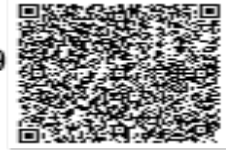


CR-2673-2024 (O&M)

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2024:PHHC:063929



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CR-2673-2024 (O&M)

Date of decision:07.05.2024

Arjun Sharma

... Petitioner No.1

Vs.

Shristi Vashishtha

... Petitioner No.2

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. G.S. Gopera, Advocate for
Mr. Sunil Toni, Advocate for petitioner No.1.

Ms. Ekta Sharma, Advocate for petitioner No.2.

...

SUKHVINDER KAUR, J.

1. The instant revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 09.04.2024 (Annexure P-7) passed by the Additional District Judge, Chandigarh, whereby the application filed by the petitioners for waiver of the statutory period of six months for recording of statements in second motion was declined.

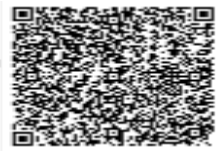
2. The relevant facts for adjudication of the present *lis* are that marriage of petitioner No.1 with petitioner No.2 was solemnized on 22.02.2023 as per Hindu Rites and Ceremonies. No child was born out of such wedlock. The parties lived together as husband and wife only for 6 days. The parents and other respectables tried to resolve the dispute between the parties, but the parties could not resolve their differences. So they agreed to dissolve their marriage with mutual consent and filed petition under



Section 13-B of the Hindu Marriage Act within one year of their marriage, which was allowed to be filed vide order dated 18.01.2024 by allowing their application filed under Section 14 of the Hindu Marriage Act. The statements of the parties in the first motion were recorded before the Additional District Judge, Chandigarh on 01.03.2024 and date of recording of the second motion was fixed as 19.01.2024. Thereafter, the petitioners moved an application for waiving of statutory period of six months after the first motion statement which was declined vide the impugned order dated 09.04.2024. Hence, the present revision petition has been filed by the petitioners.

3. Learned counsel for the petitioner has contended that the Court below has failed to consider that both the petitioners have lived together only for 6 days and since then they are living separately in two different States. They are working in their respective fields and are in such age where they can think about again settling in their life. He has further contended that they have settled all their disputes and have shown their inability to live together. Both are well educated to understand the decision of filing of said divorce petition within one year of their marriage. He has submitted that both the petitioners want to choose better options in their lives and there is no chance of reunion and the waiting period will only prolong their agony.

4. It has been held by the Apex Court in **Amardeep Singh Vs. Harveen Kaur, 2017 (4) RCR 608** that *“Since we are of the view that the period mentioned in Section 13b(2) is not mandatory but directory, it will be open to the Court to exercise its discretion in the facts and circumstances of*



each case where there is no possibility of parties resuming cohabitation and there are chances of alternative rehabilitation.”

5. So in view of the ratio of law laid down by the Apex Court in the aforesaid case and also taking in view the fact that the parties have lived together as husband and wife only for 6 days and both the parties are adamant that there is no chance of reunion between them, it will be appropriate if the statutory period of six months for recording of second motion statement is waived, as the waiting period will only prolong the agony of the parties.

6. Keeping in view the above, the instant revision petition is allowed and the impugned order dated 09.04.2024 (Annexure P-7) is set aside. Parties are directed to appear before the Additional District Jundge, Chandigarh on 28.05.2024 for recording of their statements in the second motion for proceeding further in the matter in accordance with law.

7. Pending application(s), if any, shall also stand disposed of.

07.05.2024
harjeet

(SUKHVINDER KAUR)
JUDGE

1.Whether speaking/reasoned?	Yes/No
2.Whether reportable?	Yes/No