

ORDER BELOW EXH.05

(Passed on 19th day of January, 2026)

1. By the present application petitioners prayed to waive statutory period of six months under Section 13-B of Hindu Marriage Act 1955.
2. Perused the application and record. Heard learned Advocate for petitioners. The learned Advocate for petitioners relied upon Judgment of Hon'ble Apex Court in the case of Amardeep Singh Vs. Harveen Kour, 2018 (2) Mh.L.J.24 and submitted that, six months waiting/cooling of period contemplated under Section 13-B of Hindu Marriage Act 1955 is a directory provision and it can be waived in the circumstances of the present case.
3. Perused the record. In the present matter parties are living separately since 07.05.2023. From the petition and submission of the petitioners, it is clear that, petitioners have settled their dispute and decided to separate and therefore, they filed present petition for decree of divorce by mutual consent. The statutory period of one year u/s 13(b)(1) of separation of party is completed on 07.05.2024. The statutory period of six months specified in Section 13-B(2) of Hindu Marriage Act 1955 is prayed in condoned by the parties to the petition. From the record it appears that, all the efforts for conciliation made by the Court to reunite the parties have failed and there is no likelihood of success in that direction by any further efforts. From record, it appears that, parties have genuinely settled their differences including alimony, stridhan, gift articles. Both the

petitioners informed this Court that, their reunion is not possible. As such it reveals that, waiting period will only prolong the agony of petitioners.

4. From the above facts and circumstances in the present matter it reveals that, petitioners satisfied all the conditions specified in the judgment of Hon'ble Apex Court cited Supra. Therefore, considering the above facts and discussion and in view of ratio laid down in the case of *Amardeep Singh Vs. Harveen Kour* cited supra this is a fit case to exercise the discretion and to waive the statutory period contemplated under Section 13-B of the Hindu Marriage Act 1955. Hence, the following order :

ORDER

1. Application is allowed.
2. The statutory period of six months contemplated under Section 13-B of the Hindu Marriage Act 1955 is waived.
3. Costs in cause.

Saoner
Date : 19.01.2026

(S. A. Sardar)
Civil Judge Senior Division,
Saoner.

CERTIFICATE

I affirm that the contents of this PDF file are word to word as per original file.

Sau. L.M.Shendre
Stenographer(Grade-II)