

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

Sr.No.118

CR No.1056 of 2022

Date of Decision: 25.03.2022

Komalpreet Kaur

...Petitioner No.1

Versus

Maninder Singh

...Petitioner No.2

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Hitesh Chopra, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J. (ORAL)

Feeling aggrieved by the order dated 09.03.2022 (Annexure P-2) handed down by the Principal Judge, Family Court, Pathankot, whereby the application moved by the petitioners for waiving off the mandatory period of six (06) months for recording their statements on second motion, has been dismissed, they have chosen to prefer the instant revision petition.

As per the brief factual-matrix culminating in the present revision petition, the marriage of the petitioners was solemnized on 14.06.2019 but soon thereafter, their relationship went sour, forcing them to live separately from each other. Finally, they resolved to get their marriage dissolved by way of a decree of divorce on the basis of their mutual consent and filed a petition under Section 13-B of the Hindu Marriage Act, 1955 for the said purpose and their statements on first motion were recorded on 16.12.2021 and then, the matter was adjourned

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to 08.07.2022 for recording their statements on second motion. However, they moved the said application with a prayer to waive-off the mandatory period of six months for recording their second motion statements which has been dismissed vide the impugned order.

I have heard learned counsel for the petitioners in the present revision petition and have also perused the file carefully.

Learned counsel for the petitioners contends that petitioner No.2 would be going to Canada very shortly and thereafter, it would not be possible for him to return to India for recording his statement on the second motion in the above-said Divorce Petition and therefore, the said mandatory period deserves to be waived-off.

However, I do not find any merit in the afore-raised contention because the Legislature, in its own wisdom, has deliberated and mandated for the gap of the above-said period between the first and second motion statements of the parties in such petitions, with the view that the better sense may prevail upon the parties to the litigation during the interregnum and they may decide to keep their marriage intact. Though, in any exceptional and extra-ordinary circumstances, the said period may be waived-off but however, the mere factum of petitioner No.2 leaving the Country before the date as fixed for recording his statement on the second motion can, by no stretch of imagination, be construed to be an exceptional or extra-ordinary eventuality so as to exercise the discretion of waiving off the said period.

As a sequel to the fore-going discussion, it follows that the

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impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the present revision petition, being *sans* any merit, stands dismissed.

25.03.2022
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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>