

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

FAO-M-60-2012 (O&M)
Date of decision: July 26, 2019

Dara Singh ...Appellant

Versus

Paramjit Kaur ...Respondent

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

Present: Mr. Hitesh Verma, Advocate for the appellant.
Mr. P.S. Dhaliwal, Advocate for the respondent.

Rajan Gupta, J.

Present appeal is directed against the judgment and decree dated 08.02.2012, passed by Additional District Judge, 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, Dara Singh got married to respondent Paramjit Kaur on 03.04.2005 as per Sikh religious rites and rituals. After marriage, they resided together and a male child was born out of the wedlock on 12.06.2006. As per the petitioner-husband, he is serving in Army. It is alleged that respondent-wife only lived at her matrimonial home during the period, he came on leave. Further her behaviour towards his family members, relatives and friends was not proper, which amounted to mental cruelty. At various occasions, respondent-wife was taken to her matrimonial home after convening Panchayats. Respondent and her family members also moved various false complaints to the officers of the petitioner-husband as also in Women Cell, Barnala. In reply respondent-wife refuted all the allegations levelled against her by the petitioner. According to her, petitioner and his family members used to insult and beat her on account of demand of dowry

and made her life a hell. In support of his case, petitioner-husband himself stepped into the witness-box as PW-1 and also examined six other witnesses. Respondent-wife namely, Paramjit Kaur deposed as RW-1 and examined Sahab 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 cruelty on the part of the respondent-wife.

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. During the pendency of this appeal, various efforts were made by the court as well as the Mediation and Conciliation Centre to explore the possibility of amicable settlement. However, all exercise ended in futility. For last more than seven years, the appeal is pending. The appeal is without any merit and same is hereby dismissed. Decree-sheet be prepared accordingly.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

July 26, 2019
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No