

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

FAO-M-444-2014

Date of decision : 08.07.2019

Himmat Singh

....Appellant

V/s

Tejinder Kaur

....Respondent

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

Present: Mr. Rahul Rampal, Advocate for the appellant.

Mr. G.S. Pannu, Advocate for the respondent.

RAJAN GUPTA J.

Present appeal is directed against the order passed by Additional District Judge, Ludhiana whereby petition under section 13 of the Hindu Marriage Act for dissolution of marriage preferred by husband has been dismissed. Petitioner-appellant namely Himmat Singh got married to respondent- Tejinder Kaur on 25.11.2008 at Ludhiana according to sikh rites. After marriage, parties cohabited for some time. However, differences developed. Admittedly, their cohabitation lasted for four months. Husband alleged that his wife was always acting under the influence of her parents. Respondent, being a government teacher, used to tell him that he was illiterate. Husband alleged that she taunted that respondent's parents had married her in a family below standard. According to him, appellant-husband kept on bearing all these insults for quite a long time. However, his wife filed a false petition under the Domestic Violence Act. As per his version, on 30.03.2009 respondent left the house of appellant without any sufficient cause. His wife refuted the allegations leveled by the husband in

her written statement. She, on the other hand, alleged that she was harassed. Appellant's family demanded about ₹26,00,000/- to enable the husband to migrate to Australia. In support of his case, petitioner-appellant himself appeared in the witness box and deposed as per averments made in the petition. Likewise respondent stuck to her stand while deposing before the court.

From the facts and circumstances of the case, it is clear that parties are unable to cohabit. Admittedly, they are living separately for last ten years. It is evident that though-appellant owned 8 acres of land in Tehsil Nakodar, he is not well educated. It is on record that respondent preferred a petition making number of allegations against her husband and his family under the Domestic Violence Act. The oral testimony of the husband as regards the manner in which he was treated cannot be discarded outrightly. Nothing much could be elicited during his cross-examination. During pendency of this appeal, various efforts were made by the Mediator as well the court to settle the dispute between the parties. However, all efforts have proved futile. This court, thus, feels that no purpose would be served by prolonging the agony of the parties any further.

In view of the findings given above, this court holds that appellant is entitled to divorce on the grounds agitated in the petition under section 13 of the Act. While disposing of the appeal, a query was put to learned counsel for the appellant as to what amount he would pay as permanent alimony. A proposal for paying ₹10.00 lacs has been accepted by him. Accordingly, present appeal is allowed and the judgment and decree dated 27.08.2014 passed by Additional District Judge, Ludhiana is hereby set-aside. A decree of divorce be passed under section 13 of the Hindu

Marriage Act for dissolution of marriage. Appellant shall remit the amount of permanent alimony to respondent by way of demand-draft within two months.

Decree-sheet be prepared accordingly.

(RAJAN GUPTA)
JUDGE

July 08, 2019
Ajay

(MANJARI NEHRU KAUL)
JUDGE

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