

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

CR-1771-2021 (O&M)

Date of decision: 01.09.2021

Gurjeet Kaur

...Petitioner

Versus

Sukhwant Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mohd. Jameel, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Gurjeet Kaur, aged about 33 years and her husband Sukhwant Singh, aged about 29 years had filed a petition for divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955. Their statements on first motion were recovered by the Principal Judge, Family Court, Malerkotla on 21.05.2021. The petitioners had filed an application to waive of compulsory waiting period of six months, contending that both the petitioners are of young age and there are chances of their remarriage, which cannot be finalized due to pendency of present divorce petition. Counsel for the petitioners had referred to **Amandeep Singh Vs. Harveen Kaur**, 2017 (4) RCR (Civil) 608 in support of those contentions. Principal Judge, Family Court, Camp Court, Malerkotla, vide impugned order dated

17.08.2021 had dismissed that application, holding that as observed by the Apex Court in the judgment referred to by learned counsel for the petitioners, the period of six months can be waived of in exceptional circumstances, where there is no chance of reconciliation and the parties are residing separately for a long period or have been contested the proceedings for a long time and in this case, no such exceptional circumstances were there. It was observed that no document had been placed on record showing earlier litigation between the parties, therefore, the application could not be accepted. The same was declined and the divorce petition was ordered to come up on 22.11.2021 for recording statements of parties on second motion.

This order has left petitioner Gurjeet Kaur aggrieved and she has challenged the same by way of filing the present revision petition, praying that this order be set aside and the trial Court be directed to allow the application.

I have heard learned counsel for the petitioner besides going through the record and I do not find any illegality, infirmity or irregularity with the impugned order, since the assertions in the application seeking dispensing with compulsory waiting period of six months are very general and vague. No cogent and convincing reason has been given, which might have constituted exceptional circumstances, considering which the Court might have waived of statutory period of six months. It may be mentioned here that the next date of hearing fixed by the trial Court is 22.11.2021, which is not far

away. More than three months have already elapsed from the date of passing of order and the said divorce petition is to come up for hearing for recording statements of petitioners on second motion after a period of less than three months from today. Therefore, no interference with the order by way of accepting the present revision petition is called for. The same stands dismissed accordingly.

01.09.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No