

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-M-424-2014

Date of Decision: 27.11.2019

Suraj Pal Singh

...Appellant

Versus

Paramjit Kaur

...Respondent

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

PRESENT: Mr. Sandeep Gors, Advocate for the appellant.

Mr. Rajesh Punj, Advocate for the respondent.

RAJAN GUPTA, J.

Present appeal is directed against the judgment and decree dated 6.8.2014 passed by Additional District Judge, Family Court, Amritsar, whereby petition filed by appellant-husband under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') seeking dissolution of marriage, was dismissed.

Marriage between the parties was solemnized on 11.4.1999 as per Sikh rites at Amritsar. At the time of marriage, both the parties were divorcee. After marriage, they resided together as husband and wife and cohabited as such. Out of their wedlock, a child, namely, Gurmanjot Singh was born. According to the appellant, the behaviour of respondent towards the appellant and his family members was cruel. She did not do any household work on the pretext that she was doing a job. Respondent had

left the company of the appellant along with minor son without any cause or reason. The appellant made several efforts to take her back, but all in vain. Accordingly, the appellant filed a petition under Section 13 of the Act, *inter alia*, alleging desertion and cruelty. Upon notice, respondent-wife filed a written statement. Besides raising various preliminary objections, it was pleaded therein that she was thrown out of the matrimonial home after giving beatings. It was further alleged that she was being tortured by the appellant and his parents for not bringing the dowry according to their status. Other averments made in the petition were denied and a prayer for dismissal of the same was made. On the basis of the oral as well as documentary evidence led by the appellant, the trial court dismissed the petition vide judgment and decree dated 6.8.2014. Present appeal emanates from the said order.

We have considered the rival contentions of counsel for the parties. It appears that trial court while appreciating the evidence and other material on record held that there was nothing on record to show that the respondent had ever treated the appellant with cruelty or deserted him. Appellant had failed to show any act or conduct of the respondent which constitute cruelty. No specific date, month and year was mentioned by the appellant to show that he was deserted by the respondent. Further, the witnesses examined by the appellant had stated that no incident had taken place in their presence. No cogent evidence was led by the appellant to prove the factum of desertion. The allegations levelled by the appellant against the respondent were only wears and tears of the married life and could not be a ground for grant of divorce. 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. We have reappraised the evidence on record and are of the view that findings have been correctly returned by the court below.

In view of above, we find no reason to differ from the findings arrived at by the court below. Accordingly, finding no merit in the instant appeal, same is hereby dismissed. Decree-sheet be prepared accordingly.

**(RAJAN GUPTA)
JUDGE**

November 27, 2019
gbs

**(MANJARI NEHRU KAUL)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No