

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

CR No.1669 of 2022 (O&M)

Date of Decision : 18.05.2022

Inder Pal Singh

....Petitioner

Versus

Navjot Kaur

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Bhupinder Banga, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

The present petition has been filed against the impugned order dated 19.04.2022 whereby the application filed by the parties for waiver of the statutory period of six months for recording statements of parties on second motion has been dismissed.

The parties to the *lis* were married on 10.11.2013 and have been living separately since 22.12.2014. Despite trying to resolve the differences, the parties could not resolve them and were unable to live with each other. On 09.12.2021 a joint petition was filed under Section 13-B of the Hindu Marriage Act, 1955 for grant of divorce by mutual consent. The first motion statements were recorded on 17.02.2022. On the same date, an application for pre-poning the date of hearing from 12.07.2022 and for waiver of the six months period for recording the second motion statements was moved. However, on 19.04.2022, the said application was dismissed on the ground that the application has no merits.

Notice of motion.

Mr. H.S.Deol, Advocate has put in appearance and accepts notice on behalf of the respondent. He does not dispute the prayer of the petitioner.

Learned counsel for the parties would contend that the parties have been living separately since 22.12.2014 and there is no chance of any reconciliation. The parties to the *lis* now want to move on with their lives and as such have prayed for waiver of the six months period. Learned counsel would further contend that both the parties are adamant on their stand and there is no chance of any reconciliation between them. Learned counsel have submitted that the compromise arrived at between the parties has already been given effect to and the terms and conditions laid down therein already stand complied with.

Heard.

In view of the law laid down by the Apex Court in case of **Amardeep Singh vs. Harveen Kaur [2017(4) RCR (Civil) 608]** and in view of the fact that the parties have been living separately since 22.12.2014 and there is no chance of reconciliation and likelihood of parties living together, I deem it appropriate to waive off the statutory period of six months for recording of the second motion statements inasmuch as the waiting period of six months would only prolong the agony of the parties. Resultantly, the impugned order dated 19.04.2022 is set aside.

Parties are directed to appear before the Court below on 30.05.2022 at 10.00 a.m. for recording of statements of the second motion

and proceeding further in accordance with law.

Revision petition stands allowed in the above terms.

**(ALKA SARIN)
JUDGE**

**May 18, 2022
tripti**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO