

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

**FAO-4557-2019 (O&M)
Decided on : 25.09.2019**

Poonam Rani

... Appellant(s)

Versus

Ashvani Kumar

... Respondent(s)

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

PRESENT: Tejpal Singh Dhull, Advocate
for the appellant(s).

RAJAN GUPTA, J. (Oral)

Present appeal is directed against the order and decree dated 04.12.2018 of Principal District Judge, Family Court, Karnal, dissolving the marriage between the parties by invoking Section 13-B of the Hindu Marriage Act, 1955 (in short 'the Act'). Marriage between the parties was solemnized on 02nd May, 2012 at Ambala City. Out of the wedlock one female child was born. However, due to temperamental differences between the parties, they filed a joint petition before the court below for dissolution of their marriage.

Statements on first motion were recorded on 28th May, 2018 and the matter was adjourned to 04th December, 2018. On the said date, statements on second motion were recorded. The parties reiterated their stand taken at the first motion. The court had, thus, no option but to grant decree of divorce in terms of Section 13-B of the Act.

The said order has been impugned on the ground that the fraud was committed on the appellant/petitioner No.2 and the parties were not living separately for a period of one year. We are not impressed with this argument as all relevant documents were duly signed by the

appellant/petitioner No.2 herself. Besides, if the appellant/petitioner No.2 alleges fraud, that can be proved by leading evidence, which is not within the purview of the appellate court. Also there are serious doubts about the maintainability of the appeal.

There is huge delay in filing the instant appeal. No plausible reason is forthcoming for condoning the same. Consequently, the instant appeal as well as the application for condonation of delay stand dismissed. Parties can avail other appropriate remedy, if any available, in accordance with law.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

September 25, 2019
J.Ram

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