

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

**FAO-M-67-2013 (O&M)
Decided on : 09.09.2019**

Gurwinder Singh

. . . Appellant

Versus

Satbir Kaur

. . . Respondent

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

PRESENT: Mr. R.S. Mamli, Advocate
for the appellant.

Mr. Gaurav Singla, Advocate
for the respondent.

RAJAN GUPTA, J. (Oral)

Present appeal is directed against the order passed by the Additional District Judge, Sirsa, whereby, petition filed by the appellant-husband for dissolution of marriage has been dismissed.

Parties got married on 13th February, 2006 at Village Rania, Tehsil Rania, District Sirsa, as per Hindu rites and ceremonies. After marriage, they cohabited at village Bahiya. No child was born out of the wedlock. Soon after the marriage, differences developed between the couple. Husband alleged that wife used to leave the matrimonial home every 15-20 days without his permission. He also alleged that she was a short tempered lady and had attacked the appellant with a knife on one occasion. Number of Panchayats are stated to have been convened to make efforts for reconciliation, but same remained futile. In August 2009, appellant-husband instituted a petition for divorce *inter alia* on the aforesaid grounds. Respondent-wife filed reply and refuted all the allegations. She rather alleged that about 20 tolas of gold, various electronic items and a car was given by her family at the time of her marriage. Yet, she was harassed on the pretext that

she had brought less dowry. In support of his case, the appellant-husband examined Darshan Singh as PW-2 and Subeg Singh as PW-3. He himself stepped into witness-box as PW-1. On the other hand, respondent-wife also deposed as RW-1 and examined two other witnesses i.e. Gulzar Singh as RW-2 and Gurdial Singh as RW-3. Trial Court decided issues No.1 & 2 together and found that no case of cruelty was made out.

We have reappraised the evidence. It is clear that the appellant-husband stepped into witness-box and reiterated the allegations levelled by him. PW-2/Darshan Singh corroborated his version. He stated that behaviour of the wife of the appellant, Satbir Kaur was bad. Despite several attempts by the Panchayats to bring about some amicable settlement between the parties, no tangible result was achieved. Respondent merely stepped into witness-box and reiterated the averments made in the written statement. Her witness Gulzar Singh (RW-2) also submitted that number of Panchayats were convened to resolve the issues between the couple, but all efforts remained futile. During cross-examination, the testimony of the husband (PW-1) and his witnesses remained unshaken.

We, thus, feel that finding of the trial Court on issues Nos. 1 & 2 need to be reversed. During the pendency of this appeal, which is pending since 2013, number of efforts were made by this Court as well as the Mediation and Conciliation Centre of this Court to bring about some amicable solution. However, all efforts remained unsuccessful. Today, when the case was taken up for hearing, an affidavit has been filed by the appellant that he would pay ₹ 10.00 lakhs as permanent alimony, in case his marriage is dissolved by a decree of divorce. Affidavit is taken on record. Counsel for the respondent, on instructions submits that said amount is acceptable to the respondent-wife.

trial court on issue Nos. 1 & 2 is hereby reversed and the marriage between the parties is dissolved by a decree of divorce. Decree sheet be drawn up accordingly. The amount of ₹ 10.00 lakhs on account of permanent alimony be remitted by the appellant-husband to respondent-wife by way of demand draft within a period of six weeks from today. This would be full and final settlement of all her claims.

Appeal stands disposed of accordingly.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

September 09, 2019

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*