

Civil Revision No. 7432 of 2009(O&M) 1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 7432 of 2009(O&M)

Date of Decision: February 04, 2010

Parmodh Kumar ..... Petitioner Versus

Meena ..... Respondent Coram: Hon'ble Mr. Justice Ajay Tewari Present: Mr.H.S.Bedi, Advocate  
for the petitioner.

Mr.Amit Sharma , Advocate

for the respondent.

\*\*\*\*

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? Ajay Tewari, J.

This revision has been filed against the order of the learned Addl.District Judge, Fast Track Court, Gurdaspur under the Hindu Marriage Act, 1956 (herein after referred to as 'the Act' for short) whereby the divorce petition between the parties has been adjourned to 03.06.2010. Learned counsel are agreed that originally the divorce petition had been filed by the petitioner under Section 13 of the Act. Even before that the parties were staying separately. During the pendency of the said petition a settlement came about between the parties whereby they agreed to convert the pending divorce petition into one under Section 13-B of the Act. Learned counsel for the petitioner has argued that the petitioner has Civil Revision No. 7432 of 2009(O&M) 2 complied with all the conditions which had been mutually settled between the parties for the grant of divorce by mutual consent and that admittedly the parties have been staying separately for the past many years. In the circumstances it is his contention that adjournment of the case for a further period of six months is not in the interest of justice and is in fact an extremely blinkered view of law. He has further argued that six months' period mentioned in the Section would apply only to fresh petitions. He has relied upon a decision of this court in Amarjeet Kaur v. Bhupinder Singh reported as 2007(1) RCR(Civil) 834 wherein, in similar circumstances the period of six months was waived. Learned counsel for the respondent has no objection.

Keeping in view the totality of circumstances and the exposition of law in the aforesaid judgment, I find the present to be also a case where the period of six months should be waived. Consequently the order of the learned trial Court is set aside and the period of six months is waived. Let the parties appear before the trial Court on 15.02.2010. The learned trial court will either finalise the divorce petition on that day or, if the same is not possible for any pressing reasons, definitely strive to finally dispose the same of within the month of February, 2010. With these observations this revision is disposed of. Since the main case has been decided, the Civil Misc. Applications, if any, stand disposed of.

(AJAY TEWARI)

JUDGE

February 04, 2010

sunita