

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

131

CR-1641-2022

Date of decision: 02.05.2022

Vishal

.....Petitioner

Versus

Priyanka

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Nitin Gupta, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer in the instant petition filed under Article 227 of the Constitution of India is for setting aside the order dated 07.03.2022 (Annexure P-3) passed by the learned Principal Judge, Family Court, Jhajjar whereby joint application filed by the petitioner and the respondent for waiving off the statutory period of six months for recording of second motion statements of the parties and thereafter dissolving their marriage by way of a decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') was declined.

Notice of motion.

At this stage, Ms. Ravinder Kaur, Advocate has put in an appearance on behalf of the respondent and filed her power of attorney which is taken on record, subject to all just exceptions.

Learned counsel for the respondent does not oppose the prayer made by the counsel opposite and submits that the statutory period be waived off as there is no likelihood at all of the parties reconciling their differences and resuming cohabitation.

Learned counsel for the parties submit that both the petitioner and the respondent are to solemnize their second marriage but the statutory period of six months between their first motion statement which was already recorded and their second motion statement is coming in the way as a result of which their second marriage is getting delayed. Hence, in the facts and circumstances, the statutory period of six months between their first motion statement and second motion statement be waived off.

Heard and perused.

The marriage between the parties was solemnized on 22.09.2020 and within 13 days of their marriage, the parties separated due to irreconcilable differences. Admittedly, all efforts made for reconciliation have proved to be futile. Even after 17 months of living apart the parties have not changed their mind and want to dissolve their marriage. They want to part their ways as there is no possibility of them resuming cohabitation as husband and wife. Both the petitioner and the respondent are 28 and 29 years of age respectively. They want to move on with their lives by solemnizing second marriage. Therefore, no useful purpose would be served to make them wait for another six months before their marriage could be dissolved by way of a decree of divorce under Section 13-B of the Act. It would also prolong their agony.

Accordingly, the instant petition is allowed and the impugned order dated 07.03.2022 is set aside.

In view of the above, the statutory period of six months as mandated under Section 13-B(2) of the Act is waived off.

The Family Court concerned is directed to record the second motion statements of the parties on 16.05.2022 and thereafter proceed in accordance with law.

02.05.2022

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No