

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 1180 of 2019
Date of decision:20.2.2019

Deepika Thukral

.. Petitioner No. 1

AND

Sachin Thukral

.. Petitioner No. 2

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Gursimran Singh Madaan, Advocate for petitioner No. 1.
Mr. Yagyaang Ajay, Advocate for petitioner No. 2.

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AVNEESH JHINGAN, J. (Oral)

The present civil revision petition has been filed being aggrieved of the order dated 4.1.2019 passed by the Additional Principal Judge, Family Court, Ludhiana dismissing the application for waiver of statutory period of six months as per Section 13-B of the Hindu Marriage Act, 1955 (for short, 'the Act').

The facts in brief are that marriage of the petitioners was solemnised on 11.8.2010. They were blessed with a daughter in April, 2011. Thereafter, a son was born on 19.1.2016. Due to some differences, it is pleaded that the parties are residing separately since September, 2017. A petition under Section 13-B of the Act was filed on 21.12.2018 and the statements of both the parties were recorded. The date for second motion is fixed for 1.7.2019. In the meantime, an application was moved seeking

waiver of statutory period of six months for making final statements. The same was dismissed vide impugned order, hence the present revision petition.

Learned counsel for the petitioners state that the parties are residing separately since September, 2017, there is no chance of any amicable settlement, the period of six months be waived off. Reliance is placed upon the decision of the Supreme Court in **Amardeep Singh v. Harveen Kaur, (2017) 8 SCC 746.**

The contentions raised lack merit. The impugned order calls for no interference. The reliance on the decision of the Supreme Court in **Amardeep Singh's case (supra)** is not well founded. It has not been held by the Supreme Court that in every case, the period of six months for giving the final statements shall automatically be waived off. It is only in exceptional circumstances that such measure is to be resorted. It would be necessary to note the fact of the present case that the parties are married for almost eight years and they are blessed with two children. The son was born in January, 2016 which itself means that everything was going smooth till then. It has been pleaded that in September, 2017 they separated. The dissolution of marriage does not only affect the husband and wife rather the sufferers are the children. In order to safeguard the interest of the minor kids, the cooling-off period is provided to the parties so that if they can resolve their mutual differences.

Learned counsel for the parties relies on decisions of this Court in Civil Revision No. 14322 of 2018—**Sonia v. Mahesh Kumar Soni** decided on 17.1.2019 and Civil Revision No. 6356 of 2018—**Anilesh Yadav v. Swati Yadav**, decided on 24.9.2018. The same are of no help as

learned counsel for the parties have not been able to point out that in any of the aforesaid cases, interest of the children was involved. Each case is to be decided on the facts of its own case. There cannot be any straitjacket formula.

Accordingly, the present revision petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

20.2.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No