

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR No.3664 of 2022

Date of Decision : 27.10.2022

Raman Sidhu

....Petitioner

VERSUS

Rahul Kaushik

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Navjot Singh, Advocate for the petitioner.

Mr. Kashav Chadha, Advocate for the respondent.

ALKA SARIN, J. (Oral)

The parties are present in person along with their counsel.

The present revision petition has been filed against the impugned order dated 19.07.2022 (Annexure P-1) whereby the application filed by the parties for waiver of the statutory period of six months for recording statements of parties on the second motion has been dismissed.

The parties to the *lis* were married on 15.02.2015 and have been living separately since 17.03.2021. Despite trying to resolve the differences, the parties could not resolve them and were unable to live with each other. On 19.05.2022 a joint petition was filed under Section 13-B of the Hindu Marriage Act, 1955 for grant of divorce by mutual consent and on 26.02.2022 the first motion statements of both the parties were recorded and the case was adjourned to 02.12.2022 for recording of the second motion statements.

It is contended that the parties are residing separately since 17.03.2021 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 19.07.2022 the said application was dismissed on the ground that the application has no merits.

Learned counsel appearing on behalf of the parties would contend that the parties have been living separately since 17.03.2021 and they have not cohabitated since then. Learned counsel would further contend that both the parties have decided to part ways after having made every possible effort to settle their disputes 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 17.03.2021 and there is no chance of reconciliation and likelihood of the 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 19.07.2022 is set aside.

Parties are directed to appear before the Court below on 11.11.2022 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.

27.10.2022
jk

(ALKA SARIN)
JUDGE

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