

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

CR No.2240 of 2022

Date of Decision: 31.05.2022

Gurprem Singh

.....Petitioner No.1

And

Gursimar Kaur

.....Petitioner No.2

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

Present:- Mr. Puneet Kumar Bansal, Advocate and
Mr. Manu Loona, Advocate
for petitioners No.1 and 2.

MEENAKSHI I. MEHTA, J.(Oral)

Both the petitioners have joined hands to prefer this revision petition to assail the order dated 09.05.2022 (Annexure P-3) passed by learned Principal Judge, Family Court, Ferozepur (for short 'the Family Court) whereby the application moved by them with a prayer to waive off the statutory period of six months for recording their statement on second motion, has been adjourned to 08.08.2022.

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

3. Learned counsel for the petitioners contend that petitioner No.2 intends to study and settle down abroad for her better future but due to the pendency of the divorce petition filed by both the petitioners under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') for seeking dissolution of their marriage on the basis of their mutual consent, her plan to go abroad is being hampered with and the Family Court, instead

of deciding the afore-said application, has rather, adjourned the same for the afore-mentioned date.

3. However, the afore-raised contentions are *sans* any merit because petitioner No.2 has not placed any document on the file to *prima-facie* show that she has got admission in some educational institution in any foreign country to pursue higher studies. Moreover, 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 petition, 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 having plans to leave the Country before the date as fixed for recording her 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 waiting off the said period.

4. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand stands dismissed.

May 31, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>