

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**FA(MAT) No. 19 of 2020**

- Ratan Joshi S/o Shri Nathelu Alias Rajkumar Joshi Aged About 25 Years R/o Village Pachri , Post Office Nertora Police Station Patewa, Tahsil And District Mahasamund Chhattisgarh

---- Appellant**Versus**

- Ishwari W/o Ratan Joshi Aged About 22 Years R/o Village Mohendi Police Station And Tahsil Mahasamund Ward No. 18, Mahasamund Police Station Tahsil And District Mahasamund Chhattisgarh

--- Respondent

For Appellant : Mr. Atul Pandey, Advocate.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****24/01/2020**

1. Heard on admission.
2. Learned Court below has dismissed the application seeking decree of divorce on the ground of desertion.
3. Learned counsel for the appellant would submit that even though Court below recorded finding that the wife was residing separately in her parental house, it illegally held that there was reasonable cause.
4. Learned Court below has recorded a finding that under Section 125 CRPC proceedings, a compromise was arrived at between the parties, respondent-wife had come back to her parental house. It has also been specifically mentioned in para-9 of the judgment that the respondent now is willing to reside with the husband. In para-12 of the judgment, it is held by the trial Court that uncontroverted testimony is that after she had come back upon compromise and residing in matrimonial house, she was again subjected to

harassment and finally, it was her father-in-law and uncle-in-law who brought her and left her in the parental house. Treating it to be uncontroverted testimony, learned Court below dismissed the application. There does not appear to be any ground to interfere with the impugned judgment.

5. Therefore, the appeal is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ravi