

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5221 of 2023

Petitioner :- Avinash Kumar Singh

Respondent :- Principal Judge, Family Court, Lko. And
Another

Counsel for Petitioner :- Vinay Kumar Tiwari

Hon'ble Rajnish Kumar,J.

1. Heard Sri Vinay Kumar Tiwari learned counsel for the petitioner.
2. This petition has been filed for direction for disposal of Case no.2803 of 2023 (Sanjukta Singh vs Avinash Kumar Singh) within stipulated period.
3. Relying on the judgment of the Hon'ble Supreme Court in case of **Amardeep Singh vs Harveen Kaur** in Civil Appeal no.11158 of 2017 learned counsel for the petitioner submits that the period of second motion in a divorce petition on mutual consent under Section 13B of Hindu Marriage Act can be reduced.
4. In the said judgment, Hon'ble Supreme Court has held that the waiver of the waiting period for the second motion will be under discretion of the concerned court and the liberty was granted to the parties to move before concerned court, whereas in the present petition the petitioner has not still moved to the concerned court.
5. Learned counsel for the petitioner after arguing at some length submits that petition may be dismissed as not pressed with liberty to move to the concerned Court.
6. Dismissed, accordingly, as not pressed with liberty as aforesaid.

(Rajnish Kumar,J.)

Order Date :- 13.10.2023

Harshita