

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

FAO 8567 of 2017

Nupur Kalyan

.....Appellant

Versus

Bhupinder Chauhan

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE GURVINDER SINGH GILL.

Present: Mr. Nonish Kumar, Advocate for the appellant.
Mr. Vimal Kumar Gupta, Advocate for the respondent.

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

This appeal has been preferred by appellant-wife aggrieved by the order dated December 14, 2017 dismissing a joint petition filed by the appellant and respondent for waiver of six months statutory period under Section 13 B of the Hindu Marriage Act, inter-alia on the ground that no effort for reconciliation appear to have been made to settle the dispute between the parties and observing that Section 9 of the Family Courts Act imposes a solemn duty upon the Court to make every endeavour to persuade the parties to arrive at a settlement. In this context the Court has relied upon the observations made in the case of **Amardeep Singh Vs. Hardeep Kaur**, JT 2017 (9) SC 106.

After going through the order we are of the opinion that the above said efforts could have been made by the Presiding Officer of the Family Court herself by calling the parties and getting their statements

recorded and determining the question of waiver in the light of parameters laid down in **Amardeep Singh's** case (supra).

Without expression of any opinion on merits of the case we deem it appropriate in the interest of justice to set aside the order dated December 14, 2017 and dispose of the appeal with a direction that the application for waiver of the statutory period under Section 13 B (2) of the Hindu Marriage Act will be reconsidered by the Family Court, Karnal by recording the statements of both the parties in context to the requirements of **Amardeep Singh's** case (supra) and after making an attempt for reconciliation.

Ordered accordingly.

In case the parameters of **Amardeep Singh's** case (supra) are found to be fulfilled, it will be open to the Additional Family Court, District Judge to pass a fresh order waiving the period of six months.

The said application will be decided expeditiously preferable within a period of 15 days to one month after the filing of the application.

(M.M.S. BEDI)
JUDGE

January 8, 2018
sanjay

(GURVINDER SINGH GILL)
JUDGE