

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

**FAO-5258-2018 (O&M)
Decided on : 23.07.2019**

Veerpal Kaur

... Appellant(s)

Versus

Kulwinder Singh

... Respondent(s)

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

PRESENT: Mr. Rajan Bansal, Advocate
for the appellant(s).

Mr. Narinder S. Lucky, Advocate
for the respondent.

RAJAN GUPTA, J. (Oral)

Present appeal is directed against the order passed by the Family Court, Barnala, whereby, the petition filed by the respondent-Kulwinder Singh (petitioner therein) has been decreed. Petitioner contended before the Family Court that the marriage between him and Veerpal Kaur (respondent therein) was solemnized on 08.06.2014, as per Sikh rites in Gurudwara Sahib Dashmesh Pita, Patshahi 10th, Panchkula. He claimed that after solemnization of marriage, he and Veerpal Kaur lived as husband and wife. It was not disputed that the alliance, if any, was against the wishes of the parents. For this reason, Crl. Misc. No. 20403 of 2014 was filed before this Court, seeking protection. Allegedly, father of respondent-Veerpal Kaur visited the house of the petitioner on 03rd April, 2015 and took his daughter along with him. Thereafter, petitioner kept on making efforts through Panchayat and asked Veerpal Kaur to join his company but she refused to accede to the same. He filed instant petition under Section 9 of the

Hindu Marriage Act, 1955 (for brevity 'the Act') for restitution of conjugal rights.

On notice being issued, the respondent filed written statement denying the very factum of marriage between her and Kulwinder Singh. It was also contended that petitioner was unemployed and was in fact living in native village Sehna of the respondent and the respondent was availing coaching of IELTS in Brills Institute and was living as paying guest in the locality of Ajit Road, Bathinda. According to stand of the Veerpal Kaur, he fraudulently got her signatures assuring her that he would get good grading in hiring IELTS certificate. She was taken to a place of an advocate in Chandigarh as well for the purpose of signing such documents. Resultantly, Crl. Misc. No. 20403 of 2014 was filed.

In support of his case, the petitioner stepped into the witness-box as PW-1. In his cross-examination he clearly admitted that he had intentionally committed cheating with the High Court and played a fraud. He admitted that he was never a Sales Manager in Trident Company and never drew salary of ₹15,000/- from it. He also admitted that he had made an erroneous statement in the petition i.e. Crl. Misc. No. 20403 of 2014 that he was serving as Sales Manager in Trident Company. He also admitted that he had preferred said petition by making false averments. He further submitted that he had done this entire exercise of filing the petition in connivance with an advocate, whose name he has stated in his deposition.

From the cross-examination of the respondent – Kulwinder Singh, it is evident that he is in the habit of misleading the Court. The factum of denial of marriage by the Veerpal Kaur also cannot be lost sight. It appears that petition under Section 9 of the Act was an afterthought. Had there been any truth in the contention that Veerpal Kaur was already willing party to marriage and had voluntarily signed the petition i.e. Crl. Misc. No. 20403 of 2014, the necessity of

seeking restitution of conjugal rights would not have arisen.

In view of above, the present appeal is allowed and the judgment and decree under challenge is hereby set-aside.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

July 23, 2019
J.Ram

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