

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 1006 of 2019

- Anshul Singh Thakur, S/o Late Ganesh Singh Thakur, Aged About 36 Years, R/o Adarsh Colony Bilaspur, District-Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- Smt. Dipika Thakur, W/o Anshul Singh Thakur, Aged About 31 Years, R/o Shubham Vihar, Bilaspur, District-Bilaspur, Chhattisgarh.

---- Respondent

For petitioner	:	Mr. Hemant Kesharwani, Advocate.
For respondent	:	Mr. Krishna Kumar Dewangan, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

02/01/2020

Heard.

1. The petition has been brought being aggrieved by the order dated 4.11.2019 passed by the Court of District Judge, Mungeli, by which the application jointly filed by the petitioner and respondent herein under Section 13B(2) of the Hindu Marriage Act, 1955 (for short 'the Act, 1955') has been posted for hearing after a period of 6 months i.e. on 6.5.2020.
2. It is submitted that the petitioner and respondent got married on 2.12.2011. Their marital relationship did not went on well and because of the serious differences between them, both are living separately since November, 2017. Under these circumstances, both the parties agreed to divorce each other and accordingly, an application under Section 13B(2) of the Act, 1955 was filed before the Court below on 30.10.2019. It is submitted that cooling-off period as provided under Section 13B(2) of the Act is not mandatory and it is only directory in

nature as held by Hon'ble Supreme Court in the matter of Amardeep Singh v. Harveen Kaur, reported in (2017) 7 SCC 746. The application filed by both the parties for relaxation of cooling-off period has not been considered and decided by the Court below. Reliance has been placed on the order of this Court passed in WP227 No.253/2018 and the judgment of a Division Bench of this Court dated 27.10.2019 passed in FAM No.70/2018. Hence, this petition is filed.

3. As it is found that the application for relaxation of cooling-off period is still pending before the Court below, it would be appropriate to dispose off this petition with a direction to the Court below to consider and decide the said application in accordance with law, after affording opportunity of hearing to both the parties. It is ordered accordingly.
4. The petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha