

**REPORTABLE**

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 3866 OF 2009**

**SURINDER KUMAR**

...Appellant (s)

Versus

**KRISHNA ANEJA**

... Respondent (s)

WITH CIVIL APPEAL NO. 3867 OF 2009

**ORDER**

We have heard learned counsel for the appellant.

Respondent-in-person is also present.

These appeals, by special leave, are directed against the judgement and order dated 18.10.2006 passed by the High Court of Punjab and Haryana in FAO No. 125-M of 2003 whereby the High Court has dismissed these appeals with cost of Rs. 10,000/-.

The appellant has filed these appeals for dissolution of marriage on the ground of mental cruelty and desertion. The

courts below have considered the evidence placed before it and came to the conclusion that the appellant has failed to prove that there was any mental cruelty on the part of the respondent and it was the appellant who was solely responsible for creating a position of no-return.

Having perused the evidence placed on record before us, we are of the opinion that the allegation of the mental cruelty has not been proved. Additionally appellant alleges that the respondent has not allowed sexual intercourse with her and their son was born out of an adulterous act. High Court on elaborate consideration has rightly concluded that the child was born out of the wedlock and the respondent has never refused to perform her matrimonial obligations, therefore aforesaid allegation was also disapproved. Similarly, the allegation that the respondent uses excessive spices while preparing food is trivial and the matrimonial bondage cannot be broken down on such trivial issues. Moreover the courts below found that the 'desertion theory' has been apparently concocted by the appellant himself to cement his allegations, made in the divorce petition, which he could never prove.

Taking into consideration of the above aspects, we are of the opinion that the court below has rightly rejected the prayer of the appellant. In view of the above, we do not find any reason to interfere with the order passed by the High Court. The appeals, are, accordingly, dismissed.

..... J.

**(N. V. RAMANA)**

..... J.

**(PRAFULLA C. PANT)**

**New Delhi,**

**Dated : 20<sup>th</sup> July, 2017**

ITEM NO.102

COURT NO.10

SECTION IV

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(s). 3866/2009

SURINDER KUMAR

Appellant(s)

VERSUS

KRISHNA ANEJA

Respondent(s)

WITH

C.A. NO. 3867/2009 (IV)

Date : 20-07-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s) Mr. Pratap Venugopal, Adv.

Ms. Niranjana, Adv.

Mr. Anuj Sarma, adv.

Ms. Kanika Kalaiyarasan, Adv.

M/s. KH John and CO.

For Respondent(s) Respondent-in-person

UPON hearing the counsel the Court made the following

O R D E R

The civil appeals are dismissed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(SHASHI SAREEN)

(S. SIVARAMAKRISHNA)

AR CUM PS

ASST.REGISTRAR

(Signed order is placed on the file)