

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.1022/2021

Raju s/o Kewalram Kakde and anr. .vs. Nil.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. V. U. Waghmare, Advocate for petitioners.

Mr. S. M. Ukey, A.G.P. Assisting the Court.

CORAM : V.M. DESHPANDE, J.

DATED : MARCH 12, 2021

This writ petition is filed jointly by husband and wife challenging the order passed by learned 3rd Joint Civil Judge Senior Division, Nagpur dated 22.01.2021 rejecting application filed on their behalf to waive statutory period of six months.

Heard Mr. Waghmare, learned counsel for petitioners and Mr. Ukey, learned A.G.P. assisting the Court.

On 17.04.2008, marriage of husband and wife took place. They got one son also. However, there was a discord in their marriage resulting into them residing separately from August, 2019. They decided to get their marriage dissolved by a decree of divorce. Therefore, they filed a petition under Section 13 (B) of the Hindu Marriage Act, 1955 on 14.12.2020 and both sought a decree of divorce. On the said day itself, they filed an application (Exh.5) for dispensing with statutory period of six months. That application came to be rejected on 22.01.2021.

The petitioners were residing separate from each other from August, 2019 and the petition for divorce is filed on 14.12.2020. Thus it was filed after a period of one year.

In the impugned order, it is observed by the learned Judge that the statutory period of six months will come to an end in the month of February, 2021. This petition was filed before this Court on 08.02.2021. Even as per the impugned order, the statutory period of six months is already over.

In that view of the matter, I pass following order.

ORDER

- (i) The writ petition is disposed of.
- (ii) Since the statutory period of six months is already over at the end of February, 2021, the learned 3rd Jt. Civil Judge Senior Division, Nagpur shall dispose of Hindu Marriage Petition No. 416/2020, in accordance with law.

JUDGE

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