

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

CR No. 863 of 2023

Date of decision: 08.02.2023

Sukhchain Singh

..... Petitioner.

Versus

Jasbir Kaur

.... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Hasrat Brar, Advocate, for the petitioner.

Ms. Navneet Kaur, Advocate, for the respondent.

ANUPINDER SINGH GREWAL, J. (ORAL)

This petition has been preferred against the order dated 11.11.2022 (Annexure P-5) passed by the Principal Judge, Family Court, Ferozepur, whereby the application for waiving off the statutory period of six months for recording the statement of the parties at the second motion has been declined.

Learned counsel for the petitioner submits that the parties have amicably settled the matter and decided to part ways. Both of them are settled in Italy. They have been living separately since 2017. Despite best efforts by the respectables, they have not been able to save their marriage. He has relied upon the judgment of the Supreme Court in the case of **Amardeep Singh versus Harveen Kaur**, (2017) 4 SCC 804.

Issue notice to the respondent.

Ms. Navneet Kaur, Advocate, has put in appearance on behalf of

the respondent and filed 'vakalatnama', which is taken on record. She submits that the matter has indeed been amicably settled and the statutory period of six months be waived off.

Heard.

The marriage between the parties is stated to have been solemnized on 21.11.2008. After the marriage, they have been living in Italy, but they have separated in the year 2017. The statement of the parties at the first motion was recorded on 01.09.2022 and the statement at the second motion is to be recorded on 02.03.2023. It is manifest that the parties are residing separately for almost six years. The efforts of reconciliation have failed. They are stated to be well settled in Italy and have decided to part ways amicably. I am satisfied that it would be difficult for the parties to reconcile and save their marriage, especially when they are residing separately for about six years. Therefore, it would be in the interest of justice if the statutory period of six months for recording the statement of the parties at the second motion statement is waived off.

Consequently, the petition is allowed and the impugned order dated 11.11.2022 (Annexure P-5) passed by the Principal Judge, Family Court, Ferozepur, is set aside. The statutory period of six months for recording the statement of the parties at the second motion is waived off.

(ANUPINDER SINGH GREWAL)
JUDGE

08.02.2023
Ramesh

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