

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

FAO-M-223-2017

Date of decision : 04.11.2019

Veerpal Kaur

....Appellant

V/s

Jaswinder Pal Singh

....Respondent

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

Present: Mr. Salil Bali, Advocate for the appellant.
Mr. M.L. Saggar, Sr. Advocate with
Ms. Armaan Saggar, Advocate for the respondent.

RAJAN GUPTA J.

Present appeal has been preferred by appellant-wife aggrieved by judgment and decree dated 24.07.2017 passed by District Judge, Ferozepur whereby petition filed by her under section 13 of the Hindu Marriage Act, 1955 seeking dissolution of marriage has been dismissed. Marriage between the parties was solemnized on 27.06.2004 as per Sikh rites at Zira. After marriage, they resided and cohabitated together as husband and wife and two children namely Subhpreet Kaur and Prabhsimran Singh respectively were born out of the this wedlock. It was alleged that after four months of the marriage, respondent alongwith his family members started harassing and maltreating the appellant on account of bringing insufficient dowry. On 27.04.2005, female child was born and on this occasion parents of appellant gave silver and gold ornaments alongwith other articles to the family members of the respondent. However, she was pressurized to bring more gold ornaments from her parents' house. As their demands were not fulfilled, she was turned out of the matrimonial house on 12.06.2005 and her minor daughter was forcibly snatched from her custody.

Thereafter, a Panchayat was convened on 12.07.2005 at Gurudwara Saragarhi and the matter was compromised. On 15.12.2008, appellant got a job of Pharmacist in Zila Parishad, Ferozepur and was posted at Khunder Uttar Block Mamdot. However, respondent and their family members did not mend their ways and on 14.10.2009, appellant was turned out of matrimonial home. According to her, respondent, who is a drug addict, had sold out her ornaments which were in his possession. Various efforts were made by parents of the appellant to rehabilitate her but in vain. On account of aforesaid conduct of the respondent-husband, appellant-wife had sought dissolution of marriage on the ground of cruelty and desertion. Respondent refuted the allegations leveled by the wife in his written statement. According to him, he was always ready and willing to live with the appellant. He had also instituted petitions under section 9 of the Hindu Marriage Act and also for seeking custody of minor son, who at present was in the custody of appellant. He submits that appellant had never been treated with cruelty. In support of her allegations, appellant herself appeared as PW1 and examined her father as PW2 and two other witnesses. Respondent stepped into the witness box as RW-3 and his plea was supported by three other witnesses. 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 submits that court below has not appreciated the evidence in correct perspective. According to him, respondent-husband had treated the appellant with cruelty which has clearly been established on record. Thus, impugned judgment is erroneous and

deserves interference by this court.

We have heard learned counsel for the parties and reappraised the evidence on record. On careful examination of the evidence on record, we are of the view that there is no infirmity with the order passed by the court below. It is evident that parties got married on 27.06.2004 and two children were born out of this wedlock. The daughter is in the custody of respondent while son is living with the appellant. It is borne out from the record that respondent has always been ready and willing to reside with appellant. No cogent evidence has been led by the appellant-wife in support of her allegations of cruelty. Only vague and general allegations have been made without any particulars which do not constitute cruelty under the Act.

In view of above, we are of the view that no interference in the judgment and decree passed by the court below is called for. Accordingly, instant appeal is dismissed.

(RAJAN GUPTA)
JUDGE

November 04, 2019
Ajay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No