

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

FAO-M-345-2018 (O&M)

Date of Decision: 03.12.2018

PRIYA GARG

..... Appellant

V/s.

ANKUSH AGGARWAL

....Respondent

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

Present: Ms. Supriya Garg, Advocate
 for the appellant.

RAKESH KUMAR JAIN, J. (Oral)

In brief, marriage of the parties was solemnized on 10.03.2018. Though, they have lived together for a few days but the said marriage was not consummated. They decided to part ways by way of filing of petition under Section 13-B of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act'), therefore, they sought leave of the Court in terms of Section 14 of the Act. The said petition was dismissed on 21.05.2018 by the trial Court and against the said judgement, parties had filed an appeal before this Court i.e. **FAO-M-182-2018** which was allowed on 16.08.2018 and the order dated 21.05.2018 passed by the District Judge, Bathinda was set aside. The application filed under Section 14 of the Act was allowed and joint petition filed under Section 13-B of the Act was ordered to be restored. The parties were permitted to proceed ahead with the petition filed under Section 13-B of the Act in accordance with law and were further directed to appear before the District Judge, Bathinda on 01.09.2018. The parties have appeared before the District Judge, Bathinda on the date fixed and pressed the petition filed under Section 13-B of the Act and recorded their statement at the first motion stage on 04.09.2018. Thereafter, they moved an application for waiving of the statutory period of six months for the purpose of grant of decree of divorce by way of mutual consent but the said waiver has not been granted vide order dated 31.10.2018 and thus, the present appeal is preferred at the instance of the wife against the said order.

Notice of motion.

At this stage, Mr. Rajan Bansal, Advocate, accepts notice on behalf of the respondent and submitted that he has no objection if the present appeal is allowed and the matter is remanded back to the District Judge, Bathinda to decide the application/petition filed under Section 13-B(2) of the Act, dispensing with the statutory period of six months.

We have considered the facts and circumstances of this case and keeping in view the decisions of the Hon'ble the Supreme Court in the case of Amardeep Singh Vs. Harveen Kaur ; 2017(4) Civil Court Cases 001 (SC) and in the case of Kunal Sudhir Sangani Vs. Ishita Sangani ; 2015(2) RCR (Civil) 278, present appeal is hereby allowed and the order dated 31.10.2018 passed by the District Judge, Bathinda is set aside. The matter is remanded back to the District Judge, Bathinda to decide the petition filed by both the parties under Section 13-B of the Act without insisting upon the expiry of statutory period of six months before granting the decree of divorce by way of mutual consent.

Parties are directed to appear before the District Judge, Bathinda on 13.12.2018.

[RAKESH KUMAR JAIN]
JUDGE

December 3, 2018
Ess Kay

[ANUPINDER SINGH GREWAL]
JUDGE

Whether speaking / reasoned :	Yes	/	No
Whether Reportable :	Yes	/	No