

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

FAO-M-283-2013 (O&M)
Date of decision: September 12, 2019

Santosh ...Appellant

Versus

Satpal ...Respondent

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

Present: Mr. Bhupinder Ghai, Advocate for the appellant.
Mr. Karamveer Singh Banyana, Advocate for the respondent.

Rajan Gupta, J.(oral)

Present appeal has been preferred by the appellant-wife aggrieved by order dated 07.05.2013, passed by Additional District Judge, Kaithal, whereby he directed dissolution of marriage between the parties by way of decree of divorce.

It appears, marriage between the parties was solemnized on 13.03.2004. No child was born out of the wedlock. Instant divorce petition was preferred by the husband in the year 2011 seeking divorce *inter alia* on the grounds of cruelty and desertion. Petitioner husband alleged that his wife was mentally unsound. She had abused his family members. She refused to shoulder household responsibilities. He made several efforts and asked her to refrain from her abnormal and irresponsible conduct, but she paid no heed. She was also referred to a doctor, but she never took the

medicines prescribed. All the pleas were refuted by the respondent-wife. She stated in her reply that the petition was a counter-blast to a criminal complaint filed by her against the petitioner. In fact, she had been harassed by parents of the husband due to greed for more dowry. As she could not fulfill these demands, instant petition was filed by the husband. The trial court after considering the rival contentions, framed the issue 'whether respondent had subjected the petitioner to cruelty'. To prove his case, petitioner himself stepped into the witness-box and examined Dr. Arvind Sharma as PW-1. Father of the petitioner deposed as PW-3. In rebuttal, respondent-wife deposed as RW-1 and examined two other witnesses i.e. her mother and her brother as RW-2 and RW-3 respectively. On consideration of the entire evidence, the trial court found that allegations of cruelty by the respondent-wife were made out. Due to her mental condition, she was taken to PGI, Chandigarh as well as Shah Hospital at Kaithal. She was given some medicines, but she did not complete the treatment. It appears, respondent-wife also lodged a complaint against the petitioner under Sections 498-A, 406, 323 and 506 IPC. However, same was dismissed, vide order dated 18.12.2014. The trial court, thus, held that respondent-wife had treated the petitioner with cruelty and there were no chances of their cohabitation. Besides, the marriage had irrevocably broken down. It, thus, granted a decree of divorce.

We have examined the record. We have also heard learned counsel for the parties and given careful thought to the facts of the case.

We do not find any ground to interfere in the findings arrived by the trial court. During the pendency of appeal before this court, various

efforts were made by this court as well as Mediation and Conciliation Centre to explore the possibility of amicable settlement of the dispute. However, all efforts remained futile. Today counsel for respondent-husband sought to place on record an affidavit of the respondent, whereby it is stated that he is ready to pay Rs.5.00 lacs as permanent alimony to the appellant within five months. Same is taken on record. We find this proposal reasonable. Under the circumstances, we hereby dismiss the appeal. However, respondent-husband shall pay the alimony in terms of the affidavit submitted by him in the court today. Decree-sheet be drawn accordingly.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

September 12, 2019
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No