

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

FAO-1282-2018 (O&M)
Date of decision: July 25, 2019

Devinder Singh ...Petitioner

Versus

Mandeep Kaur ...Respondent

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

Present: Mr. G.S. Sandhu, Advocate for the petitioner.
Mr. Amaninder Preet, Advocate for the respondent.

Rajan Gupta, J.

Present appeal is directed against the judgment and decree dated 15.11.2017, passed by District Judge (Family Court), Barnala, whereby plea of the appellant-husband for grant of divorce has been rejected, dismissing the petition filed under Section 13 of the Hindu Marriage.

The appellant namely, Devinder Singh got married to respondent Mandeep Kaur on 22.10.2010 as per Sikh religious rites and rituals. After marriage, they resided together at Bhadson, District Patiala. A female child was born out of the wedlock on 20.11.2011. As per the petitioner-husband, after marriage respondent-wife treated him with cruelty, being very hot tampered and quarrelsome lady. She started pressurizing him to arrange marriage of her sister with his younger brother, which was not acceptable to the petitioner and his family. Respondent-wife is highly

educated having degree of M.Sc (Math), whereas petitioner-husband is 10+2 ETT Teacher. She deserted the petitioner without any reason and neglected him since 27.2.2014. All efforts made by him to resolve the bickering remained futile. As a result, he filed the instant petition under Section 13 of the Hindu Marriage Act, *inter alia* alleging mental cruelty as well as desertion. In reply respondent-wife refuted all the allegations levelled against her by the petitioner. According to her, petitioner used to insult her in the presence of her relatives and friends and made her life a hell. Allegations of demand of dowry have also been levelled against the petitioner and his family members. She alleged that she was ousted alongwith her minor child from the matrimonial house on 6.5.2014. In support of his case, petitioner-husband himself stepped into the witness-box as PW-1 and also tendered some documents in his evidence. Respondent-wife namely, Mandeep Kaur deposed as RW-1 and also examined her father Malkiat Singh as RW-2. On analysis of the evidence on record as well as the contentions raised before the court, it came to the conclusion that petitioner had totally failed to prove desertion, cruelty or willful neglect on the part of the respondent-wife. According to husband, dispute between the parties arose on account of refusing the proposal of marriage of his brother with sister of respondent-wife, but he has failed to prove the same as he could not produce any evidence in this regard.

Keeping in view the facts and circumstances of the case, we feel that no interference in the judgment and decree passed by the court below, is called for. The appellant has totally failed to prove the allegations levelled by him in the petition. He also failed to prove the allegation of

cruelty alleged to have been caused by the respondent-wife. On the other hand, it appears, appellant created such atmosphere that compelled the wife to leave her matrimonial house. Further, he has also failed to prove the allegation of desertion by the respondent-wife. The appeal is without any merit and same is hereby dismissed. Decree-sheet be prepared accordingly.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

July 25, 2019
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No