



C.R.P.(MD) No.800 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(MD) No.800 of 2026

1.G.Ajithkumar

2.R.Varsha

... Petitioners

vs.

Nil

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the Fair and Final Order dated 02.12.2025 passed in I.A.No. 2 of 2025 in H,M.O.P.No.1519 of 2025 on the file of the Special Judge for Family Court, Madurai.

For Petitioners : Mr.T.Bala Rathinakumar

ORDER

This Civil Revision Petition is at the instance of both the husband and wife. They are aggrieved by the order passed by the learned Judge, Family Court at Madurai, in dismissing the application filed to waive the cooling off period of six months, as required under section 13B of the Hindu Marriage Act, 1955.



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2.The first petitioner entered into a matrimony with the second petitioner on 08.09.2024. Within one week of marriage, they separated. They moved apart on 15.09.2024. Elders of the family and friends attempted to intervene to put both the parties together. Unfortunately, it failed. As the parties lived together only for a week, they stated that there was no cohabitation between them nor did the wedlock produce any children.

3.Finding that the marriage has become oppressive, they presented a petition under Section 13B of the Hindu Marriage Act, 1955, before the learned Family Court on 26.09.2025. Along with the main petition, they also moved an application in I.A.2 of 2025, seeking to waive the cooling off period of six months. Both the parties appeared before the learned Judge. The learned Judge was of the opinion that there was no averment in the petition that mediation or conciliation had taken place. Hence, he dismissed the said application.

4.When the revision came up for admission, taking into consideration that both the petitioners are young, I called upon them to appear before the Court. They appeared on 24.03.2026. Post the



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enquiry of the spouses, this Court directed them to appear before a senior mediator and an advocate practicing before this Court. I adjourned the matter for the report of the mediator. The mediator has sent a report that she made an attempt to settle the matter, but unfortunately, both the parties were not willing for the same. The report dated 26.03.2026 has been placed before this Court.

5.The Supreme Court in **Amardeep Singh Vs. Harveen Kaur, 2017 (8) SCC 746**, had held that if a marriage is irretrievably broken down, forcing the parties to stay together for a period of six months itself would amount to increasing the agony of parties, who are already suffering. The Supreme Court had directed that the Family Court is entitled to waive off the cooling period, taking into consideration the prevailing situation.

6.Since an attempt has been made to re-conciliate/mediate between the parties and as it has failed, I do not find any purpose in retaining the tie for the sake of law alone. Both the parties have expressed before this Court that they are not willing to re-join. The further attempt at mediation has also failed.



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WEB COPY 7.Hence, following the judgment in **Amardeep Singh's case**

cited supra, this Civil Revision Petition stands allowed. The order passed by the learned Special Judge for Family Court, Madurai, dated 02.12.2025, in I.A.No.2 of 2025 in H,M.O.P.No.1519 of 2025 is set aside. I.A.No.2 of 2025 will stand allowed. The petitioners shall appear before the learned Judge, Family Court at Madurai, on the next date of hearing, i.e. **on 20.05.2026**. The learned Judge, Family Court at Madurai, is requested to enquire as to whether the parties still stand by the averments made in the petition. If they state so, the learned Judge shall pass orders under Section 13B of the Hindu Marriage Act, 1955, dissolving the marriage entered into between the petitioners on 08.09.2024. No costs.

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

20.04.2026

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To

The Special Judge, Family Court, Madurai.

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V. LAKSHMINARAYANAN, J.

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