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

CR-5074-2025 (O&M)
Date of decision: 01.08.2025

PARUL

...Petitioner No.1

Versus

SHANTAM KAMBOJ

...Petitioner No.2

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Neha Shukla, Advocate
for the petitioners.

SUDEEPTI SHARMA, J. (ORAL)**CM-14929-CII-2025**

Allowed as prayed for subject to all just exceptions.

Main case

1. Present petition is preferred against the impugned order dated 28.05.2025 (Annexure P-1), passed by Ld. Principal Judge, Family Court, Kharar (Camp Court) in the application filed by the petitioners to waive off the statutory cooling period of 6 months in the petition filed by the petitioners under Section 13-B of Hindu Marriage Act, for grant of divorce by mutual consent titled as "**Parul and Shantam Kamboj**" registration No.HMA-154-2025.

2. Learned counsel for the petitioners contends that Ld. Principal Judge, Family Court, Kharar (Camp Court) has wrongly dismissed the application filed by the petitioners to waive off the cooling period of 6



months in the petition filed by the petitioners under Section 13-B of Hindu Marriage Act, for grant of divorce by mutual consent. She further contends that the parties are living separately since May, 2023 and there is no scope of cohabitation between the parties, therefore the application filed by the petitioners to waive off the statutory cooling period of 6 months in case of petition filed by the petitioners under Section 13-B of Hindu Marriage Act, for grant of divorce by mutual consent may be accepted.

3. I have heard learned counsel for the petitioners and perused the file of the case.

4. Before proceeding further, it is necessary to extract the relevant portion of impugned order dated 28.05.2025 i.e. paragraphs Nos.4 to 7.

4. That Section 13-B of the Hindu Marriage Act requires that the petition under Section 13-B of the Hindu Marriage Act can be filed where the parties have been living separately for a period of one year or more and secondly, they have not been able to live together and have mutually agreed to dissolve their marriage. The statements of parties are required to be recorded in writing on the first motion and not earlier than six months on the second motion and thereafter, the decree of divorce is to be granted.

*5. The Hon'ble Supreme Court of India in "**Amardeep Singh Vs. Harveen Kaur 2017 (3) D.M.C. 277**" has been pleased to hold that the Court while dealing with the matter under Section 13 B of the Hindu Marriage Act, if satisfied, can waive off the statutory period of six months after considering the following:-*

“(i) the statutory period of six months specified in Section 13 B (2) of the Hindu Marriage Act, in addition to the statutory period of one year under Section 13 B (1) of separation of parties has already been over before the first motion statement itself;



(ii) all efforts for mediation/conciliation including the efforts in terms of order XXXII A Rule 3 of 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.”

6. The very object of giving six months period for recording second motion statements under Section 13-B of the Hindu Marriage Act is to give the parties an opportunity to save their matrimonial home and to make a last effort for reconciliation. The parties to the present petition had been married on 22.04.2022. The petitioners are staying separately since May, 2023 and their first motion statements were recorded on 07.05.2025. So, the condition that statutory period of six months specified in Section 13-B (2) of the Hindu Marriage Act in addition to the statutory period of one year under Section 13-B (1) of the Hindu Marriage Act should have been passed before the recording of first motion statements, being the first and foremost condition required to be considered for waiving off the statutory period of six months as mentioned in the Judgment "**Amardeep Singh Vs. Harveen Kaur 2017 (3) D.M.C. 277**" (**Supra**) has not been fulfilled in the present case. Furthermore, nothing has come on record to show the reason of urgency involved in the present case for waiving off the statutory period of six months. From the perusal of earlier statements of the parties, it reveals that part payment of permanent alimony between the parties still pending. The said bare pleas of the parties are not sufficient to waive off the statutory period of six months under Section 13-B of the Hindu Marriage Act in the circumstances when they have not place on record any documents to show the urgency involved therein. So, the



chances of reconciliation between the petitioners cannot be negated. Furthermore, in the opinion of the Court, there is no urgency involved in the present case, due to which the cooling period of six months should be waived off.

7. *The Hon'ble Supreme Court of India in **Amardeep Singh Vs. Harveen Kaur (Supra)** has granted discretion to the Court in waiving off the period of six months, specified in Section 13 B of the Hindu Marriage Act, but in view of the aforementioned discussion, this Court is of the opinion that grant of six months is necessary to enable the parties to give second thought for making second motion statements in the present case.”*

5. A perusal of the above shows that Ld. Principal Judge, Family Court, Kharar (Camp Court) has rightly observed that grant of 6 months period is necessary to enable the parties to give second thought for making second motion statement. Therefore, there is no infirmity in the impugned order dated 28.05.2025 and the same does not warrant any interference by this Court.

6. In view of the above, the present petition is dismissed and the impugned order dated 28.05.2025 (Annexure P-1) is upheld.

01.08.2025

Ithlesh

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No