

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

Sr. No.117

CR-2994-2021 (O&M)

Date of decision : 29.11.2021.2021

Rajinder Singh

..... Petitioner

VERSUS

Harkirat Kaur

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Amardeep Singh, Advocate, for the petitioner.

Mr. Rajat Nain, Advocate, for the respondent.

SUDHIR MITTAL, J. (Oral)

Vide impugned order dated 11.11.2021, the Principal Judge, Family Court, Tarn Taran, has dismissed the application filed for waiving the six months period prescribed under Section 13-B of the Hindu Marriage Act, 1955.

It is submitted that all parameters laid down by the Supreme Court in Amardeep Singh Vs. Harveen Kaur 2017 (4) RCR (Civil) 608 stand fulfilled. The parties have been residing separately since 02.03.2018 and efforts at mediation have failed. There are no claims pending and a period of more than a year and a half has elapsed before the presentation of the first motion. Thus, the Family Court was in error in rejecting the application.

A perusal of the impugned order shows that the submissions made on behalf of the parties are correct. The Family Court has referred to Amardeep Singh (supra), but has not grasped the gist of the judgment and the ratio laid down therein.

Thus, the revision petition is allowed. Impugned order dated 11.11.2021 is set aside. Period of six months prescribed by Section 13-B of the Hindu Marriage Act, 1955 is waived and the date of hearing in the petition is advanced to 10.12.2021 and the parties are permitted to get the second statement recorded on the said date of hearing.

(SUDHIR MITTAL)
JUDGE

29.11.2021

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No