

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

FAO-1453-2016 (O&M)
Date of decision: August 21, 2019

Rajan Malhan ...Appellant

Versus

Shama Malhan ...Respondent

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

Present: Mr. Pankaj Maini, Advocate for the appellant.
Mr. Parminder Singh-I, Advocate for the respondent.

Rajan Gupta, J.

Present appeal is directed against the judgment and decree dated 17.12.2015, passed by District Judge (Family Court), S.B.S. Nagar, whereby petition filed under Section 13 of the Hindu Marriage Act by the appellant-husband for grant of divorce has been dismissed.

Appellant namely, Rajan Malhan got married to respondent Shama Malhan on 11.02.2000 as per Hindu rites and ceremonies. After marriage, they resided together and two children namely, Chitrash Malhan and Bhumika Malhan were born out of the wedlock. As per petitioner-husband, soon after marriage, respondent-wife started pressurizing him for arranging separate accommodation and on his refusal, she started picking quarrels, which caused mental agony to him. She also pressurized the petitioner to have a separate residence. The respondent had acted in most

irresponsible way and used to leave the matrimonial house without informing her in-laws. She also gave slaps to mother of the petitioner-husband when they asked her to provide meal. Feeling harassed, petitioner-husband also submitted an application to the Senior Superintendent of Police and ultimately, matter was compromised. It is alleged that despite compromise the respondent-wife did not mend her ways. 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, *inter alia* alleging mental cruelty. In reply respondent-wife refuted all the allegations levelled against her by the petitioner. According to her, she performed all her duties diligently and honestly towards the petitioner and his parents. Petitioner and respondent were still residing in the same house. She had been performing her matrimonial obligations to the petitioner and his parents. In support of his case, petitioner-husband himself stepped into the witness-box as PW-1 and also examined three other witnesses in his evidence. Respondent-wife namely, Shama Malhan deposed as DW-1 and examined two other witnesses. 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 on the part of the respondent-wife. The petitioner-husband had failed to prove all the allegations levelled by him against his wife. He has not even placed on record application moved by him before the Senior Superintendent of Police.

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. He also failed to prove the allegation of cruelty alleged to have been caused by the respondent-wife. Further, it appears that respondent-wife had made efforts to perform her matrimonial obligations. 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 21, 2019
'Rajpal'

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