

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

CR No. 425 of 2020

Date of decision: 23.01.2020.

Lalita

..... Petitioner.

Versus

Prince Panchal

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. S.K. Tripathi, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has impugned the order dated 09.01.2020 whereby the application preferred by her and the respondent for waiving off the statutory period under Section 13 (B) (2) of the Hindu Marriage Act, 1955, has been declined.

Learned counsel for the petitioner contends that the parties are residing separately for almost two years. He also contends that no child was born out of the wedlock. He has also relied upon the judgment of the Supreme Court in the case of Amardeep Singh v. Harveen Kaur, 2017 (4) R.C.R. (Civil) 608 and prayed that the statutory period of six months may be waived off.

Mr. N.R. Saini, Advocate, has put in appearance for the respondent and filed 'vakalatnama', which is taken on record. He states that as the parties are residing separately for almost two years, there is no chance of reconciliation between them. They have arrived at a mutual settlement and the respondent has paid a sum of ₹7,00,000/- to the petitioner in full and final settlement.

Heard.

The parties are residing separately for almost two years. They have arrived at a mutual settlement to part ways. The respondent has paid a sum of ₹7,00,000/- to the petitioner in full and final settlement. I do not find any scope for reconciliation, especially after a settlement has been arrived at between the parties and the alimony in full and final settlement has been received by the petitioner from the respondent. Therefore, it would be in the interest of justice if the statutory period of six months for the second motion statement is waived off. The statement on first motion was made on 30.10.2019.

Consequently, the revision petition is allowed and the statutory period of six months for recording second motion statement is waived off.

The parties shall appear before the Family Court concerned for recording their statements on 28.01.2020.

(ANUPINDER SINGH GREWAL)
JUDGE

23.01.2020
Ramesh

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