

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

FAO-M-339-2013

Date of decision : 24.09.2019

Surender Singh

....Appellant

V/s

Manju

....Respondent

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

Present: Mr. Harkesh Manuja, Advocate for the appellant.
Mr. Vivek Suri, Advocate for the respondent.

RAJAN GUPTA J.

Present appeal is directed against the order dated 02.09.2013 passed by Additional District Judge, Rohtak whereby petition filed under section 13 of the Hindu Marriage Act, 1955 seeking dissolution of marriage preferred by appellant-husband has been dismissed. Appellant Surender Singh was married to respondent Manju on 06.06.2006 at Rohtak according to Hindu rites and customs. At the time of marriage, appellant was working as a Guest Teacher. They cohabited as husband and wife and a daughter namely Mansvi was born on 24.05.2007. But unfortunately, the parties did not have a smooth marital life. As per allegations of the appellant, he was mentally tortured by the respondent. She did not hesitate to humiliate him and his family members in the presence of their relatives and friends. As per his version, respondent had suicidal tendency and had even threatened to commit suicide on many occasions. She deserted the appellant by staying in the house of her father since October 09, 2009. The appellant and his parents tried their best to bring her back but all the efforts went in vain. Appellant and respondent leveled allegations and counter allegations against each other. The husband ultimately preferred petition before the court below seeking dissolution of marriage. Same was contested by the respondent-wife.

She refuted all the allegations which according to the appellant constituted

cruelty. In support of his case, appellant himself stepped into the witness box as PW1 and examined his father PW2 Prem Singh and two other witnesses. On the other hand, respondent examined her mother Murti Devi as RW1 and herself stepped into the witness box as RW2. The trial court considered the issue of cruelty meted out to the appellant. It, however, did not find substance in the same and dismissed his petition. Aggrieved, instant appeal has been filed.

Learned counsel for the appellant submits that court below has misread the evidence on record. According to him, respondent-wife had treated the appellant with cruelty and this fact has been completely ignored by the court below. The judgment and decree passed by the court below is erroneous and deserves interference by this court. Learned counsel for the respondent has reiterated the stand taken before the court below.

We have heard learned counsel for the parties and reappraised the evidence on record. Keeping in view deposition of witnesses and the facts and circumstances of the case, we are of the view that there is no substance in the plea of cruelty raised by the appellant. Moreover, learned counsel for the appellant has not been able to refer to any evidence on record pertaining to cruelty which has either been misread or misinterpreted by the court below.

In view of above, we find no reason to differ from the findings arrived at by the court below. According the appeal is dismissed.

(RAJAN GUPTA)
JUDGE

September 24, 2019
Ajay

(MANJARI NEHRU KAUL)
JUDGE