

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

122

CR No.1364 of 2020

Date of decision : 26.02.2020.

Manpreet Kaur

... Petitioner

Versus

Gurdev Singh

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Amit Arora, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking direction to the Family Court, Tarn Taran to waive off the statutory period of six months for recording the second motion statement in the petition preferred under Section 13 (B) (2) of the Hindu Marriage Act, 1955.

Learned counsel for the petitioner contends that the petitioner and the respondent had filed a petition for divorce on the ground of mutual consent and the statements of the parties at the stage of first motion were recorded on 28.11.2019. The parties have tried to reconcile their differences even with the intervention of the respectables and relatives, but they could not do so and they have decided to part ways amicably. He further contends that the petitioner is 21 years of age and intends to go to Canada to pursue her studies. She has to appear in IELTS examination. He also contends that the parties are residing separately for almost one and a half years and 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.

Issue notice to the respondent.

Mr. Parminder Singh Kanwar, Advocate, has put in appearance for the respondent and filed power of attorney, which is taken on record. He states that as the parties are residing separately for almost one and a half years, there is no chance of reconciliation between them. They have arrived at a mutual settlement and the respondent has paid a sum of ₹1,45,000/- to the petitioner in full and final settlement.

Heard.

It is apparent that the parties are residing separately for almost one and a half years. They have arrived at a mutual settlement to part company amicably. Efforts for reconciliation have failed. The petitioner wants to go to Canada to pursue her higher studies. The respondent has paid a sum of ₹1,45,000/- 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 statements on first motion were made on 28.11.2019.

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 concerned Family Court for recording their statements on 03.03.2020.

(ANUPINDER SINGH GREWAL)
JUDGE

February 26, 2020
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No