

120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3251-2022
Decided on : 18.08.2022

Sumanpreet Kaur

..... Petitioner

Versus

Amanpreet Singh

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gaurav Singla, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Instant revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 13.07.2022 (Annexure P-3) passed by Addl. Principal Judge, Family Court, Camp Court Sunam, whereby an application filed by the petitioner for waiving off the statutory period of six months for recording of second motion statements of the parties and thereafter dissolving their marriage by way of a decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') was dismissed.

Learned counsel for the petitioner submits that the parties solemnized their marriage on 01.01.2020, however, their marriage ran into rough weather soon thereafter. Despite best efforts made by the parties themselves and also their well-wishers, they could not iron out their differences and were unable to adjust with each other. Resultantly, both the parties mutually agreed to file a joint petition under Section 13-B of the Act.

Learned counsel further submits that no child was born out of the said wedlock. It has also been submitted that the first motion statements of both the parties were recorded before the Family Court concerned on 06.07.2022 and the second motion statement is due to be recorded on 11.01.2023. Learned counsel still further submits that after the recording of first motion statement, the parents of the petitioner have found a suitable match for her, however, on account of the pendency of the petition under Section 13-B of the Act, she would not be able to marry at least till January, 2023. A prayer, therefore, has been made in the facts and circumstances as enumerated hereinabove for waiving off the six months statutory period.

Notice of motion.

At this stage, Mr. Neel Kamal, Advocate has put in an appearance on behalf of the respondent and filed his power of attorney in Court, which is taken on record, subject to all just exceptions.

Learned counsel for the respondent does not oppose the prayer made by the counsel opposite and submits that since there is no likelihood at all of the parties reconciling their differences and resuming cohabitation, the statutory period of six months be waived off.

Heard learned counsel for the parties and perused the relevant material available on record.

Admittedly, all efforts made by parents and well-wishers of the parties for effecting a reconciliation between them proved to be futile. The parties are categorical that there is no possibility of cohabitation being resumed between them and hence, they wish to move on with their lives. No useful purpose therefore, would be served to make them wait for another

five months before their marriage can be dissolved by way of a decree of divorce under Section 13-B of the Act as it would just prolong their agony.

Accordingly, the instant petition is allowed and the impugned order dated 13.07.2022 is set aside and the statutory period of six months as mandated under Section 13-B(2) of the Act is waived off.

The Family Court concerned is directed to record the second motion statements of the parties on 14.09.2022 and thereafter proceed in accordance with law.

(MANJARI NEHRU KAUL)
JUDGE

18.08.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No