

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

CR No.5061 of 2019 (O&M)

Date of Decision: 26.09.2019

Kunal Arora

..... **Petitioner**

Versus

Priya Arora

..... **Respondent**

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

It has been argued on behalf of the petitioner that the impugned order dated 22.07.2019 (Annexure P-7) is not in consonance with the guidelines laid down by the Apex Court in “*Amardeep Singh vs. Harveen Kaur*”, 2017(4) RCR (Civil) 608, inasmuch as the parties had already resolved their differences, and had also been living separately from each other for more than 1½ years before filing of the petition under Section 13-B of the Hindu Marriage Act, and there is no chance of any reconciliation between them.

2. This Court is, however, not in agreement with the submission because perusal of the application in question, by way of which, prayer for waiver of the statutory period was made (Annexure P-8), goes to show that there is no mention whatsoever as to how waiting period was likely to prolong agony of the parties, which is specifically mentioned by the Hon'ble Supreme Court in Guideline No.(iv) noted in para No.18 of its judgment in *Amardeep Singh's case (supra)*.

3. Faced with this, Ld. Counsel for the petitioner submits that clearly in the circumstances, the defect was on account of improper drafting of the application by the concerned Counsel, for which the parties should not be made to suffer. He, therefore, seeks liberty of this Court for permitting the parties to file a fresh application for waiver of the statutory period with a proper description as to how the guidelines specified in the Hon'ble Supreme Court's judgment are to be met, in the facts and circumstances of the case.

4. In view of the above submission, the revision petition is permitted to be dismissed as withdrawn with liberty to the parties to file a fresh application with better particulars before the Ld. Court below, after which the Court shall give a hearing to the parties and take its decision in accordance with law, preferably within a fortnight after filing of such application.

(SUDIP AHLUWALIA)
JUDGE

September 26, 2019

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No