



CR-4907-2025 (O&M)

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

**CR-4907-2025 (O&M)
Date of decision : 30.07.2025**

Rumit Sethi

...Petitioner

Versus

Mishi Rajpur

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Arshvir Singh Sandhu, Advocate,
for the petitioner.

HARPREET KAUR JEEWAN, J. (Oral)

1. This civil revision under Article 227 of the Constitution has been filed for setting aside the order dated 07.07.2025 (Annexure P-3), passed by the Principal Judge, Family Court, SAS Nagar, whereby, an application for waiver of the statutory period for six months for recording the second motion statement in a petition for dissolution of marriage by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 (*for short, 'the Act'*), has been dismissed.

2. Notice of motion.

3. Mr. Yaseen Sethi, Advocate, who is present in Court, put in appearance on behalf of the respondent and raises no objection if the present petition is allowed.

4. I have considered the submissions made on behalf of learned counsel for the parties.

5. The marriage between the parties was solemnized on 19.11.2018 at Mystic Meadow, Mullanpur, New Chandigarh. It is alleged that due to temperamental differences, the parties could not stay



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together and there are no chances for their rehabilitation. The parties jointly filed a petition under Section 13-B of the Act for dissolution of marriage. The petition was presented on behalf of the petitioner through Special Power of Attorney as he is residing in Canada. The first motion statement of the parties was recorded by the Family Court on 31.05.2025 (Annexure P-2) and the matter was adjourned for 15.12.2025.

6. In the meanwhile, both the parties filed a joint application for waiving off the cooling period of six months, which has been dismissed by the Family Court by passing the impugned order.

7. Learned counsel for the petitioner has informed that the petitioner is residing in Canada, whereas, the respondent is a resident of SAS Nagar. There are no chances of their living together. The marriage was solemnized in November, 2018 and the parties resided together till 31.03.2024. Out of the wedlock, no child was born. Both the parties have agreed to part ways peacefully and they want to restart their life. The age of the petitioner is 36 years, whereas, the respondent is of 32 years. The respondent-wife has not even asked for any alimony. Reliance has been placed on the decision of the Coordinate Bench of this Court in *Mandeep Kaur Vs. Sukhwinder Singh*, CR-4273-2022, decided on 30.09.2022. Further reliance has been placed on the decision of the Hon'ble Apex Court in *Amardeep Singh Vs. Harveen Kaur, (2017) 8 SCC 746*, wherein, it has been held as under:-

“20. Since we are of the view that the period mentioned in Section 13-B(2) is not mandatory but directory, it will be open to the court to exercise its discretion in the facts and



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circumstances of each case where there is no possibility of parties resuming cohabitation and there are chances of alternative rehabilitation.”

8. In the present case, the parties are living in separate countries. Both are young and there is no child born out of the wedlock, thus, they want to restart life, as such, this Court is of the considered opinion that there is no possibility of resuming cohabitation. The delay in adjudication of the petition under Section 13-B of the Act is going to cause prejudice to the personal rights of the parties. Both sides are educated, and they have taken a considered decision to part ways and restart their life.

9. In view of the above facts and circumstances, a case of waiver of cooling period of six months is made out.

10. Consequently, present petition is allowed. The impugned order dated 07.07.2025 passed by the Principal Judge, Family Court, SAS Nagar, is set aside. Both the parties are directed to appear before the Family Court on 18.08.2025 for recording statement of second motion. The statement of the petitioner can be recorded through video conferencing as per Rules and the Family Court shall consider the request of the parties by waiving off the period of six months, in accordance with law.

11. Pending miscellaneous applications, if any, shall stand disposed of.

30.07.2025

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[HARPREET KAUR JEEWAN]

JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No