

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-M-270-2014 (O & M)
Date of decision: 11.07.2019

Satish Kumar Appellant

V/s

Pardeep Kumari ...Respondent(s)

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

Present: Ms. Alka Chatrath Kapur, Advocate, for the appellant.

Mr. Akashdeep Singh, Advocate, for the respondent.

RAJAN GUPTA, J. (Oral)

Appellant-Satish Kumar got married to Pardeep Kumari (respondent herein) on May 05, 2001 at Uchana District Jind. Out of the wedlock, one male child namely Hiten was born. Soon after, differences developed between the couple. Husband-Satish Kumar alleged that his mother-in-law used to pressurize him to shift to Rohtak. Appellant even had filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. Respondent also started levelling allegations that the petitioner was having relations with another woman. In March, 2009, respondent is alleged to have left the company of the appellant alongwith her son. All efforts to bring her back proved futile. Wife even lodged an FIR against the husband under Section 498-A IPC. She filed a separate petition under Section 125 Cr.P.C. claiming maintenance. Appellant alleged that he was shocked when a letter was received from the court seeking details of the salary being drawn by him. As per the stand of the appellant, respondent

A petition under Section 13 containing all aforesaid allegations was filed. The allegations were refuted by the respondent-wife in her written statement. In support of the plea, the appellant-petitioner himself stepped into the witness box and examine one Dinesh Dangi as PW-2. Respondent-wife also deposed herself and examined another witness namely Ram Phal as RW-2. On analysis of the evidence, the court below rejected the plea.

We have reappraised the depositions. There is oral testimony of the husband that he was asked to change his place of residence. There was interference in his day-to-day life by his in-laws. Even FIR under Section 498-A IPC was lodged. Some allegations of character assassination were also levelled. The witnesses were cross-examined but not much could be elicited to dislodge their version. Respondent's witness merely reiterated what was stated in the reply to the petition.

During the course of hearing of this appeal, which has been pending since 2014, various efforts were made by the mediator as well as the court to explore the possibility of amicable settlement. All efforts have, however, proved futile. Admittedly, appellant is paying an amount of Rs.22,000/- p.m. as maintenance *pendente lite* for his wife and male child aged about 16 years.

Keeping in view the evidence on record, we feel that the appeal needs to succeed and appellant is entitled to divorce on the ground agitated in his petition. However, question arises about the permanent alimony.

At the outset, a query has been put to learned counsel for the appellant as to what amount the appellant would pay for maintenance of his

wife and child. Ms. Chatrath fairly submitted that an amount of Rs.15 lacs as full and final settlement would be appropriate and out of this, half of the amount shall be kept in the FDR in the name of the son of the appellant to which he shall be entitled on attaining the age of majority. Ordered accordingly.

In view of the above, the marriage between the parties is dissolved by decree of divorce . Decree sheet be prepared accordingly.

Appeal is allowed in these terms.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

July 11, 2019
sukhpreet

Whether speaking/reasoned : Yes

Whether reportable : No