

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-6525-2016

Date of Decision: 13.11.2019

Chander Shekhar

...Appellant

Versus

Smt. Kamla Devi

...Respondent

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

PRESENT: Mr. Bhag Singh, Advocate for the appellant.

Mr. Ramesh Chand Sharma, Advocate for the respondent.

RAJAN GUPTA, J.

Present appeal is directed against the judgment and decree dated 30.8.2016 passed by District Judge, Family Court, Ambala, whereby petition filed by appellant-husband 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 as per Hindu rites and ceremonies at Ambala. After marriage, they resided together as husband and wife and cohabited as such. Out of their wedlock, three children, namely, Pooja (daughter), Devinder and Shalinder (sons) were born. According to the appellant, the behaviour of respondent towards the appellant and his family members was cruel and she tried to beat him with her children. She left the company of the appellant along with two sons

without any reason or cause and since then she was living separately from the appellant. The appellant tried his level best to save marriage, but to no avail. Accordingly, the appellant filed a petition under Section 13 of the Act, *inter alia*, alleging desertion and cruelty. Upon notice, respondent-wife failed to appear and was proceeded against exparte vide order dated 27.2.2015. The applications filed by her for setting aside of exparte order were also dismissed by the court below. 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 30.8.2016. 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 there was nothing on record to show that the respondent had ever treated the appellant with cruelty or deserted him. No specific date, month and year was mentioned by the appellant to show that he was deserted by the respondent. Further, all the children were major and married and sons were residing with the respondent which shows that the appellant was at fault. The allegations levelled by the appellant against the respondent seems to be general in nature and could not be 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. He also failed to prove the allegation of cruelty alleged to have been caused by the respondent-wife and also that of the allegation of desertion. 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, the appeal being devoid of any merit, is hereby dismissed. Decree-sheet be prepared accordingly.

(RAJAN GUPTA)
JUDGE

November 13, 2019
gbs

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No