

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

**FAO-M-105-2017
Decided on : 25.09.2019**

Raj Kumari

... Appellant(s)

Versus

Tarsem Ram

... Respondent(s)

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

PRESENT: Mr. Satbir Gill, Advocate
for the appellant(s).

Mr. Sandeep Arora, Advocate
for the respondent(s).

RAJAN GUPTA, J. (Oral)

Present appeal is directed against the order and decree dated 28th March, 2017 of the Addl. District Judge, Sirsa, whereby, a decree of dissolution of marriage has been passed.

It appears marriage between the parties was solemnized on 25th February, 2007 as per Hindu rites and ceremonies at village Bhagwan, District Hanumangarh (Rajasthan). After marriage, parties resided together. No child was born out of the wedlock. Differences developed between the couple soon thereafter. Appellant-wife allegedly left the company of the respondent-husband in 2008 itself. There were some allegations by the wife that the husband was having illicit relations with his brother's wife. Number of Panchayats were convened to bring about truce between the parties, but all remained futile. It appears wife also lodged a complaint under Section 498-A, 406 IPC against the husband and his family. Certain other litigations ensued. Petition under Section 13 of the Hindu Marriage Act, 1955 (in short 'the Act') was filed by the husband on the aforesaid grounds.

Wife appeared and refuted all the pleas taken by the husband. On

consideration of the pleadings, the court framed the issue, whether petitioner is entitled to a decree of divorce on the grounds agitated in the petition. In support of his contention, husband himself appeared as PW-1 in the witness-box and examined three other witnesses. On the other hand, the wife herself stepped into the witness-box as RW-1. The court came to the conclusion that there were many instances of misbehaviour by the wife. The testimony of the witnesses produced by the husband could not be shaken in their cross-examination. Besides, parties have been residing separately since the year 2008. Thus, ground of desertion was also established. The court proceeded to dissolve the marriage.

In the instant appeal, learned counsel for the appellant-wife vehemently contended that the findings are erroneous and the evidence has not been correctly appreciated by the court below. Appellant-wife had no reason whatsoever to desert the respondent-husband as he was employed as a constable in the police. During the course of this appeal, various efforts were made by this court as well as the mediation and conciliation centre of this court to bring about a settlement between the parties. All efforts, however, remained futile.

Today, Mr. Arora, counsel for the respondent-husband on instructions from his client Tarsem Ram, who is present in court submits that there are no chances of parties residing together, as they are living apart since the year 2008. However, he is ready to remit ₹ 9.00 lakhs as permanent alimony to the appellant-wife.

We find this offer reasonable. Even otherwise, on re-appraisal of the entire evidence, we find that the trial court has rightly granted the decree of divorce. We do not find any ground to interfere in the impugned

judgment and same is, thus, upheld and the instant appeal is hereby dismissed.

Mr. Arora, counsel for the respondent-husband undertakes that he shall file an affidavit of the respondent-husband as regards the statement made above in the registry today itself. He submits that the said amount as recorded above on account of permanent alimony shall be paid by the respondent-husband to the appellant-wife within a period of three months.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

September 25, 2019
J.Ram

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