

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Revision No.3272 of 2024
Date of Decision: 11.07.2024

Rekha Yadav
....Petitioner No.1

and

Col. Shamsher Yadav
...Petitioner No.2

CORAM: HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Rakesh Dhiman, Advocate and
Mr. Abhimanyu Kalsy, Advocate,
for the petitioners.

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MEENAKSHI I. MEHTA, J. (ORAL)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioners have assailed the order Annexure P-6 as handed down by learned Principal Judge, Family Court, Gurugram (for short ‘the Family Court’) on 18.05.2024 in *HMA No.687 of 2024* titled as ‘*Rekha Yadav and Shamsher Yadav*’, whereby application Annexure P-4, filed by them with the prayer to waive-off the statutory period of six months for recording their statement on the second motion, has been dismissed.

2. I have heard learned counsel for the petitioners in the present revision-petition, at the preliminary stage and have also gone through the file carefully.

3. Learned counsel for the petitioners contend that all the efforts for the reconciliation of the dispute between the petitioners have gone futile and now, there is no likelihood of their re-visiting the decision to get their marriage dissolved and in these circumstances, the statutory period of six



months should have been waived-off but the Family Court did not consider this material aspect of the matter in the right perspective and has wrongly rejected their afore-referred application vide the impugned order and hence, the said order is not legally sustainable and is liable to be set-aside.

4. However, the above-raised contention does not cut much ice with this Court because a perusal of the impugned order reveals that it has categorically been mentioned therein that earlier in January 2023 also, the petitioners had filed a petition for seeking the dissolution of their marriage on the basis of mutual consent but the same had been dismissed as having been withdrawn on account of the reconciliation between them. In these circumstances, this Court is of the considered opinion that the statutory period of six months, as provided by the legislature, in its own wisdom, with the view to afford the time to the spouses to re-consider their decision to part ways, should not be waived-off as prayed for by the petitioners and that too, in the circumstances when, as mentioned in the impugned order, their (petitioners') younger son, who is aged 22 years, is a Special Adult.

5. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the revision-petition in hand, being bereft of any merit, stands dismissed.

July 11, 2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No