cooling period contemplated under Section 13(b) of the Hindu Marriages Act, 1955. A reliance has been placed by the learned counsel on the judgment of this Court made in CRP(MD)No. 2352 of 2023.

3. A perusal of the same would indicate that the learned Judge had also relied upon another judgment reported in **2017 (3) MWN Civil 458 (SC)** in the case of **Amardeep Singh Vs Harveen Kaur**. In the present case, even though the petitioner had filed a HMOP, even in the HMOP, there is no pleadings to waive off the cooling period, as there is no reconciliation between the parties. Neither the respondent and the petitioner have taken out an application to waive off the cooling period and hence, this Court is of the view that the Court below was not in error in adjourning the matter to 03.03.2026 which would cover the cooling period.



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4. Hence, this Civil Revision Petition is disposed of with a liberty to the petitioner to approach the Court below by taking necessary application to waive off the waiting period indicating that there could be no reconciliation between them. When such application is filed, the Court below shall also consider the application in the context of the judgment reported in **2017 (3) MWN Civil 458 (SC)** and also the judgment of this Court made in CRP(MD)No.2352 of 2023 and dispose of the same within a period of two weeks from the date of such application. No costs.

04.11.2025

NCC : yes / no
Internet: Yes/No
Index: Yes/No

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To

- 1.The Subordinate Court, Devakottai, Sivagangai District.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

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K.KUMARESH BABU, J.

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