

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

FAO-M-95-2019

Date of Decision: 01.04.2019

Sandeep Kaur

.....Appellant

Versus

Zora Singh

.....Respondent

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

Present: Mr. N.S. Dadwal, Advocate, for the appellant.

**Harnaresh Singh Gill, J.**

The appellant-wife has challenged the judgment and decree dated 23.01.2019 passed by the learned Additional Civil Judge (Sr. Division), Jagraon, exercising the powers of District Judge, whereby petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 (for short 'the Act') has been allowed and the appellant has been directed to join the company of the respondent-husband.

The factum of marriage between the parties and the birth of a male child out of the said wedlock are not disputed. The respondent-husband had approached the trial Court by filing a petition for restitution of conjugal rights, inter-alia, on the grounds that the appellant-wife had left his company without any justifiable ground or reasonable cause. The respondent-husband took a Panchayat to the parental house of the appellant-wife and made all efforts to persuade her to join

his company and also expressed his ready and willingness to maintain the appellant-wife, but she as well as her parents, had turned deaf ears to such proposal. Instead, the appellant-wife had lodged FIR No. 53/2016 under Sections 406, 498-A IPC at Police Station Raikot, against the respondent-husband and his mother.

The learned trial Court, after examining oral as also documentary evidence led by the parties, under issue No.1 i.e. Whether the respondent has left the society of the petitioner with any reasonable and sufficient cause? OPR, recorded a finding that the appellant had failed to establish any reasonable justification for not living with the respondent-husband. It was further found that though the appellant-wife had, in her written statement asserted that she had been given beatings by the respondent-husband and his mother, yet such assertions were not substantiated by examining any Doctor nor any medical record had been placed on record. Thus, a conclusion was drawn by the learned trial Court that, as a matter of fact, the appellant-wife had no intention to join the company of the respondent-husband.

Learned counsel for the petitioner could not controvert the aforesaid findings in any manner. Though, it has been argued that a manifest injustice has been caused to the appellant-wife by the findings recorded by the learned trial Court, yet we do not see any such reason. The learned trial Court has allowed the husband's petition for restitution of conjugal rights. A decree of restitution of conjugal rights implies

that the guilty spouse shall live with the aggrieved spouse. Restitution of conjugal rights is the only remedy which could be used against the spouse on his/her desertion without reason. Thus, if the appellant-wife, despite the decree passed by the trial Court, does not join the company of the husband, the consequences will follow, may be, leading to the relationship reaching beyond the point of reconciliation. However, we see no reason to interfere with the well reasoned judgment and decree passed by the learned trial Court.

No other point has been urged.

In view of the above, we do not find any merit in the present appeal. The same is, accordingly, dismissed.

**(RAKESH KUMAR JAIN)**  
**JUDGE**

01.04.2019  
ds

**(HARNARESH SINGH GILL)**  
**JUDGE**

Whether Speaking/ Reasoned:  
Whether Reportable:

Yes/ No  
Yes/ No