

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

FAO-M-39-2010 (O&M)
Date of decision: July 03, 2019

Seema ...Petitioner

Versus

Satish Kumar ...Respondent

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

Present: Mr. Raghav Goel, Advocate for the petitioner.
Mr. Ram Bilas Gupta, Advocate for the respondent.

Rajan Gupta, J.(oral)

Present appeal is directed against the judgment and decree dated 06.01.2010, passed by Additional District Judge, Sonapat, whereby plea of the respondent-husband for grant of divorce has been accepted and a decree passed accordingly.

The appellant namely, Seema got married to respondent on 13.02.2005 as per Hindu rites and ceremonies. After marriage, they resided together at Bhiwani. A male child was born out of the wedlock, who is about 13 years old at present. As per the respondent-husband, the appellant-wife started picking quarrels soon after marriage. She threatened that she would involve the respondent and his entire family in false cases, as her father was serving in Haryana Police. Due to dominating behaviour of the appellant, the respondent got fed-up and certain negotiations for resolving the dispute started. In February, 2006 appellant is alleged to have

consumed some sleeping tablets. She was taken out of a room after breaking the door. Respondent-husband also alleges that appellant wanted to abort the child. All efforts made by him to resolve the bickering remained futile. As a result, he filed the instant petition under Section 13 of the Hindu Marriage Act, *inter alia* alleging mental cruelty. In support of his case, he himself stepped into the witness-box as PW-1. Two other witnesses namely, Ram Mehar and Badri Parshad also deposed in favour of the respondent-husband. They also referred to certain proceedings before the Panchayat where efforts were made to resolve the matrimonial dispute. However, same remained futile. Badri Parshad also referred to a similar Panchayat convened on 22.07.2007 in village Jauli to resolve the matrimonial dispute. Appellant-wife namely, Seema deposed as RW-1. Though she admitted that she had left her matrimonial home due to quarrel with her husband but she denied that anybody from her in-laws family came to take her back. Her father, Lal Singh appeared as RW-2 and corroborated the version of his daughter. On analysis of the evidence on record as well as the contentions raised before the court, it found substance in plea of the husband that he had been subjected to mental cruelty. During the course of divorce proceedings, an incident had taken place outside the court of District Judge, Sonapat, regarding which FIR No.149 dated 16.3.2009, under Sections 323, 325 read with Section 34 IPC was registered against brother and mother of appellant-wife at Police Station City, Sonapat. It was alleged that they had attacked a close relative of husband, that too right in front of the court.

The divorce case was instituted on 16.7.2007 and 12 years have

elapsed since then, matter was also referred to Mediation and Conciliation Centre of this court and efforts were made to amicably resolve the issue on various occasions, but to no avail. Today learned counsel for the respondent-husband (on instructions from the respondent, who is present in court) stated that respondent-husband will continue to pay Rs.12,000/- per month as maintenance for brought up of his son. However, petitioner-wife, who is employed as Teacher in Government School, is not entitled to any maintenance. He submits that he shall file an undertaking in the registry today itself.

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 appeal is hereby dismissed, subject to the appellant's furnishing of undertaking as aforesaid.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

July 03, 2019
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No