

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

FAO-M-8-2008

Date of decision :06.09.2019

Nirmala Devi

....Appellant

V/s

Jagram

....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. B.K. Bishnoi, Advocate for
Mr. Manjeet Singh, Advocate for the appellant.

RAJAN GUPTA J.

Present appeal has been preferred by appellant-wife being dissatisfied with the judgment and decree dated 13.12.2007 passed by District Judge, Panchkula whereby petition filed by husband (respondent herein) under section 13 of the Hindu Marriage Act, 1995 (for short 'the Act') seeking dissolution of marriage was allowed. Marriage between the parties was solemnized on 25.04.1985 according to Hindu rites and ceremonies at Barara District Ambala. Parties resided and cohabited together as husband and wife at Rattangarh, District Kurukshetra. Three children were born out of the wedlock. It was alleged that after 18 years of marriage, appellant-wife at the instance of her mother started treating the respondent-husband with cruelty. Their matrimonial life worsened when mother of the appellant started living with them in their house. In January, 2003, a case under section 326 IPC was got registered against him at police station, Chandimandir at the instance of his mother-in-law. Thereafter, he was also implicated in another case under section 107/151 Cr.P.C. in which he was

arrested and later released on bail. As per his version, he was thrown out of

his own house by the appellant-wife and her mother. They have also sold the house of the appellant and the domestic articles lying herein without his knowledge. On account of aforesaid conduct of the appellant, respondent-husband had sought dissolution of marriage. Upon notice, wife refuted the allegations levelled against her by the respondent-husband. She pleaded that respondent-husband had himself left the house and was not maintaining the family. Trial court after considering the evidence on record came to the conclusion that appellant-wife by her act and conduct had treated the respondent-husband with cruelty. Accordingly, it granted decree of divorce and dissolved the marriage of the parties. Aggrieved, appellant-wife has preferred the instant appeal.

Learned counsel for the appellant has vehemently contended that trial court has gravely erred in not appreciating the evidence in correct perspective. According to him, court below has granted decree of divorce on the basis of misreading of evidence. There is nothing on record to show that respondent has either treated with cruelty or harassed. Thus, impugned order deserves to be set-aside.

We have heard learned counsel for the appellant and given careful thought to the facts of the case. It appears that at the instance of mother of the appellant, a case under section 326 IPC was got registered against the respondent-husband. Moreover, proceedings under section 107/151 Cr.P.C. were also initiated against him in which he was arrested and later released on bail. The evidence on record clearly suggests that respondent-husband has been subjected to cruelty. He has been kicked out of his own house which was later sold by appellant-wife without his knowledge. On reappraisal of the evidence and other material available on

record, we are of the view that findings have been correctly returned by the court below.

In view of above, present appeal is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

September 06, 2019
Ajay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No