

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****124****CR-2843-2025 (O&M)
Date of decision: 27.05.2025****Naresh Kumar****...Petitioner No.1****AND****Deepika****...Petitioner No.2****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. Umesh Aggarwal, Advocate
for the petitioners.***********NIDHI GUPTA, J.**

Challenge in the present civil revision petition filed under Article 227 of the Constitution of India is to the order dated 18.04.2025 (Annexure P-4) passed by learned Additional Principal Judge Family Court, Amritsar whereby, application filed by the petitioners for waiving off the statutory period of six months for recording the second motion statements in HMA Petition No. 610/2025, instituted on 29.03.2025, titled as '*Naresh Kumar & Deepika*' pending before learned Additional Principal Judge Family court, Amritsar, has been dismissed.

2. The only ground on which learned counsel for the petitioners submits that the statutory period of 6 months before granting of divorce under Section 13-B of the Hindu Marriage Act, 1955 (hereinafter referred to as "Act") be waived off is that there is no chance of reconciliation between the parties. It is submitted that amicable divorce under Section 13-B of the Act is being taken by the parties without any



litigation pending between them. Thus, there are no disputes to be resolved. It is accordingly prayed that present civil revision petition be allowed; impugned order dated 18.04.2025 (Annexure P-4) be set aside; and statutory period of 6 months for grant of divorce under Section 13-B be waived off.

3. Heard.

4. The petitioners got married on 02.04.2005. One daughter was born on 29.11.2008 and one son was born to them on 09.02.2013. Petitioners have been living separately since January 2023. Both the children are in the care and custody of husband/petitioner No.1. The present petition under Section 13-B of the Act (Annexure P-1) was filed by the petitioners on 28.03.2025. The first motion statements (Annexure P-2) were recorded on 29.03.2025; and the second motion statements are to be recorded on 01.10.2025. During this time, an application dated nil (Annexure P-3) was moved by the petitioners praying for waiving off the 6 months' period before grant of divorce under Section 13-B. Vide the impugned order dated 18.04.2025 (Annexure P-4), the said application has been dismissed.

5. The only ground on which the petitioners are seeking waiving of statutory period of 6 months is that there is no chance of reconciliation between the parties. However, it is own admitted case of the parties that they are inhabiting in the same premises; that relations between them are amicable, and there is no litigation pending between them. In this view of the matter, there appears to be possibility that the



disputes between the parties may be resolved. The very purpose of granting 6 months period under Section 13-B(1) of the Act is to offer a chance of the petitioners to explore possibility and give them an opportunity to save their marriage. Furthermore, the only event in which waiving off of the statutory period is envisaged, is as under:-

"27. For exercise of the discretion to waive the statutory waiting period of six months for moving the motion for divorce under section 13B (2) of the Hindu Marriage Act, the Court would consider the following amongst other factors:

- (i) the length of time for which the parties had been married;*
- (ii) how long the parties had stayed together as husband and wife;*
- (iii) the length of time the parties had been staying apart;*
- (iv) the length of time for which the litigation had been pending;*
- (v) whether there were any other proceedings between the parties;*
- (vi) whether there was any possibility of reconciliation;*
- (vii) whether there were any children born out of the wedlock;*
- (viii) whether the parties had freely, of their own accord, without any coercion or pressure, arrived at a genuine settlement which took care of alimony, if any. maintenance and custody of children, etc."*

6. In the present case, admittedly parties had been married and stayed together for about 18 years. They have been residing separately only for about 2 years since January 2023. The petition under section 13-B of the Act has also been filed as recently as March 2025. Admittedly, relations between the parties are amicable; they are living in the same



premises; and there is no litigation pending between them. In this view of the matter, on the mere statement that there is no chance of reconciliation between the parties, this Court is not inclined to waive off the statutory period. I am more inclined to let the petitioners have every opportunity, at least until October 2025, to reconcile their differences.

7. In view of the above, no ground to interfere in the impugned order dated 18.04.2025 (Annexure P-4) is made out. The present civil revision petition, accordingly, stands **dismissed**.

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

27.05.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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