

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

FAO-M-441-2016

Date of decision : 23.10.2019

Ranjit Singh

....Appellant

V/s

Palwinder Kaur

....Respondent

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

Present: Manish Parbhakar, Advocate for the appellant.

Mr. Pankaj Shukla, Advocate for
Mr. Gurcharan Dass, Advocate for the respondent.

RAJAN GUPTA J.

Present appeal is directed against the judgment and decree dated 22.09.2016 passed by Additional District Judge, Jalandhar whereby petition filed by appellant under section 13 of the Hindu Marriage Act, 1955 seeking dissolution of marriage has been dismissed. Marriage between the parties was solemnized on 21.12.2008 as per Sikh rites and ceremonies at Gurudwara Baba Kashmira Singh, Garha Road, Jalandhar. They resided and cohabitated together as husband and wife at village Abadal, District Amritsar. A female child was born out of said wedlock on 13.08.2009. It was alleged that from the very beginning behavior of the respondent-wife was unaccommodating. She was serving as a Staff Nurse in Civil hospital at Jalandhar while appellant was working as Inspector Veterinary at Nawanshahr on adhoc basis. Appellant was living in a rented house at Usmanpur in District Nawanshahr whereas respondent was residing at Jalandhar. As per version of the appellant, respondent always compelled him to leave his parents and pressurized him to live at Jalandhar with her parents.

In case he did not accede to her request, she would implicate him and his family members in a false criminal case. On 15.01.2011, respondent left the company of appellant and also took away valuable articles and ornaments. She had also instituted proceedings under section 125 Cr.P.C. seeking maintenance and also registered a false case under sections 406 & 498-A IPC against him and his family members. On account of aforesaid conduct of the respondent-wife, appellant-husband had sought dissolution of marriage on the ground of cruelty. Respondent refuted the allegations leveled by the husband in her written statement. She pleaded that her parents had purchased a house in her name at Jalandhar and the appellant used to pressurize her to transfer the same in his name. She was harassed for bring insufficient dowry. The appellant had also filed replication controverting the averments made in the written statement and reiterated the contents of the petition. The court below framed as many as three issues. Appellant himself appeared as PW4 and examined three other witnesses. Respondent stepped into the witness box as RW-3 and her plea was supported by six witnesses. Both the parties led their respective oral as well as documentary evidence. The court below discussed issues no. 1 & 2 together. It found that there was no substance in the plea raised by the appellant-husband. Present appeal emanates from the said petition.

Learned counsel for the appellant submits that court below has not appreciated the evidence in correct perspective. According to him, respondent-wife had treated the appellant with cruelty and this fact has been completely ignored. Thus, impugned judgment passed by the court below is erroneous and deserves interference by this court.

We have heard learned counsel for the parties and reappraised

the evidence on record. It is evident that parties got married on 21.12.2008

and thereafter they cohabit for almost three years. Ultimately, respondent left the matrimonial house in the month of March 2011. No evidence is on record to show that she ever treated the appellant with cruelty in view of provisions of section 13 of the Act. Moreover, appellant had instituted petition under section 9 of the Act which was withdrawn by him on 22.05.2014 and during the pendency of said petition he had instituted the present petition seeking divorce. Keeping in view the facts and circumstances of the case, we are of the view that there is no substance in the plea raised by the appellant-husband.

In view of above, we find no reason to differ with the findings arrived at by the court below. Accordingly, the appeal is dismissed.

(RAJAN GUPTA)
JUDGE

October 23, 2019
Ajay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No