

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

FAO-M-124-2015

Date of decision : 13.09.2019

Usha Rani

....Appellant

V/s

Harpreet Singh & anr.

....Respondents

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

Present: Mr. Amit Bhanot, Advocate for the appellant.

Mr. Amrik Singh, Advocate for respondent no. 1.

Mr. IPS Doabia, Addl. A.G. Punjab.

RAJAN GUPTA J.

Challenge in the present appeal is to order dated 10.02.2015 passed by District Judge, Rupnagar whereby petition filed by respondent no. 1-husband under section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') seeking dissolution of marriage was allowed. Marriage between the appellant and respondent no. 1 was solemnized on 06.05.2012 by way of Anandkaraj ceremony. Appellant is a housewife while the respondent no. 1-husband was doing some job in Afghanistan. Parties resided and cohabitated together as husband and wife. However, no child was born out of this wedlock. Husband alleged that soon after the marriage respondent no. 1 started quarrelling and misbehaving with him and his parents. He made number of attempts to persuade the appellant-wife but her behavior worsened with the passage of time. She did not even hesitate to humiliate him in the presence of the relatives. As per his version, appellant-wife had illicit relations with respondent no. 2. On 21.06.2012, respondent no. 1-wife

had left the matrimonial home without informing anybody. Thereafter, matter was reported to the police and a DDR was lodged at police station Nurpur Bedi on 22.06.2012. However, on an application being moved by her father before SDM, Aandpur Sahib for tracing respondent no. 1, she got her statement recorded that she was living with respondent no. 2 of her own free-will. She had also stated that neither she was interested in living in her matrimonial home nor at her parental house at village Dherowal. According to him, at the time of leaving the matrimonial home, she took away certain ornaments given by his parents at the time of marriage. In fact, appellant was not interested in living with him. On account of aforesaid conduct of the appellant-wife, respondent no. 1-husband had sought dissolution of marriage on the grounds of cruelty and adultery. His wife (appellant herein) refuted the allegations levelled by respondent-husband in her written statement. She pleaded that in fact it was his husband and his parents who had been maltreating her and had made her life miserable. She was turned out of her matrimonial house without any reason and despite her best efforts she was not allowed to enter the same. She alleged that in fact respondent no. 1-husband was already married and this fact was concealed by respondent no. 1 and his parents. She denied her illicit relations with respondent no. 2. According to her, all the documents regarding application moved before SDM, Anandpur Sahib were false and fabricated in order to create a ground for divorce. Trial court after considering the evidence on record came to the conclusion that allegations of cruelty and adultery leveled by respondent-husband against appellant-wife duly stand established. Accordingly, it granted decree of divorce and dissolved their marriage. Aggrieved, appellant-wife has preferred the instant appeal.

Learned counsel for the appellant has submitted that court below has not appreciated the evidence in correct perspective. According to him, decree of divorce has been granted to respondent no. 1 on the basis of cruelty and adultery but as per evidence brought on record same have not been proved. Vague allegations have been levelled against the appellant which were not sufficient grounds for accepting the prayer for divorce. Thus, impugned order deserves to be set-aside.

We have considered the rival contentions of counsel for the parties. It appears that trial court while appreciating the evidence on record arrived at a conclusion that there was sufficient and convincing evidence on record to show that appellant-wife was not happy with her marriage with respondent no. 1. She had left the matrimonial house without informing anybody and started living with respondent no. 2. The allegations of adultery against the appellant-wife have also been proved. During the course of hearing of the instant appeal, coordinate Bench of this court had directed Sub Divisional Magistrate, Sri Anandpur Sahib to make an enquiry with regard to the allegations leveled by appellant as to whether respondent no. 1-husband had remarried during the subsistence of the first marriage. Pursuant to same, enquiry report by way of affidavit of Ms. Kanu Garg, Sub Divisional Magistrate, Sri Anandpur Sahib, District Rupnagar has been filed. Para 4 thereof reads as under:-

“4. That the report submitted by the Naib Tehsildar, Nurpur Bedi dated 11.03.2019 and dasted 29.3.2019 has been gone through by the deponent minutely and the deponent has come to the conclusion that the respondent Sh. Harpreet Singh son of Sh. Madan Lal, resident of village Chajja, Tehsil Sri Anandpur Sahib, District Rupnagar has not entered into second marriage

till date after his wife Smt. Usha Saini, the present appellant, had left her matrimonial house.”

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, the appeal is dismissed.

(RAJAN GUPTA)
JUDGE

September 13, 2019
Ajay

(MANJARI NEHRU KAUL)
JUDGE

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