IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-M-859-2018

Date of decision : 18.09.2019

Bhupinder Singh ....Appellant

V/s

Karanjit Kaur ....Respondent

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

Present: Mr. S.S. Rangi, Advocate with
Mr. J.S. Chahal, Advocate for the appellant.

Mr. Piyush Khanna, Advocate for the respondent.

RAJAN GUPTA J.

Present appeal is directed against the order dated 27.09.2018 passed by Additional District Judge, Hoshiarpur whereby petition filed under section 13 of the Hindu Marriage Act, 1955 seeking dissolution of marriage preferred by appellant-husband has been dismissed. Appellant-Bhupinder Singh got married to respondent Karanjit Kaur on 24.11.1999 at Mukerian according to sikh rites. Out of their wedlock, two children namely Prabhvarinder Singh and Abhayjit Singh were born in the year 2000 and 2003 respectively. They were living at Mukerian in a rented house and later constructed a house from joint income and after selling a plot at Chandigarh. After three years of marriage, differences developed. Husband alleged that his wife was in the habit of lowering his prestige and humiliates him in the presence of relatives. She created unhealthy atmosphere and had made his life difficult. She had even threatened to commit suicide. Appellant and respondent levelled allegations and counter allegations against each other. The husband ultimately preferred petition before the court below seeking dissolution of marriage on the grounds that respondent had treated him with

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cruelty and desertion. Same was contested by the respondent-wife. She refuted all the allegations. In support of his plea, appellant himself stepped into the witness box and deposed as per averments made in the petition. Respondent while deposing as RW-1 examined two other witnesses who have supported her case. Trial court considered the issue whether respondent was guilty of cruelty besides desertion. It, however, did not find substance in the same and dismissed the petition.

Learned counsel for the parties stuck to their respective stand as reiterated before the court below.

On reappraisal of evidence on record, we are of the view that appellant-husband in order to cover up his own conduct and behavior levelled false allegations against the respondent-wife. He has attempted to throw the blame wholly on the respondent in order to seek divorce. Admittedly, allegations levelled by appellant do not constitute mental cruelty. Appellant who is not living with the respondent for the last number of years voluntarily cannot be ground for annulling a marriage. Keeping in view the facts and circumstances of the case, we are of the view that there is no substance in the plea of the appellant.

In view of above, we find no reason to differ from the findings arrived at by the court below. According the appeal is dismissed.

(RAJAN GUPTA)
JUDGE

September 18, 2019
Ajay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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