

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

212

CR-2726-2021
Date of Order: 15.11.2021

SAPINDER KAUR

..Petitioner

Versus

RAJDEEP SINGH SAGGU

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Goyal, Advocate
for the petitioner.

Mr. Yogesh Goel, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing as prayed by the learned counsels.

A young couple is before this Court.

An application has been filed for waiving off the cooling period of six months between the first motion and the second motion provided in Section 13B(2) of the Hindu Marriage Act, 1955, in a petition filed for mutual divorce under Section 13B of the Hindu Marriage Act, 1955, which has been dismissed by the Family Court.

It has been pointed out that the parties are residing separately since February, 2020. With the intervention of the respectables, the parties decided to part their ways. A petition under Section 13B of the Hindu Marriage Act, 1955, was filed on 04.10.2021. The Court recorded first motion on 04.10.2021 itself. The separate statement of the wife and the husband were recorded. The wife admitted that she has received Rs.3,00,000/- with regard to the past, present and future maintenance and the dowry articles. The Court adjourned the case for a future date. As already noticed, the wife filed an application for waiving off the statutory period of six months which has been declined by the

Family Court.

It has been pointed out that the wife is working as a Nursing Sister in a Military Hospital at Jalandhar Cantt. whereas the respondent-husband is stated to be working in a furniture showroom. Both the parties are reasonably educated.

The learned counsel representing the parties prays for waiving off the statutory period of six months on the ground that the parties wish to start a new life after getting over this matter.

The Hon'ble Supreme Court in “Amardeep Singh Vs. Harveen Kaur, 2017(8) (SCC) 746”, has held that the period mentioned in Section 13B(2) of the Hindu Marriage Act, 1955, is not mandatory but directory and it is open to the Court to exercise its discretion in the peculiar facts and circumstances of each case.

After having heard the learned counsel representing the parties at some length, this Bench is of the considered view that once the parties have clearly decided to part their ways and live separately, the Court should not prolong their agony.

In the facts of the case, this Bench is of the considered view that there is no possibility of parties resuming cohabitation.

Hence, the revision petition is allowed.

The order passed by the Family Court on 11.10.2021, is set aside. The parties are directed to appear before the Family Court, for recording their statements in the second motion, on 26.11.2021.

The Family Court shall proceed with the matter in accordance with the law.

All the pending miscellaneous applications, if any, are also disposed of.

November 15, 2021

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No