

2023:PHHC:066888

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

109

CR No.801 of 2023

Date of Decision: 09.05.2023

Ferry

...Petitioner

Versus

Nitesh Kukreja @ Mani

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- None.

VIKAS SURI, J. (Oral)

The grievance raised in the present petition preferred under Article 227 of the Constitution of India is that the application seeking waiving of statutory period of six months for recording of second motion statement in proceedings initiated under Section 13B of the Hindu Marriage Act, 1955 for dissolution of the marriage by mutual consent, was declined.

On 06.02.2023, learned counsel for the petitioner had sought time to verify from the record whether any endeavour was made by the Family Court to bring about reconciliation between the parties as mandated by Section 23(2) of the Act.

On 20.02.2023, the following order was passed:-

“Learned counsel for the petitioner submits that as per his instructions no separate endeavour was made by the Family Court to bring about reconciliation between the parties. The same may have been in view of the factum of pendency of earlier litigation between the parties, which were compromised in principle, resulting in institution of the

petition seeking divorce by way of mutual consent.

Learned counsel for the petitioner is directed to place on record the petition filed under Section 13 of the Hindu Marriage Act, 1955 as well as under Section 125 of the Cr.P.C., referred to in para No.7 of the petition filed under Section 13-B (Annexure P-1), seeking a decree of divorce by mutual consent. The current status of the said proceedings be also informed by the next date.

Adjourned to 21.03.2023.”

No document/information has been placed on record pursuant to the aforesaid order. However, on the following date, an adjournment was sought on the ground that the arguing counsel is not available.

As per the case status available on the e-Courts portal, it is reflected that the proceedings under Section 13B before the Court below, from which the present revision arises, have culminated and stand finally disposed of vide judgment and order dated 27.04.2023.

It appears that on account of the above, the parties or their counsel are left with no interest to pursue the present proceedings. Even otherwise in light of no proceedings pending before the Court below, the present petition has been rendered infructuous.

Dismissed as having been rendered infructuous.

(VIKAS SURJ)
JUDGE

May 09, 2023

vcgarg

Whether speaking/reasoned:

Yes

Whether reportable:

No