

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

Sr. No.115

**FAO-M-7-2016**

**Decided on : 21<sup>st</sup> January, 2016**

**Hardeep Singh**

**.... Appellant**

**VERSUS**

**Rajwinder Kaur**

**..... Respondent**

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA**  
**HON'BLE MS. JUSTICE LISA GILL**

**Present: Mr. D.S. Gurna, Advocate**  
**for the appellant.**

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**RAJIVE BHALLA, J. (Oral)**

The appellant has filed this appeal to challenge judgment and decree dated 13.10.2015 passed by the Additional District Judge, SAS Nagar, Mohali, dismissing his petition for grant of a decree of divorce.

Counsel for the appellant submits that the appellant and the respondent were married 11 years ago but during the course of the marriage the respondent continued to misbehave with the appellant and refused to accede to his matrimonial rights and despite efforts by the appellant, refused to live with him the appellant. A perusal of the evidence on record namely deposition by the appellant and his witness PW1 Dinesh Vatas reveals that the allegations have been proved in their entirety but the learned court below has by misreading the evidence, dismissed the petition.

We have perused the pleadings and the evidence, as supplied by counsel for the appellant but find no reason to grant any relief. The appellant's pleadings regarding cruelty and desertion having been rebutted by the respondent, the onus to prove these allegations thus lay upon appeal. A perusal of the evidence on record reveals that the respondent is residing in the same house though in a different room and even the appellant's father has appeared in Court and deposed against the appellant. The failure of the respondent to maintain a marital relationship has been specifically denied. This apart, the appellant has not been able to prove the acts of cruelty, whether mental or physical by reference to any specific facts, their approximate date and time etc. The general allegations levelled by the appellant are not reason enough to accept the plea of cruelty. The allegation of desertion, is entirely false as admittedly the respondent is residing in the appellant's house.

Consequently, finding no merit, the appeal is dismissed.

**(RAJIVE BHALLA)**  
**JUDGE**

**21<sup>st</sup> January 2016**  
 **jyoti III**

**(LISA GILL)**  
**JUDGE**