

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-M-43-2016 (O&M)

Date of decision : 06.11.2019

Paramjit Singh

....Appellant

V/s

Ramanpreet Kaur

....Respondent

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

Present: Mr. Deepak Nayar, Advocate for the appellant.

Mr. Umesh Sharma, Advocate for

Mr. Karanjit Singh, Advocate for the respondent.

RAJAN GUPTA J.

Present appeal is directed against the judgment and decree dated 02.12.2015 passed by Additional District Judge, Tarn Taran whereby petition under section 13 of the Hindu Marriage Act, 1955 filed by respondent-wife seeking dissolution of marriage has been allowed. Marriage between the parties was solemnized on 16.01.2005. Out of the wedlock, two sons namely Harkamal Singh and Hardas Singh, were born on 12.02.2007 and 26.09.2008 respectively. However, their married life could not run smoothly and there was continuous bickering. It was pleaded by respondent-wife that after three/four months of marriage, she was treated with cruelty for not bringing the sufficient dowry. A demand of a new car and cash of ₹3.00 lacs was also made. She was given merciless beatings and in January 2011, she was thrown out of the matrimonial house. Various efforts were made by respondent-wife to reconcile the matter. However, same proved futile. On account of aforesaid conduct of the appellant-husband, respondent-wife had sought dissolution of marriage on the ground of cruelty and desertion. Her husband (appellant herein) refuted the allegations levelled by respondent-wife in his written statement. He, on the other hand, submits that there was no demand of dowry as alleged. In fact, respondent-wife was not interested in living with him. In support of her

case, respondent-wife 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 order passed by the court below is erroneous. It did not examine the evidence on record in correct perspective. According to him, respondent filed the petition seeking dissolution of marriage on the ground of cruelty and desertion which had not been established. Thus, impugned order deserves to be set-aside.

We have considered the rival contentions of learned counsel for the parties. Marriage between the parties was solemnized on 16.01.2005 and two male children were born. In January, 2011 she was turned out of the matrimonial house. Till the year 2013, children were living with the respondent-wife. As she was not able to maintain them, their custody was handed-over to appellant. Thereafter, appellant obtained their permanent residence of Italy but not of the respondent-wife. It has come on record that respondent-wife is living in her parental house for the last four years and the appellant, who is residing in Italy, had never come to India since then. There is nothing on record to show that any attempt was made by the appellant or his family members to reconcile the matter or to bring her back to the matrimonial house.

In view of above, we are of the view that findings have been correctly returned by the court below. Accordingly present appeal is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

November 06, 2019

Ajay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No