

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 5532 of 2022(O&M)

Date of Decision:11.01.2023

Rajiv Singh Sandhu

.....Appellant

Versus

Amandeep Kaur

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Raj Kumar, Advocate
for the applicant-appellant.

LISA GILL, J(Oral).

This appeal has been filed by the appellant-husband challenging order dated 06.01.2022, passed by the learned Family Court, SAS Nagar, Mohali, whereby petition under Section 13-B (1) of the Hindu Marriage Act (for short 'the Act'), filed by the appellant as well as the respondent, was dismissed on the ground that it has been filed only five days after separation of the parties.

Petition under Section 13-B of the Act, it is submitted was filed on 16.12.2021 with the averment that the parties though married on 13.10.2010 were living separately since 11.12.2021. No application seeking waiver of the statutory period had been filed.

Learned Family Court, SAS Nagar Mohali, dismissed the petition on the ground that it has been filed only five days after separation of the parties and that benefit of Section 14 of the Act cannot be given.

Though, it is contended that the impugned order is under a cloud inasmuch as there is no question to reference of Section 14 of the Act in the given facts, however, learned counsel for the appellant submits that undeniably the requisite period of separation has also since elapsed, as the parties have been living separately since 11.12.2021, therefore, he seeks to withdraw this appeal with liberty to the appellant and the respondent to file a fresh petition under Section 13-B of the Act.

Appeal is accordingly dismissed as withdrawn with liberty as aforementioned. Pending application, if any, stands disposed of.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

January 11, 2023.

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.