

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-M-277-2017

Date of Decision: 6.12.2019

Chanchla

...Appellant

Versus

Gobind

...Respondent

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

PRESENT: Mr. Sanjeev Sharma, Advocate for the appellant.

Mr. Abhishek Singh, Advocate for the respondent.

RAJAN GUPTA, J.

Present appeal is directed against the judgment and decree dated 19.8.2017 passed by Additional District Judge, Panchkula, whereby petition filed by appellant-wife under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') seeking dissolution of marriage, was dismissed.

Marriage between the parties was solemnized on 6.5.2007 as per Hindu rites and ceremonies at Kurali, Punjab. After marriage, they resided together as husband and wife and cohabited as such. Out of their wedlock, a male child, namely, Bhuvenshwar was born. According to the appellant, the behaviour of respondent and his mother towards her was cruel as they used to say that she had illicit relations with other persons and the child did not belong to them. She was thrown out of the matrimonial home for non-fulfilment of demand of dowry, i.e. car and money. The father of

the appellant purchased land in her name and the respondent and his mother insisted her to get registered the land in their names. Upon a complaint filed by the appellant under Section 156(3) of the Code of Criminal Procedure, FIR No. 128 dated 4.5.2011 was registered against them. Thereafter, the appellant filed a petition under Section 13 of the Act, *inter alia*, alleging desertion and cruelty. Upon notice, respondent-husband filed a written statement raising various preliminary objections. It was pleaded therein that the respondent transferred his entire land in the name of appellant and her mother. She harassed her mother-in-law. The appellant wanted to grab the land of the respondent. Other averments made in the petition were denied and a prayer for dismissal of the same was made. On the basis of the oral as well as documentary evidence led by the appellant, the trial court dismissed the petition vide judgment and decree dated 19.8.2017. Present appeal emanates from the said order.

We have considered the rival contentions of counsel for the parties. It appears that trial court while appreciating the evidence and other material on record held that the appellant had failed to establish that what type of cruelty had been committed upon her by the respondent. Further, it had not been proved by the respondent that she was thrown out of the matrimonial home due to non-fulfilment of demand of car and money despite her admission that it was a simple marriage and only 50 Baratis had attended the marriage. No specific date, month and year was mentioned by the appellant to show that she was treated with cruelty. Even the allegations of demand of dowry were not proved by the appellant as the respondent was acquitted by the trial court in case FIR No. 128 dated 4.5.2014 got lodged by her. No cogent and leading evidence was led by the appellant to prove

that the act and conduct of the husband amounted to cruelty. The allegations levelled by the appellant against the respondent are general in nature and do not make a ground for grant of divorce. 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. We have reappraised the evidence on record and are of the view that findings have been correctly returned by the court below.

In view of above, we find no reason to differ from the findings arrived at by the court below. Accordingly, there is no merit in the instant appeal and same is hereby dismissed. Decree-sheet be prepared accordingly.

(RAJAN GUPTA)
JUDGE

December 6, 2019
gbs

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No