

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-M No.465 of 2015(O&M)

Date of decision:21.12.2015

Tarsem Singh

....Appellant

VERSUS

Malwinder Kaur

.....Respondent

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. R.K. Arya, Advocate for the appellant.

HEMANT GUPTA, J.(Oral)

The present appeal is directed against an order passed by learned Additional District Judge, Patiala granting decree of divorce allowing the petition filed by the respondent herein. Admittedly, the marriage was solemnized on 16.01.2013 and after 15 days, the parties starting residing separately.

Respondent filed a petition for decree of judicial separation which was granted on 28.09.2013. It is thereafter, the wife sought dissolution of marriage through the petition filed on 20.11.2014 for the reason that there is no resumption of cohabitation between the parties for more than one year.

As per Section 13 (1A)(i) of the Hindu Marriage Act, 1955, a petition for dissolution of marriage can be filed if after the decree of judicial separation, there is no resumption of cohabitation between the parties for a period of one year after passing of the decree. As per the facts on record, after the decree of judicial separation, there is no resumption of cohabitation for a period of one year after grant of decree.

In view of the said fact, there is no error in the order passed by learned Additional District Judge, Patiala which may warrant interference in the present appeal.

Dismissed in limine.

(HEMANT GUPTA)
JUDGE

DECEMBER 21, 2015
‘D. Gulati’

(RAJ RAHUL GARG)
JUDGE