

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

FAO-M-70-2019 (O&M)

Date of Decision: 05.03.2019

HARPREET SINGH

...Appellant

VS.

RAJWINDER KAUR

....Respondent

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**
 HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. R.S. Mamli, Advocate
 for the appellant.

This appeal has arisen from the judgment and decree dated 21.12.2018 passed by the Additional District Judge, Ludhiana by which a petition filed by respondent-wife under Section 13 of the Hindu Marriage Act, 1955 (for short “the Act”) for dissolution of her marriage with the appellant-husband has been allowed.

In brief, marriage of the appellant was solemnized with the respondent on 03.12.2007 as per Sikh rites at Ludhiana and out of the said wedlock, one daughter was born on 28.08.2009 who is named, Mehar Saggu. Respondent-wife had filed the petition under Section 13 of the Act for seeking divorce on the ground of cruelty alleging that the appellant-husband and his family members are not satisfied with the amount of dowry given at the time of marriage due to which she was mercilessly beaten by them. The allegations made by the respondent-wife were denied by the appellant-husband and ultimately learned trial Court framed as many as three issues on 10.11.2015 in which issue No. 1 is that *whether the petitioner is entitled to dissolution of marriage on the grounds of desertion and cruelty, as alleged? If so, its effect?*

Both the parties have lead their respective evidences, however,

learned trial Court struck off the evidence lead by the appellant-husband on

the ground that he did not pay the amount of maintenance @ ₹5,000/- per month fixed by it for the daughter. The said order was though challenged by the appellant by way of civil revision before this Court but it was also dismissed and the appellant-husband was found in arrears of ₹1,30,000/- towards maintenance. Learned trial Court ultimately came to the conclusion that not only the appellant has treated the respondent with cruelty for demand of dowry but also given her beatings for which findings were also recorded at para 13 of the impugned judgment. Thereafter, defence of the appellant-husband was also struck off on account of non-payment of maintenance. Once the defence of the appellant-husband was struck off, the allegations of the respondent-wife that he was seeking dowry, given beatings and caused cruelty on the physique and mind of the respondent-wife was proved by the evidence of respondent-wife and record available, which have been taken into consideration by the learned trial Court. Therefore, at this stage, this Court cannot look into the payer made by the appellant-husband that he is now ready and willing to pay the amount of maintenance for the purpose of pursuing this appeal.

With these observations, we do not find any merit in the present appeal for the purpose of interference and the same is hereby dismissed though no order as to cost.

[RAKESH KUMAR JAIN]
JUDGE

March 5, 2019
Ess Kay

[HARNARESH SINGH GILL]
JUDGE

Whether speaking / reasoned :	Yes	/	No
Whether Reportable :	Yes	/	No