

Marriage Petition No. 41/2026
Yogita & Other
Vs.
Nil

ORDER BELOW EXH. 6
(Passed on 12.03.2026)

By the present application, petitioners prayed to waive the statutory period of six months under Section 13-B of Hindu Marriage Act, 1955.

2. Perused the application and record. Heard the learned advocate for the petitioners. The Hon'ble Apex Court in the case of **Amardeep Singh Vs. Harveen Kour, 2018 (2) Mh.L.J.24** held that, six months waiting/cooling of period contemplated under Section 13-B(2) of Hindu Marriage Act, 1955 is a directory provision.

3. Further, the Hon'ble Apex Court in case of **Amit Kumar Vs. Suman Beniwal arising out of SLP (Civil) No.20108 of 2021 (Civil Appeal No.7650 of 2021)**, has considered the parameters laid down in the case of *Amardeep Singh* (cited supra) and held that it is well settled that a judgment is a precedent for the issue of law that is raised and decided. A judgment is not to be read in the manner of a statue and construed with pedantic rigidity. In *Amardeep Singh Vs. Harveen Kaur* (supra), this Court held that the statutory waiting period of at least six months mentioned in Section 13B(2) of the Hindu Marriage Act was not mandatory but directory and that it would be open to the Court to exercise its discretion to waive the requirement of Section 13B(2), having regard to the facts and

circumstances of the case, if there was no possibility of reconciliation between the spouses, and the waiting period would serve no purpose except to prolong their agony.

4. The Hon'ble Apex Court has further laid down that for exercise of the discretion to waive the statutory waiting period of six months for moving the motion for divorce under Section 13B(2) of the Hindu Marriage Act, the Court would consider the following amongst other factors :

- (i) the length of time for which the parties had been married ;
- (ii) how long the parties had stayed together as husband and wife ;
- (iii) the length of time the parties had been staying apart ;
- (iv) the length of time for which the litigation had been pending ;
- (v) whether there were any other proceedings between the parties ;
- (vi) whether there was any possibility of reconciliation ;
- (vii) whether there were any children born out of the wedlock ;
- (viii) whether the parties had freely, of their own accord, without any coercion or pressure, arrived at a genuine settlement which took care of alimony, if any, maintenance and custody of children, etc.

5. Considering the said aspect, if the present case is considered, it appears that, the marriage between the parties was solemnized on 20.04.2017 at Nagar Bhawan, Khoja Layout, Katol. Petitioner No.2 is residing separately from petitioner No.1 since 16.01.2025.

6. The learned advocate for the petitioners submitted that the marriage of the petitioners was solemnized on 20.04.2017. Out of the wedlock, the petitioners have no issue. After the marriage, the matrimonial disputes cropped up between the petitioners due to consistent quarrel and disputes, they started residing separately. Since 16.01.2025 the petitioners are residing separately and since then there are no relations between them as husband and wife. There is no chance of re-union with each other. Since 16.01.2025 i.e. since more than one year, the petitioners are residing separately from each other. Considering these factual aspect, I hold that this is a fit case which warrants waiving of cooling period because waiting period will only prolong their agony and therefore, I pass following order-

ORDER

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

Date : 12.03.2026

(M.Z.A.A.Q. Quraishi)
Civil Judge, Senior Division,
Katol

CERTIFICATE

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

Name of Stenographer : Pravin T. Mandale (**Steno-Gr. II**)
to, Civil Judge (Sr. Dn.),Katol.