

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.M-319 of 2017 (O & M)

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

Date of Decision: 12.11.2018

Honey @ Hunny

.Petitioner No.1

and.

Anju

.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. D.S. Malwai, Advocate

Petitioner No.2 in person with
Mr. D.S. Gurna, Advocate

RAKESH KUMAR JAIN, J. (ORAL)

CM-24056-CII of 2018

This is an application for waiving off the statutory period of six months as provided under Section 13-B (2) of the Hindu Marriage Act, 1955.

For the reasons mentioned in the application and in the light of the observations made in Amardeep Singh Vs. Harveen Kaur, 2017 (4) R.C.R. (Civil) 608, we are of the opinion that since parties are residing separately; 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, 1955 is waived

Misc. application is allowed.

The date of hearing is preponed from 29.03.2019 to today .

Main Case.

This appeal (FAO-319-2017) has arisen from the judgment and decree dated 04.10.2017 passed by the Additional District Judge, Patiala by which petition filed by the appellant-husband under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') for dissolution of marriage by way of a decree of divorce, was dismissed.

During the pendency of this appeal, the parties to the lis have arrived at a written settlement on 29.08.2018 (Ex.CX) and decided to part ways on mutual terms. Accordingly, an application (CM No.20589-CII of 2018) 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 27.09.2018.

On 27.09.2018, parties had appeared in the Court and recorded their statements at the first motion stage. Hearing of the case was deferred to 29.03.2019 for recording the statements of the parties at the second motion stage.

Both the parties are present in Court today 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 a decree of divorce in terms of the settlement. Both the parties namely Honey (husband) and Anju (wife) 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 27.06.2012 is hereby dissolved by a decree of divorce by mutual consent.

Decree sheet be prepared accordingly.

(RAKESH KUMAR JAIN)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

12.11.2018
A.Kaundal

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No