

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-M-74 of 2013 (O&M)
Date of Decision:10.9.2015

Jasmer Singh

....Appellant

Versus

Seema

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MS. JUSTICE NAVITA SINGH

Present: Ms. Sharmila Sharma, Advocate for the appellant.

Respondent in person with Mr. Suresh Ahlawat,
Advocate.

NAVITA SINGH, J.

1. The statement of the respondent has been recorded wherein she has produced her affidavit (Mark A) and has affirmed the contents of the affidavit filed by her today and has further stated that she accepts the allegations of cruelty set out in the petition under Section 13 of the Hindu Marriage Act (Act for short) and she would have no objection if decree of divorce is granted in favour of the appellant dissolving the marriage between the parties. She would not claim any past or future maintenance from the appellant.

2. The appellant had filed a petition for divorce on the ground that the marriage took place on 25.12.2010 and no child was born to the parties. On the next day, the respondent told the appellant that she had been married to him against her wishes and threatened either to kill herself or to involve the appellant and his family in some criminal case. Her behaviour with the appellant and his family members was far from good and more often than not, she abused and insulted the appellant in presence of the family members, friends and relatives. On 9.7.2011, the respondent left the

matrimonial home and insisted that the appellant pay her Rs.25,00,000/-, failing which she would launch criminal cases against him.

3. The petition was contested by the respondent stating that she had been harassed for dowry and was taunted that she had come from a family of paupers. She was turned out of the matrimonial home on 2.7.2011 and a threat to her life and that of her family members was advanced on telephone because she had moved Women Cell, Jind against the appellant and his family.

4. After taking evidence of the parties, the trial Court decided the petition against the appellant on the ground that he had failed to prove cruelty allegedly suffered by him at the hands of the respondent.

5. Against the dismissal of the petition, the appellant-husband filed the present appeal. During the appeal, today, the respondent made a statement as mentioned above and also filed her affidavit (Mark A) accepting the allegations of cruelty made against her, raising no objection to the marriage being dissolved. She gave up her right to claim past, present and future maintenance from the appellant.

6. In view of the statement made today before us by the respondent, the appeal is accepted and the judgment and decree passed by the court below are reversed and in the result, the petition filed by the appellant under Section 13 of the Act stands allowed. The marriage between the parties is hereby dissolved. Decree be drawn up accordingly.

(RAJIVE BHALLA)
JUDGE

(NAVITA SINGH)
JUDGE

10.9.2015
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