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AT CHANDIGARH**

**CR-5572-2025 (O&M)  
DATE OF DECISION: 25.08.2025**

**GURJEET SINGH**

**.....PETITIONER**

**Vs.**

**LAXMI**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL**

Present: Mr. Akash Khurana, and Mr. Lupil Gupta, Advocates,  
for the petitioner.

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**AMARINDER SINGH GREWAL, J.**

1. Prayer in the present Civil Revision Petition, filed under Article 227 of the Constitution of India, is for setting aside the impugned order dated 23.07.2025 (Annexure P-5), passed by the learned Principal Judge, Family Court, Bathinda, whereby the joint application filed by the petitioner (husband) and the respondent (wife) seeking waiver of the statutory period of six months for recording the second motion statement has been dismissed.

2. Learned counsel for the petitioner-husband has contended before this Court that the petitioner, Gurjeet Singh, along with his wife, Laxmi (the respondent herein), filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 (for short, '*the Act*'), seeking dissolution of their marriage by a decree of divorce through mutual consent.

3.1 It was averred that the marriage between the parties was solemnized on 22.10.2017. However, no child was born out of the said



wedlock. On account of temperamental differences, the parties could not continue to live together and have been residing separately since the year 2022. With the intervention of respectable members of the society, the petitioner (husband) and the respondent (wife) decided to dissolve their marriage by mutual consent. Accordingly, they filed a petition under Section 13-B of the Hindu Marriage Act, 1955 (Annexure P-1). As per the terms of mutual settlement, nothing remains due from either party towards the other on account of past, present, or future maintenance, including permanent alimony. Both parties have further agreed not to initiate any civil or criminal proceedings against each other in future.

3.2 The statements of the first motion of both the parties were recorded on 14.05.2025 (Annexures P-2 and P-3). However, for recording the statements of the second motion, the case was adjourned to 15.11.2025. It was further submitted that there are no chances of reconciliation and, therefore, the parties moved an application under Section 7 read with Section 10 of the Family Courts Act, 1984, seeking condonation of the statutory period of six months, in the interest of justice, by considering the facts and circumstances of the present case.

3.3 It is further submitted that the learned Principal Judge, Family Court, Bathinda, failed to appreciate the fact that the parties have been residing separately for the past more than four years and that there are no chances of reconciliation. Virtually, the marriage in question has irretrievably broken down and stands wrecked for all practical purposes. At the same time, it is submitted that both the parties are young and they wish to complete their education and settle in life. In such circumstances, the



application under Section 7 read with Section 10 of the Family Courts Act, 1984, ought to have been allowed and the mandatory period of six months for recording the statements of the second motion ought to have been waived. It is also relevant to point out that no consummation of marriage has taken place between the parties for a continuous period of more than one year.

3.4 Thus, it is submitted that the learned Principal Judge, Family Court, Bathinda, wrongly took the view that, at this stage, it cannot be said conclusively that there is no possibility of resuming cohabitation between the parties during the waiting period, in the absence of exhaustive steps being taken for mediation. As such, the learned Family Court wrongly dismissed the application seeking waiver of the statutory period of six months, vide order dated 23.07.2025 (Annexure P-5). Accordingly, a prayer is made that the order dated 23.07.2025 (Annexure P-5) be set aside and necessary directions be issued to the learned Principal Judge, Family Court, Bathinda, to record the second motion statements of the parties by preponing the case and dispensing with the statutory cooling-off period of six months.

4. I have heard learned counsel for the revisionist-petitioner and perused the paper-book.

5. In view of the order proposed to be passed, notice is not being issued to the respondent as it would delay the proceedings besides entailing additional expense to the respondent.



6. Section 13-B of the Hindu Marriage Act, 1955, which provides for divorce by way of mutual consent, stipulates that before filing a petition under the said provision, the parties should have been residing separately for a period of one year or more. The statements of the first motion of both the parties were recorded on 14.05.2025 (Annexures P-2 and P-3). The parties categorically stated that the marriage was solemnized on 22.10.2017 at Bathinda and though they cohabited initially, no child was born out of the said wedlock. They further stated that, owing to temperamental differences, they have been residing separately since the year 2022 and have not cohabited during this period. At the same time, it was stated that with the intervention of respectable persons, a compromise had been effected between the parties and nothing remains due from either side on account of past, present, or future maintenance, including permanent alimony.

7. The Hon'ble Supreme Court of India, in *Amardeep Singh v. Harveen Kaur*, 2017 (4) RCR (Civil) 608 categorically held that the period mentioned in Section 13-B (2) of the Act is not mandatory but directory it was observed that it is open to the Court to exercise its discretion, keeping in view the facts and circumstances of each case, where there is no possibility of the parties resuming cohabitation and there are chances of alternative rehabilitation. It was further held that if the parties have genuinely settled their differences, including issues relating to alimony, custody of children, or any other pending disputes, and reconciliation is impossible, the Court may waive the statutory waiting period for the second motion. It was emphasized that prolonging litigation in such cases



causes undue hardship to the parties.

8. Further, the Hon'ble Supreme Court of India, in *Amit Kumar v. Suman Beniwal*, (2022) 10 SCC 347, reiterated that waiver of the statutory waiting period should be granted where the marriage has irretrievably broken down and no useful purpose would be served by insisting on the waiting period.

9. This Court, having considered the facts and the discussion above, notes that the parties have categorically stated in their unequivocal statements that, on account of temperamental differences, they have been residing separately since the year 2022 and have not cohabited during this period. At the same time, it has been categorically stated by the parties that, despite their best efforts, they are unable to adjust with each other. Since both the parties are young and wish to settle early in life, this Court is of the view that the learned Principal Judge, Family Court, Bathinda, failed to appreciate the aforesaid facts and wrongly dismissed the application seeking waiver of the statutory period of six months, vide order dated 23.07.2025 (Annexure P-5), which is the order under challenge.

10. Keeping in view the above, the present Civil Revision Petition is allowed. Consequently, the impugned order dated 23.07.2025 (Annexure P-5), passed by the learned Principal Judge, Family Court, Bathinda, is set aside. The parties are permitted to move an application before the learned Principal Judge, Family Court, Bathinda, for preponing the case which is presently listed for 15.11.2025. Upon preponement, the Family Court shall record the statements of second motion in consonance with the pleadings



and thereafter pass the necessary final order in the petition under Section 13-B of the Hindu Marriage Act, 1955, in accordance with law.

11. Pending miscellaneous application(s), if any, shall also stand disposed of.

**AUGUST 25, 2025**  
nitin

**(AMARINDER SINGH GREWAL)**  
**JUDGE**

Whether Speaking	Yes/No
Whether Reportable	Yes/No