



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.6827/2024

Prasad V Mrs. Vaishnavi

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. Shabana Khan, Advocate for petitioner.

Mr. S. Zia Qazi, Advocate for respondent.

CORAM : N.R. Borkar, J.

DATE : 26-11-2024.

This petition takes exception to the order dated 07-10-2024 passed by the learned Family Court No.1, Nagpur in Petition No.F-618/2024.

ii. In a petition filed by the petitioner (husband) and respondent (wife) under Section 13B of the Hindu Marriage Act, 1955 (for short, the 'said Act') for a decree of divorce by mutual consent, they had filed an application to waive the statutory waiting period of six months specified in Section 13B(2) of the said Act. The learned Family Court has rejected the said application by the order impugned.

iii. I have heard the learned Counsel for the parties.

iv. The learned Counsel for the parties submit that there is no chance of reconciliation between the parties. In support of submission, the learned Counsel for the parties have drawn my

attention to the Memorandum of Understanding (MOU) executed by the parties dated 12-06-2023.

v. I have perused the said MOU and reason mentioned therein by the parties for living separately.

vi. After going through the reason, I am of the view that chances of reconciliation are not there at all. In that view of the matter, the order impugned is set aside. The statutory waiting period of six months is hereby waived.

vii. The petition is disposed of in the aforesaid terms.

(N.R. Borkar, J.)