

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

FAO-7357-2017

Date of decision : 17.10.2019

Dinesh Malhotra

....Appellant

V/s

Vandana Malhotra

....Respondent

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

Present: Mr. Sanjay Jain, Advocate for the appellant.

Mr. Rakesh Gupta, Advocate for the respondent.

RAJAN GUPTA J.

Present appeal emanates from judgment and decree dated 10.08.2017 passed by District Judge, Family Court, Ambala whereby petition filed by appellant under section 13 of the Hindu Marriage Act, 1955 seeking dissolution of marriage was dismissed. Marriage between the parties was solemnized on 06.02.2010 in District Ambala. Out of the wedlock, a child namely Bhavi was born. It was alleged that from the very beginning, there was undue interference of family members of respondent in their matrimonial life. According to appellant, respondent-wife had a quarrelsome nature and there was bickering even on petty issues. As per his version, respondent started pressurizing him to live separately from his parents. She had even threatened the appellant and his family that she would falsely implicated them in criminal cases. As per his version, respondent-wife had filed a complaint in the police with regard to demand of dowry but the matter was compromised and thereafter they shifted into a rented accommodation. On 20.04.2011, respondent had left the house in his

absence for no rhyme or reason and without informing him. She had also instituted proceedings of maintenance under section 125 Cr.P.C. which was allowed and interim maintenance of ₹2500/- per month was granted. On account of aforesaid conduct of the respondent-wife, appellant-husband has sought dissolution of marriage on the grounds of cruelty and desertion. His wife (appellant herein) refuted the allegations levelled by respondent-husband in her written statement. She pleaded that in fact it was his husband who had been maltreating her. She was harassed for bringing insufficient dowry. According to her, appellant and his family members were unhappy with the birth of female child. In fact she was thrown out of matrimonial home by the appellant and had also refused to maintain her and her minor daughter. Both the parties adduced their evidence in support of their respective stands. Trial court framed an issue as to whether husband was entitled for a decree of divorce on the grounds of cruelty and desertion. On the basis of evidence led by the parties, court below came to the conclusion 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 the court below has gravely erred in not appreciating the evidence in correct perspective. According to him, respondent-wife had treated the appellant with cruelty and this fact has been completely ignored by the court below. The judgment and decree 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. From the evidence on record, it transpires that appellant with a view to cover up his own act of cruelty levelled false

allegations against the respondent-wife and filed the instant petition seeking divorce. Even during cross examination of appellant and the statement which had been recorded before the court below, he had specifically denied to cohabit with the respondent. It has come on record that respondent had left the matrimonial home under compelling circumstances created by the appellant. Keeping in view deposition of the witnesses and 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 17, 2019
Ajay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No