

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11620 OF 2022

Ranjana Chaitanya Murkute	 Petitioner
v/s.	
Chaitanya Manohar Murkute	 Respondent

Mr. Mayur V. Faria for the Petitioner.
None for the Respondent.

CORAM: M.S. KARNIK, J.

DATED : 30th SEPTEMBER, 2022.

P. C. :-

. Parties are present in the Court. Learned counsel for the Petitioner submits that the Petition was filed for dissolving the marriage under section 13B of the Hindu Marriage Act, 1955. The request was made for waiving the cooling period. Learned counsel for the Petitioner submitted that the Application is pending. He requested that this Court may waive off the cooling period.

2. The husband is 55 years of age and the wife is 52 years of age. They submit that there is no possibility of reconciliation and they are residing separately for more than four years. They have agreed to stay separately and would like to part ways.

3. I do not find the impugned order on record. Since the Petition is pending before the Family Court, it would not be appropriate for me to entertain the Application directly. Learned counsel for the Petitioner submitted that an attempt was made to move the Application for waiving off cooling period but the Family Court did not take up the Petition as it felt that there is no urgency. He then submits that the Application was rejected by the Trial Court. However, such order is not on record. If such an order is indeed passed by the Family Court, obviously the copy of the order would be made available to the Petitioner so as to enable the Petitioner to take steps. All contentions kept open.

4. In case the Application is pending, there is no manner of doubt, that if a request is made by the learned counsel for the respective parties before the Family Court for deciding the Application for waiving off cooling period, the Family Court would consider it as expeditiously as possible considering the age of the parties.

5. Writ Petition stands disposed of.

**PREETI
H JAYANI**

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PREETI H JAYANI
Date: 2022.10.04
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(M.S. KARNIK, J.)