

FAO-4592-2023 (O&M)**-2-**

between the parties was solemnized on 29.03.2022 and they are residing separately since the second week of April, 2022. First motion statements were recorded on 13.07.2023 and, therefore, for want of exhaustive steps to be taken for mediation between the parties, the prayer was declined.

Admittedly, the marriage was lasted only for three days and the parties started living separately since the second week of April, 2022. As per settlement arrived at between the parties, adequate provision has already been made in the settlement and an amount of Rs.7 lakhs has already been received by the appellant towards past, present and future claim of the appellant. There is no issue out of this wedlock. The appellant has already taken admission in University of Lincoln, England in the course of Master of Science and Management with Human Resources. 18.09.2023 is the date on which the course will start. The duration of the course is of one year.

Both the parties are *ad idem* that they are living separately for more than one year. In fact, the marriage lasted for three days and the marriage was never consummated. No cohabitation took place and due to temperamental differences, the parties cannot live together. The petition is maintainable in view of requirement of Section 13-B (1) of the Act. Section 13-B (2) of the Act is procedural in nature. The discretion to waive off the period is

FAO-4592-2023 (O&M)**-3-**

a guided discretion for considering the interest of justice, where there is no chance of reconciliation and the parties have already separated for more than one year. There is no other case pending between the parties in any Court of law or authority. The Court has to see the period for which the parties have been married, the duration of their separation, duration of pending litigation, if any. The compromise arrived at between the parties has to be a genuine compromise and should take care of alimony and other issues. Evidently, both the parties are *ad idem* that they have settled the controversy for all times to come and compromise in question has satisfied all the ingredients, wherein the issue of alimony has been suitably answered by making payment of Rs.7 lakhs to the appellant. There is no issue out of this wedlock. The Court has to be satisfied that the parties are living separately for more than the statutory period and all efforts at Mediation and Conciliation Centre have been tried and have failed. Though, the parties have not resorted to any mediation proceedings but they are one in saying that they have struck out of Court settlement and the respondent has paid the permanent alimony which has been accepted by the appellants towards her past, present and future claims and the same is a balanced compromise keeping in view the duration of marriage and the decision of the parties to part ways.

Keeping in view the period of separation since April,

FAO-4592-2023 (O&M)

-4-

2022 and the urgency involved in the present case in view of admission taken by the appellant in University of Lincoln, England, where the course is to start with effect from 18.09.2023, this Court is satisfied that the conditions in terms of Section 13-B (2) of the Act are satisfied for waiving off the statutory period of six months.

In view of aforesaid consensus arrived at between the parties, the impugned order is set aside. Statutory period of six months is ordered to be waived off.

Both the parties are directed to appear before the Family Court within a period of three days. On their appearance before the Family Court, the Family Court shall proceed to pass an appropriate order in accordance with law.

Disposed of.

(RAJ MOHAN SINGH)
JUDGE

(HARPREET SINGH BRAR)
JUDGE

12.09.2023
Neha

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