

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

FAO-4780-2017 (O&M)
Date of decision: July 24, 2019

Davinder Singh

...Petitioner

Versus

Baljit Kaur

...Respondent

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

Present: Mr. Bipan Sharma, Advocate for the petitioner.
Ms. Sarika Gupta, Advocate for
Mr. Sanjay Gupta, Advocate for the respondent.

Rajan Gupta, J.

Present appeal is directed against the judgment and decree dated 10.04.2017, passed by District Judge (Family Court), Shaheed Bhagat Singh Nagar, whereby plea of the respondent-husband for grant of divorce has been rejected dismissing the petition filed under Section 13 of the Hindu Marriage.

The appellant namely, Davinder Singh got married to respondent on 22.01.2014 as per Sukh religious rites and ceremonies. After marriage, they resided together at village Denowal Kalan, District Hoshiarpur. A female child was born out of the wedlock. As per the appellant-husband, soon after the marriage, the respondent-wife started picking quarrels with him and his family members on trifle matters. She started misbehaving, insulting and abusing them in the presence of guests

and relatives and refused to prepare tea and snacks for them and also slapped and abused him. Just after two months of marriage, respondent left the matrimonial house and despite repeated efforts, she refused to resume cohabitation. 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. In support of his case, he himself stepped into the witness-box as PW-3. Three other witnesses namely, Paramjit Kaur mother of petitioner (PW-1), Gurcharan Dass Sarpanch (PW-2) also deposed in his favour. HC Suresh Kumar was also examined as PW-4. Documents i.e. Power of Attorney dated 12.12.2016 (Ex.P-5) and photographs Ex.P-6 to Ex.P-9 were also tendered by the petitioner/appellant in his evidence. Respondent-wife namely, Baljit Kaur deposed as RW-1 and tendered in evidence her affidavit Ex.RW1/A. She came up with the plea that her nude photograph was put on internet by the petitioner through his close person, regarding which she had filed a complaint against petitioner and his relatives. On analysis of the evidence on record as well as the contentions raised before the court, it came to the conclusion that petitioner had failed to prove any willful neglect. In his cross-examination petitioner/appellant contradicted his stand taken in his petition and stated that respondent never insulted him in presence of guests or relatives. He also admitted that during his stay in India, respondent used to prepare tea and meals for them, and that no dispute between respondent and his parents ever took place in his presence. Moreover, no such specific time and date of incident has been mentioned in the petition.

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 that respondent was having an affair with some other boy, as he did not give name of any such person. The appeal is without any merit and same is hereby dismissed. Decree-sheet be prepared accordingly.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

July 24, 2019
'Rajpal'

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