

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO-M-143-2012 (O&M)
Date of decision: August 29, 2019

Gurjant Singh

...Appellant

Versus

Gurmeet Kaur alias Daljit Kaur

...Respondent

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

Present: Mr. Gaurav Sethi, Advocate for the appellant.
Mr. Rajbir Singh, Advocate for the respondent.

Rajan Gupta, J.

Present appeal is directed against the judgment and decree dated 03.03.2012, passed by Additional District Judge, Sangrur, whereby petition filed under Section 13 of the Hindu Marriage Act by the appellant-husband for grant of divorce has been dismissed.

Appellant namely, Gurjant Singh got married to respondent Gurmeet Kaur alias Daljit Kaur in the year 1991 as per Anand Karaj ceremony. After marriage, they resided together and one female child, namely, Simran Preet Kaur was born out of the wedlock. As per petitioner-husband, respondent is a hot tempered lady, who treated him with cruelty after the marriage. She left her matrimonial house in May, 1993 without any reason and when petitioner went to take her, she pressurized him to live separate from his mother. Petitioner filed a petition under Section 9 of the

Hindu Marriage Act on 09.03.1994, which was dismissed as withdrawn on the basis of compromise arrived at between the parties and respondent started living with the petitioner. It is alleged that after some time, respondent again started raising quarrels without any reasonable excuse. She has deserted the petitioner since the year 1999. Respondent also filed a suit for maintenance in the court of Addl. Civil Judge (Sr. Divn.), Dhuri on 27.12.2002 and during pendency of that suit, she also filed an application under Section 125 Cr.P.C. on 03.06.2006. All efforts made by him to resolve the bickering remained futile. As a result, he filed the instant petition under Section 13 of the Hindu Marriage Act, on the grounds of cruelty and desertion. In reply respondent-wife refuted all the allegations levelled against her by the petitioner. According to her, after marriage petitioner indulged in bad habits and started taking liquor and other intoxicants. She requested him to desist from all this and not to waste his assets. Instead of mending his ways, he turned her out of the matrimonial house after giving severe beatings. On several occasions, he had physically assaulted her under the influence of liquor. He had refused to maintain the respondent as well as the minor daughter. It is alleged that petitioner is owner of 7/45 share in the agricultural land measuring 193 Kanals. In support of his case, petitioner-husband himself stepped into the witness-box as PW-1 and also examined two other witnesses in his evidence. Respondent-wife namely, Gurmeet Kaur alias Daljit Kaur deposed as RW-2 and also examined two other witnesses, besides tendering certain documents. On analysis of the evidence on record as well as the contentions raised before the court, it came to the conclusion that petitioner had totally

failed to prove cruelty and desertion on the part of the respondent-wife. The petitioner did not pay maintenance to the respondent and the minor daughter and thus, he did not deserve to be absolved of his liabilities by seeking a decree of divorce.

Keeping in view the facts and circumstances of the case, we feel that no interference in the judgment and decree passed by the court below, is called for. The appellant has totally failed to prove the allegations levelled by him in the petition. On the other hand, it appears that he turned his wife out of the matrimonial home alongwith his minor daughter. It also appears that all this was result of bad habits and addition to intoxicants. When respondent rebelled, he started harassing and humiliating her and also filed petition for divorce. The appeal is, thus, without any merit and same is hereby dismissed. Decree-sheet be prepared accordingly.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

August 29, 2019
'Rajpal'

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