

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

111

CR-2613-2020

Date of decision: 09.12.2020

Archita Jain

.....Petitioner

versus

Shubham Bansal

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Sumeet Goel, Advocate for the petitioner.

Ms. Manju Goel, Advocate for the respondent.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Archita Jain, stated to be aged 26 years, has filed the present petition *inter alia* with a prayer for quashing/setting aside the order dated 04.11.2020 (Annexure P-1), passed by learned Principal Judge, Family Court, Kaithal, whereby, the application for waiving the statutory period of six months, under Section 13B of HMA, 1955, has been dismissed.

Notice of motion.

On asking of the Court, Ms. Manju Goel, Advocate, accepts notice on behalf of the respondent.

Learned counsel for the parties make a joint submission that an application was made for waiving off statutory period of six months under

Section 13B of Hindu Marriage Act 1955. It is submitted that vide the impugned order dated 04.11.2020, Principal Judge, Family Court, Kaithal has dismissed the said application.

It is further submitted that the petitioner and respondent had got married on 27.06.2019. Since there were certain differences, both the parties resolved and filed a petition for grant of divorce by mutual consent on 03.09.2020. Learned counsel further submits that since September till date, three months have already gone but no decision has been taken in the above said petition. Learned counsel further relies on the judgment passed by the Hon'ble Supreme Court of India in ***“Civil Appeal No.11158 of 2017 titled as Amardeep Singh vs. Harveen Kaur”***.

This Court in view of the above circumstances and especially in view of the fact that both the parties have jointly made request for waiving off the statutory period of six months and also the fact that three months have already gone by, deems it appropriate to direct that the application for waiving off, is allowed. Remaining period out of the statutory period of six months, is ordered to be waived and the trial Court is directed to proceed further with the matter, in accordance with law *de hors* the order dated 04.11.2020.

Civil Revision is disposed of accordingly in view of the above terms.

(GIRISH AGNIHOTRI)
JUDGE

09.12.2020
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Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No