

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO-M-74-2017 (O&M)

Date of decision: September 12, 2019

Ravneet Kaur

...Appellant

Versus

Baljit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. PBS Goraya, Advocate for the appellant.

Mr. Amit Shukla, Advocate for the respondent.

Rajan Gupta, J.(oral)

Present appeal has been preferred by the appellant-wife aggrieved by order dated 17.12.2016, passed by Additional District Judge, Amritsar, whereby petition for divorce filed by the husband under Section 11 of the Hindu Marriage Act has been allowed.

It appears, marriage between the parties was solemnized in November, 2009 according to Sikh rites and ceremonies at Amritsar. No child was born out of their wedlock. Instant divorce petition was preferred by the husband in the year 2014 seeking divorce by declaring the marriage to be null and void *inter alia* on the grounds that his consent for marriage was taken fraudulently by concealing the fact that respondent-wife was already married with one Gurvinder Singh. Said marriage was registered with Registrar of Marriages, Baba Bakala on 15.06.2009, wherein status of

respondent-wife was shown as unmarried. When the petitioner-husband came to know about the previous marriage of the respondent, she started picking quarrel on petty matters with the petitioner and his family members and also stopped doing household work. In February, 2010, she left the matrimonial home without disclosing to the petitioner and thereafter, she never returned back. All the pleas were refuted by the respondent-wife. She stated in her reply that the factum of her earlier marriage was disclosed to the petitioner. She also levelled allegations of demand of dowry in the shape of car and cash of rupees one lac against the petitioner and his parents. The trial court after considering the rival contentions, framed the issues. To prove his case, petitioner himself stepped into the witness-box as PW-4 and also examined three other witnesses. In rebuttal, respondent-wife deposed as RW-1 and examined three other witnesses. On consideration of the entire evidence, the trial court found that consent of petitioner for marriage was obtained by playing a fraud as the factum of earlier marriage of the respondent was never disclosed to him. Plea of the respondent that as per custom of the parties, marriage would be dissolved by mutual divorce by writing, was rejected by the trial court as respondent-wife had failed to produce any evidence in this regard. Petitioner Baljit Singh filed petition under Sections 11 and 12 (i) (ii) of the Hindu Marriage Act for declaring their marriage to be null and void. The trial court dismissed his petition under section 12 of the Act being not maintainable as also beyond limitation. However, petition under section 11 of the Act was allowed by declaring the marriage as null and void.

We have examined the record. We have also heard learned

counsel for the parties and given careful thought to the facts of the case.

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. The respondent-husband has fully proved that his consent for marriage was obtained by playing a fraud by not disclosing the factum of earlier marriage of the appellant-wife. The appeal is, thus, without any merit and is hereby dismissed. Decree-sheet be prepared accordingly.

**(RAJAN GUPTA)
JUDGE**

**(MANJARI NEHRU KAUL)
JUDGE**

September 12, 2019
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No