

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

FAO-7380-2015

Date of decision : 05.07.2019

Usha

....Appellant

V/s

Pardeep Kumar

....Respondent

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

Present: Mr. Sudhir Aggarwal, Advocate for the appellant.

Mr. Sanjay Vij, Advocate for the respondent.

**RAJAN GUPTA J.**

Appellant-Usha and respondent-Pardeep Kumar got married as per Hindu rites and ceremonies on 29.01.2001. They are residing together for some time at Haily Mandi, Pataudi. A daughter namely Anshu was born from the wedlock on 18.10.2001. Soon after the relation of the parties turned awry. Husband alleged that the wife (appellant herein) did not show interest in the household chores. She also pressurized him to shift to Gurgaon and used to compel his parents to sell their house. Her mother also interfered in the matrimonial life. Appellant is stated to have left the matrimonial home some time on 03.04.2001. Respondent filed a petition under section 9 of the Hindu Marriage Act which was withdrawn on 19.02.2002. The wife, however, lodged a FIR No. 611 dated 19.02.2001 under sections 498-A, 406, 506 IPC at police station City Gurgaon. Said FIR was quashed by the High court vide its order dated 26.03.2009. It appears various other litigations started between the parties including proceedings of maintenance under section 125 Cr.P.C. as well as civil suit.

The husband ultimately instituted a divorce petition on 08.01.2004 against the appellant which was withdrawn on 20.07.2006 in view of a compromise. The parties agreed to live together with their daughter. But the effort proved futile and as a result the divorce petition was revived in the year 2006. Again there was a compromise in 2009 but the circumstances did not change much. Appellant-wife got DDR No. 32 dated 24.07.2010 registered at police station Civil Lines, Gurgaon alleging that husband had illegally detained the child. Ultimately, respondent-husband filed a fresh petition seeking divorce on 12.08.2013. The trial court framed an issue as to whether husband was entitled for a decree of divorce on the grounds of cruelty and desertion. In support of his case, petitioner (respondent herein) himself stepped into the witness box and examined seven other witnesses. He also tendered evidence and various documents which were taken on record as exhibits P-1 to P-29. Likewise, respondent (appellant herein) also stepped into the witness box and tendered documents exhibits R-1 to R-12. On analysis of the entire evidence on record, the court came to the conclusion that there was a substance in the plea raised by the petitioner-husband. The respondent involved him in multiplicity of litigations despite settlement entered into on various occasions. No effort was made to maintain peace and harmony. Besides, she had left the matrimonial home and had been living separately for considerable time.

We find no ground to differ with the findings of the court below. Though the wife denied the allegations levelled by the husband not much could be elicited during cross-examination of this witness to show that his deposition could be doubted. Even during the course of hearing of the present appeal which has been pending since the year 2015, various efforts

were made by the court to amicably settle the issue. However, all efforts

remained futile. This court cannot lose sight of the fact that parties got married way-back in the year 2001. They have not been able to cohabit peacefully even for a short duration. This court does not find there are any chances of this happening in future either.

Under the circumstances, the appeal is hereby dismissed. Parties, however, have a 17 years old daughter who is living with the appellant. During the pendency of the appeal, husband has been paying ₹5,000/- as maintenance *pendente lite*. He claims that he is assisting his sister, who is running a primary school in Gurgaon. According to him, he is not earning much. His income is irregular. He has, however, offered ₹7.00 lacs as permanent alimony particularly keeping in view the grown up daughter who is living with the appellant-wife. This court finds this offer reasonable. Respondent shall remit an amount of ₹7.00 lacs as permanent alimony to the appellant within two months by way of a demand draft as full and final settlement of all her claims.

(RAJAN GUPTA)  
JUDGE

July 05, 2019  
*Ajay*

(MANJARI NEHRU KAUL)  
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No