

**Sau. Sharda and Gunaji Vs. Nil**



**ORDER BELOW EXH.05**

**(Dated 17/04/2026)**

1) By this application petitioners seek to waive six months period as required to be undergone by them under section 13-B (2) of the Hindu Marriage Act, 1955.

2) Read the application and heard both the parties.

3) I have considered the law laid down by Hon'ble Supreme Court in ***Amit Kumar Vs. Suman Beniwal, 2021 SCC Online 1270***. It is held by Hon'ble Supreme Court that, while exercising discretion to waive the statutory waiting period of six months for moving the motion for divorce Under Section 13-B (2) of Hindu Marriage Act, the court would consider the following amongst other factors-

- (a) The length of time for which the parties had been married.
- (b) How long the parties had stayed together as husband and wife.
- (c) The length of time the parties had been staying apart.
- (d) The length of time for which the litigation had been pending.
- (e) Whether there were any other proceedings between the parties.
- (f) Whether there was any possibility of reconciliation.
- (g) Whether there were any children born out of the wedlock.
- (h) 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.

4) A close look to the aforesaid citation makes it clear that, if marriage is irretrievably broken down and there is no scope of reunion in future, in such circumstances, Court may exercise discretion for waiving of cooling period. In the instant case, the applicants are married at about 12 years back and separated from the year 2017. The mediation conducted by the judge mediator is failed. Hence, considering these aspects and the period of separation of the petitioners, in my considered view, this is a fit case to waive the statutory period of six months as contemplated in Sec.13-B(2) of the Hindu Marriage Act.

5) Hence, I proceed to pass following order;

**ORDER**

- (a) The application is allowed.
- (b) The statutory period of six months as contemplated in Sec.13-B(2) of the Hindu Marriage Act is waived.

Pronounced in open Court.

Date : 17/04/2026  
Darwha, Dist. Yavatmal.

(S. S. Aradwad)  
Civil Judge (Sr. Div.) Darwha.

**CERTIFICATE**

I affirm that the contents of this PDF file Judgment/order are same word for word as per original Judgment/order.

|                                                  |                                                                        |
|--------------------------------------------------|------------------------------------------------------------------------|
| Name of Stenographer                             | R.H. Lokhande (Grade-II)                                               |
| Court Name                                       | Shri. S. S. Aradwad,<br>Civil Judge Sr.Dn.,<br>Darwha, Dist. Yavatmal. |
| Date of Judgment/order                           | 17-04-2026                                                             |
| Judgment/order signed by<br>Presiding Officer on | 17-04-2026                                                             |
| Judgment/order uploaded on                       | 17-04-2026                                                             |