

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

CR-3421-2022 (O&M)

Date of Decision: September 30, 2022

Gurdeep Singh

...Petitioner No.1

AND

Rupinder Kaur

...Petitioner No.2

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Parunjeet Singh, Advocate
for petitioners No.1 and 2.

ARCHANA PURI, J.

Challenge in the present revision petition is to the order dated 10.08.2022 (Annexure P-3) passed by learned Addl. Principal Judge, Family Court, whereby, an application for waiver of the period of 6 months under Section 13B of the Hindu Marriage Act, has been dismissed.

It is submitted by learned counsel that before the Family Court, after recording of the statements of first of motion of both the attorneys of the petitioner No.1 as well as petitioner No.2, an application was filed for waiving off the mandatory period of 6 months for recording of statements of second motion and the said application has been dismissed vide impugned order.

It is now submitted by learned counsel that both petitioner No.1 and petitioner No.2 have mutually settled the terms of separation between

them and they are residing separate since 20.01.2017 and the date fixed for recording of the statements of second motion is 18.01.2023. It is too long a period and both the petitioners want to move further in their life, without waiting for the 6 months' period.

In *Amardeep Singh vs. Harveen Kuar, 2017 (8) SCC 746* as well as *Amit Kumar vs. Suman Beniwal, 2022(1) RCR (Civil) 569*, decree by divorce by mutual consent had been passed by waiving off the cooling period of six months.

In the present case also, the parties are residing separate for the last more than five years. All terms of separation have been settled between them.

The statements of attorneys of both the petitioners have been placed on record. Both the parties are resident of Nicosia Cyprus and they want to move further in their life. They are very clear about terms of separation settled between them and there is no chance of reconciliation.

Considering the same, learned Family Court is requested to prepone the case, which is now fixed for 18.01.2023. Learned counsel for both the petitioners has ensured about the presence of both the parties before the Court below on 14.10.2022. If the parties, make appearance on the said date, the statements of second motion of the parties be recorded by the Family Court, through Whatsapp Video Call/Video Conferencing. If, there is inability to record the statements, for one reason or the other, the case may be taken up by the concerned Court for the shorter date, soon thereafter. After the recording of the statements, the case may be decided within a short time by the Family Court.

In view of the aforesaid observations, the revision petition stands disposed of.

September 30, 2022
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No