

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

CR-2147-2022

Date of Decision: 26.05.2022

Vertika

...Petitioner

Versus

Vipul Bishnoi

....Respondent

CORAM :- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Balwinder Singh Sudan, 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 17.05.2022 (Annexure P-1) passed by the Principal Judge, Family Court, Panchkula, whereby, the application filed by the petitioner-wife, after obtaining no objection from the respondent-husband, for waiving off the statutory period of six months for recording of their second motion statements in a petition filed under Section 13-B of the Hindu Marriage Act, was declined.

Notice of motion.

At this stage, Mr. M.S. Virk, Advocate, has put in appearance on behalf of the respondent-husband and has filed his 'Power of Attorney.'

Learned counsel for the petitioner submits that after the first motion statements of the parties had been recorded before the Family Court concerned on 24.02.2022, the matter was adjourned to 05.09.2022 for recording of the second motion statements of the parties. However, in the

interregnum, the petitioner-wife has received invitation for studying three years' programme "Juris Doctor" at Griffith University, Queensland, at Australia, for which, the orientation course would commence on 11.07.2022.

Learned counsel submits that in the circumstances, the petitioner-wife would not be in India on 05.09.2022 and hence, would be unable to get her second motion statement recorded. He submits that there is no likelihood at all of the parties reconciling their differences and resuming cohabitation and hence, the statutory period of six months be waived off.

Learned counsel for the respondent-husband does not oppose the prayer made by the counsel opposite for waiving off the said period.

I have heard learned counsel for the parties and have perused the case file.

The marriage between the parties was solemnized on 30.03.2013. However, due to irreconcilable differences, they chose to part ways and now, they want to move on with their lives. Therefore, no useful purpose would be served to make them wait for another six months before their marriage can be dissolved by way of a decree of divorce under Section 13-B of the Hindu Marriage Act. It would just amount to prolonging their agony.

Accordingly, the instant petition is allowed and the impugned order dated 17.05.2022 (Annexure P-1) is set aside.

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

The Family Court concerned is directed to record the second motion statements of the parties on 31.05.2022 and thereafter proceed in accordance with law.

(MANJARI NEHRU KAUL)
JUDGE

May 26, 2022
gurpreet

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