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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 17 July 2026

Pronounced on: 06 August 2026

+ MAT.APP.(F.C.) 166/2022

..... Petitioner

Through: Ms. Niharika Ahluwalia and
Ms. Sonakshi Chaturvedi, Advs.

Versus

..... Respondent

Through: Mr. Narender Mukhi, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT

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06.08.2026

VINOD KUMAR, J.

1. The present appeal has been preferred under section 19 of the Family Courts Act, 1984 read with Section 28 of the Hindu Marriage Act, 1955 challenging the judgment and decree dated 21.03.2022 passed by the learned Principal Judge, Family Courts, West District, Tis Hazari Courts, New Delhi in HMA No. 588784/16/2012, whereby the marriage between the appellant- Ms. Davinder Kaur and the respondent- Mr. Kulwant Singh has



been dissolved on the ground of cruelty under section 13(1)(ia) of the Hindu Marriage Act, 1955.

2. The respondent- Mr. Kulwant Singh had filed a petition under Section 13 (1) (ia) of the Hindu Marriage Act 1955 on the ground of cruelty by his wife-Ms. Davinder Kaur (appellant herein), who in turn refuted these allegations in her written statement making specific averments that it was Mr. Kulwant Singh himself and his family who treated her with cruelty. Apart from it, she also alleged that her husband Mr. Kulwant Singh was having an adulterous relationship with his colleague. In replication, Mr. Kulwant Singh denied the allegation of leading an adulterous life and also denied the allegation of cruelty set up in the written statement by his wife. We are eschewing from the narration of the averments contained in the pleadings because the same have been reproduced in their respective evidence affidavits by the parties, which we would be dealing with in detail hereinafter.

ISSUES

3. From the pleadings of the parties, the Trial Court framed the following issues:

- (1) Whether the petitioner is entitled to decree of divorce under section 13(1)(ia) of the Act on the grounds of cruelty?
- (2) Relief.



EVIDENCE OF MR. KULWANT SINGH (PW1)

4. In order to prove his case, Mr. Kulwant Singh (petitioner before the Trial Court and respondent before this court) testified as PW1 and tendered his evidence affidavit Ex. PW1/A before the Trial Court. In his evidence affidavit, he testified that his marriage with Ms. Davinder Kaur was solemnized according to Hindu Rites and Ceremonies on 12.02.1994 at Narnaul, Haryana. Out of the said wedlock, two children namely Manpreet Singh and Gurpreet Singh were born on 14.11.1995 and on 03.02.2004 respectively. He, i.e. Mr. Kulwant Singh was working as a Manager in Sidhi Vinayak Enterprises, at Delhi.

5. It is further testified by PW1 in evidence affidavit that after the marriage Ms. Davinder Kaur was not very happy with the marriage and she used to show her resentments by repeatedly fighting with his family members. She used to abuse his parents and when these acts were objected to by his family, she used to give threats that she will implicate them in false cases and send them behind the bars.

6. It is further testified by PW1 that from the very beginning of the marriage, she was more inclined towards her parents and not happy with the marriage. She also told that she did not want the involvement of his mother and other relatives in the matrimonial life. Initially he tolerated this conduct of his wife as he expected that good sense would prevail and she would mix-up with his family members but later, on for the sake of the his family, to save their married life and to resolve the disputes, he agreed to separate their kitchen in the house and started living



separately from the family on Half Portion of the Ground Floor of the house with separated kitchen since 1997.

7. PW1 further deposed that the cruelties of his wife upon him and his family members did not lessen even after the separation from his family. Still Ms. Davinder Kaur continued to behave very rudely with his parents. She never allowed his mother and other relatives to visit their portion. Even more, she objected him and their children if they were on speaking terms with his mother and other family members. However, she was not satisfied in living separately in the same house with his parents and she started creating pressure upon him to settle the matrimonial home separate from his parents. She clearly stated that she would not live with his parents under the same roof. When the quarrels did not stop between his parents and his wife, he decided to live in a separate house and he purchased a separate house bearing House no. A- 2/1 OA, Hastal Vihar, Uttam Nagar, Delhi in the name of his wife and started living with her and his children.

8. As per PW1, that his mother is an old age lady and suffering from various old age ailments. He wants to keep his mother with him but due to the behavior of his wife, he was not able to look after his mother in this age when his mother needs him. His father was very depressed because of daily fight between him and his wife. His father always tried his best to resolve the dispute between the parties but could not succeed. Whenever his father tried to make Ms. Davinder Kaur understand, she would misbehave with his father and also



insulted him. As his father was a respectable person having good reputation in the society, his father could not bear the burden of this daily insult by Ms. Davinder Kaur and due to such behavior of Ms. Davinder Kaur and the position of the matrimonial life of his son i.e. PW1, his father became the patient of depression and ultimately he died in the year 2005 because of a sudden heart attack. The behavior of Ms. Davinder Kaur was so cruel that she did not allow PW1 and his sons to visit his mother in such a time of sorrow. PW1 visited his mother after the death of his father only once or twice. But whenever PW1 tried to go to his mother so as to give her some expenses, Ms. Davinder Kaur used to abuse and threaten him of dire consequences. She further used to threaten that if he went to meet his mother, she will implicate him in false criminal cases or that she would leave the house or commit suicide with the children.

9. PW1 further deposed in evidence affidavit that from the very beginning of the marriage, his wife avoided to prepare food for him. However, whenever she prepared food, she knowingly prepared food which did not suit him. This matter was brought to the knowledge of her mother and brother. Therefore, a meeting of family members of the parties was held but no solution was found by the parents of his wife. In fact the mother of his wife did not give any heed to his request, rather took favour of Ms. Davinder Kaur. Her brother also threatened him that if he again made complaint against Ms. Davinder Kaur regarding her behavior or anything, they would implicate him in any false case.



10. As per deposition of PW1, his wife never allowed his mother and other relatives to visit the matrimonial home. Due to this behaviour of his wife, his mother could visit his house only once in the period of 8 years of the marriage after their separation from his family.

11. Furthermore, since after the marriage, his wife has treated him with utmost cruelty to such an extent that it is not possible for him to pull on further with her, as the same became detrimental to his health, life, career and reputation. He was subjected to worst cruelties at the hands of his wife who has made his life miserable and dungeon hell by her cruel acts and conduct and that she is solely responsible for the break-down of his matrimony.

12. PW1 continued, at the time of the marriage, he was working as an AC Mechanic and his salary was quite low as per the expectations of his wife so she was not happy with the marriage even from the beginning of the marriage. She used to show her resentment by repeatedly uttering that she wanted to get married in a financially affluent family, so she started avoiding him by saying that she needed some time to mentally prepare herself to adapt to the family. Although such conduct of his wife caused a mental shock, tension and humiliation to him but he kept on pulling under hope that better sense would prevail upon his wife and she would understand the sanctity and importance of marriage and will accept the marriage and his family. He and his other family members tried their level best to make her



understand but she did not mend her ways and always behaved in rude manner.

13. He further deposed that from the past four years, Ms. Davinder Kaur did not attend any of his family function. Moreover, she stops their sons Gurpreet and Manpreet to attend any function at his parental house. She did not even allow Master Gurpreet and Manpreet even to meet his old age grandmother since 2005. She threatened Manpreet and Gurpreet that if they go to their grandmother's home, she would not talk to them. Because of this kind of attitude of his wife, their sons did not visit his parental home since 2005, due to the fear of his wife.

14. It is further testified by PW1 that the relations of the parties have worsened to the extent that since 2005 the parties have no physical relations and they are living under one and same roof as strangers. Due to this act of Ms. Davinder Kaur, PW1 has suffered a lot mentally.

15. It is further testified by PW1 that though the relations of the parties were not cordial from the very beginning of the marriage but after 2005 the relationship has worsened to the extent that the fight became routine of the matrimonial life. She often used to lock the house either from the inside or outside at the time of his return from the office and he had to wait outside the house for hours. In an incident on 3rd week of January, 2012 when he along with one of his friends reached home, she opened the door and started abusing him in front of his friend. PW1 tried a lot to calm her but she unnecessarily started fighting with him, just to humiliate him in front of his friend. She did not allow him



and his friend to enter into the house and she locked the house from the outside and went away and returned after two hours. PW1 was left with no option except to wait for his wife outside the house along with his children. He felt very humiliated and insulted in front of his friend and he apologized to him for the act of his wife.

16. He further testified that since the very beginning of marriage, his wife treated him with cruelty. However, in the beginning, he ignored the cruel behaviour of his wife Ms. Davinder Kaur for the sake of the social respect of the family and for the future of their children but after shifting to their new house in the year 2003, the behaviour of his wife turned so cruel, which no ordinary man can tolerate. Since the year 2005 he is living with his wife like stranger under the same roof and they do not have physical relationship which is the very backbone of any marriage and that his wife has been causing physical as well as mental cruelty toward him and all the limits of his tolerance have been crossed.

17. It is further testified by PW1 that as all his hopes for settling his matrimonial life with Ms. Davinder Kaur were shattered because despite giving his best efforts he could not convince her, hence, he was left with no option but to file the petition for seeking divorce.

CROSS-EXAMINATION OF PW1 MR. KULWANT SINGH

18. In the cross-examination by learned Counsel for Ms. Davinder Kaur, PW1 stated that he was residing at F-6/95, Third

Signature Not Verified Floor, Sector-16, Rohini, Delhi as a tenant since May 2012. He



denied that on 29.06.2012, he was living with one lady Ms. Suman Bala on a address bearing C-1/29, ground floor, Sector-16, Rohini. He admitted that Ms. Suman Bala is his friend and the colleague. On 29.06.2012 at about 8.30-9.00 p.m. he had gone to her house to meet her. His wife reached there along with her relatives and also called the police. He admitted that in the Police Station he had written on a paper Ex. DW1/A but denied that he had made a statement to the police that he was living with Ms. Suman Bala at that address. He admitted that the divorce petition was filed by him at the time when he was still residing with his wife Ms. Davinder Kaur. However, he denied that during the stay with his wife, he used to go to meet Ms. Suman Bala on a false pretext of going out station. He expressed ignorance as to whether his wife filed any complaint with ACP, CAW Cell, Kirti Nagar regarding his affair with Ms. Suman Bala on 01.11.2012. He also stated that he had no knowledge about any further complaint filed on 12.01.2013 by his wife with Police Station Uttam Nagar in respect of his staying with said Ms. Suman Bala. He also expressed his ignorance of any incident in which said Ms. Suman Bala had given undertaking to the police that he will not come to her house any more. He denied that he had solemnised marriage with Suman Bala.

19. In the cross-examination dated 24.09.2019, PW1 testified that kitchen at the first matrimonial home was separated in the year 1997. He denied that even though her wife had separated the kitchen he used to take food with his parents. He could not produce any document to show that the Hastal house was



purchased from his money. He denied that he used to drink and beat his wife.

EVIDENCE OF MS. DAVINDER KAUR (RW1)

20. Ms. Davinder Kaur (respondent before the Trial Court and appellant before this court) testified as RW1 and tendered her evidence affidavit Ex. RW1/A before the Trial Court. She deposed that she married Mr. Kulwant Singh on 12.02.1994 at Narnaul, Haryana according to Hindu rites and ceremonies. Her parents had given sufficient gold and silver jewelry, ornaments, clothes, costly articles, domestic appliances, furniture, electronic and electrical items and articles to her husband and in-laws on the occasion of marriage as per their demands and desire. The list of gold, silver and diamond jewelry and other articles is exhibited as Ex.DW-1/1.

21. It is testified by RW1 that after the marriage, she was brought by her husband at joint family house. The marriage between the parties was duly consummated and a son namely, Manpreet Singh was born on 14.11.1995 and another son namely, Gurpreet Singh was born on 03.02.2004.

22. It is testified by RW1 that she had always given the proper love, respect and regard to her husband, his parents and other family members. She had never used any kind of abusive and filthy language against them at any point of time. She had never given any kind of threat to her husband to lodge the false case upon him and his family members. The mother of RW1, for establishing the happy and prosperous matrimonial life of the

parties, had purchased the property bearing no. 10 A, measuring



50sq. yd. in khasra no. 68/13 situated in the revenue estate of village Hastal, Delhi in the name of RW1. The xerox copy of the GPA, Agreement to Sell and Will are Ex.DW 1/2 Colly.

23. She further deposed that her husband is leading an adulterous life in the company of a married woman Smt. Suman who is having the two children and residing at C-1/29, Ground Floor, Sector-16, Rohini, Delhi. He is maintaining the extra marital relationship with her since 3-4 years. Further, her husband Mr. Kulwant Singh gives the open threat to her that if she comes in his way, she will have to face the dire consequences to the extent of loss of her life. The adulterous conduct on the part of her husband is causing constant mental torture, pain, agony, suffering and set back to her. Moreover her husband Mr. Kulwant Singh is constantly neglecting and refusing to maintain her and her children and that her mother and brother are maintaining and taking care of her and her children. Whenever she asks money from her husband for maintenance, he beats her mercilessly.

24. RW1 deposed that her husband is habitual drunkard and beats her mercilessly by kicks and blows whenever he visits her house. He inflicted physical atrocities and cruelties upon her and most of the time he stays with Ms. Suman. Mr. Kulwant Singh is in the business of installation of mobile tower upon the buildings and is running it from the house of Smt. Suman. Whenever he comes at home, he is drunk and tortures her and also gives threat to divorce her and also gives constant threat to her life. He behaves in a brute manner at night. As per RW1, the divorce



petition is a malafide device on the part of her husband to get rid of her.

25. It is testified by RW1 that her parents, brother and relatives had never caused any kind of interference in her matrimonial life at any point of time. She stated that she had remained in the joint family upto three and half years, after which she was provided a separate room and kitchen and she remained there upto 2003. But when her husband, in collusion and connivance with his parents, brother and sister made her matrimonial life full of miseries, mental torture, pain, agony and suffering, her mother purchased a property bearing No. A-2/10A, Hastal Vihar, Uttam Nagar, New Delhi out of funds of her father in name of RW1 on 16.04.2003.

26. She deposed that Mr. Kulwant Singh started putting constant pressure upon her to dispose of the aforesaid property and give the consideration amount to him.

27. She further testified that her husband used to demand dowry and used to ask for money, which her father had left after his death. On several occasions, he had beaten her mercilessly by kicks and blows to pressurize her to give divorce to him and when she did not bow to his wishes, PW1 has come up with the present petition before the Court. This he is doing under the well planned design and conspiracy with his mother and Smt. Suman. She deposed that he is having the documentary evidence in the form of a CD, which proves extra marital relationship of her husband Mr. Kulwant Singh with Smt. Suman. The CD was annexed as EX.DW 1/3.



28. It is further testified by RW1 that her husband came in contact of Ms. Suman in Samsung Company and there the extra marital relationship developed between them. Ms. Suman left Samsung Company but Mr. Kulwant Singh is still working there. He, in association with Suman, is doing the business of Mobile Tower installation upon the building. This business is being run from the house of Ms. Suman and they are earning handsome income. RW1 testified that Mr. Kulwant Singh spends all the income from his job and business upon Ms. Suman and totally neglects her i.e. Ms. Davinder Kaur and her children. Her husband constantly creates pressure upon her to mutate the property bearing No. A-2/10A, Hastal Vihar, Uttam Nagar, New Delhi in his name, otherwise he would threaten her life. Further he has also sold the entire gold and silver jewelry gifted by both sides to her. Her husband had also purchased a house for Ms. Suman from his earning and both are living together there since last 3 years. He had also snatched and taken away a sum of Rs. 1,50,000/- cash pertaining to her (RW1) and 8 tolas gold against her will and consent and whenever she demanded the same back, her husband used to beat her with kicks and blows. On 27.06.2012 at 8pm approximately, her husband came at her house and under the influence of liquor, thrashed her mercilessly. He gave open threat to commit suicide by cutting the nerves of his hand. Due to such threat by her husband, she reported the matter to the police station on 28.06.2012 in writing. The xerox copy of the complaint is EX.DW 1/4.



29. It is testified by RW1 that on 29.06.2012 she trapped him red handed in company of Suman and had called the police at 100 number. Her husband wrote a statement to the police that he will take care of his wife and will not quarrel with her. The said statement is EX.DW 1/5.

30. It is testified by RW1 that the property bearing No. A-2/10A, Hastal Vihar, Uttam Nagar, New Delhi was purchased out of the exclusive funds and resources of her parents and her husband did not contribute a single penny in purchasing the aforesaid property. She is true and lawful owner and in possession of the aforesaid property.

31. It is testified by RW1 that father of her husband had died on 16.09.2005 due to the shock received by him on sudden death of his mother Harnam Kaur. Smt. Harnam Kaur had expired on 15.09.2005 and when the father of her husband came to know about the death of his mother, he received the serious shock and expired on 16.09.2005. The last ceremonies of father and grandmother of her husband were performed on the same day. The mother of her husband used to beat the grandmother of her husband and had taken away the entire FDs and jewellery belonging to the grandmother of her husband. The grandmother of her husband on several occasion requested the mother of her husband to send the father of her husband as she wanted to give information to her son that his wife (i.e. mother of Mr. Kulwant Singh) had dishonestly and fraudulently misappropriated her entire FDs cash and gold jewellery.



32. It is testified by RW1 that the parents of her husband were having immense interference in their matrimonial life and her husband was acting in a pre-planned manner under the well thought design and conspiracy with them.

33. It is testified by RW1 that her husband is not residing at the address as mentioned in the title of the petition. Actually, he is leading an adulterous life and continuing extra marital relationship with Ms. Suman, who is residing at C-1/29, Ground Floor, Sector-16, Rohini, Delhi.

34. She further stated that due to continuous act of atrocities and cruelties committed by her husband, she has filed a complaint before CAW Cell, Kirti Nagar, New Delhi. The xerox copy of the complaint and FIR are EX.DW 1/6. (Colly).

CROSS-EXAMINATION OF RW1 MS. DAVINDER KAUR

35. In cross-examination RW1 Ms. Davinder Kaur admitted that even after shifting to the house at A-2/10A, Hastsal Vihar, Uttam Nagar, Delhi, the room which was in her occupation in the joint family house, remained under her lock and key and it was on 14.08.2015 when her in-laws had broken the lock of her room and threw her belongings. She denied that after her marriage she treated her husband and her in-laws with cruelty. She denied that her husband was not having any extra marital affairs. She denied that she had filed a false complaint against her husband in police station on 28.06.2012 as a counter blast to the present case. She admitted that she had not filed any complaint against her husband for selling her jewellery and of snatching Rs.1.5 lacs from her. In



support of her allegation of her husband having extra marital relations with one Ms. Suman, she produced a CD (Ex. RW1/P2). She stated that this contained a video shot through a mobile but she stated that the mobile phone did not belong to her as it was made by a hired person. She admitted that she had not stated in her evidence affidavit as to from which place she had caught her husband with Ms. Suman on 29.06.2012. She admitted that she filed a complaint against her husband after receiving the summons of divorce case. However, she denied that she did so with a view to put pressure on her husband to withdraw the divorce case. She denied that her husband was not residing at C-1/29, ground floor, Sector-16, Rohini, Delhi at the time of incident. She denied that her mother-in-law visited her house just once in eight years. She admitted that she was not happy with the income of his husband as he used to give some portion of his salary to his parents. She denied that she refused to attend family functions of her in-laws or stopped her sons from attending the said functions or to meet her mother-in-law. She denied that since 2005, she was not having physical relations with her husband. She admitted that she has not placed on record any documents to support her allegations that her husband had purchased a property in the name of Ms. Suman.

IMPUGNED JUDGMENT

36. In the impugned judgment, the Trial Court after discussing the entire evidence, concluded as under:

“45. Accordingly, all the above discussion clearly go to prove that the respondent had treated the petitioner with cruelty by insisting upon him to get separated from his



parents and then to get the property from his parents and by restraining him from meeting his parents, paying money to them or to look after his parents and also by leveling false allegations of beatings, adultery and cruelty. The testimony of the petitioner goes to prove conclusively that the respondent had treated the petitioner with cruelty after solemnization of marriage. The petitioner has claimed that he is not having any physical relations with the respondent since year 2005. The respondent has also claimed that he is residing separately with Suman in adultery. Hence, admittedly, since 16 years, the parties are not living as husband and wife.”

37. In view of aforesaid findings, the Trial Court decided Issue No. 1 in favour of the respondent-husband and against the appellant-wife. Therefore, Issue No. 2 was also decided in favour of husband and consequently, the Trial Court ordered dissolution of marriage under Section 13 (1) (ia) of the Hindu Marriage Act, 1955 vide impugned judgment and decree on the ground of cruelty by Ms. Davinder Kaur. Aggrieved by this judgment and decree, Ms. Davinder Kaur (the respondent before the Trial Court) filed the present appeal.

38. Though the Trial Court has discussed the evidence of the parties minutely, we shall still analyse the evidence point wise more deeply in light of contentions of parties.

EXTRA MARITAL RELATIONS?

39. Learned Counsel for the appellant-wife argued that the respondent-husband is simply shifting the blame of cruelty upon the appellant just for seeking divorce because of his extra marital relation with Ms. Suman Bala with whom he was caught red handed by the police in her house. It is argued that the Trial Court has taken appellant's evidence in respect of her husband



being found at about 8.30 p.m. to 9.00 p.m. at the house of Ms. Suman Bala very lightly and has rejected it without any reason. It is argued that the Trial Court ignored the fact that this was an unusual time for a husband to be found along with a lady even if she happened to be his colleague.

40. Countering this argument, learned Counsel for the respondent submitted that except bald statement of the appellant Ms. Davinder Kaur in her written statement and in her evidence affidavit, there is no evidence in support of this allegation. It is submitted that this allegation was manufactured as a counter blast to the divorce petition filed by Mr. Kulwant Singh.

41. We have considered the rival submissions. Although the appellant, testifying as RW1, proved one CD but the Trial Court held that its contents do not indicate any extra marital relations of Mr. Kulwant Singh. It is noteworthy that only one incident that Mr. Kulwant Singh was present at her house has been proved. Therefore, the Trial Court rightly held that the allegations of extra marital relations are not proved. The Trial Court has noted that the contents of CD also do not indicate any extra marital relationship. It must be kept in mind that allegations of extra marital relationship are always of very serious nature. Such allegations not only spoil the reputation of the spouse but also have serious consequences upon the reputation of the person with whom such spouse is alleged to have indulged. Mr. Kulwant Singh (PW1) has admitted that Ms. Suman Bala was his colleague and friend and had gone to meet her as a friend, but there is nothing on record to prove that Mr. Kulwant Singh was



actually residing with her in her house. Therefore, the Trial Court has rightly rejected the evidence of appellant (RW1) on this point. We have also perused the evidence of appellant (RW1), who proved three documents which are Ex. DW1/4, Ex. DW1/5 and Ex. DW1/6. Though the Trial Court de-exhibited these documents being photocopies, we are not oblivious of the law that the rules of Evidence Act are not strictly applicable to the family disputes as per Section 14 of the Family Courts Act, 1984. Ex. DW1/4 is a complaint made by Ms. Davinder Kaur to SHO, Police Station, Uttam Nagar, New Delhi dated 28.06.2012. In this application, the appellant has alleged that her husband was living with one lady, namely, Ms. Suman at C-1/29, Ground Floor, Sector-16, Rohini for last two years and that he normally resides with that lady and whenever he comes to home, he comes under the influence of liquor, abuses her (i.e. the appellant) and beats her. She stated in the application that on 27.06.2012 at about 8 pm he came home heavily intoxicated, thrashed her black and blue, threatened that he would cut the veins of his hand and die and now he has filed a divorce case in the court. It appears that some kind of proceedings conducted by police in which statement of Mr. Kulwant Singh was recorded on 29.06.2012. This statement is marked as Ex. DW1/5 (Mark 'C'). Translated in English, the said statement is as under:

***"Statement of Mr. Kulwant Singh S/o Sh. Gurnam Singh
R/o A2/10A, Hastsal Vihar, Uttam Nagar, age 40 years,
Contact no. 9871093837.***

***I am stating that I reside at the aforesaid address. Due to
differences, I have left Ms. Davinder Kaur and started
living in Sector-16, Rohini. I have two sons, namely,
Manpreet Singh, age 16 years and Gurpreet Singh, age 9***



years, who lived with my wife. Today my wife had called police by calling 100 number to C-1/29, Ground Floor, Sector-16, Rohini, Delhi. Now, due to intervention of our relatives good sense has prevailed over us. Now I am going to my house at Uttam Nagar along with my wife, mother-in-law and other relatives. I will take care of everyone at home and will reach at proper time and will give full time at home and shall not quarrel at all."

42. From the aforesaid statement of Mr. Kulwant Singh, no inference of extra marital relations can be drawn. Later on Ms. Davinder Kaur also sent an application dated 02.09.2012 to CAW Cell (Ex. DW1/6) making similar allegations that respondent is living with a lady Suman, who resides at C-1/29, Sector-16, Rohini, New Delhi and for the last three or four years her husband's visit to home became very less. Further, he used to come under the influence of liquor and used to beat her. In view of this changed behavior, she became suspicious and when she made inquiries, she came to know that her husband used to spend her maximum time and nights with the said lady. She complained that whenever she used to object to it, her husband used to come under the influence of liquor, used to beat her and he also stopped making payment of the maintenance. On 29.06.2012, she made a complaint to police and got her husband caught while he was in the house of said lady. In this complaint she further stated that Mr. Kulwant Singh was not maintaining her and her children and had no monetary resources to engage a lawyer. Accordingly, she prayed for a legal aid.

43. It is true that in the aforesaid complaints Ex. DW1/4 and Ex. DW1/6, the appellant made allegations of extra marital relations against her husband. However, these allegations are not



substantiated. In her evidence, she herself has testified that her husband had started business with Ms. Suman. Therefore, if Mr. Kulwant Singh frequently meets Ms. Suman, that should not be seen as a proof of extra marital relationship. In her evidence affidavit, the appellant (RW1) has testified that she went to the residence of Ms. Suman along with her relatives and also called police. She has also testified that Ms. Suman is married and has two children. RW1 has not disclosed as to when she went to the house of Ms. Suman, whether husband, children or other family members of Ms. Suman were at home. If they were, the possibility of extra marital relations would be negligible. She has nowhere stated that there was no one else in the house on that day except Mr. Kulwant Singh and Ms. Suman. These circumstances are required to be noted because the allegations of extra marital relations were made only when the appellant received a notice of divorce petition. The aforesaid complaints mentioning extra marital relationship have been held by the Trial Court to be afterthought and a counter blast to the divorce notice. There is no reason as to why this Court should take a contrary view than the one taken by the Trial Court.

SETTING UP OF SEPARATE KITCHEN AND SHIFTING TO DELHI: WHETHER THESE ACTS WERE CONDONED

44. Learned Counsel for the appellant has argued that the Trial Court had erred in taking note of the fact that actually it was Mr. Kulwant Singh himself as well as his family members who started treating the appellant with cruelty from the date of



marriage itself. But still the appellant always behaved like a devoted wife. The cruelty by her in-laws extended to such an extent that she had to set up a separate kitchen in joint family house in Narnaul. Later on, she along with her husband shifted to the house purchased by her in Delhi by arranging funds from her mother. This was done for the purpose of leading a happy and prosperous life. It is submitted that still the appellant did not ignore her duty towards her husband and family. Our attention is drawn to the evidence affidavit of the appellant (RW1) in which it was deposed that her husband had been treating her with cruelty and was not providing full maintenance to her and her children. Further, he used to beat her and her children under the influence of liquor. It is argued that it was she who suffered cruelty perpetrated by her husband due to his pressuring her constantly to transfer her flat in his name, by his alcoholic conduct and because of this extra marital relation in addition to his total neglect of his family.

45. Answering to the charge of cruelty by the appellant on account of leaving her joint matrimonial home at Narnaul, it was argued that the respondent-husband had condoned the said act of cruelty, if it is presumed to be so, by continuously living with the appellant for a long time in Hastsal residence. Controverting the plea of non-reporting by the appellant of incident of cruelty to police, it is argued that the respondent-husband also did not make any complaint to police about the incidents of cruelty against the appellant. Actually, the appellant had lodged complaint against the respondent in the police station where the respondent himself



had acknowledged that he will maintain his family properly and will not ignore them. This itself is a proof that it was the respondent-husband, who had been lacking in performance of matrimonial obligations in ignoring the appellant and her children.

46. Learned Counsel for the appellant argued that after marriage, the appellant started living with her husband in a very small house along with other family members and therefore small quarrels are natural to happen and these are normal wear and tear of the matrimonial life. It is argued by learned Counsel for the appellant that although these acts may have amounted to cruelty in the society long ago but now the norms of society are changing. The joint families are breaking and the quarrels arising in a joint family are being resolved by separation. In the present case, this act of Ms. Davinder Kaur appears to be due to peculiar situations arising out of a cramped household or may be due to the cultural differences of lifestyle in Delhi as compared with a traditional society of Narnaul, Haryana. Learned Counsel for the appellant has cited *Ved Prakash Gulati v Kusum, 181 (2011) DLT 309*, in which this Court considered the allegations of wife seeking separate residence and for transfer of flat in her name. It was held that the same amounted to only petty squabble which cannot be castigated as cruelty to seek decree of divorce. Further, learned Counsel for the appellant also cited *Deepti v Anil Kumar, 2023 SCC OnLine Del 5829*, in which the wife was exerting pressure upon husband to separate himself from family members. However, it was not held to be enough ground for



grant of divorce. Learned Counsel for the appellant further relied upon ***Gurbux Singh v Harminder Kaur, MANU/SC/0829/2010***, in which the Supreme Court held that the aggrieved party has to make a specific case that conduct of such a party should be grave enough to be called as cruelty.

47. Learned Counsel for the appellant argued that separation from joint family is not uncommon and should not be taken as an act of cruelty. It is argued that retaining one room in the shared matrimonial home with her in-laws indicates that the appellant did not want complete severance of relations with her in-laws. Therefore, it is argued that if the appellant did not want to continue her connection with the in-laws, there was no reason for her to retain her room in shared/joint matrimonial home.

48. On the other hand, learned Counsel for the respondent-husband fully supported the impugned judgment and decree and argued that behavior of the appellant was so quarrelsome that it left the matrimonial bond between the parties beyond repair. It is argued that the act of locking one room at the matrimonial home despite separating with her in-laws was aimed at harassing her husband and in-laws.

49. The next leg of argument of learned Counsel for the appellant is that when after separation Ms. Davinder Kaur came to Delhi, she brought her husband also to this residence who continued to live with her and thereby condoning of all previous cruel acts of the appellant.

50. We would have accepted the argument of learned Counsel for the appellant, had there been improvement in the behavior of



the appellant. We find substance in the argument of learned Counsel for the respondent that the appellant kept her room in the joint family house locked with a view to harass her in-laws. Had there been marked change in her behavior after shifting to Delhi, the same could have brought some relief to the life of her husband. The simple fact that Mr. Kulwant Singh continued to live in Hastsal Vihar in Delhi with the appellant is not enough to condone the past cruelties because persistent cruel behavior did not allow previous hurt to heal.

51. So far as issue of condonation is concerned it would be apposite to discuss the concept of 'condonation' under the Hindu Marriage Act, 1955. It needs to be mentioned that Section 23 (1) (b) of Hindu Marriage Act requires the court to satisfy itself as to whether the acts of cruelty have not in any manner been condoned. This concept of condonation came for discussion before the Supreme Court of India in case of **Dr. N.G. Dastane v. Mrs. Dastane**, (1975) 2 SCC 326. The relevant paras are reproduced as under:

"54. Before us, the question of condonation was argued by both the sides. It is urged on behalf of the appellant that there is no evidence of condonation while the argument of the respondent is that condonation is implicit in the act of cohabitation and is proved by the fact that on February 27, 1961 when the spouses parted, the respondent was about 3 months pregnant. Even though condonation was not pleaded as a defence by the respondent it is our duty, in view of the provisions of Section 23(1)(b), to find whether the cruelty was condoned by the appellant. That section casts an obligation on the court to consider the question of condonation, an obligation which has to be discharged even in undefended cases. The relief prayed for can be decreed only if we are satisfied "but not otherwise", that



the petitioner has not in any manner condoned the cruelty. It is, of course, necessary that there should be evidence on the record of the case to show that the appellant had condoned the cruelty.

55. Condonation means forgiveness of the matrimonial offence and the restoration of offending spouse to the same position as he or she occupied before the offence was committed. To constitute condonation there must be, therefore, two things: forgiveness and restoration. [The Law and Practice of Divorce and Matrimonial Causes by D. Tolstoy, 6th Edn., p. 75] The evidence of condonation in this case is, in our opinion, as strong and satisfactory as the evidence of cruelty. But that evidence does not consist in the mere fact that the spouses continued to share a common home during or for some time after the spell of cruelty. Cruelty, generally, does not consist of a single, isolated act but consists in most cases of a series of acts spread over a period of time. Law does not require that at the first appearance of a cruel act, the other spouse must leave the matrimonial home lest the continued cohabitation be construed as condonation. Such a construction will hinder reconciliation and thereby frustrate the benign purpose of marriage laws.”

52. The Supreme Court of India had the opportunity to deal with this very question in *Prabin Gopal v. Meghna*, 2021 SCC OnLine Ker 2193. The relevant para is reproduced as under:

“21. As to what constitutes condonation as envisaged under Section 23(1)(b) of the Act has nowhere been elaborated under the Act. ‘Condonation’ is a word of technical import, which means and implies wiping of all rights of injured spouse to take matrimonial proceedings. In a sense, condonation is reconciliation, namely, the intention to remit the wrong and restore the offending spouse to the original status which in every case deserves to be gathered from the attending circumstances. Ordinarily, as a general rule, condonation of matrimonial offence deprives the condoning spouse of the right of seeking relief on the offending conduct. However, condonation cannot be taken to be an absolute and unconditional forgiveness. Therefore, in case the matrimonial offence is repeated even after an act of condonation on the part of the spouse, it gets revived on



the commission of subsequent act resulting in matrimonial disharmony. Past acts of cruelty even after condonation are grounds to seek divorce if revived by later acts of cruelty.”

53. From the aforesaid judgments, we are of the view that while considering the question of condonation of cruelty, the courts should advert their attention to following principles:

- (i) There is no specific need to plead condonation by a party provided that the facts proved on record are indicative of such condonation by the other spouse.
- (ii) The Court is under an obligation to consider the question of condonation even in an undefended case.
- (iii) In order to form an opinion as to whether the offended party had condoned the act of cruelty perpetrated by the offending party, the court must see, (a) whether the offended spouse had forgiven the offending spouse; (b) on being forgiven, whether there is restoration of the offending spouse to the same position as he or she occupied before the matrimonial offence.
- (iv) The mere fact that spouses continued to share a common home after the spell of cruelty would not be enough to prove condonation.
- (v) If the cruelty continues, an act seemingly condoning the offence would be wiped out.



(vi) Past act of cruelty would revive even after condonation by later acts of cruelty.

54. The Trial Court dealt with the evidence of the parties fully cognizant of the facts that conduct complained of must be of very serious nature and not merely ordinary wear and tear of the married life. The Trial Court dealt in detail the evidence of PW1 (i.e. husband) as to how after the marriage, the behavior of Ms. Davinder Kaur had been quarrelsome and she separated the kitchen soon after marriage. Still for the sake of saving the married life, Mr. Kulwant Singh started living with his wife Ms. Davinder Kaur separately from his parents but in the same house. Though Ms. Davinder Kaur controverted the fact of her cruel behavior, but she admitted having separated the kitchen from her in-laws at Narnaul. The Trial Court specifically noted the fact that Ms. Davinder Kaur, testifying as RW1 in her cross-examination, admitted that she was not happy with the income of her husband as he used to give some portion of his salary to his parents. The Trial Court observed that this speaks volumes about the conduct of Ms. Davinder Kaur and held it to be an act of cruelty against her husband, who naturally had a social and moral responsibility towards his parents also.

55. Admittedly, thereafter the couple shifted to Delhi at a residence at A-2/10A, Hastal Vihar, Uttam Nagar, Delhi in the year 2003. The plea of learned Counsel for the appellant-Ms. Davinder Kaur could have been accepted, had the acts of cruelty on her part stopped. Here we have to look for the evidence as to



whether Mr. Kulwant Singh had condoned the acts of cruelty upto to coming to Delhi viz. her quarreling with his parents, separating the kitchen in the house of in-laws and finally shifting to Delhi and thereafter whether Ms. Davinder Kaur gave a quietus to the past and started a life of love and trust with her husband. In case, there is evidence on record to this effect, it would be presumed that not only Mr. Kulwant Singh had condoned her acts of prior cruelty but also had restored Ms. Davinder Kumar to the same status of love and affection as deserved by a wife.

56. Let us dive into the evidence to answer this question of condonation. PW1 Mr. Kulwant Singh has testified that the behavior of Ms. Davinder Kaur was so cruel that she did not allow him and his sons to visit his mother after the death of his father. PW1 testified that he visited his mother after the death of his father once or twice and whenever he tried to go to visit his mother for the purpose of giving some money for her expenditure, Ms. Davinder Kaur started abusing and threatening that if he went there, he will find himself in a great difficulty. In his evidence affidavit, Mr. Kulwant Singh (PW1) testified that since his marriage, his wife had treated him with utmost cruelty to such an extent that it was not possible for him to pull on further. He was subjected to worst cruelties at the hands of his wife who has made her life miserable and hell by her cruel acts and conduct, which led to breakdown of the matrimony. Things did not stop here Ms. Davinder Kaur not only refrained from attending of his family functions but she also stopped her sons to



attend any functions at the parental home of PW1 and did not allow him even to meet his old age mother since 2005. It is pertinent to note that the couple came to Delhi in the year 2003. In cross-examination, none of these allegations were strongly controverted. Evidence of Mr. Kulwant Singh (PW1) also shows that although Mr. Kulwant Singh was residing with his wife (appellant herein) in the same house but they were living like strangers to each other and there is nothing on record to show that Mr. Kulwant Singh ever condoned the acts of cruelty of Ms. Davinder Kaur. It appears that each day's cruelty by Ms. Davinder Kaur was a fresh scratch on the already wounded relationship. Hence, it cannot be said that Mr. Kulwant Singh ever condoned acts of cruelties including separation of kitchen and shifting to Delhi.

57. We have perused the judgments cited by learned Counsel for the appellant and we do agree that simply seeking a separate residence or separating from joint family should not normally amount to cruelty to such an extent to entitle the husband to seek divorce. The reasons are that these are not uncommon incidents of the joint family life. However, if the matrimonial bond is intact, relations between the couple would improve after separation from joint family. In the present case it did not happen. The act of appellant (wife) in locking the room of her joint family residence leaves us in no doubt that the act was aimed at harassing her in-laws. Therefore, the facts of the judgments cited by the appellant are not similar to the present case where the cause of separation was the unacceptable behavior



of the appellant. Her conduct was such that she even did not like her husband to pay anything to his parents from his salary. The Trial Court has cited a judgment of Supreme Court in case *Narendera v. K. Meena (2016) 9 SCC 455*, in which the Supreme Court held that a son maintaining his parents is absolutely normal in Indian culture and ethos. If a wife makes an attempt to deviate from normal practice and normal customs of the society, she should have some justifiable reason for that. The Supreme Court also observed that no son would like to be separated from his old parents and the persistent efforts of wife to constrain her husband to be separated from family would be torturous for the husband and would amount to an act of cruelty. Further, the Trial Court rightly believed the version of Mr. Kulwant Singh (PW1) that his wife was not cooking food for him and even misbehaved with him in front of his friend in an incident of January, 2012. The Trial Court noted that nothing came in the evidence in cross-examination of PW1 to refute the deposition of PW1 (Mr. Kulwant Singh) with regard to the said incident. The facts of the present case are similar to the facts which were before the Supreme Court of India in the above cited judgment. Therefore, we hold that the behavior of setting of a separate kitchen and total separation from joint family by shifting to Delhi was not a normal act of the appellant. Rather the same were the acts of cruelty. We have already discussed that evidence on record shows that these acts were not condoned by Mr. Kulwant Singh (respondent herein) of the appellant.



58. Learned Counsel for the appellant submits that rival versions of the parties themselves were available before the Trial Court. But no reason has been given in the impugned judgment as to why the Trial Court believed the allegations of cruelty as leveled by Mr. Kulwant Singh and why the allegations of cruelty as alleged by Ms. Davinder Kaur were not believed by it. It is argued that actually the evidence of the appellant as RW1 is more believable than the evidence of Mr. Kulwant Singh who himself used to abuse and beat the appellant because of two reasons: (i) he was pressurizing her for transferring the flat in his name; (ii) he was having extra marital relations.

59. We have considered the submissions of learned Counsel for the appellant very seriously. It is true that in order to prove their respective allegations, the parties have examined themselves only. None of them had examined any other relative or any one from their friends' circle who could throw independent light on the reasons and causes of the strife between the parties. Therefore, the Trial Court was left with the testimony of the respondent as PW1 on one hand and the testimony of the appellant as RW1 on the other hand. After thorough examination, the Trial Court held that the allegations of adultery or extra marital relations as alleged by the wife are not proved. Further, the Trial Court carefully and minutely ascertained the evidence of the parties to reach a conclusion that it was the appellant who treated her husband (respondent herein) with cruelty.



60. Therefore, question is as to why we believe the version of the respondent (Mr. Kulwant Singh) and not the version of the appellant (Ms. Davinder Kaur).

61. The answer to this question is this. The entire cross-examination of PW1 indicates that the appellant (wife) had been pressing her allegations that Kulwant Singh was having extra marital relationship with his colleague Ms. Suman Bala. Except this aspect none of the allegations of cruelty narrated by PW1 Mr. Kulwant Singh were controverted or refuted in cross-examination strongly and specifically. We have already described in detail the evidence affidavit of Ms. Davinder Kaur (RW1) in earlier part. In the evidence affidavit she testified that after marriage she had given proper love, respect and regard to her husband, his parents and other family members and that she never used any kind of abusive and filthy language at any point of time. However, in the entire affidavit, she does not explain as to why she was not happy with her husband on his sharing his salary with his parents. She does not explain as to why she kept one room at joint family house locked. The argument that she locked it because she wanted to retain relationship with her in-laws is without any substance. Had that been the case, the appellant would not have stopped attending any family function, nor she would have restrained her husband and children to meet her in-laws. The grave allegation is that appellant did not even allow to meet her in-laws in an hour of grief. In cross-examination of PW1, she did not controvert this allegation. In her own evidence affidavit, she did not state any incident when she



permitted her children to go to their paternal grandparents. In view of this specific allegation, the appellant could have cited some incidents on which she attended any family function. This is the reason that we have to believe the uncontroverted testimony of PW1 Mr. Kulwant Singh who testified in detail in his evidence affidavit that after the marriage, the matrimonial relations were not good and his wife used to show her resentment by repeatedly fighting and abusing his parents and family members. Though, Ms. Davinder Kaur (RW1) has testified in her evidence affidavit that for establishing a happy and prosperous matrimonial life, she purchased the Hastal Vihar house out of funds arranged from her mother on 16.04.2003 and that her husband was creating a constant pressure upon her to dispose of the said property and given consideration amount to him, the same was fully controverted by her husband in cross-examination. The tone and tenor of the evidence of RW1 (Ms. Davinder Kaur) shows that this was not the cause of quarrel between the parties. Though she testified that her husband created a constant pressure to dispose of the said property, she nowhere stated any incident to show that on account of this issue any quarrel took place between them. Therefore, putting repeated pressure by husband does not appear to be the cause of discord between the parties.

62. Learned Counsel for the appellant argued that her husband Mr. Kulwant Singh neither named the friend in whose presence she was alleged to have quarreled, nor was the said friend examined in defence. We are of the opinion that normally no one



in friend circle would like to come to testify in a matrimonial dispute. The facts of the present case show that even the children of the parties have not come forward to testify so as to throw light on the incidents as alleged. Admittedly, both the children are living with the appellant-wife but the appellant did not deem it necessary to call them to court as witnesses. However, we will not draw any adverse inference because the nature of a matrimonial dispute is such that even close relatives and friends would like to maintain distance from the dispute.

63. As already stated, focus of the entire cross-examination by the appellant was only on the extra marital relationship of Mr. Kulwant Singh. We have already held that the allegations of extra marital relations have not been substantiated.

64. It is clear that the entire gamut of the evidence shows that testimony of PW1 Mr. Kulwant Singh in respect of cruel behavior of Ms. Davinder Kaur stands unshaken. On the other hand, allegations of extra marital relations leveled by Ms. Davinder Kaur have not been proved. Due to the aforesaid reasons, the Trial Court was right in relying upon the version of PW1 Mr. Kulwant Singh (respondent herein) and had rejected the version of Ms. Davinder Kaur. We find no infirmity in the same. One more allegation of selling the jewelry and snatching Rs.1.5 lacs was also considered by the Trial Court but this part of evidence of Ms. Davinder Kaur does not appear to be reliable because she herself stated in cross-examination that she did not know as to whether her jewellery was sold by Mr. Kulwant Singh or not. A closer look of her cross-examination would show that



she could not give any description of the jewelry in cross-examination.

NO PHYSICAL RELATION

65. The Trial Court held that there were no physical relations between the parties since last 15 years. Learned Counsel for the appellant has assailed this finding on the ground that Ms. Davinder Kaur (RW1) has denied the suggestion in cross-examination that she was not having physical relations with her husband since 2005. Let us look into the merit of this submission. Mr. Kulwant Singh (PW1) has testified in his evidence affidavit that since 2005 Ms. Davinder Kaur was not having any physical relations with him. In the entire cross-examination, the appellant did not controvert this part of evidence of PW1 Mr. Kulwant Singh. Even in her own evidence affidavit, she did not speak anything about allegation of denial physical relationship by her to her husband. It was only during cross-examination that she denied the suggestion to this effect. Therefore, the overall weight of evidence lies in favour of Mr. Kulwant Singh, who testified that the appellant was not having any physical relationship with him since 2005. This evidence leaves us in no doubt that the denial of physical relationship by the appellant had been an extreme and continuous act of cruelty to her husband and therefore, we reject the argument of learned Counsel for the appellant and upheld the view of the Trial Court.

WHETHER THE INCIDENTS DEPICT NORMAL WEAR AND TEAR OF THE MATRIMONIAL LIFE



66. Learned Counsel for the appellant argued that the respondent could only cite three incidents of cruelty (i) separation of kitchen at the joint family house, (ii) shifting to Delhi leaving the joint family, (iii) fight in presence of respondent's friend. It is argued that the general allegations of quarrel are not enough to prove cruelty. It is submitted that for claiming a decree of divorce, the petitioner must prove large number of incidents of cruelty. We disagree with this submission. The respondent has led more than enough evidence of cruel acts committed by the appellant. Same have already been described and discussed in detail. An aggrieved spouse cannot be expected to maintain a diary of each incident. The cruelty on the part of the appellant started from the start of the marital life itself and continued till filing of the divorce petition and even thereafter. The acts of cruelty were perpetrated by the appellant on day-to-day basis, which left the matrimonial bond totally shattered and the same, to our mind, are so serious that there is total disruption of matrimonial bond with no chance of redemption.

ALIMONY

67. Learned Counsel for the appellant submits that the Trial Court has not even granted alimony under Section 25 of the Hindu Marriage Act, 1955 to Ms. Davinder Kaur at the time of decision of the case. On specific query as to whether the appellant had filed an application claiming alimony before the Trial Court, the answer of learned Counsel for the appellant was in negative. Although the court is empowered to award alimony even on oral application, however, we cannot ignore the fact that



determination of quantum of alimony requires taking into consideration many factors. Therefore, it is always advisable that a spouse should file a written application making specific claim of alimony. This will enable the Court to pass an order on alimony taking in consideration all relevant facts, evidence and submissions of the parties. Hence, the appellant would be at liberty to file an application for alimony before the Trial Court, who shall dispose of the same after hearing both the parties and after taking evidence, if needed.

CONCLUSION

68. From the above discussion, we conclude as under:

- (i) From the very beginning of the marriage, Ms. Davinder Kaur was not happy with her husband because he used to share his income with his parents.
- (ii) She quarreled frequently with her husband and his parents which ultimately led to separation of kitchen in a joint family house at Narnaul.
- (iii) The behavior of Ms. Davinder Kaur did not improve and ultimately she along with her husband and children shifted to Delhi at a house in Hastsal Vihar, Delhi. Despite having shifted to Delhi, she kept her room in the matrimonial home at Narnaul locked to the great inconvenience to her in-laws.



(iv) Even after shifting to Delhi, her behavior did not improve and she used to fight with her husband Sh. Kulwant Singh frequently.

(v) Not only did she not cook food for him but also misbehaved with him in front of his friends. The fights had become the routine of the matrimonial life.

(vi) To make the things worse, the appellant-wife denied physical relations to the respondent-husband since 2005.

(vii) There is no evidence to prove that Mr. Kulwant Singh was having extra marital relationship with one Ms. Suman. The Trial Court found nothing in CD to substantiate this allegation. Even in the statement (Ex. DW1/5) written by Mr. Kulwant Singh in Police Station, there is no admission of extra marital relations.

(viii) We agree with the finding of the Trial Court which did not find any substance in the claim of Ms. Davinder Kaur that her husband used to come home under the influence of liquor and used to beat her.

(ix) Further, we find nothing on record in support of allegations of Ms. Davinder Kaur that her husband Mr. Kulwant Singh had purchased a house in the name of Ms. Suman.



(x) We also agree with the Trial Court which did not find truth in the allegations of Ms. Davinder Kaur that her husband had sold her jewelry and snatched cash in the sum of Rs.1.5 lacs.

(xi) Due to quarrelsome behavior and continuous acts of cruelty by appellant, the spirit of love and friendship has vanished and poison of hate and distrust has taken over leaving no chance of revival of matrimonial relationship.

69. In view of the aforesaid discussion and findings, we find no infirmity in the impugned judgment and decree. The appeal is accordingly dismissed.

VINOD KUMAR, J

C. HARI SHANKAR, J

AUGUST 06, 2026

V/B