

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

CR No.1233 of 2020

Date of decision: 20th February, 2020

Dawinder Singh

... Petitioner

Versus

Navleen Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Dhawaljeet Dutta, Advocate for the petitioner.

FATEH DEEP SINGH, J.

Mr.Amandeep Singh, Advocate on his own puts in appearance and files his power of attorney on behalf of the respondent.

The background of the present revision petition is institution of a petition under Section 13-B of the Hindu Marriage Act, 1955 (in short, 'the Act') by present petitioner Dawinder Singh and his wife respondent Navleen Kaur seeking dissolution of their marriage through a decree of mutual divorce. In the said divorce petition, parties had filed an application for waiving off the statutory period of six months and which stood declined by the Court of learned Addl. Principal Judge, Family Court, Gurdaspur through impugned order dated 06.02.2020. The brief facts are that admittedly marriage between the couple took place on

04.04.2018 at Dinanagar, Tehsil and District Gurdaspur and the divorce petition has been filed on 27.01.2020. Apparently the application for waiving the statutory period is itself reflective from the impugned findings where it is the own case of the wife that she is on her way to migrate to Canada for which she has received her Visa and purchased her ticket for 05.03.2020 and which was the sole reason spelled out for seeking this waiving of the mandatory period.

The Supreme Court in '**Amandeep Singh vs. Harveen Kaur**' **Civil Appeal No.11158 of 2017 decided on 12.09.2017**, has gone into the question whether the minimum period of six months stipulated under Section 13-B(2) of the Act for passing of divorce on the basis of mutual consent is mandatory or can be relaxed in any exceptional circumstances. The Court has finally drawn the conclusion that the period detailed in Section 13-B(2) of the Act is not mandatory but directory and it is open to the Court to exercise its discretion in the facts and circumstances of each case where there is no possibility of the parties resuming cohabitation and there are chances of alternative rehabilitation.

In the impugned findings, the Court has considered this view that there was no apparent effort at resolution and mediation between the parties and which led to dismissal of the prayer. As has been noted by

this Court, it is more of an urgency to migrate abroad for which this waiver is being sought. It needs to be ensured that the Courts are not there to facilitate these endeavours of an individual for greener pastures abroad. Learned counsel for the parties could not convince this Court how there has been a legal necessity for waiving such a period and rather the petition is more of a litigation in luxury and there is no urgency and as such, this Court does not find any merit in the instant revision petition which stands dismissed at the threshold.

(FATEH DEEP SINGH)
JUDGE

February 20, 2020
rps

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