

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****129****CR-5054-2024 (O&M)****Date of Decision : 09.09.2024**

Ashish Handa

....Petitioner

VERSUS

Divya Handa

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Anshul Sharma, Advocate for the petitioner.

Mr. Rahul Verma, Advocate for the respondent.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Article 227 of the Constitution of India challenging the order dated 02.08.2024 whereby the application filed by the parties for waiver of the statutory period of six months for recording their statements of the second motion has been dismissed.

2. The parties to the *lis* were married on 22.09.2012 and out of the wedlock a female child was born on 22.04.2016. The parties have been living separately since 28.08.2022. Despite trying to resolve the differences, the parties could not resolve them and were unable to live with each other. On 20.05.2024 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 20.05.2024 and the matter was adjourned to 19.11.2024 for recording of second motion statements of the parties. Thereafter, on 01.08.2024 an application for waiver of the six months' period

for recording the second motion statements was filed, which was dismissed vide the impugned order dated 02.08.2024.

3. Notice of motion.

4. Mr. Rahul Verma, 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 28.08.2022 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 there is no chance of any reconciliation between the parties. Learned counsel for the parties have submitted that the settlement arrived at between the parties has already been given effect to and the terms and conditions thereof 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 28.08.2022 and there is no chance of reconciliation and likelihood of the 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 02.08.2024 stands set aside.

8. Parties are directed to appear before the Principal Judge, Family Court concerned on **01.10.2024** at 10.00 am for recording of their statements of the second motion and for further proceedings in accordance with law.

9. Revision petition stands allowed in the above terms. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

09.09.2024
jk

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