

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6948 OF 2018

SONY @ SNEHA SATISH ATHAWALE AND ANR
VERSUS
NIL

...
Advocate for Petitioners : Shri Tungar Hrishikesh V.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 01, 2018

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PER COURT :-

1. On 26.7.2018, the following order was passed.

“1. This is a joint petition filed by the wife and the husband for challenging the order dated 15/05/2018 passed by the learned Principal Judge, Family Court, thereby, refusing to waive the period of six months prescribed under Section 13-B(1) of the Hindu Marriage Act, 1955.

2. The learned Advocate for both the petitioners submits that though the petition for divorce by mutual consent was dismissed on 18/05/2016 by the order of the Family Court, the husband preferred FCA No. 16/2016 before the High Court, which is pending. It is submitted that as the parties have verified the terms of the compromise in the FCA, they would seek the disposal of FCA No. 16/2016 expeditiously.

3. Stand over to 08/08/2018 for 'passing orders'.

4. Liberty is granted to circulate this matter as and when the pending FCA proceeding is disposed of.”

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2. Learned counsel for the husband and the wife, who are joint petitioners, submits that FCA No.16 of 2016 has been settled and disposed off by the order of this Court dated 27.7.2018.

3. It is, therefore, obvious that the husband and the wife desire a divorce by mutual consent.

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4. In view of the same, the impugned orders dated 15.5.2018, by which the application for waiver of six months' period has been rejected and the order dated 15.5.2018, referring the matter to the Marriage Counsellor are quashed and set aside. The request of both these petitioners for waiver of the six months' period is accepted. They are, therefore, at liberty to proceed with petition F-31 of 2018 before the learned Principal Judge, Family Court, Nanded.

5. The Writ Petition is allowed accordingly.

(RAVINDRA V. GHUGE, J.)

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