

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

**CR-2058-2022 (O&M)
Date of decision : 23.05.2022**

Simranjit Kaur

... Petitioner(s)

Versus

Kulwant Singh

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Digvijay Nagpal, Advocate for the petitioner.

Mr. Vishal Mittal, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

The present petition has been filed against the impugned order dated 16.03.2022 (Annexure P-1) 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 28.03.2004 and have been living separately since 29.10.2020. Despite trying to resolve the differences, the parties could not resolve them and were unable to live with each other. On 17.02.2022 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 23.02.2022. On 16.03.2022 an application for waiver of the six months period for recording the second motion statements was moved. However, vide impugned order dated

16.03.2022, the said application was dismissed on the ground that the application has no merits.

Notice of motion.

Mr. Vishal Mittal, 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 29.10.2020 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.

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 29.10.2020 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 16.03.2022 (Annexure P-1) is set aside.

Parties are directed to appear before the Court below on 01.06.2022 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. Pending applications, if any, also stand disposed off.

23.05.2022

Yogesh Sharma

**(ALKA SARIN)
JUDGE**

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