

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 554 of 2016

Date of decision : January 29, 2016

Vivek Sharma

..... Petitioner

Versus

Vani Sharma

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vivek Sharma, petitioner in person.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

The petitioner has appeared in person and sought for issuance of direction to the learned court of Sh. Surinder Singh Sahni, ADJ, Amritsar:-

“i) to secure the presence of respondent-wife in the court for signing the petition under Section 13-B of the Hindu Marriage Act, 1955 for grant of divorce by mutual consent in view of the Family Settlement dated 16.6.2015(Annexure P-2).

ii) to condone/waiver of 6 months period for grant of mutual divorce under Section 13-B of the Hindu Marriage Act.

lii) to pass any other appropriate order or direction, which this Hon'ble Court may deem fit and proper as per the facts and circumstances of the present case.”

It has been submitted that petition under Section 13 of Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') is pending for 3.2.2016 for appearance of respondent. The second prayer cannot be entertained as the petition is filed under Section 13 of the Act and not under Section 13-B of the Act.

It is prerogative of the respondent-wife either to appear or not. This court cannot compel the other party to appear before the court.

No ground is made out. Accordingly, the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

January 29 , 2016
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