

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

CR-3054-2021 (O&M)

Date of decision: 01.12.2021

Surinder Singh Sandhu through special power of attorney

....Petitioner

Versus

Supreet Sekhon through special power of attorney

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Neeraj Madaan , Advocate for the petitioner
 Mr. Varun Sharma, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

A matured couple assails the correctness of the order passed by the Family Court on 12.11.2021, while dismissing the application for waiving off the statutory period of six months for recording the second motion statement under Section 13-B of the Hindu Marriage Act, 1955. The parties pray for a grant of divorce by way of mutual consent. It has been asserted that after their marriage on 23.11.2015, the parties have started residing in New Zealand. The petition under Section 13-B of the Hindu Marriage Act, 1955, was also filed through their respective attorneys. It has been asserted that the parties are residing separately for more than a year and the husband has already handed over a demand draft of Rs.41,50,000/- towards, permanent alimony to the wife.

Learned counsel for the parties relies upon a judgment passed by the Hon'ble Supreme Court in **Amardeep Singh vs. Harveen**

Kaur 2017 (4) RCR (Civil) 608.

In the present case, the husband is alleged to be 35 years old whereas the wife is 28 years old. They are married for the last six years. They are residing in New Zealand. They must have taken a conscious decision to dissolve their marriage.

Keeping in view the aforesaid facts, the Family Court has erred in refusing to exercise its discretion. Hence, the order dated 12.11.2021 is set aside. The Family Court is requested to fix the date of hearing for recording the second motion statement of the parties within a period of 15 days from the date of receipt of the certified copy of this order and thereafter, proceed in accordance with law.

Disposed of.

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

01.12.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE