

S.No.107

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

CR No.2634 of 2020 (O&M)

Date of Decision:11.12.2020

Meena Rawat

.....Petitioner

Vs.

Himmat Rawat

.....Respondent

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Article 227 of the Constitution of India for setting aside the impugned order dated 29.10.2020 (Annexure P.4) passed by learned Principal Judge, Family Court, Amritsar, whereby the application for preponement of date from 29.04.2021 to any earlier date; submitted by both of the petitioner and respondent jointly; was dismissed on the basis of conjecture and surmises.

A bare perusal of the paper book shows that after the statement of First Motion was got recorded by the Family Court through Local Commissioner, the case was adjourned to 29.04.2021; so that the party could undergo the waiting period for recording the statement of the Second Motion. The parties moved the application for preponement of hearing. That application has been declined by the trial Court by observing that the Court did not find any ground to prepone the date of hearing. This Court

also does not find any illegality or impropriety with the order passed by the Court below.

Although the counsel for the petitioner has submitted that actually the parties made a prayer to the trial Court for waiver of the statutory period of six months for recording of the statement of the Second Motion, however, the said aspect has not been dealt with by the Court below. However, even this submission made by counsel for the petitioner is not substantiated by the contents of the application moved before the trial Court. Otherwise also, as the paper book shows; even the statement of the First Motion has been got recorded through the Local Commissioner on account of Covid-19 Pandemic situation. The Trial Court has never had any opportunity to have an interaction with the parties. Therefore, it would not be possible for the trial Court to waive off the statutory period. Hence, even on that count, this Court does not find any merit in the submissions made by counsel for the petitioner.

Accordingly, the present petition is dismissed.

December 11, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No