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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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Date of decision: 10.01.2025

Kavita Rani

... Petitioner

Vs.

Harsh Rajan

... Respondent

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. Vikas Arora, Advocate for the petitioner.

Mr. Mohit Kumar, Advocate for the respondent.

...

SUKHVINDER KAUR, J.

1. The instant revision petition has been filed by the petitioner/wife against order dated 19.12.2024 (Annexure P-1) passed by learned Principal Judge, Family Court, Ferozepur, whereby, application filed by the petitioner for waiver of statutory period of six months for recording the statements of the parties in second motion in petition under Section 13-B of the Hindu Marriage Act was dismissed.

2. The relevant facts required for disposal of the present revision petition are that marriage of the parties was solemnized on 03.09.2016 as per Hindu rites and rituals at Ferozepur City, District Ferozepur. After the marriage, petitioner and respondent resided together at Ferozepur as husband and wife. However, no child was born out of this wedlock. It has been averred that on account of temperamental differences, petitioner and respondent were unable to maintain cordial relations and started living separately since the last 18 months. As differences between the parties could not be resolved despite the best efforts, they decided to part their ways and

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filed application under Section 13-B of the Hindu Marriage Act seeking decree of divorce by mutual consent before the Principal Judge, Family Court, Ferozepur on 19.12.2024. They got recorded their statements in the first motion in the aforesaid Court and the case was fixed for 11.07.2025 for recording of second motion statement. Thereafter, petitioner moved application dated 19.12.2024 seeking waiver of 6 months periods for recording the second motion statement, which was dismissed by the Family Court vide the impugned order dated 19.12.2024 (Annexure P-1). Hence the petitioner/wife has knocked the doors of this Court by way of filing the present revision petition.

3. Learned counsel for the petitioner has contended that the Family Court has failed to appreciate that the parties are living separately since last 18 months and therefore no mediation is necessary as both the parties have decided to part their ways after due mediation and intervention of the respectables. He has further contended that marriage of the parties has broken down irretrievably and there are no longer any chances of reconciliation. He has argued that the Family Court has further failed to appreciate that marriage of the parties has dis-integrated and the period of six months will prolong the agony and misery of the parties. All the disputes between the parties have been resolved and the petitioner has been sufficiently compensated by the respondent.

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

5. The Apex Court in the case of **Amardeep Singh Vs. Harveen**



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Kaur, 2017(4) RCR 608 has held *“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. Therefore, keeping in view the ratio 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 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 of, 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 19.12.2024 (Annexure P-1) passed by the Principal Judge, Family Court, Ferozepur is set aside. Parties are directed to appear before the Principal Judge, Family Court, Ferozepur on 30.01.2025 for recording of their statements in the second motion for proceeding further in the matter in accordance with law.

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

(SUKHVINDER KAUR)
JUDGE

10.01.2025

harjeet

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No