

IN THE COURT OF POOJA SINGLA, ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT, PANIPAT.

(UID No. HR0293)

Case No. 678 of 2026.
CIS No. DMC-454-2026.
CNR No.HRPP01-004146-2026.
Date of institution : 21.05.2026.
Date of order : 09.07.2026.

Pawan Kumar, age 31 years, son of Shri Ramphal, R/o VPO Waiser,
Tehsil Madlauda, Distt. Panipat. Haryana.

...Petitioner No.1.

AND

Manju, age 27 years, wife of Pawan Kumar & D/o Shri Basir, R/o H.No.
228, Ward No.2, Assandh, Distt. Karnal, Haryana.

...Petitioner no.2.

Application u/Sec 14(1) of Hindu Marriage Act, 1955.

Present : Shri L.S.Rathee, Advocate, for the petitioner no.1.
Shri Mani Ram, Advocate, for the petitioner no.2.

O R D E R:

This order of mine shall dispose of an application filed by
the petitioners under Section 14 of the HMA, 1955 for giving permission
to file the present petition before the expiry of one year of the marriage
and waiving off the said time.

2. The petitioners/applicants have submitted that their
marriage was solemnized on 28.09.2025 at Assandh, Distt. Karnal,
Haryana according to Hindu Rites and Ceremonies. That marriage was
consummated at Panipat but no child was born. That due to
temperamental differences between them, they started to reside
separately w.e.f 20.12.2025. That due to temperamental differences,
incompatibility, disputes and lack of mutual understanding, they could

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not live together peacefully and all efforts of reconciliation failed. That on 17.05.2026, a panchayat was convened in the presence of respectable persons and family members wherein all matrimonial disputes between them were amicably settled through written panchayat faisla. That they have settled all claim regarding dowry articles, jewellery and other disputes. That their marriage has irretrievably broken down and there is no possibility of reunion or cohabitation between them. That forcing them till completion of one year would only prolong their mental agony, suffering and hardship and would serve no useful purpose. That present case falls within the category of "exceptional hardship" as contemplated under proviso to Section 14(1) of Hindu Marriage Act. Thus, it is prayed that the application in hand may kindly be allowed.

3. The learned counsels for the parties, while arguing as per their pleadings have contended that the statutory period of one year may kindly be waived off as it would cause them unnecessary hardship and they are suffering from exceptional depravity. To substantiate their arguments, the learned counsel for the parties placed on record case law titled as "Shiksha Kumari Vs. Santosh Kumar MAT.APP (F.C) 111 of 2025. D/d 17.12.2025 (Delhi High Court)", "Mandeep Kaur Bajwa Vs. Chetanjeet Singh Randhawa FAO-M 301 of 2014 (O&M). D/d 7.1.2015 (P&H)" and "Mandeep Kaur Vs. Rajiv Girdhar FAO 6479 of 2023 (O&M). D/d 19.12.2023".

4. I have heard the learned counsel for the parties and perused the case file and after hearing them, I am of the considered view that the

said application is not maintainable at this stage for the reasons discussed below.

5. The petitioners have filed the instant petition under Section 13-B of the Hindu Marriage Act and along with the petition, an application under Section 14 of HMA for seeking leave to present the divorce petition before the expiry of statutory period of one year of marriage has also been filed by the parties. Learned counsel for the parties have sought for waiving off mandatory/statutory period of one year in filing of the present divorce petition mainly on the ground that due to temperamental differences, incompatibility, disputes and lack of mutual understanding, the parties can not live together and had lived together for less than three months only and that there is no chance to reconcile the matter between the parties and they have amicably settled all their disputes.

6. Before proceeding further, it is relevant to refer here the relevant provisions of Hindu Marriage Act, that is, Section 13-B and 14 of the Act, which read as under :-

Section 13-B. Divorce by mutual consent :-

(1) Subject to the provisions of this Act, a petition for dissolution of marriage by a decree of divorce may be presented to the district court by both the parties to a marriage together, whether such marriage was solemnized before or after the commencement of the Marriage Laws (Amendment) Act, 1976 (68 of 1976), on the ground that they have been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved.

(2) On the motion of both the parties made not earlier than six months after the date of the presentation of the petition referred to in sub-section (1) and not later than eighteen months after the said date, if the petition is not withdrawn in the meantime, the court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnized and that the averments in the petition are true, pass a decree of divorce declaring the marriage to be dissolved with effect from the date of the decree.

Section 14. No petition for divorce to be presented within one year of marriage :-

(1) Notwithstanding anything contained in this Act, it shall not be competent for any court to entertain any petition for dissolution of a marriage by a decree of divorce, unless at the date of the presentation of the petition one year has elapsed since the date of the marriage: Provided that the court may, upon application made to it in accordance with such rules as may be made by the High Court in that behalf, allow a petition to be presented before one year has elapsed since the date of the marriage on the ground that the case is one of exceptional hardship to the petitioner or of exceptional depravity on the part of the respondent, but if it appears to the court at the hearing of the petition that the petitioner obtained leave to present the petition by any misrepresentation or concealment of the nature of the case, the court may, if it pronounces a decree, do so subject to the condition that the decree shall not have effect until after the expiry of one year from the date of the marriage or may dismiss the petition without prejudice to any petition which may be brought after the expiration of the said one year upon the same or substantially the same facts as those alleged in support of the petition so dismissed.

(2) In disposing of any application under this section for leave to present a petition for divorce before the expiration of one year from the date of the marriage, the court shall have regard to the interests of any children of the marriage and to the question whether there is a reasonable

probability of a reconciliation between the parties before the expiration of the said one year.

7. Now, from the conjoint reading of above said sections, it is clear that there is bar on filing of divorce petition within one year of the marriage and moreover, as per Sections 13B of the Act providing for the divorce by mutual consent, one of the essential requirements is that the parties must have been living separately from one year or more before the filing of the said petition. No doubt the proviso to Section 14 (1) of HMA Act provides an exception to the effect that the petition can be presented even before the expiry of said period of one year from the date of the marriage but in that case, the case of parties shall be of exceptional hardship to the petitioner or of exceptional depravity on the part of respondent, but in the present case, the main plea of the parties is only that they could not live together due to temperamental differences, incompatibility, disputes and lack of mutual understanding and have settled their disputes and there is no possibility of reconciliation. The ground for exceptional hardship or depravity have not otherwise being furnished by any of the parties. It is likely that at the initial stage of their marriage, the parties may not be able to adopt themselves to the new situation and circumstances of married life and it may happen that in the heat of passion, they may take the irretrievable step of getting the marriage dissolved. So far as the judgments relied upon by the petitioners are concerned, same are not applicable to the peculiar facts and circumstances of present case.

8. Moreover, in the landmark judgment of **Sureshta Devi Vs. Om Prakash, AIR 1992 SC 1904**, the divisional bench of Hon'ble Supreme Court has held that the 'living separately' for a period of one year should be immediately preceding the presentation of the petition. It is necessary that immediately preceding the presentation of petition, the parties must have been living separately. Also, in **Amardeep Singh Vs. Harleen Kaur, 2017(4) RCR (Civil) 608**, the Hon'ble Supreme Court has also stressed upon that the period of separation shall be of one and a half year before the first motion, even to consider the waiving off as to period of six months after first motion.

9. Further, in **Vishal Kushwaha Vs. Ragini Kushwaha with appeal no. 950 of 2021**, the divisional bench of Hon'ble Mr. Justice Sheel Nagu and Hon'ble Mr. Justice Dinesh Kumar Paliwal, High Court of Madhya Pradesh vide judgment dated 28.03.2022 has held in para No.17 and 18:-

“After considering the overall scheme of the Act envisaged under Section 13B and 13B(1) of the Act, it is apparent that period of one year as living separately in Section 13B(1) of the Act is a part of the substantive law for seeking divorce by mutual consent and not a procedural formality that can be done away with. The condition of living separately for one year is not directory but mandatory and the requirement of law stated under Section 13B(1) should be satisfied before the Court gives any relief. As per Section 14 of the Act is concerned, it provides for the time frame for the representation of divorce petition and does not lay down an ingredient for granting the decree of divorce. The proviso of Section 14 of the Act which provides for the presentation of petition even before the lapse of a period of one

year cannot be read into the provision of Section 13B(1), as both are independent of each other. Therefore, having considered the facts of the case and law as referred above, we are of the view that the period of one year of living in separation is a must to the filing of the petition under Section 13B(1) and waiver of this period is not permissible under Section 14 of the Act”.

“The Court gets the jurisdiction to entertain and decide the petition for divorce by mutual consent only after the ingredients under Section 13B(1) of the Act are satisfied. Therefore, we are of the view that the mandate envisaged under Section 13B(1) of the Act providing a period of one year separation before the presentation of the petition to seek divorce by way of mutual consent cannot be waived under proviso of Section 14 of the Act either on the application of the parties or suo motu by the Court, as separation of one year is prerequisite for invoking Section 13B(1) of the Act”.

10. In the considered opinion of this court, the object of Section 13(B)(2) read with Section 14 of Hindu Marriage Act is to save the institution of marriage by preventing hasty dissolution of marriage and with passage of time, tempers cool down and anger dissipates. The waiting period gives the spouses time to forgive and forget and it also gives the couple time to ponder and reflect as to whether they should really put an end to the marriage for all time to come. Further there is also obligation on the part of the court u/s 23(2) of the Hindu Marriage Act, 1955 to make every endeavour to bring about a reconciliation between the parties. In this case also, as per the pleadings of parties, the marriage between the petitioners could not succeed due to temperamental differences or compatibility of the petitioners. In the considered opinion of this court, the parties to the present petition appears to be in hurry to get their marriage

dissolved without making sincere efforts to save their marriage. In the transitional period, the parties may have a change of mind and may like to give second chance to their marriage.

11. Thus, in view of discussion made above and considering the facts of present case and law as referred above and the fact that the parties have failed to prove the circumstances which can be termed as exception hardship or depravity, this court is not inclined to waive off the mandatory period of one year. Hence, application in hand stands dismissed being devoid of merit.

Announced in open court :
09.07.2026

(Pooja Singla)
Addl. Principal Judge, Family Court,
Panipat.

Note: This order contains 8 pages and each page has been checked and signed by me.

(Pooja Singla)
Addl. Principal Judge, Family Court,
Panipat. UID No.HR0293.

Sonia, Stenographer Gr.II

(Pooja Singla)
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Present: Shri L.S.Rathee, Advocate, for the petitioner no.1.
Shri Mani Ram, Advocate, for the petitioner no.2.

Heard on application filed by the petitioners under Section 14(1) of HMA for giving permission to file the present petition u/s 13-B of HMA before complete/expiration of one year of the marriage after waiving of this time.

Vide separate detailed order of even date, the application in hand has been dismissed. Therefore, the petition filed by the petitioners under Section 13B of the HMA for dissolution of marriage by a decree of divorce by mutual consent is also dismissed being not maintainable at this stage. File be consigned to record after due compliance.

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