

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

125

CR-842-2024 (O&amp;M)

Date of Decision : 12.02.2024

BALJIT SINGH

..... Petitioner

Versus

RAJBIR KAUR

..... Respondent

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Gurmeet Singh Saini, Advocate for the petitioner.  
Mr. Balraj Singh Sidhu, Advocate for the respondent.

**ALKA SARIN, J.** (Oral)

1. The present petition has been filed against the impugned order dated 19.01.2024 whereby the application filed by the parties for waiver of the statutory period of six months for recording their statements on the second motion has been dismissed.

2. The parties to the *lis* were married on 31.01.2010 and have been living separately since January 2013. Despite trying to resolve the differences, the parties could not resolve them and were unable to live with each other. On 26.10.2023 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 26.10.2023. On the same date, an application for waiver of the six months period for recording the second motion statements was moved. However, on 19.01.2024, the said application was dismissed on the ground that the application has no merits.

3. Notice of motion.

4. Mr. Balraj Singh Sidhu, Advocate has put in appearance and accepts notice on behalf of the respondent. He does not dispute the prayer of the petitioner.

5. Learned counsel for the parties would contend that the parties have been living separately since January 2013 and there is no chance of any 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. Learned counsel have submitted that the compromise arrived at between the parties has already been given effect to and the terms and conditions laid down therein already stand complied with.

6. Heard.

7. In view of the law laid down by the Apex Court in 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 January 2013 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 19.01.2024 is set aside.

8. Parties are directed to appear before the Court below on **23.02.2024** at 10.00 a.m. for recording of statements of the second motion and proceeding further in accordance with law.

9. Revision petition stands allowed in the above terms.

**12.02.2024**  
*D.Bansal*

**(ALKA SARIN)**  
**JUDGE**

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