

Court No. - 39

Case :- FIRST APPEAL No. - 1255 of 2023

Appellant :- Pradeep Sahu

Respondent :- Smt. Priya Sahu

Counsel for Appellant :- Suresh Kumar Gupta

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Shiv Shanker Prasad, J.

1. Having heard Shri Suresh Kumar Gupta, learned counsel for the appellant, we find no good ground to interfere in the order dated 7.10.2023 passed by Principal Family Judge, Kanpur Nagar, rejecting the application filed by the appellant under Section 14 of the Hindu Marriage Act, 1955 (hereinafter referred to as the Act) seeking waiver of the mandatory period of one year from the date of marriage.

2. Admittedly, both parties got married on 23.02.2023 whereas divorce petition has been instituted by the appellant under Section 13 of the Act in October 2023 itself i.e. within eight months.

3. Whatever be the correctness or otherwise in the fact allegations made in the divorce petition, at the moment, those allegations are wholly *ex-parte*.

4. In the context of the recent marriage and it not being the case of joint petition filed under Section 13B of the Act, we find, parties must abide by the timelines provided under the Act for the purpose of dissolution of marriage sought by the appellant.

5. Accordingly, the present appeal is **dismissed**. It is however left open to the appellant to file fresh petition upon passage of due time. If such motion is brought before the learned court below, the same may be tested on its own merits, without being prejudiced by observations made in this order or order impugned in the present appeal.

Order Date :- 21.11.2023

Prakhar

(Shiv Shanker Prasad, J.)

(S. D. Singh, J.)