

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

**FAO-M-250-2016
Decided on : 17.09.2019**

Harpreet Singh

... Appellant(s)

Versus

Sumanjeet Kaur

... Respondent(s)

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

Argued by: Mr. Sherry K. Singla, Advocate
for the appellant(s).

Mr. G.S. Jagpal, Advocate
for the respondent(s).

MANJARI NEHRU KAUL, J.

Instant appeal has been preferred by the husband – Harpreet Singh, against the judgment and decree dated 02nd May, 2016, passed by the Ld. Addl. District Judge, Ludhiana, (in short 'Ld. Court below'), vide which the petition filed by him, under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act'), seeking dissolution of his marriage with the respondent-wife, was dismissed.

A few facts necessary for adjudication of the case, as pleaded in the petition filed by the appellant-husband (petitioner therein) before the Ld. Court below, may be noticed.

The marriage between the parties was solemnized on 07th June, 2009 at Balvir Palace, Barnala Road, Badhni Kalan, Distt. Moga (Punjab) as per Sikh rites. The parties cohabited together as husband and wife at Village Tihara, Tehsil & Distt. Ludhiana. No child was born out of the said wedlock. It was pleaded by the husband in his petition that it had been

agreed upon between the parties that all the marriage expenses shall be incurred by the appellant-husband and the respondent-wife would be sent abroad. Accordingly, the husband spent an amount of ₹ 13.00 lakhs on the marriage. It was further pleaded that from the very beginning of their marriage, the behaviour of the wife was unbecoming towards the husband and his family and she would not hesitate to insult them in front of one and all. Resultantly, it became difficult for the appellant-husband to continue living with the respondent-wife. On 28th October, 2009, both husband and wife went to England, but the behaviour of the wife continued to be the same as before. Once in England, the wife developed illicit relations with another boy and told the husband that her only motive of getting married to him, was to reach England. Consequently, the husband returned to India in March, 2010. The wife, however, failed to join the company of the husband despite all earnest efforts made by him through Panchayats. Once back In India, the husband lodged a case FIR No. 99, dated 27.05.2011, under Sections 420, 120B IPC, at Police Station Sadar Jagraon, against the wife for committing a fraud upon him.

Per contra, in the written statement filed before the Ld. Court below, the respondent-wife categorically refuted and denied all the allegations made by the husband including the allegations of illicit relations with some other boy.

From the pleadings of the parties, the following issues were framed by the Ld. Court below:-

- “1. Whether the respondent treated the petitioner with utmost cruelty as prayed for and as such is entitled to decree of divorce ? *OPP*
2. Whether the petition is not maintainable ? *OPR*

3. *Relief.*”

In order to prove their case, both the parties adduced evidence in support of their respective stands. The appellant-husband examined as many as three witnesses i.e. PW-2 Balwinder Singh (Uncle) and PW-3 Amritpal Singh. He himself stepped into witnesses-box as PW-1. On the other hand, respondent examined RW-1 – Trishan Singh Kaler, Special Attorney of the respondent-wife. Besides this, RW-2 Paramjit Kaur, mother of the respondent-wife and RW-3 Pritpal Singh were also examined. After tendering certain documents, respondent closed her evidence.

After analyzing the evidence led by the parties, the Ld. Court below dismissed the petition of the husband by holding that he was not entitled to a decree of divorce as cruelty and desertion on the part of the wife were not proved.

We have heard learned counsel for the parties and have reappraised the evidence and other material on record.

It may be noticed that the parties during the arguments reiterated their earlier versions and maintained their respective stands, as taken before the Ld. Court below.

On reappraisal of the evidence and other material on record, no cogent, much less, any reliable evidence is forthcoming *qua* the cruel conduct of the wife. The case of the appellant-husband is that the wife had been indulging in cruel behaviour right from the very beginning of their marriage. On one hand he alleged that her behaviour had been unbecoming and cruel since the very beginning of their marriage, but in the same breath they both went to England and stayed together. Further, even the allegations *qua* her illicit relations with some boy in England does not deserve any credence in the absence of any evidence having been led to substantiate the

same. Needless to say that levelling of such malicious and scandalous allegations, in fact, amounts to nothing but cruelty on the wife. Coming next to the issue of whether the wife had deserted the husband, it is apparent that it was the husband, who returned to India after leaving the wife behind in England. Therefore, it is indeed strange as to how he can plead desertion on the part of the wife. Not only this, the husband on his return to India filed a criminal case against the wife as well. All these circumstances, when seen cumulatively, leave no manner of doubt that it is not the wife who had subjected the husband to cruelty, but it was the other way round. The husband has levelled totally vague allegations against the wife, which are not supported by any shred of evidence and the deposition of his own witnesses who stepped into the witness-box in his support, further demolishes his case, as they themselves have deposed that the wife did not misbehave with the husband. PW-2 Balwinder Singh in his cross-examination denied that the wife had ever insulted the appellant-husband.

In the light of the aforementioned discussion, we feel that no interference in the judgment passed by the Ld. Court below is called for, as the same is a well reasoned one. Consequently, the present appeal stands dismissed and the judgment and decree dated 02nd May, 2016 of the Ld. Court below, is upheld.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

September 17, 2019

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No