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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CR-6110-2022 (O&M)
Date of decision: 09.01.2023*Tamanna*.....*Petitioner**Versus**Dapinder Kumar*.....*Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Manish Kumar Singla, Advocate for the petitioner

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Rajbir Sehrawat, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India, praying for setting aside the impugned order dated 07.09.2022 passed by the Additional Principal Judge, Family Court, Camp Court, Sunam in case *i.e.* HMA/226/2022, titled as '*Dapinder Kumar versus Tamanna*'.

Perusal of the impugned order shows that the application for dispensing with the statutory period of one year for filing the petition under Section 13-B of the Hindu Marriage Act (in short, 'the HMA') for dissolution of the marriage by mutual consent, has been dismissed by the trial Court. Along with that, even the original petition filed under Section 13-B of the HMA has been ordered to be returned to the parties being premature. However, as of today, the statutory period of one year has been completed. Therefore, counsel for the petitioner has submitted that the original petition filed under Section 13-B of the HMA should be restored so

as to save the parties from filing fresh petition and the trial Court should be directed to take a decision only on the earlier petition.

Notice of motion.

Mr. Dinesh Kumar, Advocate accepts notice on behalf of the respondent.

Counsel for the respondent has not objected to the course of action as suggested by counsel for the petitioner. Counsel for the respondent has submitted that keeping in view the facts and circumstances of the case, it would be in the fitness of things, if the original petition filed under Section 13-B of HMA is restored instead of directing the parties to file a fresh petition.

Having heard counsel for the parties and having gone through the case file, this Court is of the considered view that it would be appropriate if the petition under Section 13-B of HMA already filed by the parties is restored and the trial Court is directed to decide the same, in accordance with law.

In view of the above, the present petition is disposed of and the impugned order dated 07.09.2022 passed by the Family Court, Sunam, to the extent ordering return of petition filed under Section 13-B of HMA for dissolution of the marriage by way of mutual consent, is set aside. The Trial Court is directed to take the original petition on board and to decide the same in accordance with law.

(Rajbir Sehrawat)
Judge

January 09, 2023
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whether speaking/reasoned	Yes/No
whether reportable	Yes/No