

Shivansh Mangla

...Petitioner

Versus

Priyanka Gupta alias Shreya

...Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Shivansh Mangla and Priyanka Gupta alias Shreya in person
with Mr. Deepender Singh, Advocate
for the parties.

ALKA SARIN, J (ORAL)

1. The present revision has been filed challenging the order dated 16.12.2019 whereby the application filed for waiver of statutory period of six months for recording of the second motion has been dismissed. The parties to the lis had got married on 24.11.2017 and have been living separately due to temperamental differences and there has been no cohabitation since 03.12.2017. Both the parties filed a petition under Section 13-B of the Hindu Marriage Act, 1955, for divorce by mutual consent. On 19.11.2019, their statements were recorded and the matter was fixed for recording of the second motion on 26.05.2020. On 09.12.2019, the parties to the lis filed an application for waiver of the six months' period as provided under section 13-B of the Hindu Marriage Act, 1955 for recording of second motion. The said application was dismissed on 16.12.2019. The present revision has been filed jointly by the parties, challenging the order dated 16.12.2019.

2. Learned counsel for the parties has relied upon a decision of the Apex Court in the case of “*Amardeep Singh vs. Harveen Kaur*”, **2017(4) R.C.R.(Civil) 608**. In the present case, all efforts for mediation/conciliation to reunite the parties have failed and there is no likelihood of the parties living together. All the issues in the present case have been settled between the parties including alimony, etc. and, hence, there are no other issues which remain pending between the parties.

3. In view of the above facts, the waiting period of six months would only prolong the agony of the parties. Hence, keeping in view the guidelines laid by their Lordships of the Apex Court in Amardeep Singh’s case (supra), I deem this to be a fit case to waive off the statutory period of six months for recording of the second motion.

4. Parties are directed to appear before the Court below on 18.02.2019 for recording of statements of the second motion and proceeding further in accordance with law.

Revision petition stands allowed in view of the aforesaid.

(ALKA SARIN)
JUDGE

07.02.2020
Manpreet

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No