

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-381-CII-2021 in/and
CR-1-2021
(Heard through VC)
Date of decision: 15.01.2021

Kulwinder Singh

....Petitioner

V/s.

Satinder Kaur

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Ritu Bahri, J. (Oral)

CM-381-CII-2021

Application for placing on record affidavit of petitioner No. 2 dated 12.01.2021 as Annexure P/4 is allowed and the same is taken on record.

CR-1-2021

By this revision, the petitioner is seeking setting aside order dated 02.12.2020 (Annexure P-3) passed by the Court of Ld. Additional Principal Judge, Family Court, Amritsar whereby the application filed by the petitioners for waiving off 6 months period for recording the second motion statement in the petition filed under Section 13-B of Hindu Marriage Act, 1955 bearing No. HMA 1361/2020 has been dismissed.

Learned counsel for the petitioner has referred judgments passed in *Sonia V/s. Mahesh Kumar Soni, 2019 (1) Law Herald 719* and *Sangeeta Singh V/s. Pardeep 2020 (4) RCR (Civil) 438* whereby it is held that 6 months waiting period is not mandatory and it is directory in nature.

In the facts of the present case, the first statement of the parties were

recorded on 12.02.2020 (page 8 of paper-book). A perusal of the order dated 02.12.2020 (Annexure P-3) shows that a petition under Section 13-B of Hindu Marriage Act, 1955 is scheduled to be listed for hearing on 16.04.2021 for recording second motion statement of parties. Further as per the settlement, the plot measuring 150 sq.yds. was transferred vide Gift Deed dated 09.11.2020 registered as document No. 2020-21/89/1/4244 with the office of Sub-Registrar, Amritsar on 10.11.2020. It is further mentioned therein that a daughter was born on 05.01.2005 and a son was born on 19.06.2009. The petitioner No. 1 wants to settle abroad alongwith his two children and in this backdrop he is seeking 6 months period be waived off for recording second statement of parties in view of judgments referred above.

Hence, order dated 02.12.2020 (Annexure P-3) is being set aside and direction is being given to the Court of Ld. Additional Principal Judge, Family Court, Amritsar to record second statement of the parties on 05.02.2021 and both the parties are also directed to appear before the same on the date fixed.

Allowed.

15.01.2021

Divyanshi

**RITU BAHRI
(JUDGE)**

**Whether speaking/reasoned:
Whether reportable:**

**Yes/No
Yes/No**