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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ C.R.P. 101/2026

SUMIT RAMPURIA

.....Petitioner

Through: Mr. Sahil Jain, Adv.

versus

SHIVANI GULGULIA

.....Respondent

Through: Sh. Mukesh Narayan, Adv.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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08.04.2026

CM APPL. 22677/2026 (for exemption)

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

C.R.P. 101/2026

1. This petition has been filed for setting aside order dated 19th February 2026, passed by the Judge, Family Court, Central District, Tis Hazari Courts, Delhi in ***HMA No. 267/2026***, whereby the Court dismissed the application filed jointly by parties for waiver of statutory period of six months for '*second motion*' under *Section 13B (2)* of the Hindu Marriage Act, 1955 [***HMA***], for passing a decree of divorce on the basis of mutual consent.
2. Counsels for petitioner/*husband* and respondent/*wife* are present before the Court and state, on instructions, that parties have mutually agreed that said period of six months ought to have been waived, particularly since they have complied with the principles enunciated by the Supreme Court in ***Amardeep Singh v. Harveen Kaur*** (2017) 8 SCC 746. The Supreme Court had stated in



paragraph 19 of the said judgment, as under:

“19. Applying the above to the present situation, we are of the view that where the court dealing with a matter is satisfied that a case is made out to waive the statutory period under Section 13-B(2), it can do so after considering the following:

(i) the statutory period of six months specified in Section 13-B(2), in addition to the statutory period of one year under Section 13-B(1) of separation of parties is already over before the first motion itself;

(ii) all efforts for mediation/conciliation including efforts in terms of Order 32-A Rule 3 CPC/Section 23(2) of the Act/Section 9 of the Family Courts Act to reunite the parties have failed and there is no likelihood of success in that direction by any further efforts;

(iii) the parties have genuinely settled their differences including alimony, custody of child or any other pending issues between the parties;

(iv) the waiting period will only prolong their agony. The waiver application can be filed one week after the first motion giving reasons for the prayer for waiver. If the above conditions are satisfied, the waiver of the waiting period for the second motion will be in the discretion of the court concerned.”

(emphasis added)

3. It is noted that parties have been separated since 2019, and ‘first motion’ was admitted on 22nd January 2026. Further, it is stated that all efforts for reconciliation have since failed and there is no likelihood of any reconciliation.

4. The terms presented through Memorandum of Understanding [‘**MOU**’] dated 2nd December 2025, for obtaining a decree by mutual consent, show that all aspects of alimony/maintenance stand settled. There being no child out of the wedlock, there is no issue of custody.

5. The Court has perused the MOU and finds no reason why the waiver



was not granted by the Family Court in these circumstances.

6. Accordingly, the impugned order dated 19th February 2026 is set aside.
7. The period of 6 months, as stipulated for '*second motion*' under *Section 13B(2)* of HMA, stands waived.
8. It has been consented that parties shall move for '*second motion*' on 20th April 2026.
9. This petition stands disposed of in above terms.
10. Pending applications, if any, shall be rendered infructuous.
11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 8, 2026/sm/tk