

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR No.2446 of 2022

Date of Decision : 20.07.2022

Jasbir Singh Khokher

....Petitioner No.1

VERSUS

Sukhwinder Kaur Khokher

....Petitioner No.2

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Prince Sharma, Advocate for both the petitioners.

ALKA SARIN, J. (Oral)

The present petition has been filed against the impugned order dated 02.04.2022 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 28.06.2000 and have been living separately since February, 2019. Despite trying to resolve the differences, the parties could not resolve them and were unable to live with each other. On 14.03.2022, a joint petition was filed under Section 13-B of the Hindu Marriage Act, 1955 for grant of divorce by mutual consent and on the same date the first motion statements of both the parties were recorded and the case was adjourned to 15.09.2022 for recoding of the second motion statements.

It is contended that since the parties are residing separately since February, 2019 and there are no chances of any reconciliation, an application for waiver of the six months period for recording of the second motion statements was moved. However, vide the impugned order dated 02.04.2022 the said application was dismissed on the ground that the application has no merits.

Mr. Prince Sharma, Advocate appearing on behalf of both the parties would contend that the parties have been living separately since February, 2019 and they have not cohabitated since then. Learned counsel would further contend that both the parties have decided to end their marriage by way of mutual divorce and there is no chance of any reconciliation between them. 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 has 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 February, 2019 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 02.04.2022 is set aside.

Parties are directed to appear before the Court below on 08.08.2022 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.

(ALKA SARIN)
JUDGE

20.07.2022
jk

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