

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

FAO-M-131-2017 (O&M)

Date of decision :10.12.2019

Paramjit Kaur

....Appellant

V/s

Gurpreet Singh

....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. G.S. Nahel, Advocate for the appellant.
Mr. H.S. Saggoo, Advocate for the respondent.
Mr. IPS Doabia, Addl. A.G. Punjab.

RAJAN GUPTA J.

Present appeal has been filed by wife aggrieved against the judgment and decree dated 04.01.2017 whereby petition filed under section 13 of the Hindu Marriage Act, 1955 seeking dissolution of marriage has been dismissed. Marriage between the parties was solemnized on 10.02.2010 at Chandigarh as per Sikh rites and it was a love marriage between them. The appellant belonged to Jat Sikh family while the respondent-husband belonged to Bazigar family. It was alleged by appellant that respondent had allured her and falsely stated that he also belonged to same caste. It later came to the knowledge that respondent belonged from schedule caste. However, soon after the marriage, relation of the parties turned awry. It was alleged that respondent and his family members started harassing the appellant on account of dowry. They used to abuse and beat her. In January, 2013, appellant applied for the post of Constable and got recruited as lady constable in Punjab Police. On 20.08.2013, appellant-petitioner gave birth to a male child namely Jasmeet Singh. As she had to attend the training course at Phillaur, she left her son in the company of respondent and his family members. Thereafter, respondent-husband moved an application to I.G. Police Academy, Phillaur leveling allegations against

the appellant that she had developed illicit relations with someone. However, on inquiry the allegations levelled by the respondent were found to be false. Many efforts were made to reconcile the matter but nothing materialized. Finally, she was thrown out of the matrimonial home. On account of harassment, maltreatment and leveling false allegations against her character, she instituted petition for dissolution of her marriage by way of decree of divorce. Upon notice, respondent-husband denied the allegations levelled against him by the appellant. He pleaded that since October 22, 2014 appellant had left his company without any reasonable cause. According to him, he was always ready and willing to live with the appellant. He had also instituted petition under section 9 of the Hindu Marriage Act. He submits that appellant had never been treated with cruelty. In support of her allegations, appellant herself appeared as PW1 and closed her evidence. Respondent also stepped into the witness box as RW-1 and his plea was supported by one other witness. Both the parties led their respective oral as well as documentary evidence. Finding no substance in the plea raised by the appellant-wife, the court below dismissed her petition. Present appeal emanates from the said petition.

Learned counsel for the appellant has vehemently contended that the judgment passed by court below is erroneous and deserves interference. He submits that it was only after the marriage, appellant realized and discovered that respondent belonged to scheduled caste. Thus, she was misled and duped by the respondent. According to him, respondent-husband has treated the appellant with cruelty which has clearly been established on record. Thus, impugned judgment is erroneous and deserves interference by this court.

Learned counsel for the respondent, however, submits that on the

caste category. On this basis she was appointed as a Constable in the Punjab Police.

We have heard learned counsel for the parties and have also gone through the evidence and other material on record. Marriage between the parties was solemnized on 10.02.2010 at Chandigarh. They resided together for four years and a son namely Jasmeet Singh was born which is in the custody of respondent. However, differences developed between the parties leading to their estrangement and finally appellant-wife instituted petition seeking dissolution of marriage. She alleged that she belongs to Jat Sikh Family. Respondent who belonged to a schedule caste category never disclosed this fact before marriage. On the basis of false allurements that he belongs to the same caste, she solemnized marriage with respondent without the consent of her parents and thus duped. It appears that after marriage appellant applied for the post of lady constable by mentioning her caste as a schedule caste candidate. After completion of the recruitment process, she was recruited as a constable. However, being higher in merit she was selected as a constable in general category. Moreover, the averments made in the petition and the evidence led in support thereof clearly shows that appellant has failed to prove the allegations of cruelty.

In view of above, we find no reasons to differ from the findings arrived at by the court below. Accordingly, the appeal is dismissed.

(RAJAN GUPTA)
JUDGE

December 10, 2019
Ajay

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No