

**HMP No. 45/2026
Arjun & anr. Vs. Nil.**

ORDER BELOW EXH.08
(CNR No. MH0S170006652026)
(Passed on 03rd August, 2026)

1. This is an application by petitioners praying for waiver of cooling period of six months as per Section 13-B(2) of The Hindu Marriage Act, 1955.
2. It is the contention of petitioners that their marriage was solemnized on 23/02/2025. They are residing separately since 11/03/2025. They are not able to live together and have mutually agreed to desolve their marriage.
3. Perused the record. Heard Ld. Advocates for the petitioners.
4. Record discloses that present petition is filed on 24/07/2026. Pertinently, as per Section 13-B Sub-Section 2 of the Hindu Marriage Act, 1955, the petition for dissolution for marriage by mutual consent can be consider on the motion on both the parties made not earlier than six months after the date of presentation of petition. Therefore, the period of six months is a prescribed period as a waiting period for setting the motion of consideration of divorce by mutual consent. Such period is prescribed for exerting an effort to reconcile the strained matrimonial relations between the parties. However, the Hon'ble Apex Court in the case of **Amardeep Singh Vs. Harveen Kaur reported in 2017(8) SCC 746,** ruled that, the said period of six months can be waived if following conditions are satisfied -

- i) the statutory period of six months specified in section 13-B(2) in addition to the statutory period of one year u/sec. 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 XXXII-A Rule 3 of C.P.C. / 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.*

5. In the light of aforesaid ratio, in case in hand, it has been stated by the parties that they have settled all their differences. Moreover, the petition discloses that they are residing separately since 11/03/2025. Therefore, the period specified in Section 13-B (1) of one year about the separation of the parties is already over. Apart from this, as an additional effort to reconcile the matrimonial relations, present matter was referred for mediation. The report of mediation is at **Exh. 11**. It discloses that no settlement was arrived between the parties. It has been also reflected that attempts also carried out through relatives of the parties. In spite of all such efforts, the parties think that they could no live together and insisted for dissolution of their marriage. It shows that another waiting for further period would certainly prolong their agony as parties have not intended to suffer from such extended agony.

6. In the light of aforesaid situation, the mandatory compliance and efforts were put before the parties as directed by the Hon'ble Apex Court in Amardeep (supra). There appears no likelihood of success to resolve their matrimonial agonies. The directions as above are satisfied. Therefore, I found no reason to wait for further cooling period of six months. Hence, this is a fit case whereby such cooling period of six months can be waived as sought. Hence, the application is deserves to be allowed. Accordingly I pass following order-

ORDER

1.	The application is allowed.
2.	The period of six months contemplated under Section 13-B, Sub-Section 2 of The Hindu Marriage Act, 1955 of waived.
3.	Matter shall proceed further.

Place:- Kallam
Date:- 03/08/2026

(**P. R. Kulkarni**)
Civil Judge Senior Division
Kallam

CERTIFICATE

I affirm that, the contents of this P.D.F file Judgment / order are same, word to word, as per the original Judgment / order.

Name of Stenographer -	S.R. Kale Stenographer Grade-2.
Court-	Civil Court, Senior Division, Kallam.
Date-	03.08.2026
Order signed by the	03.08.2026
Presiding Officer on	
Order uploaded on	03.08.2026