

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

CR-3768-2019

Date of decision:-20.8.2019

Harpreet Singh

...Petitioner

Versus

Kamalpreet Kaur Sidhu

...Respondent

**CORAM: HON'BLE MR.JUSTICE H.S.MADAAN**

Present: Mr.Ishan Gupta, Advocate  
for the petitioner.

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**H.S. MADAAN, J.(ORAL)**

Ms.Kamalpreet Kaur Sidhu and her husband Harpreet Singh had filed a petition under Section 13-B of the Hindu Marriage Act for dissolution of their marriage by a decree of divorce with mutual consent before District Judge, Sangrur, which was assigned to Additional District Judge, Sangrur, where statements of the parties on first motion were recorded on 10.4.2019. An application was filed by the petitioners for dispensing with the statutory period of six months. The said application was adjourned to 30.4.2019 for consideration by the trial Court. However, the trial Court proceeded to record statements of petitioners on second motion on that very day and fixed the date for passing of final order for 10.5.2019. However, on that day, the trial Court recorded that application for dispensing with the period of six months is still pending and that although, second motion statements of the parties were recorded in her presence but the fact was not brought to her notice that an application for

dispensing with the period of six months was still pending, in that way, the parties have tried to mislead the Court. Therefore, application seeking dispensing with the period of six months was declined and the case was adjourned to 14.11.2019 for recording statements on second motion.

Aggrieved by the said order, the petitioner Harpreet Singh has approached this Court by way of filing a revision petition.

Petitioner Ms.Kamalpreet Kaur Sidhu had appeared through counsel in the Court on 31.5.2019. A perusal of the impugned order goes to show that the contentions recorded therein by the Presiding Officer are highly unconvincing. It is not believable that the Presiding Officer recorded statements of the parties on second motion without being aware of the facts and circumstances of the case and without going through the previous interim orders. She is supposed to be aware of pendency of application for dispensing with the statutory period of six months and the parties cannot be accused of misleading the Court in that way. The application for dispensing with the statutory period has been dismissed solely for that reason and not on merits.

Learned counsel for the revisionist has referred to judgment **Amandeep Singh Versus Harveen Kaur, 2017(4) RCR(Civil)608** by the Apex Court, wherein it was observed that period mentioned in Section 13B(2) is not mandatory but directory and it is open to the Court to exercise its discretion in the facts and circumstances of each case where there is no possibility of parties resuming cohabitation and there are chances of alternative rehabilitation; in that eventuality the statutory period should be waived.

Strangely enough, the trial Court after recording statements of the parties on second motion has again posted the case for that very purpose for 14.11.2019.

The order in question is not sustainable and the same is set aside by way of acceptance of the revision petition.

The trial Court is directed to dispose of the application seeking dispensing with the period of six months by way of a speaking order giving reasons for arriving at the conclusion. The parties are directed to appear before the trial Court on 5.9.2019.

Ordered accordingly.

A copy of this order be sent to the trial Court through District & Sessions Judge, Sangrur for information and necessary compliance.

20.8.2019  
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**(H.S.MADAAN)**  
**JUDGE**

**Whether reasoned/speaking : Yes/No**

**Whether reportable : Yes/No**