

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.113

Civil Revision No.422 of 2021

DATE OF DECISION: February 26, 2021

CHAHAT SHARMA

..PETITIONER NO.1

VERSUS

DEEPANKAR KUMAR KASHAB

...PETITIONER NO.2

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Anil Kumar Sharma, Advocate, for the petitioners.

SUDHIR MITTAL, J. (ORAL)

Vide impugned order dated 04.02.2021 (Annexure P-3), the Additional Principal Judge, Family Court, Ludhiana has rejected the application of the parties for waiving the statutory period of six months despite finding that they have been living separately since 15.02.2019.

Learned counsel for the petitioners submits that the impugned order is non-speaking and deserves to be set aside on this short ground. That apart, the fact that the parties have been living separately since 15.02.2019 and the petition under Section 13B of the Hindu Marriage Act, 1955 was filed on 05.01.2021 shows that the parties have had sufficient time to reconsider their decision. Under the circumstances, the statutory period of six months should have been waived. He relies upon judgment dated 09.05.2019 passed in CR No.3071 of 2019 titled as '*Dharamveer vs. Rekha Maurya @ Rekha Rani*'.

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I have gone through the aforementioned judgment. The said judgment has been passed by placing reliance upon ***Amardeep Singh Vs. Harveen Kaur, 2017(4) RCR (Civil) 608***. All the conditions laid down in this judgment are satisfied in this case and thus, the trial Court was in error in refusing the application.

The revision petition is consequently allowed and impugned order dated 04.02.2021 (Annexure P-3) is set aside. Parties are directed to appear before the trial Court on 15.03.2021 for further proceedings.

February 26, 2021

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No