



CR-802-2025

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

(116)

CR-802-2025

Date of decision:- 28.02.2025

**Jagmeet Singh****... Petitioner No.1****AND****Gaganpreet Kaur****... Petitioner No.2****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Harpinder Singh Jalal, Advocate  
for both the petitioners.

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**SUVIR SEHGAL, J. (ORAL)**

1. By way of instant revision petition filed under Article 227 of the Constitution of India, parties have jointly approached this Court for setting aside order dated 24.12.2024 passed by the Family Court, Bathinda, whereby an application, Annexure P-5, filed by them for waiving off the cooling period of six months has been dismissed.
2. Counsel for the petitioners submits that petitioners No.1 and 2 were married on 03.08.2022 by way of Anand Karaj ceremony and there is no child out of the wedlock. He submits that the couple resided together for barely one month. In September, 2022, Gaganpreet Kaur, petitioner No.2, went to Canada and is living there since then. He asserts that they have never cohabited thereafter. Counsel asserts that differences arose between the parties and with the intervention of relatives, matrimonial dispute has been amicably resolved and parties have filed a petition dated 05.12.2024, Annexure P-1, for divorce

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by mutual consent. He states that the first motion was recorded before the Family Court, Bathinda on 07.12.2024, Annexure P-3 and P-4, respectively, and the proceedings have been deferred to 14.07.2025 for recording of second motion. Counsel submits that application dated 19.12.2024, Annexure P-5, was moved for waiving off the cooling period, which has been declined by the Family Court, Bathinda. He has placed reliance upon the judgments of the Supreme Court in **Amardeep Singh Versus Harveen Kaur, (2017) 8 SCC 746** and **Shilpa Sailesh Versus Varun Sreenivasan, (2023) 14 SCC 231** as well as a judgment of this Court in **Rajwant Singh Versus Kiranjit Kaur, Law Finder Doc ID # 2694713** to submit that the conditions laid down by the judicial precedents have been satisfied and the cooling off period deserve to be waived.

3. Interpreting Section 13-B (2) of the Hindu Marriage Act, 1955 (for short “the Act”), Supreme Court in **Amardeep Singh’s case (supra)** has held 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;*

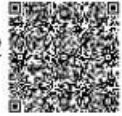
*iv) the waiting period will only prolong their agony.*

*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.*

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

**21.** *Needless to say that in conducting such proceedings the Court can also use the medium of video conferencing and also permit genuine representation of the parties through close relations such as parents or siblings where the parties are unable to appear in person for any just and valid reason as may satisfy the Court, to advance the interest of justice.”*

4. This judgment has been affirmed by the Supreme Court by a larger Bench in **Shilpa Sailesh’s case (supra)** and followed by this Court in **Rajwant Singh’s case (supra)**. This case has to be examined in the light of the observations made by the Supreme Court. Marriage between the parties was solemnized on 03.08.2022 and the petition under Section 13-B of the Act has been filed after almost two years after the wedlock. In its order dated

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07.12.2024, Annexure P-2, Family Court has recorded that efforts made for reconciliation did not fructify. It is evident that reconciliation is not possible. Both the parties have made categoric statements before the Family Court that they have settled the matrimonial dispute and no alimony is payable. They have stated that there is no issue out of the wedlock. Petitioner No.2 has been staying abroad for the last more than two years and in case the waiting period is not reduced, it will increase the agony of the parties. This Court is, therefore, satisfied that all the conditions laid down by the Supreme Court are fulfilled.

5. In view thereof, impugned order dated 24.12.2024 passed by the Family Court, Bathinda cannot be sustained and it is accordingly set aside. The period of six months stipulated under Section 13-B (2) of the Act is waived off.

6. Parties shall appear before the Family Court, Bathinda on 11.03.2025, at 10:00 A.M., for recording of second motion and for further proceedings in accordance with law.

7. Petition is disposed off.

28.02.2025

*Kamal*

**(SUVIR SEHGAL)**  
**JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No