

CM-495-CII-2025
CMM-1-2025 in/and
FAO-121-2025

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2025:PHHC:084286-DB



108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-495-CII-2025
CMM-1-2025 in/and
FAO-121-2025
Reserved on: 08.07.2025
Pronounced on: 14.07.2025

Priya @ Pista

...Applicant-Appellant

Vs.

Vivek

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Kamal Chaudhary, Advocate
for the applicant-appellant.

ANIL KSHETARPAL, J.

CM-495-CII-2025

1. For the reasons stated in the application, the delay of 02 days in
filing the appeal is condoned.

2. The application is allowed.

Main case

I Brief facts of the case:-

1. The appellant herein is the respondent's wife. On a petition filed
by the respondent, the Principal Judge, Family Court, Faridabad, has granted a
decree for judicial separation to the respondent instead of a decree of divorce.
The appellant herein assails its correctness.

2. While filing the divorce petition, the respondent asserted as
under:-

"It has been pleaded on behalf of petitioner/husband



that the marriage of petitioner was solemnized with respondent on 28.11.2011 at village Chandawali, Tehsil Ballabgarh, District Faridabad in the presence of friends, relatives etc. Parties lived together as husband and wife. No child was born from this wedlock. From the very beginning of marriage, respondent turned out to be a quarrelsome lady. She wanted petitioner to separate from his parents. She pressurized him to get separated from his family. Finding no way and for peace at home, petitioner got separated from his family only after six months of marriage. He started residing on the ground floor of the house. Respondent used to leave conjugal company of respondent without any cause of action. She used to go to her parental house for about 20 days in a month without the consent and permission of petitioner. Her language was abusive and filthy. Due to her behaviour, father of petitioner had debarred both of them on 16.12.2014. Respondent used to return late in night and did not listen to anyone. She never liked petitioner. She did not conceive saying that her figure will be destroyed. She is under the influence of tantriks. She used to do black magic on the petitioner. When he asked her to not to do so then she threatened him with dire consequences. She was under the influence of her mother and family members. She used to abuse and beat petitioner on their instigation. She never liked to do any domestic work. She used to throw the utensils in the house and spoke in very filthy language. Petitioner tolerated all the sufferings, humiliation for saving his marriage, but the respondent never changed her behaviour. On 14.06.2019, respondent gave beatings to petitioner. He received head injury. After that respondent called her brother and father and left the conjugal company of petitioner. At the time of



leaving the matrimonial house, she took away all her jewellery. Petitioner got conducted his medico-legal examination in General Hospital, Ballabgarh. On 16.06.2019, a compromise took place between the parties with the intervention of respectable persons. Therefore, petitioner did not take any action against her. After that many panchayat meetings were convened. Petitioner made many requests with respondent and her family members to make her understand, but to no avail. It is pleaded that on the ground of cruelty, petitioner is entitled for decree of divorce. Hence, this petition."

3. The appellant contested the petition while asserting as under:-

In reply, it is pleaded that the petition is not maintainable. Each and every plea taken in the petition was disputed and denied. Solemnization of marriage was admitted. It was claimed that an amount of ₹15,00,000/- was spent by the father and brother of respondent in the marriage expenses. However, petitioner and his family members were not satisfied with it. They started taunting respondent for bringing very less dowry. Petitioner used to come very late in night after taking liquor. He alongwith his family members used to beat the respondent. Petitioner used to take drugs injections. After lapse of 7-8 years, no child was born to them. Respondent got conducted her check up. She was found medico-legally capable for conceiving. She asked petitioner to conduct his own check up. However, petitioner did not listen to her and abused her. Petitioner's entire family harassed her. They forced her to bring cash amount of ₹10,00,000/- and luxury car. It is pleaded that respondent has been subjected to cruelty in the hands of petitioner. She is a dutiful Hindu woman, who always



helped her husband. However, they behaved with her with utmost cruelty. On 13.06.2019, petitioner consumed liquor, returned to house and abused respondent. He gave beatings to respondent. Thereafter, parents of respondent were called at 11:00 p.m. by her. Petitioner and his family members also abused and gave beatings to parents of respondent and turned them out of the house. Seeing the inhuman behaviour of petitioner and his family members, they took the respondent with them. Since then she is residing in her parental house. Her istridhan is in possession of petitioner and his family members. Now she has no source of income."

II Evidence adduced:-

4. The appellant appeared as RW-1, whereas, she examined her brother Sh. Rishidev as RW2.
5. On the other hand, the respondent examined himself as PW1. He also examined PW2-Sh. Daya Ram, PW3-Sh. Ram Kumar. He produced and proved Ex. P1, Copy of his Medico Legal Report (MLR) dated 14.06.2019, and report of NCCT of his head as Ex. P2. Apart from the aforesaid, the respondent also produced the following documents:-

Ex.PA	<i>Copy of complaint moved by petitioner before SHO. P.S. Adarsh, Chhainsa, Faridabad.</i>
Ex.PB	<i>Copy of statement of bank account of Mrs. Sangeeta bearing account no. 107901003729 for the period 29.12.2019 to 5.1.2019</i>
Ex.PC	<i>Copy of statement of bank account of Mr. Hari Kishan Tewatia, bearing account no.00000010952758842 for the period 27.4.2017 to 16.6.2017.</i>
Ex.PD	<i>Notice issued to Sh. Sudama by the court of Sh. Deepak Yadav, learned Civil Judge (Junior Division) Faridabad alongwith copy of suit for declaration with consequential relief of injunction filed by respondent against petitioner and his father Sh. Sudama.</i>



III Reasons recorded by the Family Court:-

6. The Family Court found substance in the allegations of the respondent to the effect that on the intervening night of 13/14.06.2019, the appellant had caused head injuries to the respondent and thereafter, she went away alongwith her brother and father who came at 11.00 P.M. on 13.06.2019. The Court further found that the respondent failed to prove other allegations, hence, the Court granted lesser relief to the respondent i.e. decree for judicial separation as provided under Section 13-A of the Hindu Marriage Act, 1955.

IV Arguments addressed:-

7. Heard the learned counsel representing the appellant at length and with his able assistance perused the paper-book.

8. Learned counsel representing the appellant has submitted that the respondent has failed to prove his case. He submits that the respondent has not examined the Doctor or any official from 'Raj MRI Centre' to prove the CT Scan report.

V Analysis and Discussion:-

9. This Bench now proceeds to analyze the arguments put forth by the learned counsel representing the parties.

10. The appellant alleged that respondent consumed liquor and received injuries and she had no role to play in the same. However, the appellant failed to prove that the respondent consumed liquor because the Medico Legal Report (MLR) of the respondent does not substantiate the aforesaid fact. Respondent went to the hospital on his own and it was found that he received as many as five injuries in his head including the frontal



region, left and right parietal regions of his skull. There is one injury even on the back parietal region of the skull of the respondent. It was not possible for the respondent to hit himself on the back of his skull. Moreover, the occurrence took place at 10.30 P.M. on 13.06.2019, whereas, the respondent got himself medically examined at 01.45 A.M. on 14.06.2019. In his MLR, there is no mention of liquor. Additionally, the appellant also admits that she left the matrimonial home on 13.06.2019 at 11.00 P.M alongwith her brother and father, who came on the spot. The aforesaid facts also corroborate the case of the respondent.

11. Though, the parties were married in the year 2011 but they are still issueless. In these circumstances, the Court has granted a decree for judicial separation. It shall no longer be obligatory for the respondent cohabit with the appellant.

VI Decision:-

12. In view of the aforesaid discussion, the appeal filed by the appellant lacks merit, hence, dismissed.

13. All the pending miscellaneous applications, if any, are also disposed of.

**(ANIL KSHETARPAL)
JUDGE**

**(ROHIT KAPOOR)
JUDGE**

14.07.2025

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No