

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 3835 of 2023****Date of Decision: 17.08.2023**

Manjeet

... Petitioner(s)

Versus

Tamanna

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Vikram Rathore and Mr. Manvinder Singh Dalal,
Advocates, for the petitioner(s).Mr. Vinay Kumar Arya, Advocate
for the respondent.**Anil Kshetarpal, J.**

1. In the present revision petition, a prayer has been made to waive off the cooling period of six months as required under Section 13B(2) of the Hindu Marriage Act, 1955 (hereinafter referred to as “the 1955 Act”). The Family Court has refused to waive off the cooling period on the ground that the application lacks mandatory requirements as laid down in *Amit Kumar v. Suman Beniwal 2022 AIR (Supreme Court) 570* and *Amardeep Singh v. Harveen Kaur (2017) 8 SCC 746*.

2. It is relevant to note that the marriage between the parties was solemnized on 03.06.2022, whereas they started residing separately within a couple of days of their marriage. It has been stated that the petition under Section 13B of the 1955 Act was filed on 28.03.2023 and the statement of the parties was recorded in the first motion on 17.05.2023.

The learned counsel representing the parties relies upon the

judgment passed by the Supreme Court in *Amit Kumar's case (supra)*.

4. This Court has considered the submissions and evaluated the arguments of the learned counsel representing the parties. It is undisputed that the parties stayed together only for a couple of days. No child was born out of the wedlock. The parties are educated and both wish to settle down out of the country. It has been stated jointly by the learned counsel representing the parties that the chances of reconciliation which can result in living together are bleak. The learned counsel representing the parties have also stated that the dispute with regard to permanent alimony has already been settled by mutual consent.

5. Moreover, approximately a period of three months has already elapsed when the statement of the parties were recorded in the first round.

6. Keeping in view the aforesaid facts, the impugned order dated 31.05.2023 passed by the Family Court, Kaithal, is modified. The remaining cooling period is waived off. The parties, through their learned counsel, are directed to appear before the Family Court at Kaithal on 29.08.2023 in order to record their statements in the second motion.

7. With the aforesaid modifications made in the impugned order, the present revision petition is disposed of.

(Anil Kshetarpal)
Judge

August 17, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No