

CM-13937-CII-2025 in/and RA-102-2025
In FAO-1852-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-13937-CII-2025 in/and
RA-102-2025
In FAO-1852-2025

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
24.02.2026	09.03.2026	FULL PRONOUNCED	09.03.2026

Rajvir Kaur ...Applicant-appellant

Versus

Surjan Singh ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Rishabh Wadhera, Advocate
for the applicant.

ANOOP CHITKARA, J.

CM-13937-CII-2025

Present application has been filed for condonation of delay of 46 days in filing the review application.

For the reasons mentioned in the application, the same is allowed.

Delay of 46 days in filing the review application, is condoned.

RA-102-2025

1. Seeking review of the judgment dated March 24, 2025, passed by a Division Bench of this Court, of which one of us, Sukhvinder Kaur J., was a member, the applicant-wife of the respondent, has come up before this Court by filing the present Review application.
2. There was a delay in filing the review application, which we have condoned.
3. To ascertain whether the review application is worth issuing a notice or not, we have heard counsel for the applicant and have gone to the impugned judgment as well as the judgment passed by the Family Court, and its analysis would lead to the following outcome.
4. Counsel for the applicant-wife submits that on November 8, 2017, Rajbir Kaur visited her matrimonial home i.e. 40 days before the husband filed the divorce petition.

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Subsequently, on December 18th, 2017, husband had filed the divorce petition and the 02 years period required for desertion, was not complete because 40 days had elapsed, as such, the grounds for divorce by the Family Court were wrong. Learned counsel for the applicant submits that the Division Bench of this Court did not take notice of this fact.

5. A perusal of the judgment dated 6th February 2025, passed by the Principal Judge, Family Court, Fatehgarh Sahib, points out that applicant- Rajbir Kaur's marriage was solemnized with respondent-Surjan Singh on May 18th, 1997 as per the Anand Karaj ceremony. After that, they cohabited as husband and wife and had four children from their wedding, who were residing with Surjan Singh.

6. We have referred to the Family Court's judgment for other facts and as per Para 1, husband-Surjan Singh alleged that his wife-Rajbir Kaur did not accept him as her husband and has cruel behaviour with him and his family members. There was a long history of allegations on trivial matters and other matters, and even FIR No.18 was registered under Sections 406/498A IPC at Police Station Sirhind, at the instance of applicant-wife. In addition, a petition under Section 125 CrPC was filed, but it was dismissed. A petition under Section 9 of the Hindu Marriage Act was also filed by applicant-Rajbir Kaur, which was also dismissed.

7. The wife's stand is that her husband was not an unemployed person and marriage was not solemnized in simple manner, rather a lot of dowry articles and gold were given. After analyzing the entire evidence, the learned family Court dismissed the husband's divorce petition on the grounds of cruelty but allowed the same on the grounds of desertion.

8. Feeling aggrieved, the wife-applicant herein, had come up before this court by filing the appeal bearing number FAO-1852 of 2025.

9. Vide judgment dated 24th March 2025, the Division Bench of this Court dismissed the appeal. In paragraph 12, it was explicitly mentioned that the parties had been living separately since 2013 and referred the statement of applicant, who was testified as RW3. Now, counsel for the applicant submits that the wife had visited her matrimonial home in 2017 and as such, finding of the Division Bench regarding living separately since 2013, is correct.

10. A perusal of the review application mentions that the desertion period has to be reckoned to be two years prior to filing of the divorce petition. The divorce petition was filed before the Family Court in December 18th 2017, as such the desertion had to be counted as two years prior to that date i.e. from December 18th 2017.

11. In paragraph 16 of the impugned judgment passed by the Family Court, it has been discussed that there was evidence to the effect that the wife had left the matrimonial home on 12th March 2012 without any reason. After waiting for so many years, the husband (present respondent) filed a divorce petition on the grounds of desertion without reasonable

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cause. In paragraph 16, the learned Family Court referred to the statements of witnesses indicating that the wife had left the matrimonial home on 12th March 2012 and in cross-examination dated 26th February 2024, she admitted that she had been residing separately since 2013.

12. Given above, there is no error apparent on the face of the record, and consequently the present review application is not worth issuing notices and the same is dismissed.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

09.03.2026
Anju rani

Whether speaking/reasoned	YES
Whether reportable	NO