

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

FAO-M-332 of 2014 (O&M)
Date of decision: September 17, 2019

Rajesh Kumar

...Appellant

Versus

Aruna Rani

...Respondent

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

Present: Mr. H.K. Aurora, Advocate for the appellant.
None for the respondent.

Rajan Gupta, J.(oral)

Present appeal is directed against the judgment and decree dated 18.10.2011, passed by Additional District Judge (Adhoc) Fast Track Court-I, Hoshiarpur, whereby petition filed by the husband Rajesh Kumar for dissolution of marriage under section 13 of the Act, has been rejected.

It appears, petitioner and respondent got married on 26.10.2004 as per Hindu rites and ceremonies. After marriage, petitioner and respondent lived together. No child was born out of the wedlock. Some acrimony developed between the couple and petitioner had left for Italy after marriage. He alleged that thereafter, his wife also left taking away the gold articles. He felt that behaviour of the respondent was not cordial towards the family members. She was not courteous and respectful to the elders. He also felt that he had been married to a rustic village girl. He, thus, preferred the instant petition seeking divorce. Apart from aforesaid grievances, he also alleged that respondent did not attend customary rituals in the family. Other similar allegations were levelled. All were refuted by the wife in her written statement. The court proceeded to decide 'whether respondent-wife had treated

the husband with cruelty'. Apart from the petitioner, other witnesses deposed in his favour. Respondent herself stepped into the witness-box as RW-1 and examined two other witnesses. On detailed analysis of the evidence, the court came to the conclusion that allegations levelled, did not make out a case of cruelty. Petitioner himself pleaded that his brothers and other family members were residing separately to look after his old aged mother. In his cross-examination, he was not able to sustain his allegation of non-cooperative attitude of the respondent. As regards his grievance that respondent lacked affection and was a rustic lady, the trial court found that the same did not constitute cruelty. We find no infirmity with the order passed by the court below. On reappraisal of evidence, we find that no case of cruelty is made out. This apart, present appeal has been filed after a huge delay of 955 days. Application for condonation is supported by affidavit of power of attorney of the petitioner. Reasons given therein are not convincing. Primarily, it has been contended that appellant never visited India since he left for Italy, thus, the delay occurred. We find no ground to condone the same. We have also examined the merit of the case as well. In view of same, the appeal as well as application are hereby dismissed.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

September 17, 2019
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No