

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

FAO-M-47-2015

Date of decision : 04.09.2019

Harpreet Kaur

....Appellant

V/s

Rajinder Singh

....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE B.S. WALIA**

Present: N.S. Lucky, Advocate for the appellant.

Mr. Veneet Sharma, Advocate for the respondent.

RAJAN GUPTA J.

Present appeal is directed against the judgment dated 10.10.2014 passed by Additional District Judge (Adhoc) Fast Track, Amritsar whereby petition filed by appellant-wife 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 16.01.2002 at Batala as per Hindu Sikh rites. Parties resided and cohabitated together as husband and wife at Amritsar where the marriage was consummated. Two female children were born out of said wedlock. However, differences developed. Wife alleged that from very beginning the behavior of respondent and his family was unreasonable. They used to torture her physically as well as mentally. As per her version, in the month of December, 2010 respondent and his family members had asked the appellant to bring ₹2.00 lacs in cash from her parents. As their demands were not fulfilled, she was given merciless beatings by the respondents and his family members. According to appellant, she kept on bearing all these

insults for quite a long time. On account of aforesaid conduct of the respondent-husband, appellant-wife had sought dissolution of marriage on the ground of cruelty. Her husband (respondent herein) refuted the allegations levelled by appellant-wife in his written statement. He, on the other hand, alleged that rather he was harassed at the hands of appellant. According to him, appellant-wife had illicit relations with one Rakesh Lamba with whom he had seen her many times. In the month of May, 2012, appellant had left the matrimonial home alongwith her daughters. Various efforts were made by respondent to reconcile the matter. However, same proved futile. According to him, appellant was provided full love, affection and amenities of life. In fact, appellant was not interested in living with her. In support of her case, petitioner-appellant herself appeared in the witness box and deposed as per averments made in the petition. Likewise respondent stuck to his stand while deposing before the court.

Learned counsel for the appellant submits that the court below has gravely erred in not appreciating the evidence in correct perspective. According to him, appellant has filed the petition seeking dissolution of marriage on the ground of cruelty and as per evidence brought on record same stands established. Thus, impugned order deserves to be set-aside.

We have considered the rival contentions of counsel for the parties. It appears that lower court while appreciating the evidence on record arrived at a conclusion that the appellant-wife is not entitled to the relief claimed as she has failed to establish that respondent-husband has treated her with cruelty. From the facts and circumstances of the case, it is clear that appellant-wife has never instituted any complaint against her husband regarding maltreatment and humiliation allegedly meted out to her.

Moreover, she has admitted in her cross-examination that she has left her

matrimonial home of her own and without the consent of respondent-husband. She started living separately from her husband since May, 2012 and has never filed any petition seeking restitution of conjugal rights nor filed any application for custody of her minor daughters. Moreover, the allegations of cruelty as narrated by appellant do not stand established from the evidence brought on record by her. We have reappraised the evidence on record and we 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 04, 2019
Ajay

(B.S. WALIA)
JUDGE

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