

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

FAO-M-280-2018 (O&M)

Date of decision: September 13, 2019

Dharambir

...Appellant

Versus

Smt. Anita

...Respondent

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

Present: Mr. Rajneesh Chadwal, Advocate for the appellant.
Mr. J.P. Sharma, Advocate for the respondent.

Rajan Gupta, J.

Present appeal is directed against the judgment and decree dated 01.05.2015, passed by Additional District Judge, Narnaul, whereby petition filed under Section 13 of the Hindu Marriage Act by the appellant-husband for grant of divorce has been dismissed.

Appellant namely, Dharambir got married to respondent Anita on 07.06.2011 as per Hindu rites and ceremonies. After marriage, they resided together and one male child, namely, Yogesh was born out of the wedlock. She started leaving her matrimonial home without consent of her in-laws. On 06.09.2012, petitioner had filed petition under Section 9 of the Hindu Marriage Act. The respondent-wife lodged FIR against her in-laws under sections 498-A, 406 IPC in Police Station Kheri Nagar. All efforts made by him to resolve the bickering remained futile. As a result, he filed the instant petition under Section 13 of the Hindu Marriage Act. In reply respondent-wife refuted all the allegations levelled against her by the petitioner. According to her, petitioner used to abuse and misbehave the

respondent in the presence of her brother and thereafter, she was expelled from her matrimonial house after giving beating. In support of his case, petitioner-husband himself stepped into the witness-box as PW-4 and also examined three other witnesses in his evidence. Respondent-wife namely, Anita deposed as RW-1 and also examined her brother and father as RW-2 and RW-3 respectively and one Shiv Dan Singh as RW-4. On analysis of the evidence on record as well as the contentions raised before the court, it came to the conclusion that the evidence led by the petitioner did not inspire confidence and not sufficient to dissolve the marriage. The petitioner had failed to prove the allegations levelled by him against the respondent.

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 appellant has totally failed to prove the allegations levelled by him in the petition. On the other hand, it appears that he turned his wife out of the matrimonial home alongwith her minor child. The appeal is, thus, without any merit. Besides, the appeal has been filed after a huge delay of 1162 days. Petitioner has not been able to give any plausible reason for the inordinate delay in filing the appeal.

Dismissed.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

September 13, 2019
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No