

2024:PHHC:020290
**138 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-249-2023 (O&M)
Date of decision: 13.02.2024

Smt. Anju

....Petitioner

Versus

Rishi

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Amit Kumar Jain, Advocate for the petitioner

Mr. Gaurav Chauhan, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

The petitioner herein is the respondent's wife. The divorce petition filed by the respondent is pending. During the pendency of the divorce petition, the respondent filed an application for permission to amend the petition in order to contend that the marriage was voidable as both the parties were minor at the date of marriage. The court has allowed the application. The correctness of the aforesaid order has been challenged in this revision petition.

Learned counsel representing the petitioner contends that prima facie an amended petition has been filed beyond the prescribed period of limitation as the plea of marriage being void is required to be taken within one year of attaining the majority.

This Court has considered the submissions made by the learned counsel representing the parties.

It is not in dispute that the divorce petition is pending. The petitioner can object to its maintainability and pray to the trial court to

frame a distinct issue on the question of the fact that the amended petition is not maintainable as it was filed beyond the period of limitation. At this stage, it would not be appropriate for the Court to interfere with the interlocutory order passed by the Family Court, permitting the respondent to amend the petition.

With these observations, the revision petition stands disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

13.02.2024

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE