

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

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**FAO No.4388 of 2022 (O&M)
Date of decision: 17.11.2022**

SUGUNA DEWAN

.... Appellant

Versus

HARSH TANDON

.... Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Appellant in person with
Mr. B.B.Bagga, Advocate.

Respondent in person with
Ms. Savita Bhandari, Advocate.

RITU BAHRI, J. (oral)

The present appeal has been filed against the judgment and decree dated 08.09.2022 passed by the learned Principal Judge, Family Court, Panchkula, whereby the petition filed by the appellant under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of marriage, has been dismissed.

A perusal of the impugned order shows that the parties solemnized marriage on 01.05.2022 according to Hindu rites and ceremonies. They stayed together only for 45 days. On account of temperamental differences, they started living separately. Ultimately, a petition under Section 13-B of Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') for dissolution of marriage. Along with the said petition, they also filed an application under Section 14 of the Act with a prayer that mandatory period of one year before filing the petition under Section 13-B of the Act be waived of. However, the Family Court, Panchkula has dismissed the said application as

well as petition under Section 13-B of the Act on the ground that there seems to be no hardship being faced by the parties, rather the relief being sought is only a wish.

Aggrieved against the impugned order dated 08.09.2022, present petition has been filed.

Vide order dated 10.10.2022, statement of the appellant was recorded to the effect that she has compromised the matter with the respondent-husband and nothing is due from him (respondent) and all the conditions prescribed under Section 13-B of the Act have been complied with. In the said order respondent was also directed to be present in Court on the next date of hearing.

In compliance of order dated 10.10.2022, respondent is present in the Court along with his counsel and made a statement to the effect that he has compromised the matter with the appellant-wife and all the articles were delivered back to her and the same were received. He has further stated that decree of divorce under Section 13-B of the Act be granted after waiving of the requisite statutory period.

In the facts of the present case, marriage between the parties was solemnized on 01.05.2022. At the time of marriage, appellant was 34 years of age and respondent was 36 years of age. Soon after the marriage, they separated from each other on 14.06.2022. Moreover, as per the statements made by both the parties before this Court, they have stated that the marriage cannot revive and has irretrievably broken down and there is no feasibility of revival of marriage. It has been further stated that they have no other claim of any nature against each other. The respondent in his statement recorded today, has stated that all articles were delivered back to the appellant and the same

were received. This fact is also not disputed by the appellant. Since, the couple had stayed together only for 45 days, this is the sufficient ground to allow their application filed under Section 14 of the Act for waiving off the mandatory period of one year. Moreover, as per petition filed under Section 13-B of the Act, the mutual agreement has been duly complied with by the parties. This Court waived off the statutory period of one year while relying upon the judgment rendered by the Supreme Court in *Amardeep Singh Vs. Harveen Kaur 2017(4) RCR 604* and decision of this Court rendered in FAO No.658 of 2021 titled as *Shivani Yadav Vs. Amit Yadav*, decided on 06.08.2021.

In view of the above discussion, the impugned order dated 08.09.2022 is set aside. Petition under Section 13B of the Act along with the application under Section 14 of the Act, is allowed. The parties are granted a decree of divorce by mutual consent under Section 13-B of the Act. Decree sheet be drawn accordingly.

(RITU BAHRI)
JUDGE

(MANISHA BATRA)
JUDGE

November 17, 2022
Jyoti-IV

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