

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

FAO-6764-2017 (O&M)

Date of decision: September 13, 2019

Rekha Rani

...Appellant

Versus

Subhash Chand

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.M. Sharma, Advocate for the appellant.

Ms. Harpreet Kaur, Advocate for the respondent.

Rajan Gupta, J.

Present appeal is directed against the judgment and decree dated 09.08.2017, passed by the District Judge (Family Court), Ambala, whereby petition filed under Section 13 of the Hindu Marriage Act by the respondent-husband for grant of divorce has been allowed.

It appears, marriage between the parties was solemnized on 26.11.2000. After marriage, parties lived together and three children were born out of the wedlock. Instant divorce petition was preferred by the husband in the year 2014 seeking divorce *inter alia* on the grounds of cruelty as well as desertion. Petitioner husband alleged that behaviour of respondent-wife was not cordial with the petitioner and his family members. She being a short tempered lady, used to insult and humiliate the petitioner. She also used to level false allegations of sexual harassment against brother

and father of the petitioner, as a result of which the petitioner-husband was disowned by his parents from their properties, where after he alongwith the respondent-wife started living in a rented house. Allegation of adultery was also levelled against the wife with one Pardeep. The petitioner-husband had also moved an application to Deputy Commissioner of Police, Ambala on 26.9.2014 against his wife and aforesaid Pardeep. It is alleged that respondent-wife has been living in adultery and wanted to grab his properties. All the pleas were refuted by the respondent-wife. She stated in her reply that the petitioner is a man of bad habits, who alongwith his other family members always harassed and humiliated her for demand of dowry. To prove his case, petitioner himself stepped into the witness-box as PW-1, besides tendering document Ex.P-1. In rebuttal, respondent-wife deposed as RW-1. On consideration of the entire evidence, the trial court found that allegations of cruelty and desertion by the respondent-wife were made out as she had been living separately from her husband for last three years. It, thus, granted a decree of divorce.

We have examined the record and have also heard learned counsel for the parties and given careful thought to the facts of the case.

We do not find any ground to interfere in the findings arrived by the trial court. During the pendency of trial, various efforts were made to explore the possibility of amicable settlement of the dispute. However, all efforts remained futile. The appellant-wife during her cross-examination admitted that she had filed an application under Section 125 Cr.P.C., but the same was dismissed by the court, vide judgment Ex.P-1 on the ground of adultery. She further deposed that she had no documentary proof regarding

the maltreatment and demand of dowry by her husband. It appears, the appellant-wife had treated her husband (respondent herein) with cruelty. There were no chances of their cohabitation. Besides, the marriage had irrevocably broken down. Under the circumstances, we hereby dismiss the appeal. Decree-sheet be drawn accordingly.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

September 13, 2019
'Rajpal'

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