

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

-.-

CR-472-2021 (O&M)

Date of decision : 03.03.2021

Rohan Sethi

.....Petitioner No.1.

And

Smt. Radhima Chitkara

.....Petitioner No.2.

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Rajeev Kawatra, Advocate for the petitioners.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has filed under Article 227 of the Constitution of India for setting aside the impugned order dated 19.02.2021 (Annexure P-3) passed by learned Principal Judge, Family Court, Panchkula whereby the application filed by the parties for waiver of the statutory period of six months for recording of statements of the parties on second motion has been dismissed.

The parties to the *lis* in the present case were married on 08.12.2019 and after their marriage they resided as husband and wife for a very short period and since 05.01.2020 the parties have been living separately. The parties could not resolve their differences and eventually entered into a compromise dated 21.11.2020. Thereafter, a joint petition was filed under Section 13-B of the Hindu Marriage Act, 1955 and the statements of first motion were recorded on 11.01.2021.

Learned counsel for the petitioners would contend that the parties have been living separately since 05.01.2020 after living together for

less than a period of one month. Both the parties are young and wish to carry on with their lives and hence have prayed for the waiver of six months' period as there is no chance of any reconciliation. Learned counsel for the petitioner would further contend that both the parties are adamant about their stand and there is no chance of any reconciliation between them. Learned counsel has further contended that the compromise arrived at between the parties has already been given effect to and would stand completely complied with on the date of recording of the second motion.

I have heard learned counsel for the petitioners.

In view of the law laid down by the Apex Court in *Amardeep Singh Vs. Harveen Kaur, [2017(4) R.C.R (Civil) 608]* and in view of the fact that parties have been living separately from 05.01.2020 after having lived together only for a period of less than one month and the fact that there is no chance of any reconciliation or likelihood of the parties living together, I deem it appropriate to waive the statutory period of six months for recording of the second motion statements inasmuch as the waiting period would only prolong the agony of the parties.

Resultantly, the impugned order dated 19.02.2021 (Annexure P-3) is set aside. Parties are directed to appear before the Family Court, Panchkula on **25.03.2021** for recording of their statements of second motion for proceeding further in accordance with law.

Disposed off.

March 03, 2021

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NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No

(ALKA SARIN)
JUDGE