

2024:PHHC:139379



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

126

CR-6155-2024 (O&M)
Date of decision: 23.10.2024

Ananya Thakur

...Petitioner

Versus

Rakshit Madan

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Ms. Ravisha Mahajan, Advocate for the petitioner.

Mr. Bhisham Kinger, Advocate for the respondent.

VIKAS SURI, J.

1. Prayer in this petition under Article 227 of the Constitution of India is for issuance of directions to learned Principal Judge, Family Court, Amritsar, for deciding the joint application filed under Section 14(1) of the Hindu Marriage Act, 1955 (for short 'the Act') in the joint petition under Section 13-B of the Act for deciding the same as expeditiously as possible.

2. It is contended that marriage of the petitioner and respondent was solemnized on 18.11.2023 as per Hindu rites and ceremonies and no child has been born from the said wedlock. The parties have been living separately since 02.12.2023 and have not cohabited since their separation. With the intervention of elders of their



respective family and respectables, the parties have entered into a settlement, which has been reduced in writing as compromise deed dated 29.05.2024, whereby the parties have mutually agreed to dissolve their marriage by a decree of divorce by way of mutual consent.

3. Acting upon the aforesaid compromise deed dated 29.05.2024, all dowry articles, jewellery and gifts given by one side to the other, stand exchanged and nothing remains to be recovered from the other party. Further, as per terms of the compromise deed mutually settled between the parties, the amount of Rs.11 lakh out of total settled amount of Rs.33 lakh has been received by the petitioner on 29.05.2024 and they have filed a joint petition under Section 13-B of the Act along with an application under Section 14(1) of the Act seeking permission to file the petition within one year from the date of marriage. The said application is pending consideration before learned Family Court for 20.11.2024.

4. Learned counsel for the parties submit that as marriage of the parties was solemnized on 18.11.2023, the application filed under Section 14(1) of the Act would be rendered infructuous by efflux of time on the date already fixed before the learned Family Court. Counsel for the parties, thus, jointly pray that in view of the present circumstances, the learned Family Court, Amritsar, be directed to dispose of the petition under Section 13-B of the Act seeking dissolution of the marriage by a decree of divorce by way of mutual consent on the date already fixed.

5. I have heard learned counsel for the parties and perused the



case file.

6. Admittedly, the marriage of the parties was solemnized on 18.11.2023 and the period of one year would be over on 18.11.2024 and the application filed under Section 14(1) of the Act for permission to file the petition within one year from the date of marriage would be rendered infructuous by the date already fixed before the Family Court i.e. 20.11.2024. The joint prayer made in the alternative apparently seems to be fair and reasonable.

7. The provisions of Section 14(1) of the Act were considered in detail by a division bench of this Court in the decision in ***Mandeep Kaur vs. Rajiv Girdhar***, 2024(1) PLR 83, wherein it was held as under:-

- I. Section 14 the Act applies completely to Section 13B of the Act as well i.e. parties can apply for permission, to file a petition for divorce by way of mutual consent, within one year of date of marriage.
- II. The Court is not to ordinarily enter into an elaborate enquiry while considering an application under Section 14(1) of the Act especially with respect to a petition under Section 13B of the Act since the Court is required to take a pacifist view point when dealing with a case under Section 13B of the Act. The Court would generally consider the pleadings and material placed before it to take a view. However, if the facts and circumstances of a case so warrant, Court may undertake an elaborate enquiry.
- III. While granting or refusing permission under Section 14(1) of the Act, the Court ought to consider the following factors:
 - (a) How long the parties have been married?



- (b) How long they have been staying apart?
- (c) Are there any other proceedings between the parties? If yes, what is the status of such proceedings and whether all such other proceedings are also being settled?
- (d) Whether declining of such permission will prolong the agony of parties?
- (e) Whether there is any misrepresentation or concealment of material facts by parties while seeking such permission?
- (f) Whether there is any child born out of the wedlock? If yes, how the interest of child is being secured?
- (g) Whether there is any reasonable probability of reconciliation between parties?
- (h) Age, educational qualification and economic position of the parties especially the wife?

The factors enumerated herein above are illustrative in nature and not exhaustive. The Court may consider such other factor(s) as it deems appropriate in the facts and circumstances of a given case.

8. In the present case, it is evident on record that the parties have deliberated upon their mutual decision to amicably dissolve their marriage by mutual consent and have also negotiated the terms and conditions which have been recorded in compromise deed dated 29.05.2024. The parties have already acted thereupon and the first installment of Rs.11 lakh has been acknowledged to have been received by the petitioner.

9. Keeping in view the totality of facts and circumstances of the present case, the present petition is disposed of with a direction to learned Family Court to accordingly proceed with the petition filed under Section 13-B of the Act for dissolution of marriage by a decree of



divorce by mutual consent and it may proceed to record the statements at first motion on the date already fixed or any other convenient date, not later than six weeks therefrom. The joint petition under Section 13-B of the Act be thereafter disposed of expeditiously, in accordance with law.

10. The revision petition is disposed of in the aforesaid terms.

October 23, 2024
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No