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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 446/2020**

KHUSHBOO PONWAR

..... Petitioner

Through

Mr.Tanmaya Mehta, Adv. along with
petitioner in person.

versus

TARUN SINGH PONWAR

..... Respondent

Through

Mr.Rohit Bhardwaj, Adv. along with
respondent in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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09.09.2020

This hearing has been held by video conferencing.

CM 22032/2020 (exemption)

Allowed, subject to all just exceptions.

CM(M) 446/2020

This petition has been filed by the petitioner challenging the order dated 19.08.2020 passed by the learned Principal Judge, Family Court, Central District, Tis Hazari Court, Delhi in HMA No.536/2020, whereby the learned Principal Judge has been pleased to reject the application of the petitioner seeking waiver of the statutory period of six months between the first and the second motion of divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955.

The parties got married to each other in accordance with the Hindu rites and ceremonies on 11.12.2004. Unfortunately, disputes arose between them and they decided to amicably part ways by executing a Consolidated MOU dated 15.06.2020.

The petition under Section 13B(1) of the Act was filed jointly by them before the learned Family Court and an order thereon was passed on 25.06.2020. The parties thereafter filed an application seeking waiver of statutory period of six months. In the application, it has been asserted that they have been living separately since January, 2018 and have not cohabited for more than two and a half years. It is further asserted that being young, they look forward to live their lives afresh by concentrating on their respective careers and future marriage prospects.

The application was dismissed by way of the Impugned Order.

Although normally this Court does not interfere with the exercise of discretion by the learned Trial Court, I have interacted with the parties who have appeared in Court through video conference and have been identified by the learned counsels for the parties. They have submitted that they have amicably settled their disputes and do not wish to stay in the matrimonial relationship any longer. The settlement also has certain financial terms and they need to be implemented urgently.

Having considered the submissions made, in my opinion, this was a fit case for the learned Family Court to have exercised the discretion in terms of the judgment of the Supreme Court in *Amardeep Singh vs. Harveen Kaur* (2017) 8 SCC 746. Accordingly, the order dated 19.08.2020 is set aside. The application filed by the parties seeking waiver of six months statutory period shall stand allowed.

The petition is allowed.

NAVIN CHAWLA, J

SEPTEMBER 9, 2020
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