

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 46 of 2019
Date of decision: 19.3.2019

Nav Raj Bhatta and Niranjana

.. Petitioners

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Harish Chhabra, Advocate for the petitioners.

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AVNEESH JHINGAN, J. (Oral)

The present civil revision petition has been filed being aggrieved of the order dated 18.12.2018 passed by Additional District Judge, SAS Nagar, Mohali dismissing the application for waiving off the statutory period of six months for second motion, statement to be made in proceedings under Section 13-B of the Hindu Marriage Act, 1955 (for short, 'the Act').

The facts in brief are that the petitioners (husband and wife) are doctors and are working with M/s Steiner Transocean Ltd., a Bahamas International Business Company. Their marriage was solemnised on 16.10.2012. No child was born out of the wedlock. The couple is residing separately since November, 2017. They reached to the conclusion that there is no possibility of resuming cohabitation or rehabilitation. A petition under Section 13-B of the Act was filed. Along with the petition, an application was moved for waiving of six months statutory period. The statements were recorded under Section 13-B of the Act but the application was dismissed,

hence the present civil revision petition.

The petition has been jointly filed by the husband and the wife with the prayer that there is no chance of cohabitation and rehabilitation, statutory period of six months be waived off. It is pleaded that both are doctors on the ship and would be sailing soon and it would not be possible for them to be present in the court for making statements for the second motion on the next date, i.e., 8.7.2019.

The matter was sent to the Mediation and Conciliation Centre of this Court to give another chance to the parties to bridge their differences. Report of the Mediator has been received that they want to part ways.

In the facts of the case, reliance can be placed on the decision of the Supreme Court in **Amardeep Singh v. Harveen Kaur, 2017(4) R.C.R. (Civil) 608**, whereby six factors to be considered by the court for waiving off the statutory period have been mentioned. The same are quoted below:

- “i) How long parties have been married ?
- ii) How long litigation is pending?
- iii) How long they have been staying apart?
- iv) Are there any other proceedings between the parties?
- v) Have the parties attended mediation/conciliation?
- vi) Have the parties arrived at genuine settlement which takes care of alimony, custody of child or any other pending issues between the parties?”

In the present case, the parties are living separately since November, 2017. Both are educated being doctors and no other proceedings are pending between them. The parties have arrived at a

genuine settlement as is evident from the report of the Mediator. Waiting for the date of second motion would only increase the agony and affect their future.

Considering the facts and circumstances, the statutory period of six months as required by Section 13-B of the Act is waived off. Learned counsel for the petitioners states that the parties would appear before the concerned court on or before 23.4.2019 for second motion.

The revision petition stands disposed of.

(AVNEESH JHINGAN)
JUDGE

19.3.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No