

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-102-M-2005

Date of decision: 06.07.2022

Suresh

..... Appellant

Versus

Smt. Sushila Devi

..... Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

PRESENT: Mr. Rahul Vats, Advocate for the appellant.

Mr. Sushil Jain, Advocate for the respondent.

RITU BAHRI, J. (ORAL)

Appellant-Suresh has come up in this appeal against the judgment dated 10.03.2005, passed by the learned Additional District Judge, Sonapat, whereby his petition under Section 13 of the Hindu Marriage Act, 1955, for dissolution of marriage by way of a decree of divorce on the grounds of cruelty and desertion was dismissed.

In paragraph 13 of the impugned judgment, it has been observed that the appellant has already filed three different divorce petitions on the same grounds and all the petitions have been dismissed. The petitioner's (appellant herein) intention was to get decree of divorce by taking frivolous grounds and keeping the respondent under pressure. He has harassed his wife by filing such petitions and one of the petitions was dismissed as he had not paid the maintenance amount.

Learned counsel for the respondent has referred to the deposition of mother of the appellant who has appeared in the witness box as RW-1 and stated that respondent-wife was not at fault. Rather, it was her son who was at fault and he intentionally did not come to the house. He was working in Army and whenever he used to come in the village or at Sonapat, he used to stay with his brothers. Respondent-wife is residing in her matrimonial home along with her son and mother-in-law as there is no other place for her to live with the petitioner and this fact does not amount to any desertion on her part.

Keeping in view the deposition of mother of the appellant, no case is made out for dissolution of marriage by way of decree of divorce on the ground to cruelty and desertion.

The instant appeal stands dismissed.

**(RITU BAHRI)
JUDGE**

July 06, 2022
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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No