



\* IN THE HIGH COURT OF DELHI AT NEW DELHI

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*Reserved on: 11<sup>th</sup> September, 2023*

*Pronounced on: 01<sup>st</sup> March, 2024*

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**MAT. APP. (F.C.) 84/2017**

**RAJ KUMAR MOHARWAL**

..... Appellant

Through: Mr. Sunil Satyarthi, Advocate with  
appellant in person.

versus

**RAJ KUMARI MOHARWAL**

..... Respondent

Through: None

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**J U D G M E N T**

**NEENA BANSAL KRISHNA, J.**

1. The present appeal under Section 19 of the Family Courts Act, 1984 has been preferred by the appellant against the Judgment dated 15.03.2017, passed by the Principal Judge, Family Court, Delhi *vide* which the divorce Petition bearing HMA No. 61511/2016/04 under Section 13(1) (ia) of the Hindu Marriage Act, 1955 (*hereinafter referred to as the "Act, 1955"*), filed by the appellant/husband, has been dismissed.

2. Briefly stated, the parties got married, according to Hindu Customs and Rites on 15.03.1983, when the appellant was 24 years and the respondent was 20 years of age. They resided as husband and wife at Kutopur, Rewari (Haryana) and from their wedlock, three sons were born on



07.06.1984, 16.07.1985 and 17.03.1987, respectively.

3. The case of the appellant is that he treated his wife with love and affection and provided her with all the comforts of life but within 2 to 3 months of the marriage, the appellant discovered that she had indifferent habits, was of a temperamental nature and would get instigated on petty matters at the instance of her parents, who caused unnecessary interference in their married life. She insulted, abused and misbehaved with him and his parents, in the presence of relatives, friends and neighbours, despite the fact that he always treated her with great affection. He took care of her during the three pregnancies and made all efforts to persuade the respondent to live as a devoted wife, but all his efforts went in vain. The respondent used to extort money from him at the behest of her parents and when he did not fulfil her demands, she lodged false complaints against him, based on concocted facts, only to harass him and to compel him to accede to her motivated demands.

4. The appellant had asserted that they had a simple marriage, after which they started residing in his native village home in Kutopur, Rewari (Haryana) till 1986. The respondent had no interest in residing in the village and upon her insistence, the appellant shifted to her parents' house at Nagal Raya, Delhi Cantt. along with their entire belongings.

5. Admittedly, the father of the respondent had been living separately from his wife, since prior to the marriage of the appellant with respondent. He had been residing with the two younger brothers of the respondent, at Delhi Cantt. Sagarpur, while the mother of the respondent was residing with her elder brother, at Kalu Sarai Begum Pur, Near LIT., New Delhi. The appellant had asserted that because of the pressure tactics of the respondent,



he was compelled to remain at Nagal Raya, Delhi Cantt., in the parental home of the respondent, till 1988.

6. According to the appellant, he continued to bear the entire household expenses, despite which the respondent misbehaved and manhandled the appellant and made his life a hell.

7. The appellant further asserted that the respondent had no interest in his relatives and had refused to attend the marriage of his younger brother, at the native village. Piqued by the insistence of the appellant, the respondent left the house at Nagal Raya and went to live with her mother at Begum Pur, Delhi, without giving any information and without the knowledge of the appellant. She even made a false complaint against him, at his village address.

8. The appellant has asserted that on returning from his native village after attending his brother's marriage, he shifted to rented accommodation at Chirag Delhi, in the year 1988, where he stayed for about one and a half years till 1990. It was only after great persuasion that the respondent joined his company, even though an inquiry was conducted against him on the complaint that had been filed by her. However, the complaint was eventually closed.

9. The appellant had further disclosed that in the year 1979, a LIG Flat of DDA was booked by his father which was allotted to him and the possession was delivered in the year 1990. The appellant shifted with the respondent to the said flat but on the instigation of her family, he was forced to sell the flat and buy two plots of land measuring 100 square yards and 50 square yards, in Indira Enclave, Neb Sarai, Delhi.

10. The appellant has further asserted that while he was residing in Chirag



Delhi, the mother of the respondent was constructing her house and the appellant was compelled to contribute Rs.15,000/-, in order to maintain cordial relationship with the respondent as the mother-in-law was not financially sound. However, despite doing all this, the respondent and her mother, without any prior information, took their belongings from the rented house and shifted to the house of the mother. Even thereafter, the appellant along with the respondent resided in the mother's house for about two months till March 1991.

11. He further asserted that from time to time, he was compelled to give money to the brother of the respondent and her family. On 02.04.1996, he was compelled to pay Rs.20,000/- to Kanhaya Lal, brother of the respondent, on the occasion of his marriage. He also transferred Rs.30,000/- in the account of her elder brother, Som Dutt *alias* Gopal, to help him in meeting the expenses of additional construction that he was doing on his plot of land. He was compelled to give a sum of Rs.12,000/- to Kanhaya Lal, to help him to purchase a plot of land at Dehradun, in the name of the respondent. In the year 2000, he was also asked to pay Rs.50,000/- to Sona Devi, wife of Som Dutt, deceased brother of the respondent, at the time of the engagement of her daughter but when the appellant refused to give money, it infuriated the respondent. Likewise, in the year 2001, when the appellant returned from Guwahati, he was forced to pay Rs.50,000/-, at the time of the marriage of another daughter. Even though he again refused to give the money, he was illegally detained when he came to Delhi on 29.07.2001 and was forced to give a sum of Rs.1,00,000/- through cheque, to the respondent.

12. The appellant has further submitted that he was transferred to



Guwahati in August, 1988, where he resided till March 2001. Meanwhile, the appellant came to Delhi in March, 2000, for a few days but was shocked to learn that the respondent was having contact and relations with one Mahesh Kumar, who had earlier assaulted the appellant and against whom, the FIR had been registered. Upon being confronted, the respondent extended threats to the appellant that he would face serious consequences.

13. The appellant had further asserted that the respondent had pressurised him to transfer the house/plot measuring 50 square yards, with a structure thereon, in the name of the respondent and when he refused, she threatened him with implication in false case and also made a false complaint containing baseless and fabricated allegations against him, his parents and other relatives in Crime against Women Cell, Nanakpura, Delhi, though, it was subsequently consigned to the Record Room.

14. On 18.10.2001, Padam Singh, the brother of the respondent along with his associates, entered the house of the appellant and physically assaulted him and damaged the property, since he was not willing to yield to the uncalled demands and dictates of the respondent. It is asserted that because of such cruelties committed upon him by the respondent and her family members, he became completely depressed and tried to commit suicide by consuming poison and was taken to Safdarjung Hospital, where he was admitted.

15. It is further asserted that the appellant continued to discharge his obligations and paid substantial amount of his salary to the respondent, for the expenses of the household and also paid various household items. He paid various amounts to the respondent regularly, since December, 2003 and aside from such regular payments, he deposited Rs.50,000/- by way of Fixed



Deposit, in her name. He even earlier had been depositing cash in her account in the year 2001. He even purchased the LIC policies, in the name of the respondent and their sons for Rs.1,00,000/- each, for which he has been regularly paying the premium. The appellant paid the entire salary to the respondent but requested her to give him Rs.200/- for the pocket expenses but she created a scene and abused and manhandled the appellant and lodged a false complaint in Police Post Maidangarhi, Police Station; Mehrauli. The appellant was detained in the Police Post for the whole night and was let off in the next morning, after being made to sign on two to three blank papers. On 24.03.2004, when he returned from the Police Post, the respondent left him.

16. According to the appellant, in May 2004, on two to three occasion, an attempt was made by the respondent, to force him to accompany her to a nearby jungle but the appellant fearing from foul play desisted from going with her, which antagonised the respondent. On 29.05.2004, another attempt to murder and kidnap him was made by her along with the brothers, namely, Padam Singh and Kanhiya Lal, which again caused immense mental cruelty, tension and agony to him.

17. He asserted that he had been treated with utmost physical and mental cruelty for the last 20 years. She even lodged a false complaint in CAW Cell, New Delhi and made baseless allegations against him. He filed his detailed reply and endeavour was also made by the respondent to get him thrown out of his house, which he had built with his heart and all the money. The respondent also made complaints in his Department to the superior officers and colleagues only with an intention to defame him.

18. The appellant, thus sought divorce on the ground of cruelty.



19. **The petition was contested by the respondent**, who denied all the allegations made against her by the appellant. The respondent had claimed in her **Written Statement** that the entire case of the appellant, was based on false allegations. She denied that she ever treated the appellant with cruelty and asserted that it was she, who has been deserted by the appellant, on 03.05.2004. She claimed that the divorce petition was liable to be dismissed.

20. **The issues from the pleadings, were framed on 19.12.2007**, as under:-

“(i) *Whether the respondent has treated the petitioner with cruelty, as alleged, after the solemnization of the marriage OPP*

(ii) *Relief.”*

21. The appellant appeared as PW-1. He also examined PW-2, Ms. Meena Kumari, Record Keeper from Delhi Commission for Women, Vikas Bhawan, ITO, Delhi, CAW Cell, to prove the complaints dated 27.07.2001, 02.04.2004 and the Letter dated 08.08.2001, purportedly written by the Delhi Legislator, forwarding the complaints to the DCW for enquiries. PW-3 Sh. Sukesh Kumar, H.G.A. from LIC of India, produced the records of the LIC Policies, taken for the benefit of the children, in the name of the respondent. PW-4, Sh. Ajaib Singh, Engineer Asstt. to S.S.W. (Civil I) CCW All India Radio, produced the nomination form, submitted by the appellant, with the Department. PW-5 Sh. Raj Kumar Barwal, Deputy Manager, PNB IGNOU Branch, produced the statement of account of the appellant.

22. The respondent appeared as RW-1 and examined her son as RW-2,



Sh. Kulbhushan Kumar.

23. **The learned Principal Judge, Family Courts**, on the basis of the entire evidence, concluded that the appellant was unable to discharge the burden to prove that he had been subjected to such form of cruelty that gave a reasonable apprehension in his mind that it would be harmful or detrimental for him to reside with the respondent. It was observed that in the first seven years of their marriage, they were blessed with three sons and there was no evidence whatsoever to show how the appellant was being subjected to cruelty by the respondent. There was no cogent evidence to prove that the respondent had failed to discharge her duties as a wife or as a mother. Bald allegations were made by the appellant, which were found to be not substantiated by any cogent evidence. The averments of the appellant that she used to make sarcastic remarks and called him '*chasmuddin*', '*andha*' (*blind*) and '*githu*', were also found to be of no consequence. It was observed that such allegations were for the first time made in the cross-examination by the appellant.

24. It was further observed that there was no cogent evidence of the money having been given to the mother-in-law or the brother-in-law.

25. The complaint dated 15.02.1998 Ex-PW-2/D lodged by the respondent with DCP Women Cell, Delhi, wherein the respondent had alleged that the appellant had tried to kill her and her three children by pouring kerosene, was held to be not proved. Likewise, the second complaint dated 27.10.2001, made in DCW and the third complaint dated 02.04.2004 in DCW, Delhi, were found to have not been pursued and closed.

26. It was also held that the story of attempted suicide by the appellant on



25.10.2001, cannot be attributed to any act or omission of the respondent. Ld. Judge, Family Court thus, concluded that the appellant had failed to prove that the respondent had committed any kind of cruelty and the petition for divorce was dismissed.

27. Aggrieved, the appellant/husband has preferred the present Appeal.

28. **Submissions heard and the record perused.**

29. The first aspect which emerges from the testimony of the parties, is that the appellant, who was a Civil Engineer in the Government service, had been providing for all the requirements of the respondent and the children, throughout the period, that they were together.

30. Pertinently, the respondent had filed an affidavit of evidence, where she had merely claimed that the appellant had not paid anything to maintain the family and miserably neglected to perform his duties as husband and a disciplined father and that the future of the three sons got spoiled because of the negligence of the appellant. The respondent has however, admitted in her cross-examination that the appellant provided money for their livelihood, though she claimed that it was only a minimum amount to meet their daily expenses. She has further admitted that the appellant used to give money for her personal expenses, though again, she tried to qualify by saying that he used to take back the money. She also admitted that he had taken LIC Policies in her name as well as their children, for which he was paying the instalments and also admitted that she had received Rs.40,000/-, for the two LIC Policies. All her admissions, show that the appellant had been a caring husband and had provided for all the requirements of the respondent and the children, as per his means.

31. It is further not in dispute that, for the first three years of the marriage,



1983 till 1986, the parties resided at the parental home of the appellant in Rewari. The appellant has explained that since his job was in Delhi, he was commuting on the regular basis to his place of work. According to the appellant, the respondent wanted to reside in Delhi and had no interest to reside in a village and because of her constant insistence, they shifted to her parents' house at Nagal Raya, Delhi Cantt., where the father was residing along with his two sons i.e. the brothers of the respondent. The mother, however, had been living separately with the third brother of the respondent at Kalu Sarai Begampur, New Delhi. There is no challenge that the parties resided at Nagal Raya, till 1988.

32. The appellant had asserted that in the year 1988, he had gone to attend the wedding of his younger brother at the native village, to which the respondent refused to accompany. However, on his return, he was shocked to find that without informing him, the respondent had shifted to her mother's house at Begumpur, Delhi.

33. She also filed a false complaint against him at the native village address. Pertinently, the respondent has deposed nothing about this incident in her affidavit of evidence but has admitted in her cross-examination that she had a quarrel with the appellant and that he had beaten her with the fry pan and that she suffered injury on her teeth. However, she admits that she did not file any complaint to the Police, in regard to this incident. Though the respondent claimed to have been beaten up by the appellant but aside from her bald claims in her cross-examination, there is no other evidence of mal-treatment by the appellant, on record.

34. The respondent in her cross-examination, admitted having made a complaint Ex-PW-2/D, to DCP Women Cell, Delhi, in the year 1988.



Significantly, she narrates nothing in her testimony about the alleged cruelty which compelled her to make this complaint, but the perusal of the complaint shows that she made serious allegations of the appellant attempting to kill her and the three sons by pouring kerosene on them. There is no evidence that any follow-up action got taken on the said complaint. Though serious allegations have been made against the appellant but the same have not only been denied by the appellant but also not proved by the respondent.

35. Though the parties continued to reside together despite their differences, but the respondent admittedly made another complaint dated 27.07.2001, which is exhibited as Ex-PW2/A, wherein she made allegations of illicit relationship of the appellant with some woman while he was posted in Assam. She volunteered in her cross-examination that these facts were disclosed to her by the appellant himself who stated that earlier the woman was involved with his boss Mr. D.K. Mishra, but thereafter, he had passed her on to the appellant.

36. The backdrop of this allegation is that undisputedly, the appellant was a Central Government employee working with the Ministry of Information & Broadcasting as a Civil Engineer and had remained at Guwahati, from 1988 to 2001. The respondent in her cross-examination, claimed that she had made the said complaint because the appellant had beaten her seriously. From the admissions of the respondent herself, it is evident that she had no basis for making such allegations but she has been consistent in levelling such allegations against the appellant, without any basis. Even in her complaint to the police, she had been persistent in making these allegations.

37. In addition to being beaten up by stick and *danda* out of the house at



*gali* and *mohalla*, with threats to kill her, she even made allegation that the appellant with the support of Laxmi Narain Sagar, his mamaji and Dharamvati Sagar, mamiji, conspired to kill her. She went on to state that many a times, he left the gas cylinder open in the kitchen while he himself came out, with an intent to burn her. So much so, he did not sleep in the house but forced her to sleep, which gave rise to an apprehension in her mind that he wanted to kill her, in her sleep. She even made allegations against the Mama and Mami of the appellant by asserting that they used to claim about their daughter and son-in-law being lawyers and their in-laws being Magistrate and that whatever she may do, she would be thrown on the fork of the road. All these allegations made in the complaint, have not been even mentioned by her, in her Written Statement or in her testimony. She has also miserably failed to prove the truth of any of these serious allegations made against the appellant.

38. The matter did not end here because she made a third complaint dated 02.04.2004, Ex-PW-2/B, to Delhi Commission for Women, Delhi, alleging that while the appellant was in Guwahati, one contractor, Sh. Damodar Aggarwal and some people residing in Assam, together started blackmailing her and she wrote to the Department to transfer him back to Delhi. However, her husband started fighting with her regularly and had been telling her that the colony where they were residing, was not good and that they would sell the house and shift to some other area. On 24<sup>th</sup> March, 2004 he in the middle of the night, demanded the documents of the property and started breaking the lock of the almirah with the hammer and when she tried to prevent the appellant, he tried to hit her with the hammer on her head but was prevented by their elder son. He even tried to strangle her but she was able to



escape and get out of the house. She then called the Police at Number 100 and the police arrived and they were taken to police post Maidangarhi. While she and her son were sent back, the appellant was detained in the Police Post. She felt that she had not got any justice and therefore, made the complaint.

39. Significantly, here also not only has she made allegations of physical beatings by the appellant but also of his greed for the property documents. But again, in her affidavit of evidence, not a word has been spoken by her. While the appellant had deposed about this complaint in his testimony, but pertinently, there is no cogent cross-examination done on this complaint by the respondent. In her own testimony as well, she has not explained any of the allegations that have been made in the said complaint.

40. It is more than evident from the evidence on record that the respondent has been making irresponsible complaints not only of being subjected to physical cruelty by the appellant but even of illicit relationship of the appellant, with some woman.

41. In the case of K. Srinivas Vs. K. Sunita X (2014) SLT 126. the Hon'ble Supreme Court held that filing of the false complaint against the husband and his family members also constitutes mental cruelty for the purpose of Section 13 (1) (ia) of the Hindu Marriage Act.

42. Along similar lines, the Supreme Court in the case of Ravi Kumar vs. Julmidevi (2010) 4 SCC 476 has categorically held that “reckless, false and defamatory allegations against the husband and family members would have an effect of lowering their reputation in the eyes of the society and it amounts to cruelty.” Similar observations were made by the Coordinate Bench of this Court in the case of Rita vs. Jai Solanki (2017) SCC OnLine



Del 9078 and Nishi vs. Jagdish Ram 233 (2016) DLT 50.

43. Thus, making of such false complaints can be termed as nothing but acts of mental cruelty.

44. The persistent conduct of the respondent has been repressive and oppressive towards the appellant, who in order to make their marriage work, had tolerated this behaviour for no less than 20 years. He made every endeavour to be able to cope with the circumstances; to make the marriage work but this long cruel conduct of the respondent, became unbearable for him when he admittedly attempted suicide on 25.10.2001, by consuming poison. The respondent has also admitted that the appellant was taken to Safdarjung hospital, where he remain admitted.

45. Independently, the individual incidents may seem to be innocuous and make it termed as a *normal wear and tear* but when considered wholistically, it is evident that such conduct created such pressure on the appellant that eventually, he felt so cornered and unable to escape from this situation, that he even attempted suicide. There could not have been a more blatant manifestation of his inability to sustain himself in such repressive and toxic environment which was being suffered by the appellant. Such is the conduct of the respondent that no person can reasonably be expected to put up with such conduct and to continue to live with the other party, as has been held in the Case of Veer Bhagat vs. Dheer Bhagat (1994) 1 SCC 337.

46. It is evident that the pervasive, blatant and latent conduct of the respondent, has had an injurious impact on the life of the appellant and caused trauma and mental agony to the mind of the appellant, entitling him to Divorce, as has been held in the Case of Shobha Rani vs. Madhukar Reddy (1988) 1 SCC 105.



47. The appellant had also deposed that he, from time to time, was compelled by the respondent, to give money to his brothers and mother. He had deposed that on 02.04.1996, he was compelled to pay Rs.20,000/- to Kanhaya Lal, brother of the respondent, on the occasion of his marriage. He also transferred Rs.30,000/- in the account of her elder brother, Som Dutt *alias* Gopal, to help him in meeting the expenses of additional construction that he was doing on his plot of land. He was compelled to give a sum of Rs.12,000/- to Kanhaya Lal, to help him to purchase a plot of land at Dehradun, in the name of the respondent. In the year 2000, he was also asked to pay Rs.50,000/- to Sona Devi, wife of Som Dutt, deceased brother of the respondent, at the time of the engagement of her daughter. The appellant refused to give money, which infuriated the respondent. Likewise, in the year 2001, when the appellant returned from Guwahati, he was forced to pay Rs.50,000/-, at the time of the marriage of another daughter, though he again refused. When the appellant came to Delhi on 29.07.2001, he was illegally detained and was forced to give a sum of Rs.1,00,000/-, through cheque.

48. Another significant aspect which needs mention is that it is not disputed that in the year 1979, a LIG Flat being No. 263, Pocket-3, Madhipur, New Delhi, was booked by the father of the appellant in his name, which was eventually allotted and possession handed-over in the year 1990. The appellant along with the respondent, shifted to the said flat but because of the respondent had been influenced by her mother and family members, did not stay in the flat and forced the appellant to sell the flat, to purchase the plot near her mother's house. The appellant eventually sold the flat in the year 1992 and two adjoining plots measuring 100 square yards



and 50 square yards respectively, were purchased by the respondent, which were at a distance of about five kilometres, from the parental home of the respondent. The location and the circumstances as deposed by the appellant, reinforce his testimony of he being compelled to sell the flat, to be nearer to the parental home of the respondent.

49. The appellant had deposed that he raised construction on the plot and shifted there in the year 1992. The appellant had further deposed that in the year 1997, the respondent insisted that the house constructed on 100 square yards plot, be transferred in her name. When the appellant refused, he was threatened with false implication in criminal case by leaving a note implicating him by blaming him for her committing suicide.

50. The respondent significantly has admitted that a portion of the property bearing No. C-46, Indira Enclave, Neb Sarai, near IGNOU, Delhi, was transferred in her name. She tried to give an explanation that the appellant had done the same to save income-tax and denied the suggestion that the appellant transferred the said property in her name on her threat of false implication in a criminal case. The admissions of the respondent in her cross-examination further reinforces the testimony of the appellant that he had been compelled to transfer a portion of his property, in the name of the respondent.

51. In the circumstances, one can only appreciate the resilience and the tenacity of the appellant who continued to endeavour to live in this matrimonial relationship though he was subjected to such anguish and mental cruelty on a regular basis because of the conduct of the respondent.

52. The parties have separated in the year 2004; the appellant has explained that the respondent left the matrimonial home in March, 2004 but



she came back in May, 2004 and threw out the appellant from his own house. To the contrary, the respondent has asserted that the appellant himself left the matrimonial home in May, 2004. While she has asserted so, she has failed to give any explanations of the circumstances of separation in the year 2004, either in her affidavit of evidence or by way of suggestion to the appellant, in the cross-examination. On the other hand, the appellant has been categorical in stating that the respondent herself left the matrimonial home in March, 2004 after she had filed a false complaint against him in Police Station, Mehrauli in which he was detained by the police for the whole night and was let off in the next morning, after being made to sign on two to three blank papers. There is not a whisper of word on behalf of the respondent, to explain the circumstances of separation.

53. Her testimony has been conspicuous by silence in explaining if she ever made any endeavour or effort to join back the company of the appellant. On the other hand, the appellant has explained the conduct of the respondent over a period of about twenty years, which had made it extremely oppressive for him to continue in the matrimonial relationship. The only conclusion that can be drawn is that it is the respondent, who has not been able to explain the circumstances as to why the appellant left the house. Rather, the evidence and the admissions of the respondent establish that the appellant has always discharged his matrimonial obligations towards the respondent and her family. Such deprivation of conjugal relationship by the respondent since the year 2004, with no effort of re-conciliation, is the ultimate act of rejection of the matrimonial relationship amounting to the extreme cruelty to which a man can be subjected, warranting dissolution of the marriage, as held by the Apex Court in the case of Samar Ghogh v. Jaya



Ghosh (2007) 4 SCC 511.

54. In the recent case of Rakesh Raman vs. Kavita, 2023 SCC OnLine SC 497, it was observed that long separation and absence of cohabitation along with the complete breakdown of meaningful bonds of matrimony, has to be read as cruelty. It was further observed that the continuation of such a marriage would only mean giving a sanction of cruelty which the respondent has been inflicting on the appellant.

55. From the aforesaid discussion, it may be concluded that the respondent since the day of the marriage, had initially a problem of settling in the village. Subsequently, on shifting to Delhi, she under the influence of her mother and family members, compelled the appellant from time to time, to give money to her and the family members. It has also emerged that the appellant had been prevailed to sell his flat to buy property, closer to the house of the respondent's parents. Such was the influence of the family of the respondent on her that she essentially was dictated in her conduct by the family members. She went to the extent of lodging three complaints in a span of 20 years, against the appellant but has not been able to prove even an iota of truth in her complaints. Despite such adversity, the appellant had admittedly all throughout discharged his obligations as a husband and a father and had provided for all the financial and other needs of the respondent and his sons and had supported them all through out. In these circumstances, it has to be concluded that the appellant made all endeavours, which lasted for 20 years to bring in matrimonial harmony and peace, but failed miserably.

56. In view of above, we are of the considered opinion that the acts of respondent can only be termed as acts of cruelty entitling the appellant to a



decree of divorce, on the ground of cruelty under Section 13 (1) (ia) of the Hindu Marriage Act.

57. We hereby set aside the impugned judgment dated 15.03.2017. The Appeal is hereby allowed and the divorce on the ground of cruelty under Section 13 (1) (ia) of the Hindu Marriage Act, is granted.

58. The decree sheet be prepared accordingly.

**(NEENA BANSAL KRISHNA)**  
**JUDGE**

**(SURESH KUMAR KAIT)**  
**JUDGE**

**MARCH 01, 2024**  
**RS/nk**