



CR-3151-2024 (O&M)

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

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CR-3151-2024 (O&M)

Date of Decision:08.08.2024.

Paramjit Kaur

...Petitioner No.1.

And

Gurdeep Singh

....Petitioner No.2.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Harmanpreet Singh, Advocate for the petitioners.

...

SUKHVINDER KAUR, J.

By way of present revision petition, the petitioner has challenged order dated 20.04.2024 (Annexure P-3), passed by learned Additional Principal Judge, Family Court, Amritsar, vide which application filed by the petitioner for waiver of the statutory period of six months for recording the statements of second motion, was dismissed.

2. The brief facts relevant for adjudication of the present revision petition are that marriage of petitioners No.1 and 2 was solemnized on 16.01.2023 according to Sikh rites by way of Anand Karaj ceremony. It has been averred that on account of temperamental differences, both the petitioners were unable to maintain cordial relations and both are residing separately since 01.03.2023. Despite best efforts on the part of the petitioners and their relatives/well wishers, they could not reconcile and rehabilitate with each other. As differences between the parties could not be resolved despite best efforts, they decided to dissolve their marriage by seeking divorce by mutual consent. Both the petitioners filed a



petition under Section 13-B of the Hindu Marriage Act on 13.03.2024 before the Additional Principal Judge, Family Court, Amritsar. They got recorded their statements in the first motion in the aforesaid Court on 13.03.2024 and the matter was adjourned for recording for second motion statement for 16.04.2024. Thereafter, parties filed an application dated 16.04.2024 for waiving of cooling period which was dismissed by the Court vide the impugned order dated 20.04.2024. Hence, the petitioners have knocked the doors of this Court by way of filing the present revision petition.

3. Learned counsel for the petitioner has contended that the Court below has failed to consider that marriage between the parties has already become purposeless. There is no chance of reconciliation and reunion because every effort to save their marriage have already been made by the families of the parties. He has further contended that they have settled all their disputes and have shown their inability to live together and both the petitioners are already residing separately since 01.03.2023.

4. I have heard learned counsel for the petitioner and have gone through the relevant record.

5. It has been held by the Apex Court in ***Amardeep Singh Vs. Harveen Kaur, 2017 (4) R.C.R. 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.* ”

6. 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 due to incompatibility and indifferent temperaments, the relations between the parties could not remain cordial 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.

7. Keeping in view the above, the instant revision petition is allowed and the impugned order dated 20.04.2024 (Annexure P-3) is set aside. Parties are directed to appear before the learned Additional Principal Judge, Family Court, Amritsar on 14.08.2024 for recording of their statements in the second motion for proceeding further in the matter in accordance with law.

8. All pending applications, if any, also stand disposed of accordingly.

(SUKHVINDER KAUR)
JUDGE

08.08.2024.

harjeet

Whether speaking/ reasoned :
Whether Reportable :

Yes/ No
Yes/ No