

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

CR-880-2022 (O&M)

Date of decision: 31.03.2022

Lovely Rani

...Petitioner

Versus

Amit Harjai

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms.Shikha Sharma, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

The petitioner challenges the order passed by the Family Court on 05.01.2022. In a joint petition filed under Section 13-B of the Hindu Marriage Act, 1955, petitioner no.1 (petitioner herein) and petitioner no.2 (respondent herein) asserted that they are living separately, since 03.08.2013. While recording their statement in the first motion hearing as well as in the second motion, they stated that they are living separately, since 03.08.2013. The marriage between the parties was dissolved by a decree of divorce on 13.08.2016. The petitioner filed an application under Section 152 C.P.C for the correction of date of mutual separation. The petitioner states that in fact the parties were living separately since December, 2011. The Family Court has dismissed the application.

Learned counsel representing the petitioner contends that the application should have been allowed.

In the considered view of this Court, once the petitioner and the respondent filed a joint petition alongwith respective affidavits that they are living separately from 03.08.2013 and confirm those assertions

while corroborating those assertions making statement in the first as well as second motion hearing, which led to the passing of the decree of grant of divorce, no ground to interfere is made out.

Despite the Court question, learned counsel representing the petitioner failed to draw attention of the Court to any prejudice being caused to the petitioner.

Hence, dismissed.

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

31.03.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE