

è

C.A.No. 1490 OF 2001

ITEM No.113

Court No. 10

SECTION -IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.1490/2001

Manu Bhagchand Matai

Appellant(s)

VERSUS

Rajni Manu Matai
(With office report)

Respondent (s)

Date: 1.12.2004 :This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.M.DHARMADHIKARI
HON'BLE MR. JUSTICE H.K.SEMA

For Appellant (s)Ms. Ruchi Khurana, Adv.
Ms. Indu Malhotra, Adv.

For Respondent (s) Dr. Kailash Chand, Adv. For
Mr. Y.P.Dhingra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order. There shall be no order as to costs.

(Meenu Sethi)
Court Master

(Promila Nagpal)
Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1490/2001

Manu Bhagchand Matai

...

Appellant

VERSUS

Rajni Manu Matai

...

Respondent

O R D E R

Heard learned counsel at some length.

Arguments have been advanced by the learned counsel appearing for the appellant-husband in this appeal, which has been directed against the reversing judgment of the High Court, dismissing the petition for divorce filed against the respondent-wife on the ground of alleged cruelty under Section 13(1) (ia) of the Hindu Marriage Act, 1955. The learned Judge of the High Court has in detail discussed the evidence led by the husband on cruelty. It seems that differences arose between the couple because of possession of newly purchased flat. Thereafter, the couple has not reunited. The High Court

-2-

was fully justified in coming to a conclusion that such an inter-se dispute on the ownership and possession of the flat between the married couple in itself cannot constitute a ground of cruelty for granting a decree of divorce.

We find no error in the judgment of the High Court. Consequently, the appeals fail and are accordingly dismissed. There shall be no order as to costs.

.....J.

(D.M.DHARMADHIKARI)

.....J.

(H.K.SEMA)

New Delhi,

December 1, 2004.