

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO-M-148 of 2015 (O&M)
Date of decision: July 12, 2019

Dheeraj Bhatia

...Appellant

Versus

Smt. Shalika

...Respondent

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

Present: Mr. Adarsh Jain, Advocate for the appellant.
Mr. Vishal Yadav, Advocate for the respondent.

Rajan Gupta, J.(oral)

Marriage between the parties was solemnized on 17.11.2010 as per Hindu Vedic Rites. Out of wedlock, one male child namely Ansh @ Karan was born on 22.09.2011. After short span of cohabitation, relations between the couple strained. Husband alleged that she was in the habit of lowering his prestige and reputation of his parents. She created unhealthy atmosphere and made their living difficult. He claimed that respondent was employed as a Teacher in Dahiya School, Palwal as she is M.A. B.Ed. Due to her higher education, she used to dominate the entire family. She left the matrimonial house on 16.03.2012 and did not join his company thereafter. Appellant-husband, thus, filed instant petition for dissolution of marriage. Same was contested by the respondent-wife. She refuted all the allegations. She alleged that appellant and his mother used to physically assault her. Once he even tried to injure her with a knife. It, however, appears that no

complaint was lodged in this regard. In support of his plea, appellant/petitioner examined three witnesses and tendered documents Ex.P-1 to P-11. Respondent herself stepped into the witness-box and deposed as RW-1.

On reappraisal of evidence, we find that husband had given details of the manner, in which respondent conducted herself. According to him, after marriage she remained under the influence of her brothers and parents. Most of the time she lived with them and had no respect for his parents. Many times, she created scene in the street. According to husband, on 13.3.2011, she inflicted injury on herself in order to implicate him and his parents in false case. Two witnesses namely, Punjeet and Satish Bhatia appeared as PW-2 and PW-3 respectively and supported the version of the husband. On the other hand, respondent just stepped into the witness-box and reiterated the averments made in the reply. She, however, admitted that she had lodged a case under Section 498-A IPC alleging cruelty. Counsel for the appellant has, however, pointed out that husband and his family members were later acquitted in the trial pursuant to said FIR. Keeping in view the entire facts and circumstances of the case, we are of the considered view that petitioner/appellant is entitled to the relief prayed for in the petition under Section 13 of the Hindu Marriage Act. Even during the course of this appeal, efforts were made at the various stages even by the Mediation Centre to amicably settle the issue between the parties. However, all such exercise proved futile. Counsel for the appellant has pointed out that appellant has been paying Rs.3000/- per month pursuant to the order passed in proceedings under Section 125 Cr.P.C. We asked him

whether to pay permanent alimony, which would also be in lieu of full and final settlement of all disputes. Learned counsel for the appellant submits that appellant is ready to pay Rs.15.00 lacs as permanent alimony. We order accordingly. Out of this amount, Rs.7,50,000/- be kept in FDR in some nationalized bank in the name of minor son Ansh alias Karan, which he would be entitled to withdraw on attaining the age of majority.

Under the circumstances, marriage between the parties is dissolved by a decree of divorce, subject to the appellant's acting in terms of the undertaking as above within two months. Decree-sheet be prepared accordingly.

Allowed in the above terms.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

July 12, 2019
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No