

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

112

**CR No.408 of 2021 (O&M)
Date of Decision: 25.02.2021**

Prabhjeet Kaur

....Petitioner No. 1

AND

Simranjit Singh

....Petitioner No. 2

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Naveen Sharma, Advocate for the petitioners.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

The present petition has been filed against the impugned order dated 15.02.2021 whereby the application filed by the parties for waiver of the statutory period of six months for recording statements of parties on second motion has been dismissed. The parties to the *lis* were married on 31.08.2014 and have been living separately since 03.03.2017. Despite trying to resolve the differences, the parties could not resolve them and were unable to live with each other. On 24.12.2020 a joint petition was filed under Section 13-B of the Hindu Marriage Act, 1955 for grant of divorce by mutual consent. The first motion statements were recorded on 04.01.2021. On the same date, an application was moved for waiver of the six months period for recording the second motion statements. However, on 28.01.2021, the said application was withdrawn since the same was not moved after a period of one week from the date of recording of the statements of the first motion. Thereafter, on 28.01.2021 itself a fresh application was filed for waiver of the six months period of recording of the second motion statements. The said fact is apparent from the order dated 28.01.2021 appended as Annexure P-7.

Learned counsel for the petitioners would contend that the parties have been living separately since 03.03.2017 and there is no chance

of any reconciliation. The parties to the *lis* now want to move on with their lives and as such have prayed for waiver of the six months period. Learned counsel for the petitioners would further contend that both the parties are adamant on their stand and there is no chance of any reconciliation between them. Learned counsel for the petitioners has submitted that the compromise arrived at between the parties has already been given effect to and the terms and conditions laid down therein already stand complied with. Learned counsel for the petitioners has further submitted that even the amount towards maintenance/*Stridhan* etc. have been paid to petitioner no.1/Prabhjeet Kaur.

I have heard learned counsel for the petitioners.

In view of the law laid down by the Apex Court in case of ***“Amardeep Singh vs. Harveen Kaur, 2017 (4) RCR (Civil) 608*** and in view of the fact that the parties have been living separately since 03.03.2017 and there is no chance of reconciliation and likelihood of parties living together, I deem it appropriate to waive off the statutory period of six months for recording of the second motion statements inasmuch as the waiting period of six months would only prolong the agony of the parties. Resultantly, the impugned order dated 15.02.2021 is set aside.

Parties are directed to appear before the Court below on 15.03.2021 for recording of statements of the second motion and proceeding further in accordance with law.

Revision petition stands allowed in the above terms.

(ALKA SARIN)
JUDGE

25th February, 2021
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO