

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

FAO-2672-2016 (O&M)

Date of decision: September 3, 2019

Neeraj Bhardwaj

...Appellant

Versus

Smt. Savita Bhardwaj

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.S. Bal, Senior Advocate with
Mr. Ashish Mehlawat, Advocate for the appellant.
Mr. Gautam Dutt, Advocate for the respondent.

Rajan Gupta, J.

Present appeal is directed against the judgment and decree dated 07.01.2016, passed by District Judge, Family Court, Gurgaon, whereby plea of the appellant-husband for grant of divorce has been rejected, dismissing the petition filed under Section 13 of the Hindu Marriage.

The appellant namely, Neeraj Bhardwaj got married to respondent Savita Bhardwaj on 08.02.2012 as per Hindu rites and ceremonies. After marriage, they resided together at Kanhei, District Gurgaon. A daughter namely, Nishka was born out of the wedlock on 12.12.2012. As per the petitioner-husband, from the very beginning respondent-wife was of cruel nature and never took any interest in household work. She started leaving the matrimonial home without consent

of the petitioner. After some time, respondent and her family members started threatening petitioner and his family to implicate them in some false cases. She also got FIR No.499 dated 01.08.2013 registered against the petitioner and his family members under Sections 498-A, 323, 405 and 506 IPC in Police Station Sadar, Gurgaon. All efforts made by him to resolve the bickering remained futile. As a result, he filed the instant petition under Section 13 (I) (ia) and (ib) of the Hindu Marriage Act, *inter alia* alleging mental cruelty as well as desertion. In reply respondent-wife refuted all the allegations levelled against her by the petitioner. According to her, petitioner and his family members used to harass, humiliate and assault her for not bringing dowry as per their expectation. It is alleged that on 13.06.2013, she was assaulted by her in-laws and after intervention of the police, she was saved. She was medically examined, but later on matter was settled in the Panchayat. In support of his case, petitioner-husband himself stepped into the witness-box as PW-6 and also examined eight other witnesses, besides tendering certain documents. Respondent-wife namely, Savita Bhardwaj deposed as RW-1 and also examined her father Rohtas Vashisht, 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 desertion and cruelty on the part of the respondent-wife.

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. On the other hand, it appears, appellant created such atmosphere that compelled the wife to leave her matrimonial house. Further, he has also failed to prove the allegation of desertion by the respondent-wife. The appeal is without any merit and same is hereby dismissed. Decree-sheet be prepared accordingly.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

September 3, 2019
'Rajpal'

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