

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

FAO No.462 of 2015 (O&M)
Date of decision: July 17, 2019

Rajinder Kaur ...Appellant

Versus

Jaspreet Singh ...Respondent

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

Present: Mr. Naveen Batra, Advocate for the appellant.
Mr. Karanvir Nanda, Advocate for the respondent.

Rajan Gupta, J.(oral)

Mr. Nanda has handed over a draft of Rs.30,000/- to counsel for the appellant.

Marriage between the parties was solemnized on 12.10.2013. Soon after the marriage, relations between the parties turned awry. They lived together hardly for 2/3 months. On 21.10.2014, petitioner-husband filed a petition under Section 13 of the Hindu Marriage Act, seeking a decree of divorce. He alleged that when his father was admitted in the PGI, respondent-wife refused to prepare meals for him. She also refused to accompany the petitioner-husband to visit his unwell grandmother. On 06.01.2014, she raised quarrel and at about 11.00 P.M. tried to hang herself. On being requested to mend her ways, she threatened that petitioner and his family members would be implicated in a case. She was even taken to the

PGI for Psychiatric treatment, where counselling was recommended. Admittedly, during the pendency of the divorce proceedings, wife also lodged an FIR against the husband and his parents.

In support of his contention, petitioner-husband himself stepped into the witness-box as PW-1 and examined his father as PW-2. To rebut the pleas, respondent-wife filed a written statement and deposed as RW-1. The trial court found that there was substance in the plea of the husband. According to it, conduct of the appellant had caused mental trauma and agony to the mind of the husband and his family. This amounted to cruelty. It, thus, proceeded to grant divorce invoking provisions of Section 13(1)(i-a) of the Hindu Marriage Act.

We find no ground to interfere with the judgment passed by the court below. Even during the course of hearing of the appeal, various efforts were made by this court as well as the Mediation and Conciliation Centre to explore the possibility of amicable settlement. All such efforts proved futile. In view of application moved under Section 24 of the Act, respondent-husband is paying Rs.15,000/- per month as maintenance pendente lite. Admittedly, he is employed as a Software Engineer in a private company. A question, thus, arises whether husband is required to pay some permanent alimony instead of remitting Rs.15,000/- per month as maintenance every month. Father of the husband is present in court. Learned counsel for the respondent has sought instructions from him and submits that an amount of Rs.10.00 lacs shall be paid as permanent alimony to the appellant as full and final settlement of all her claims and subject to the condition that all litigation instituted by her is withdrawn within one

month. Out of total amount of Rs.10.00 lacs, Rs.5.00 lacs would be handed over to the appellant today itself. He has filed affidavit in these terms. Same is taken on record.

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 amount of permanent alimony would be remitted to the appellant within one month. Parties will be bound to withdraw all litigations pending at the earliest, in any case not later than one month. The appeal is hereby dismissed.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

July 17, 2019
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No