

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

214

FAO-2680-2015 (O&M)

(converted to petition u/s 13-B
of Hindu Marriage Act 1955)

Date of Decision: 22.10.2018

JASBIR SINGH

....Petitioner No.1.

and

MONIKA

.... Petitioner No.2.

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Petitioner No.1 in person with
Mr. Dinesh Arora, Advocate

Petitioner No.2 in person with
Ms. Sushma Singh, Advocate.

RAKESH KUMAR JAIN, J. (ORAL)

This appeal (FAO-2680-2015) has arisen from the order dated 17.1.2015 passed by the District Judge, Family Court, Gurgaon, by which petition filed by the appellant husband under Section 13 (1) (ia) & (ib) of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') for dissolution of marriage by way of decree of divorce, was dismissed.

During pendency of this appeal, on 25.10.2017, the matter was referred to the Mediation and Conciliation Centre of this Court for exploring the possibility of settlement between the parties. Accordingly, the parties to the lis have arrived at a settlement on 23.05.2018 and decided to part ways on mutual terms. Accordingly, an application for

conversion of the appeal into a petition under Section 13-B of the Act was filed for seeking decree of divorce by mutual consent, which was allowed vide order dated 23.08.2018.

On 31.8.2018, parties had come present in the Court and got recorded their statements at the first motion stage. Hearing of the case was deferred to 7.3.2019 for recording the statements of the parties at the second motion stage. In the meantime, an application bearing CM No.21534-CII-2018 was filed jointly by both the parties for seeking preponement of the date of hearing and for waiving of the statutory period of six months. On the said application, an order was passed on 8.10.2018 which reads as under:-

“After recording statements of both the parties at first motion stage and permitting the parties to convert the present appeal into proceedings under Section 13-B of the Hindu Marriage Act, the case was adjourned for 07.03.2019.

Through the instant application, a prayer has been made for waiving of statutory period of six months provided under Section 13-B (2) of the Hindu Marriage Act.

The date of hearing is preponed from 07.03.2019 to today.

We have considered the facts and circumstances of the case in the light of the observations in **Amardeep Singh Vs. Harveen Kaur, 2017 (4) R.C.R. (Civil) 608** and are of the opinion that since parties are residing separately w.e.f. February, 2012 i.e. 5-6 years prior to the first motion stage; the efforts of reunion having failed; and the parties having genuinely settled their differences, the waiting period of six months provided under Section 13-B (2) of the Hindu

Marriage Act is condoned. Misc. application stands allowed accordingly.

For appearance and recording of the statements of both the parties at second motion stage, adjourned to 22.10.2018.”

As a result of the aforesaid, both the parties are present in Court today as well and their statements have been recorded separately at second motion stage. We have asked both of them separately as to whether they are still ready and willing to part ways by way of decree of divorce in terms of the petition they have filed under Section 13-B of the Act. Both the parties namely Jasbir Singh (husband) and Monika (wife) have given their consent to file petition under Section 13-B of the Act. They have stated that they do not want to live together and are sticking to their statements made at the first motion stage.

Thus, in view thereof, the present petition filed under Section 13-B of the Act is hereby allowed and the marriage of the parties which was performed on 5.2.2011 is hereby dissolved by decree of divorce by mutual consent.

Decree sheet be prepared accordingly.

(RAKESH KUMAR JAIN)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

22.10.2018.
SwarnjitS

Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO