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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ MAT.APP.(F.C.) 336/2019,C.M. Appl.No. 54937/2019 (17 days
Delay in filing appeal)

HARSH GUPTA

..... Appellant

Through: Mr. Ankur Aggarwal, Advocate with
appellant in person.

versus

MANISHA SINGAL

..... Respondent

Through: Mr. Piyush Gupta, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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04.02.2020

1. The petitioner is aggrieved by the order dated 23.10.2019, passed by the learned Family Court dismissing an application jointly filed by the parties under Section 14(1) of the Hindu Marriage Act, 1955, for seeking permission to present a petition under Section 13B (1) of the Hindu Marriage Act, 1955 in less than one year reckoned from the date of the marriage, on the ground of exceptional hardship faced by the parties.

2. A brief reference to the undisputed facts of the case are necessary. The marriage of the parties was solemnised on 25.01.2019 as per the Hindu rites and ceremonies at Rohini, Delhi. In less than 24 hours, both the parties found that they had such severe temperamental differences that they would not be able to cohabit and live with each other as husband and wife. It has been averred in the appeal that

though the marriage was not consummated, the respondent remained at the matrimonial home till 24.04.2019, whereafter, she left. With the intervention of relatives and friends the parties were able to arrive at a settlement which was reduced into writing vide Memorandum of Settlement dated 28.07.2019, whereunder both parties agreed that they shall cooperate with each other in filing a divorce petition by mutual consent.

3. Thereafter, on 18.09.2019 parties had jointly filed a petition under Section 14 (1) of the Hindu Marriage Act by invoking the proviso to the said provision and requesting the Family Court to allow the petition before the lapse of one year reckoned from the date of the marriage on the ground that it was a case of exceptional hardship. Vide order dated 23.10.2019, the learned Family Court dismissed the said application, thus resulting in filing of the present appeal.

4. Learned counsel for the parties jointly state that by now, the period of one year reckoned from the date of the marriage i.e. 25.01.2019, has expired and in view of the fact that the parties are proposing to file an application under Section 13B (1) of the Hindu Marriage Act for seeking divorce by mutual consent in the next few days, the Family Court be directed to consider the same and pass appropriate orders. They request that the Family Court be directed to dispose of the said petition as expeditiously as is possible since the parties have been living separately for the past one year and no useful purpose would be served by prolonging the proceedings.

5. The present petition is disposed of with liberty granted to the

parties to file a joint petition for divorce under Section 13B (1) of the Hindu Marriage Act. In the event the parties do so, the same shall be considered and appropriate orders shall be passed by the Family Court as expeditiously as is possible.

6. The petition is disposed of alongwith the pending applications.

HIMA KOHLI, J

ASHA MENON, J

FEBRUARY 04, 2020

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