

CR-4877-2018

Date of Decision: 01.08.2018

Kamna Wadhera

.....Petitioner

Versus

Jatin Sehgal

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**Present:** Mr. Pushpinder Kaushal, Advocate
for the petitioner.**DEEPAK SIBAL, J. (ORAL)**

Through the present petition, a direction is sought to be issued to the Additional District Judge, SAS Nagar, Mohali (for short 'the Trial Court') to expeditiously adjudicate upon the application jointly filed by the petitioner and the respondent under Section 14 of the Hindu Marriage Act, 1955 (for short 'the Act').

The facts in brief which require to be noticed to adjudicate upon the present petition are that marriage between the petitioner and the respondent was solemnized on 22.09.2017 at Chandigarh. However, through a petition filed under Section 13-B of the Act they sought dissolution of their marriage with mutual consent. Since such petition had been filed within one year of their marriage, along with the petition they filed an application under Section 14 of the Act seeking leave of the Court to hold their divorce petition to be maintainable.

Learned counsel for the petitioner submits that the application under Section 14 of the Act has been filed by the parties on 17.07.2018 in which notice was issued by the Trial Court. He submits that no notice

was required to be issued as there was no respondent therein since the application had been filed jointly by both husband and wife who were represented by one counsel. He further submits that in case the application is not adjudicated upon by 29.09.2018, it would be rendered infructuous.

Since the divorce petition, filed by the parties seeking dissolution of their marriage by way of mutual consent has been filed within one year of their marriage, the same would be entertained only if their application under Section 14 of the Act is allowed. The marriage between the parties was solemnized on 22.09.2017 and their application under Section 14 of the Act would virtually be rendered infructuous beyond 22.09.2018. Once both the parties have filed a joint application and represented by one counsel, there was no need to issue notice. The application could have been decided then and there.

In view of the above, on the next date fixed in the application or within one week thereafter, the Trial Court is requested to finally adjudicate upon the application filed by the petitioner under Section 14 of the Act in accordance with law.

The petition is allowed in above terms.

(DEEPAK SIBAL)
JUDGE

01.08.2018

Neha

Whether Speaking/Reportable : Yes/No

Whether Reportable : Yes/No