

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

124

CR-474-2023 (O&M)

DATE OF DECISION: 23.01.2023

HARSHDEEP SINGH

... Petitioner (s)

Versus

KAMALPREET KAUR

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. M.S. Kundu, Advocate for the petitioner.

Mr. Ashish Ahlawat, Advocate for the respondent.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 05.01.2023 whereby the application to waive off the statutory period of six months for recording the second motion statement in the petition preferred under Section 13 (B) (2) of the Hindu Marriage Act, 1955 has been declined.

Learned counsel for the petitioner contends that the petitioner and the respondent had filed a petition for divorce on the ground of mutual consent and the statements of the parties at the stage of first motion were recorded on 26.09.2022. The respondent has gone abroad and is residing at her address in Canada. No child was born out of the wedlock. He has also relied upon the judgment of the Supreme Court in the case of **Amardeep Singh v. Harveen Kaur, 2017 (4) R.C.R. (Civil) 608** and prayed that the statutory period of six months may be waived off.

Issue notice to the respondent.

Mr. Ashish Ahlawat, Advocate, has put in appearance on behalf

of the respondent and filed power of attorney, which is taken on record. He

states that as the respondent has indeed settled in Canada and she may be permitted to appear through her special power of attorney. He also states that both the parties are residing separately for over two and a half years, therefore the chances of reconciliation are minimal.

Heard.

It is apparent that the parties are residing separately for over two and a half years. They have arrived at a mutual settlement to part company amicably. The respondent has gone abroad and is residing at her address in Canada. No child was born out of the wedlock. I am satisfied that it would be difficult for the parties to reconcile their differences and live together. Therefore, it would be in the interest of justice if the statutory period of six months for recording second motion statement is waived off. The statements on first motion were recorded on 26.09.2022.

Consequently, the revision petition is allowed and the statutory period of six months for recording second motion statement is waived off. The parties shall appear before the concerned Family Court for recording their statements on 27.01.2023. The respondent would be at liberty to appear through her special power of attorney.

(ANUPINDER SINGH GREWAL)
JUDGE

23.01.2023

SwarnjitS

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