

(In virtual Court)

CR No.1554 of 2021

Date of Decision: 16.08.2021

Preeti

.....Petitioner No.1

Versus

Rahul

.....Petitioner No.2

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWATPresent: Mr. Chandan Singh, Advocate
for the petitioner.**RAJBIR SEHRAWAT, J. (ORAL)**

This is a petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 27.07.2021 passed by the Additional District Judge, Chandigarh, whereby the application for waiver of statutory period of six months filed in a joint petition under Section 13-B of the Hindu Marriage Act, has been dismissed, being not in consonance with the guidelines laid down by Supreme Court in case titled as Amardeep Singh Vs. Harveen Kaur.

A perusal of the impugned order passed by the Court below shows that the Court has followed the judgment passed by the Supreme Court but has observed that the case of the petitioners is not covered under the said judgment. However, no specific reason is mentioned in the impugned order; as to why the petitioners cannot be granted the benefit of the judgment of the Supreme Court. But a reading of the last para of the impugned order reflects that the petitioners were deficient even qua the period, which is required under the judgment of the Supreme Court. However, now even that period appears to be over.

Since, it is stated by learned counsel for the petitioners that if the Court grants waiver of the statutory period, then petitioner No.1-Preeti can get married on 12.09.2021, therefore, it would be appropriate, if the trial Court re-considers the entire issue of waiver of the statutory period before the said date.

In view of the above, the impugned order is set aside. The trial Court is directed to re-consider and decide afresh the issue of waiver of the statutory period, in view of the judgment rendered by the Supreme Court in the case of ***Amardeep Singh Versus Harveen Kaur, 2017 (4) R.C.R. (Civil) 608***, within a period of one week from the date of receipt of certified copy of this order.

Disposed of in the above terms.

(RAJBIR SEHRAWAT)
JUDGE

16.08.2021
sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No