

IN THE COURT OF POOJA SINGLA, (AD&SJ),
ADDL.PRINCIPAL JUDGE, FAMILY COURT, PANIPAT,
UID No.HR-0293.

Case no. 593 of 2026.
CIS No.DMC 282 of 2026.
CNR No.HRPP01-002730-2026.
Date of Institution : 08.04.2026.
Date of Decision : 02.07.2026.

Seema Rani, aged about 35 years, W/o Charan Singh, D/o Shri Naresh Kumar, R/o Des Raj Colony, Panipat.

Petitioner No. 1.

And

Charan Singh, aged about 39 years, S/o Shri Balbir Singh, R/o VPO Sultana, District Panipat.

Petitioner No. 2.

Application for waiving off the Cooling period of six month.

Present: Ms. Anita Babu, counsel for petitioner No.1.
Ms. Heena Khan, counsel for petitioner No.2.

ORDER :

The petitioners have filed the present application for waiving off the cooling period of six months.

2. The main petition under section 13B of Hindu Marriage Act, 1955 was filed by the parties on 08.04.2026. Their joint statement on first motion was recorded on 10.04.2026. The case is fixed for 12.10.2026 for recording the statement of parties on second motion.

3. The present application has been filed by the petitioners with the averments that they are living separately since first week of May 2024

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i.e. for the last about two years. That they have settled all their rival claims with each other and nothing remains due against each other. That there are no chances of reconciliation between them. That no other litigation is pending between them in any court of law throughout India. That they want to further settle in their lives. That waiting of remaining cooling period would serve no useful purpose and therefore, the petitioners want to make their statements on second motion in this petition. Hence, the application.

4. I have heard the learned counsel for the parties and have gone through the case file carefully.

5. The learned counsels for the parties have submitted that the marriage of the parties was solemnized on 14.04.2019 but due to temperamental differences, they could not live together and they are living separately since the first week of May 2024. That they have also argued that the statutory period of separation of parties under section 13B of HMA is already over and all efforts for their reconciliation have already been failed. It has also been argued that there are no chances of the parties to live together. It was further argued that the parties have genuinely settled their differences including alimony and custody of child, who is happily residing with her father and the parties also want to settle again in their lives and about two years have passed since their separation. It has also been argued that no other litigation is pending/decided between them in any court of law throughout India, regarding which separate

affidavits have been filed by the parties. Hence, it has been prayed that application for waiving of may kindly be allowed.

6. In Amardeep Singh Vs. Havleen Kaur, 2017(4) RCR (Civil), 608, the Hon'ble Supreme Court has held that, "where the Court dealing with a matter is satisfied that a case is made out to waive the statutory period under section 13B(2), it can do so after considering the following conditions:

- i) The statutory period of six months specified in Section 13B(2), in addition to the statutory period of one year under section 13B(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 XXXIIA 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".

7. Now coming to the facts of the present case and application, it is evident that the parties got married on 14.04.2019 and as per their petition as well as their application, they have been living separately since the first week of May 2024 and their petition has been supported with their separate affidavits. Admittedly, one child namely, Harshika was born out from their wedlock, who is living under the custody of her father. They have also alleged that no other litigation is pending/decided between

them. All the conditions as mentioned in Amardeep's case (supra) are satisfied in present case. The statutory period of six months as specified under section 13B(2) in addition to statutory period of one year under section 13B(1) of separation of parties was already over before the first motion itself. All efforts for reconciliation have failed and the parties have genuinely settled all their claims. The statement of parties on first motion was recorded on 10.04.2026. In the present circumstance, the waiting period will only prolong their agony. Therefore, the application in hand is hereby allowed and the cooling period of six months is hereby waived-off. Accordingly, the statement of parties on second motion is allowed to be recorded.

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Sonia, Stenographer Gr.II

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