

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4443 OF 2018
(Madhuri Onkar Puri Vs. Onkar s/o Bharat Puri)

Mr.M.R.Andhale, Advocate for the petitioner.
Mr.V.S.Undre, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 27/09/2018

PER COURT :

1. The petitioner/wife is aggrieved by the order dated 29/11/2017 passed by the Trial Court thereby allowing application Exh.5 filed by the husband in HMP NO.42/2017 and his request of seeking a waiver of the statutory period of one year to present the divorce petition, had been accepted. Consequently, the proceedings lodged on 29/11/2017 were entertained and the waiver of the statutory period was granted with reference to the date of marriage 13/04/2017.

2. Learned Advocate for the petitioner relies upon the following judgments :-

[a] Anil Kumar Jain Vs. Maya Jain [AIR 210 SC 229]

[b] Ms.Urvashi Sibal and another Vs. Govt. of NCT of Delhi [AIR 2010 Delhi 157]

[c] Sureshta Devi Vs. Om Prakash [AIR 1992 SC 1904]

[d] Sharma H.Kasinath Vs. Smt.Shoba [AIR 2010 Karnataka 168]

3. Learned Advocate for the respondent husband/original applicant

submits that this petition was filed on 07/03/2018 and was heard for the first time on 09/07/2018. This Court permitted the petitioner/wife to seek an adjournment before the Trial Court and as such the proceedings before the Trial Court have been continuously adjourned without any progress.

4. I find that this petition is rendered infructuous for the reason that the embargo of Section 14 of not presenting a petition for divorce within 1 year of the marriage is no longer applicable as the litigating sides have completed one year of marriage on 30/04/2018. 5 months have passed thereafter and as such the marriage is 1 year and 5 months old. Now there can be no embargo for the Trial Court to adjudicate upon HMP No.42/2017.

5. Considering the above, this petition is disposed of, as being infructuous.

(Ravindra V.Ghuge, J.)

**Kranti
Hansraj
Shekatkar**

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by Kranti Hansraj
Shekatkar
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