

CR No.3985 of 2019 (O&M)
Date of Decision: 2.7.2019

Bikramjot Singh Bakshi

.....Petitioner

Versus

Rupneet Kaur

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

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

NIRMALJIT KAUR, J. (ORAL)**CM-13680-CII-2019**

Allowed as prayed for.

CR-3985-2019

The present civil revision petition has been filed against the order dated 13.5.2019, whereby, the application filed by the petitioner to waive off the statutory period of six months prescribed under Section 13-B of the Hindu Marriage Act, 1955 (for short, 'the Act'), has been dismissed by the learned Additional District Judge, Chandigarh on the ground that the petitioners are not residing separately since long and the matter can be reconciled between the parties, by making efforts of reconciliation at some point of time.

Both, the petitioner-husband and the respondent-wife are present in Court. They were heard. They seem determined to part company. They are educated and are living separately since June, 2017. Almost two years have passed since then. After talking to them, it is evident that there is no chance of their staying together. The marriage seems to have been irretrievably broken up. The fact that both are present today before this Court in support of the present revision petition seeking the waiving off the

statutory period of six months further shows that all chances of reconciliation are over. The effort to send them before the Mediation Centre too has failed. They have point blank refused to undergo the same. In view of the fact that all the efforts made by near and dear once and families have failed to bring them together, no useful purpose would be served in delaying the matter. Further, it cannot be said that they are not staying separately since long. In fact, it is admitted by both the parties that they are living separately since June, 2017, which was almost two years ago i.e. a sufficient period for them to have made up their minds for living together, in case they wished to do so.

The efforts made today by this Court to bring them together too have failed. Hence, this Court has no doubt in its mind that refusing to waive off the period of six months would only result in aggravating the agony being suffered by both the parties and their respective families.

In view of the above and the law laid down by the Hon'ble Apex Court in the case of Amardeep Singh vs. Harveen Kaur, 2017(4) RCR (Civil) 608, the impugned order dated 13.5.2019 is set aside with a direction to the trial Court to pass an appropriate decree after waiving off the statutory period of six months as envisaged under Section 13-B of the Act in accordance with law.

(NIRMALJIT KAUR)
JUDGE

2.7.2019
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No