

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO.536 OF 2014
WITH
CIVIL APPLICATION NO.1302 OF 2014**

Pooja Jagannath Hiremath .. Appellant

vs.

Jagannath Vishwanath Hiremath .. Respondent

Mr.Patil Sandesh Dadasaheb for the appellant

**CORAM : K.K.TATED, J.
DATED : 14/10/2015**

PC:

- 1 Heard the learned counsel for the appellant.
- 2 This Second Appeal is preferred by wife challenging the concurrent finding of fact recorded by the courts below.
- 3 In the present proceeding, respondent husband filed Hindu Marriage Petition No.158 of 2002 under section 13(1) and (2) of the Hindu Marriage Act, 1955 for divorce on the ground of desertion and cruelty.
- 4 The Trial Court by decree dated 11.8.2008 decreed the petition filed by husband for divorce. Same was confirmed by the Appellate Court in Regular Civil Appeal No.323 of 2008.

5 In the present proceeding, it is admitted fact that the appellant wife left the matrimonial home permanently on 25.8.1996. Thereafter, she has not made any efforts to join the company of husband. Hence, after more than 12 years, the husband filed petition for divorce. Same was allowed by both the courts on the ground of desertion and cruelty. Both the courts considered the documents on record and evidence and held that husband has proved desertion made by the appellant wife.

6 Considering the concurrent finding of fact recorded by both the courts and admittedly the appellant wife left the matrimonial home on 25.8.1996 and thereafter after 12 years, husband has filed the petition for divorce, I do not find any substantial question of law involved in the present Second Appeal. Hence, same stands dismissed.

7 In view of dismissal of Second Appeal, nothing survives in the Civil Application. Civil Application is dismissed as infructuous.

(K.K.TATED, J.)