

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

129

CR-105-2024 (O&M)
Date of Decision : 10.01.2024

ACHAL JINDAL

.... Petitioner

VERSUS

YASHA TOMAR

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jagan Nath Bhandari, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed against the impugned order dated 24.11.2023 (Annexure P-2) passed by learned Principal Judge, Family Court, SAS Nagar (Mohali) vide which the application filed by the parties for waiver of the statutory period of six months for recording their statements of second motion has been dismissed.

2. The parties to the *lis* were married on 29.06.2020 and they have been living separately since 15.07.2022. Despite trying to resolve the differences, the parties could not resolve them and were unable to live with each other. On 14.09.2023 a joint petition was filed under Section 13-B of the Hindu Marriage Act, 1955 for grant of divorce by mutual consent. The first motion statements were recorded on 15.09.2023. On 17.10.2023 an application for waiver of the six months period for recording the second

motion statements was moved. However, vide impugned order the said application was dismissed on the ground that the application has no merits.

3. Notice of motion.

4. Mr. Anand Tomar, Advocate appears and accepts notice on behalf of the respondent and has filed his power of attorney. The same is taken on record. Learned counsel for the respondent does not dispute the prayer of the petitioner.

5. Learned counsel for the parties would contend that the parties have been living separately since 15.07.2022 and there is no chance of reconciliation. The parties to the *lis* now want to move on with their lives and as such have prayed for waiver of the six months period. Learned counsel would further contend that both the parties are adamant on their stand and there is no chance of any reconciliation between them.

6. Heard.

7. In view of the law laid down by the Apex Court in the case of ***Amardeep Singh vs. Harveen Kaur [2017(4) RCR (Civil) 608]*** and in view of the fact that the parties have been living separately since 15.07.2022 and there is no chance of reconciliation and likelihood of parties living together, I deem it appropriate to waive off the statutory period of six months for recording of the second motion statements inasmuch as the waiting period of six months would only prolong the agony of the parties. Resultantly, the impugned order dated 24.11.2023 (Annexure P-2) is set aside.

8. Parties are directed to appear before the Court below on **19.01.2024** at 10.00 am for recording of statements of the second motion and proceeding further in accordance with law.
9. Revision petition stands allowed in the above terms. Pending applications, if any, also stand disposed off.

10.01.2024
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO