

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(114)

CWP-9044-2017

Decided on: May 01, 2017.

Anuj Garg

.... Petitioner

Versus

Additional District Judge, Jind, Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Ms. Alka Chatrath, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

Referring to the circumstance of parties being in litigation for a long period and exemption of waiver of six months under Section 13-B (2) of the Hindu Marriage Act being necessary for betterment of the parties and in the interest of justice, the petitioner appears to have filed application Annexure P-2 before the Additional District Judge, Jind, in the petition under Section 13-B of the Hindu Marriage Act.

Next date of hearing before the trial Court is 25.09.2017.

Perusal of order Annexure P-5 indicates that application of waiving of six months period has not been pressed before the learned Additional District Judge, Jind.

Without expression of any opinion whether the circumstances of the present case warrant waiver of the said period, I am of the considered opinion that if the application has been wrongly withdrawn and the circumstances warrant the waiving of the period as per the ratio of the judgments cited by counsel for the petitioner before this Court, it will be open to the petitioner or the respondent to move an application for waiver of the period of six months. In case, such an application is filed, the learned

Additional District Judge, Jind shall consider the said application in context to the circumstances and it will be open to the said Court to prepone the date of hearing and to permit the waiver of the period within a period of 15 days of filing of the application without prejudice to the right of the petitioner to approach this Court again.

All the judgments cited by counsel for the petitioner before this Court may be relied upon while moving fresh application for waiver of period of six months under Section 13-B (2) of the Hindu Marriage Act.

Disposed of with the above observations.

(M.M.S. BEDI)
JUDGE

May 01, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No