



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Civil Misc. Appeal No. 1939/2024

Ajeet Kumar S/o V.p. Anandan, Aged About 46 Years, Palaji,
Manancheri-Post, Distt. Allapura. (Kerala).

----Appellant

Versus

Smt. Manju S W/o Shri Ajeet Kumar, Aged About 42 Years, D/o
Shri A.k. Paritran, R/o Flat No. 301, Lake Avenue Apartment,
Roop Sagar Road, Udaipur.

----Respondent

For Appellant(s)	:	Ms. Lakshita Jaitawat
For Respondent(s)	:	Mr. Aman Gaur Mr. Anil Kumar Gaur Mr. Vijiya Jain

**HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE YOGENDRA KUMAR PUROHIT**

Order(Oral)

24/02/2026

Per : Arun Monga, J

1. Assailed herein is a judgment and decree dated 17.05.2024 passed by the learned Judge, Family Court, Udaipur, whereby the petition filed by the respondent–wife under Section 13 of the Hindu Marriage Act, 1955 was allowed and a decree of divorce was granted.
2. Briefly, relevant facts of the case are that the marriage between the respondent and the appellant was solemnized on 26.11.2001 in Kerala according to Hindu rites and ceremonies. A son was born out of the wedlock on 11.06.2003. Subsequently, matrimonial disputes arose between the parties. Respondent/wife filed divorce petition asserting that the appellant was addicted to

alcohol and used to consume liquor regularly. On several occasions, when the respondent objected to his drinking habits, he subjected her to physical assault, abuse, and threats of divorce.

2.1 During the subsistence of the marriage, the appellant incurred substantial debts to maintain an extravagant lifestyle and defaulted in repayment of car loan installments, resulting in harassment to the respondent from finance companies.

2.2 While working at H.R. Geetanjali Hospital, allegations of embezzlement of ₹60 lakhs were made against the appellant, and a police complaint was lodged by the hospital authorities. The respondent was called to the police station for inquiry in connection therewith.

2.3 Thereafter, the appellant left his place of employment and ceased contact with the respondent, and the parties have since been living separately.

3. The appellant contested the divorce petition denying the allegations and asserting that he neither treated the respondent with cruelty nor deserted her.

4. The parties led oral and documentary evidence. After considering the pleadings and material on record, the learned Family Court, Udaipur, vide Judgment and Decree dated 17.05.2024, allowed the respondent's petition and granted a decree of divorce, holding that the grounds pleaded stood proved.

5. Hence, this instant appeal.

6. Learned counsel for the appellant argues that the impugned judgment and decree is perverse, illegal and contrary to the material available on record. It is contended that the learned

Family Court failed to properly appreciate the pleadings, oral evidence and documents produced by the appellant, which remained unrebutted, and ignored settled principles governing the grant or refusal of divorce on the grounds of cruelty and desertion. The findings recorded by the learned family Court court are stated to be based on assumptions and presumptions rather than a proper evaluation of evidence, thereby vitiating the impugned order in law.

6.1 Learned counsel further submits that the Family Court gravely erred in disregarding the appellant's evidence while placing reliance on untenable considerations.

6.2 It is argued that the learned Family court failed to consider material aspects demonstrating continued cohabitation and conduct inconsistent with the allegations levelled by the respondent. The rejection of the appellant's case, despite absence of effective rebuttal and despite alleged inconsistencies in the respondent's stand, is stated to reflect non-application of mind and misappreciation of evidence.

6.3 It is lastly contended that the conclusions drawn by the learned Family Court suffer from patent perversity and are unsustainable in the eyes of law. The learned Family court is stated to have wrongly held that cruelty was proved in favour of the appellant, despite his consistent stand and extensive cross-examination. Such erroneous findings, according to learned counsel, have resulted in miscarriage of justice and render the impugned judgment and decree liable to be quashed and set aside.

7. Per contra, learned counsel for the respondent argues that no interference is warranted by this Court as the judgment rendered by learned Family Court is based on cogent reasoning and on proper application appreciation of evidence on record.

8. In the aforesaid backdrop, we have heard the rival contentions and perused the case file.

9. First and foremost reference may be had to the impugned order passed by the learned Family Court which is *inter alia* premised on the reasoning that the respondent had discharged the burden of proving cruelty.

9.1 Learned family Court found that the respondent's testimony regarding the appellant's habitual alcoholism, physical assault, threats, and neglect stood corroborated by documentary evidence, including the complaint dated 12.10.2020 and the subsequent report, wherein the appellant gave a written undertaking not to harass her under the influence of alcohol.

9.2 Learned family Court held that non-registration of an earlier police report did not negate cruelty, observing that a spouse may refrain from criminal action to preserve the marriage. The bank notices relating to unpaid car loan installments and the circumstances surrounding the appellant's absconding were treated as supporting circumstances demonstrating harassment and neglect.

9.3 Learned family Court further rejected the appellant's defence that continued joint residence and attendance at social functions disproved cruelty, holding that mere cohabitation or social appearances do not nullify acts of matrimonial cruelty. The

appellant's claim of continued marital relations was disbelieved for want of proof, and material contradictions in his statements regarding absconding and employment were viewed adversely, reflecting lack of candour.

9.4 On cumulative appreciation of oral and documentary evidence, the Court concluded that the appellant had subjected the respondent to continuous cruelty and that the issue stood proved in her favour.

10. We find ourselves in agreement with the aforesaid findings returned by the learned Family Court, which are based upon due appreciation of the evidence adduced by both parties.

11. Moreover, even otherwise there is neither any legal nor factual infirmity warranting interference. The testimony of the respondent-wife and the evidence adduced by her remained unimpeached, and in light thereof, the learned Family Court rightly returned findings in her favour. We find no grounds to reverse the same.

12. The appeal is accordingly dismissed.

13. Any pending application(s) also stands disposed of.

(YOGENDRA KUMAR PUROHIT),J

(ARUN MONGA),J