

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

CR-2573-2023(O&M)

Date of decision:-3.5.2023

Gaurav Kumar

...Petitioner No.1

and

Palak

...Petitioner No.2

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.S.S. Sarwara, Advocate
for the petitioners.

H.S. MADAAN, J.

1. Petitioner Gaurav Kumar, aged about 27 years and his wife Palak aged about 24 years, both residents of Patiala had brought a petition under Section 13-B of the Hindu Marriage Act for dissolution of their marriage by a decree of divorce by mutual consent. That petition was dealt with by Principal Judge, Family Court, Patiala, who recorded statements of both the petitioners on first motion on 31.1.2023 and then adjourned the case to 8.8.2023 for recording statements of the parties on second motion.

2. The petitioners had filed an application for waiving of 6 months mandatory period for the reason that both the petitioners are living separately from each other and there are no chances of their cohabitation

together and further they have mutually agreed to get their marriage dissolved by decree of divorce by mutual consent and now the petitioners want to go abroad as they have already applied for their higher studies; there are no chances of reconciliation between the parties, therefore the application be accepted.

3. That application was rejected by the trial Court vide the impugned order dated 1.3.2023, leaving the petitioners aggrieved and they have approached this Court by way of filing the present revision petition.

4. I have heard learned counsel for the petitioners besides going through the record.

5. In the impugned order, the trial Court has observed that the case was never referred to the mediation for reconciliation between the parties and nothing with regard to the reconciliation between the parties has been done, therefore the petitioners did not fulfil the conditions as laid down by the Apex Court in judgment *Amardeep Singh Versus Harveen Kaur, 2017(4) RCR(cIVIL) 608* and further no document regarding higher studies has been placed on record by the petitioners. Thus, no ground was there to waive of the statutory period of 6 months.

6. The impugned order passed by the trial Court is quite detailed and well reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

7. Finding no merit in the revision petition, the same stands

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dismissed.

Since the main revision petition has been dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

3.5.2023

(H.S.MADAAN)

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JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No