

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CIVIL REVISION No.650 of 2020
DATE OF DECISION : 3rd FEBRUARY, 2020

Ramha Verma

.... Petitioner

Versus

Parvesh Kumar Verma

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Jagjit Singh, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner-wife; under Articles 227 of the Constitution of India; for setting aside the order dated 19.11.2019 (Annexure P-8) passed by the Additional District Judge (Family Court), Ludhiana at Jagraon; in case HMA-357-2019 titled as Parvesh Kumar Verma versus Ramha Verma filed under Section 13-B of Hindu Marriage Act, vide which the application dated 19.11.2019 (Annexure P-6) for waiving of the cooling period of six months, has been dismissed.

The counsel for the petitioner relies upon judgment of this court rendered in the case of *Sonia vs. Mahesh Kumar Soni, 2019(1) Law Herald, 719*, to contend that to mitigate the sufferings of the parties, the cooling period should have been waived of by the court below.

Notice of motion.

Mr. Sahil Nayyar, Advocate accepts notice on behalf of the respondent-husband and has filed his power of attorney, which is taken on record.

Learned counsel for the respondent has submitted that since the parties have decided to live separately because of the inherent incompatibility and there being no chance of continuing with the marriage, therefore, the respondent has no objection to waiving of the cooling period, rather he also prays for waiving of the cooling period.

The perusal of the file shows that the statement of first motion in this petition was recorded on 19.11.2019. The perusal of the file further shows that earlier also the parties had filed similar petition for dissolution of marriage by mutual consent. Even the statement of the first motion was recorded in that petition on 02.04.2019. However, before the date fixed for recording of statement of second motion, i.e., 15.10.2019, the petition had to be withdrawn only because of some differences between the parties regarding the payment and not due to possibility of reconciliation. Although, the said fact is not mentioned in the present petition, however, the parties have not disputed that fact, as such. Even in the present petition the statement of the first motion was recorded on 19.11.2019. The counsel for the parties have not disputed the fact that now all the disputes regarding payments in relation to the said marriage, have been settled. It has also not been disputed that the marriage has gone to a stage where it cannot be retrieved.

In the case of ***Amardeep Singh Vs. Harveen Kaur, 2017(4) RCR (Civil), 608***, the Hon'ble Supreme Court has held that requirement of cooling period is not mandatory, rather, the same is directory; and by exercising discretion in a proper case, the court can waive of the cooling period to mitigate the suffering of the parties. This court finds that the

facts of the present case fully justify the waiver of the cooling period.

Ordered accordingly.

In view of the above, the impugned order is set aside and the trial court is directed to proceed further by taking the cooling period as having been waived of.

Accordingly the petition stands disposed of.

3rd FEBRUARY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>