

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

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**FAO-M-127-2017 (O&M)
Date of Decision : 28.03.2019**

Navpreet Kaur

... Appellant

Versus

Daljit Singh

...Respondent

**CORAM:HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Ishpreet Singh, Advocate for the appellant.

Mr. Bhoop Singh, Advocate for the respondent.

HARNARESH SINGH GILL, J.

Challenge in the present appeal is to the judgment and decree dated 21.02.2017 passed by Additional District Judge, Ludhiana vide which petition filed under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') for dissolution of the marriage, preferred by Daljit Singh/husband-respondent has been allowed and marriage was dissolved w.e.f. 21.02.2017.

As per the brief facts of the present case, marriage between the appellant-Navpreet Kaur was solemnized with respondent-Daljit Singh on 24.08.2008 as per Sikh rites. Both of them lived together and a daughter, namely, Arshnoor Kaur was born on 29.07.2009. As per stand of

respondent-husband before the trial court, the appellant-wife was disrespectful and disobedient towards him. She used to visit various boutiques and later on developed physical relationship with various persons. The said fact was admitted by her, but she had undertaken not to repeat the same in future. It was further pleaded that these facts were brought to the notice of parents of the appellant-wife and her parents took her along with them. Later on, the appellant-wife and her parents realized that fault lay with the wife and, thus, an apology was written in black and white on 10.05.2013, on which appellant-Navpreet Kaur and her parents had put the signatures.

Moreover, while staying with her parents, Navpreet Kaur-wife had left her parental house along with her minor child without informing her parents on 29.11.2013. Regarding this, in-laws of the respondent-husband informed him on 29.11.2013 and when she was not traced, the father of Navpreet Kaur lodged the missing report in the form of DDR No. 17 dated 01.12.2013. On 04.12.2013, respondent-husband along with his in-laws came to know that Navpreet Kaur had been traced in a house at Haibowal. When all of them went to bring her back, she refused to come back. Instead she went with an Advocate in his car, who is the son of Deputy Superintendent of Police.

It has been argued by learned counsel for the appellant that simple marriage was performed on 24.08.2008. The daughter, namely, Arshnoor Kaur was born on 29.07.2009. Learned counsel has submitted that, respondent-husband used to maltreat and used to give beatings to the appellant and further demanded cash of ₹2.5 Lacs after the marriage.

Various Panchayats were convened to resolve the issue but subsequently, a

complaint was made by Navpreet Kaur-appellant to the police. Ultimately she withdrew the complaint to save her matrimonial life and in the interest of her daughter. It has been further argued that the court had merely relied upon Ex.PW1/1 and Ex.PW1/3 (apology documents) which were signed by her parents. The said documents cannot be relied upon. Counsel for the appellant still further argued that there is no such incident as alleged by the husband-respondent that one boy jumped from the house and the incident was captured in Closed Circuit Television camera and the assertions raised by the husband are totally false. Assertions made by the respondent-husband were denied by the wife. It was alleged by the appellant-wife that her husband and his family members were very cruel towards her. They levelled allegations of adultery against her which are totally false and frivolous. It has been prayed that the impugned judgment and decree dissolving the marriage passed by the Additional District Judge dated 21.02.2017 be set aside.

Per contra, learned counsel for the respondent-husband has argued that cruelty has been proved before the trial court. The apology dated 10.05.2013 (Ex.PW1/1) was written in black and white vide which appellant-wife had tendered her apology which was duly signed by appellant, her father-Kewal Krishan and her mother Krishna. Even after feeling shameful and tendering the written apology, another apology Ex.PW1/3 was also written.

The argument raised by counsel for the appellant is that her father was administered some liquor by the husband and under that influence he had signed on the apology. This argument cannot be accepted as there is no rebuttal to the signatures put by her mother on the apology letter. Moreover, it has

Kaur had left her parental house without informing them and her father informed respondent-husband, telephonically about the same, but she was not traceable. Ultimately a missing report in the shape of DDR No. 17 dated 01.12.2013 was registered at Police Station Rawal Pindi, Tehsil Phagwara, District Kapurthala. Thus, learned counsel for the respondent has prayed that well reasoned judgment dated 21.02.2017 passed by the Additional District Judge, Ludhiana does not warrant any interference.

We have heard learned counsel for the parties and have also gone through the record of the trial court.

It is specifically stated in the apology letter by Navpreet Kaur that she would not indulge in any such activity in future. The other document Ex.PW1/2 is the missing DDR got lodged by Kewal Krishan son of Ram Rakha, caste Saini on 01.12.2012 at Police Station Rawal Pindi, District Kapurthala. The arguments raised by the counsel for the appellant is that the signatures of Kewal Krishan, father of the appellant-wife, were taken under the influence of liquor. This assertion is not digestible. There is no rebuttal to the DDR No. 17 dated 01.12.2013 lodged by the father of the appellant vide which it was specifically mentioned that she had left her parental house without informing her parents. As per record, when she was traced on 04.12.2013 she refused to accompany her parents and left with one Advocate in his car, who is son of Deputy Superintendent of Police.

No other point has been argued.

By leaving the matrimonial, parental house and tendering the apology, respondent-wife had caused a great mental torture to her husband and his parents. Witnesses have stated in volumes against the appellant. Thus, we do not find any infirmity in the well reasoned judgment and decree

dated 21.02.2017 passed by the Additional District Judge, Ludhiana.

Accordingly, present appeal stands dismissed.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

28.03.2019
pooja saini

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>Yes</i>