

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

FAO-M-297-2014

Date of decision : 03.10.2019

Pawan Kumar

....Appellant

V/s

Kusam Rani

....Respondent

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

Present : Mr. Sanjeev Sharma, Advocate for the appellant.

Mr. Dinesh Kumar Singla, Advocate for the respondent.

RAJAN GUPTA J.

Present appeal is directed against the order dated 07.10.2013 passed by Additional District Judge, Fatehgarh Sahib whereby petition under section 13 of the Hindu Marriage Act seeking dissolution of marriage preferred by appellant-husband has been dismissed. Appellant-Pawan Kumar was married to respondent Kusam Rani on 18.11.2000 as per Hindu rites and ceremonies. Out of wedlock, three sons namely Ravi Kumar, Vivek Kumar and Aman Kumar were born. According to the appellant-husband, respondent is a quarrelsome lady by nature and her behavior was unreasonable and unaccommodating. There was undue interference of her parents in their matrimonial life. He alleged that respondent was a follower of a Dera/Ashram and used to visit the same during his absence and without his knowledge. As per his version, respondent had the habit of causing annoyance and disturbance to him and his family members. She used to visit her parents quite often who used to provoke her to live separately. He alleged that on 14.07.2010, respondent left the matrimonial home with their

younger son without any reasonable cause and without informing him and did not join his company thereafter. He, thus, filed petition seeking dissolution of marriage. Same was contested by respondent-wife. She refuted all the allegations levelled by the husband in her written statement. She on the other hand, alleged that she was rather harassed. Appellant also filed replication controverting the averments made in the written statement and reiterated the contents of the petition. In support of his case, appellant himself appeared in the witness box as PW-3 and deposed as per averments made in the petition. Two other witnesses supported his case. Respondent also stepped into witness box and deposed as RW1. Her plea was also supported by two other witnesses. Trial court considered the issue whether respondent had treated the appellant with cruelty besides desertion. It, however, did not find substance in the same and dismissed his petition. Aggrieved, he has preferred the instant appeal.

Learned counsel for the appellant submits that court below has gravely erred in not appreciating the evidence in correct perspective. According to him, allegation of cruelty has been duly established but the same has been ignored from consideration. Moreover, respondent has left the matrimonial home on her own accord and without any reasonable cause. Thus, impugned order deserves to be set-aside.

We have reappraised the evidence on record. It is an admitted fact that both the parties resided together till 2010. Appellant who was working in Army remained posted at distant places. It is borne out from the record that respondent has always been ready and willing to reside with appellant at his place of posting but appellant was reluctant. She was only allowed to join his company after she represented to his higher authorities.

independent corroboration to these allegations nor testimony of appellant inspires confidence in the same. Moreover, nothing much could be elicited during his cross-examination as well.

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

(RAJAN GUPTA)
JUDGE

October 03, 2019
Ajay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No