



ORDER BELOW Exh.7

This is an application filed by the petitioners for waiving of six months cooling period as provided by Section 13-B(2) of Hindu Marriage Act 1955.

2) It is contended that, petitioner no.1 is wife and petitioner no.2 is husband. Their marriage was solemnized on 05/03/2004 as per their rites and rituals at Sardar Nagar Tanda, Kader, Tq. Omerga, Dist. Dharashiv. Their marriage is till in existence. They cohabited well for some days only and thereafter, there were disputes in between the petitioners on trivial grounds. So that their relations were strained. Their relatives tried to settle their disputes but their efforts turned futile. Therefore, the petitioner No.1 started residing separately at her maternal home for a period of more than one year. They decided to dissolve their marital relations by mutual consent. The petitioners can not continue the marital tie, so they prayed for waiving of six months statutory period.

3) Heard Ld. counsel for the petitioners. It is argued that, marriage between the petitioners was solemnized on 05/03/2024 as per their rites and rituals. Petitioner No.1 resided with the petitioner No.2 for some days only. More than one year has been elapsed since the date of separation of the petitioners. It is held by the Hon'ble Supreme Court in **Amardeep Singh Vs. Harveen Kaur**

2018(2) Mh.L.J. 24 that, “*period mentioned in Section 13-B(2) of Hindu Marriage Act 1955 is not mandatory but it is directory. It is open to the Court to exercise its discretion in the facts and circumstances of each case where there is not possibility of parties resuming cohabitation and there are chances of alternative rehabilitation.*”

4) It appears from the contention of the parties that the parties are separated from each other since more than one year. As per Section 13-B (1) of Hindu Marriage Act 1955, petition is maintainable if the parties are living separately for the period of one year or more and if they have not been able to live together and have agreed that the marriage be dissolved. Section 13-B(2) of the said act is procedural. In the present petition the first condition mentioned in Section 13-B is satisfied. The parties are married on 05/03/2024, at Sardar Nagar Tanda, Kader, Tq. Omerga, Dist. Dharashiv. It is the contention of the parties that they separated from each other since 30/05/2024. All the conditions in respect of the alimony are settled in between the parties. In such circumstances to wait for further six months will only prolong the agony of parties. The parties have genuinely settled their differences. Both the parties submitted that they do not want to live together. It shows that there are no prospects of reconciliation in between the parties. In the light of foregoing discussion I am of the considered view that, this is a fit case to waive the further waiting period of six months. There is no likelihood of success in reconciliation of the parties. So it is desirable to grant the application. Accordingly, following order is passed to meet the ends of justice.

ORDER

- 1) Application Exh.7 is granted.
- 2) Waiting period of six months is waived.

Date :- 22/06/2026.

(M.S.M.Y. Rachbhare)
Jt.Civil Judge, S.D.,
Omerga.

CERTIFICATE

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

Name of Stenographer	----	A. A. Joshi, Grade- II
Court	---	Jt. Civil Court, Senior Division, Omerga
Date of Decision	---	22/06/2026
Order signed by the Presiding Officer on	---	22/06/2026
Order uploaded on	---	22/06/2026