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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 262/2020 & CM No. 7771/2020**
SONALI SONI

..... Petitioner

Through: Mr.Prabhjit Jauhar & Ms.Aishwarya,
Advs. alongwith the petitioner.

versus

UJJWAL SETHI

..... Respondent

Through: Mr.Deepak Dhingra, Ms.Rachita
Garg & Ms.Miranda, Advs. alongwith
with respondent.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **26.02.2020**

This petition has been filed challenging the Impugned Order dated 31.01.2020 passed by the learned Principal Judge, Family Court, Patiala House, New Delhi in HMA No. 70/2020 observing that the statutory period of six months under Section 13B(2) of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'Act') can be waived only if the first motion is filed after an expiry of eighteen months from the date the parties have started to live separately.

The petitioner and the respondent are personally present in Court. They submit that they have been living separately since October, 2018 and could not reconcile their differences. It is further submitted that there are no chances of any conciliation even in future. It is noted that the first motion under Section 13(B)(1) of the Act was allowed on 07.12.2019.

Subsequently, the parties filed the second motion on 25.01.2020. This Court in CM (M) 126/2020 titled, *Jaspreet Singh Lamba vs. Jasmine Kaur & Jasmine Anand*, while referring to the judgment of the Supreme Court in *Amardeep Singh v. Harveen Kaur*, (2017) 8 SCC 746, has observed that the period mentioned under Section 13B(2) of the Act is not mandatory but directory and it would be open to the Court to exercise its discretion in the facts and circumstances of each case. In the present case the party have clearly expressed their inability to reconcile their differences and to stay together.

In my view, this was a fit case for the learned Family Court to exercise its discretion to waive the six months period. Accordingly, the Impugned Order dated 31.01.2020 is set aside and the waiver application filed by the parties is allowed.

The petition is allowed in the above terms.

Dasti, under the signature of the Court Master.

NAVIN CHAWLA, J

FEBRUARY 26, 2020/rv