

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

FAO-M-162-2019

Date of decision : 01.10.2019

Kuljeet Kaur

....Appellant

V/s

Sukhwant Singh

....Respondent

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

Present: Mr. Balbir Singh Saini, Advocate for the appellant.

Mr. Swarn Singh Tiwana, Advocate for the respondent.

**RAJAN GUPTA J.**

Present appeal is directed against the judgment dated 09.05.2019 passed by Additional District Judge, Fatehgarh Sahib vide which petition filed by appellant under section 25 of the Hindu Marriage Act for grant of permanent alimony has been dismissed. Marriage between the parties was solemnized on 07.10.2002 and a female child was born out of the said wedlock. Appellant-wife alleged that she had been subjected to cruelty both physical and mental. She was turned out of her matrimonial house and began to reside on rented accommodation at Ludhiana. Thereafter, a settlement had been arrived at whereafter she came back to her matrimonial home. However, the relationship between them did not improve and she was again harassed. In the year 2011, respondent started living separately from her without any fault on her part and was not maintaining her. As per her version, she had obtained an ex-parte divorce from respondent on 05.04.2016 by the court of District Judge, Fatehgarh Sahib. Ultimately, she filed petition under section 25 of the Act seeking grant of permanent alimony. Same was contested by respondent. He refuted the allegations

levelled by the appellant. He, on the other hand, alleged that appellant had contracted a second marriage prior to getting divorce from him. In support of her case, appellant herself stepped into the witness box as PW1 and deposed as per averments made in the petition. Father of the appellant corroborated her version who deposed as PW2. On the other hand, respondent stepped into the witness box as RW1 and examined two other witnesses. Trial court considered the issue. However, it did not find substance in the same and dismissed the petition. Present appeal emanates from the said petition.

Learned counsel for the appellant submits that appellant is entitled to permanent alimony in terms of section 25 of the Act.

We have reappraised the evidence. On the basis of evidence, it transpires that it was the appellant who had withdrawn from the society of the respondent without any reasonable cause and had obtained ex-parte divorce. Moreover, in the passport of appellant, she was shown as the wife of one Tarsem Singh. Besides, no substantial evidence has been brought on record with regard to earning capacity and financial status of respondent.

In view of above, we do not find any scope of interference in the present appeal. Same is hereby dismissed.

(RAJAN GUPTA)  
JUDGE

October 01, 2019

*Ajay*

(MANJARI NEHRU KAUL)  
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No