

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5563 of 2023

Petitioner :- Poonam Kakkad @ Poonam Hemwani

Respondent :- Court Of Learned Prin. Judge Family Court
Lko. And Another

Counsel for Petitioner :- Anand Kumar Sharma, Vaibhav
Sharma

Hon'ble Rajnish Kumar,J.

Heard Shri Vaibhav Sharma, learned counsel for the petitioner.

Learned counsel for the petitioner submits that the petitioner and the opposite party no.2 have filed a suit under Section 13(B) of the Hindu Marriage Act for dissolution of marriage by mutual consent which has been registered as Matrimonial Case No.3153 of 2023. Since all the disputes have been settled and permanent alimony money has also been received by the petitioner, therefore petitioner and the opposite party no.2 have jointly moved an application for waiving off the cooling period as prescribed under Section 13(B)(2) of the Hindu Marriage Act and in accordance with the law laid down by the Hon'ble Supreme Court in SLP Civil No.20184 of 2017; Amardeep Singh Vs. Harveen Kaur passed on 12.09.2017 but without considering the said application, the case has been fixed for mediation on 16.11.2023 and thereafter for second motion on 04.04.2020.

In view of above, learned counsel for the petitioner makes an innocuous prayer for a direction to the concerned court to consider and dispose of the application for waiving off the cooling period within some short stipulated period.

Considering the nature of order proposed to be passed, the requirement of issuance of notice to the opposite party no.2 is dispensed with.

Without entering into the merit of the case, this petition is **disposed of** with liberty to the petitioner to move an application for expeditious disposal of the application for waiving off the cooling period before the concerned court. In case any such application is moved within a period of one week from today, the same shall be considered by the concerned court in accordance with law after affording opportunity to the parties and appropriate order shall be passed thereon within a further

period of two weeks and proceed accordingly as per law.

(Rajnish Kumar, J.)

Order Date :- 31.10.2023
Haseen U.