

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.2876 OF 2017

ORDER:

In fact, the very relief sought for in the present Civil Revision Petition is to direct the Court below to waive the mandatory period of six (6) months to pass a decree of divorce under Section 13 (B) of Hindu Marriage Act, 1955.

2. Heard Sri T.V. Kalyan Singh, learned counsel for the petitioners, and perused the material on record.

3. The learned counsel would submit that the trial Court was postponing to hear before admission of O.P. No.32 of 2017 filed for decree of divorce by mutual consent and he has placed a typed copy of the proceedings sheet of the trial Court in the material papers which shows that on 12.06.2017, at request, ordered to call the case on 21.06.2017. The learned counsel, no doubt, tried to impress upon this Court by placing reliance in **Soni Kumari v. Deepak Kumar**¹ and a decision of the High Court of Uttarakhand / Uttaranchal in **Samardeep Singh v. Smt. Randeep Kaur**² and also a ruling in **Tallapaneni Sreekanth v. To Whomsoever Concerned** in C.R.P. No.983 of 2016 dated 29.02.2016, rendered by a learned Single Judge of this Court.

¹ 2016 (1) ALD 180 (SC)

² AIR 2011 Uttarakhand 22

4. However, the only direction that can be given now is to direct the petitioners to tender submissions, basing on the aforesaid rulings, before the Court below on the next date of hearing, in which event, the Court below shall consider the submissions and pass orders in accordance with law.

5. With the above directions, the Civil Revision Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the revision shall stand closed.

July 21, 2017.
PV

A. SHANKAR NARAYANA, J

