

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

124

CR No.4112 of 2022

Date of Decision : 28.09.2022

Shafali

....Petitioner No.1

VERSUS

Rajinder Kumar

....Petitioner No.2

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. G.S. Bhinder, Advocate for
Mr. S.K.Arya, Advocate for petitioner no. 1.

Mr. S.K. Choudhary, Advocate for petitioner no.2.

ALKA SARIN, J. (Oral)

The present is a joint petition filed by the petitioners impugning the order dated 03.09.2022 passed by the Family Court, Pathankot 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.

Learned counsel for the parties would contend that the marriage of the petitioners was solemnized on 18.02.2011 and they are living separately since 20.02.2021. It has further been stated that all the possibilities of compromise have been explored, however, there is no chance of the parties living together. It is further the contention that all the disputes between the parties stand settled including alimony, custody of the child and visitation rights to the children. A joint petition was filed under Section 13-B of the Hindu Marriage Act, 1955 for grant of divorce by mutual consent and the first motion statements of both the parties were recorded on 26.04.2022

and the case was adjourned to 01.11.2022 for recording of the second motion statements.

It is contended that since the parties are residing separately since 20.02.2021 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 03.09.2022 the said application was dismissed on the ground that the application has no merits.

Learned counsel appearing on behalf of both the parties would contend that the parties have been living separately since 20.02.2021 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 have 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, 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 03.09.2022 is set aside.

Parties are directed to appear before the Family Court on 10.10.2022 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.

28.09.2022
jk

(ALKA SARIN)
JUDGE

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