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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-M-261-2007 (O&M)

Date of Decision: 16.05.2019

SUDARSHAN KUMAR

...Applicant/Appellant

Vs.

ANJU BALA

.... Respondent

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

Present: Mr. Kuldip Sanwal, Advocate,
for the applicant-appellant.

Mr. Pardeep Singh, Advocate,
for Mr. B.S. Dhillon, Advocate,
for the non-applicant/respondent.

RAKESH KUMAR JAIN, J. (ORAL)

CM-1432-CII-2019

This appeal is directed against the judgment and decree dated 01.08.2007 by which petition filed under Section 13 of the Hindu Marriage Act, 1955 by the appellant-husband for seeking dissolution of his marriage on the ground that respondent-wife is suffering from Schizophrenia, a mental disorder, was dismissed.

This appeal was admitted vide order dated 20.10.2008 passed by this Court. Today, it is listed on account of an application filed by the appellant-husband bearing No. CM-1432-CII-2019 under 12 Rules 2, 2-A, 3-A and 4 read with Section 151 of the CPC for seeking a direction to the respondent to admit or deny the fact of re-marriage during the pendency of the appeal.

Reply to the application is filed by way of an application bearing No. CM-10970-CII-2019 which is hereby allowed and the reply is taken on record.

Although, the appellant-husband has tried to prove re-marriage of the respondent-wife by way of certain photographs annexed with the application but learned counsel for the respondent has submitted that the respondent has not in fact remarried with Tarsem Madan resident of Pehowa District Kurukshetra rather she is living in a live-in-relationship with him. In the second breath, learned counsel for the respondent-wife has submitted that he has instructions to state that the present appeal may be allowed as the respondent-wife is not willing to contest this appeal.

In view of the aforesaid facts and circumstances, especially the fact that the respondent-wife is living in a live-in-relationship with another person and that she herself has stated through her counsel that this appeal may be allowed, the present admitted appeal is taken on board for hearing today itself and the same is hereby allowed, setting aside the impugned judgement and decree dated 01.08.2007 passed by the learned trial Court. The consequence of allowing the appeal shall follow in the shape of granting the decree of divorce.

Decree sheet be prepared accordingly.

[RAKESH KUMAR JAIN]
JUDGE

May 16, 2019

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[HARNARESH SINGH GILL]
JUDGE

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No