

Ram Dass Vs Smt. Kusam

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: May 11, 2001

Acts Referred: Criminal Procedure Code, 1973 (CrPC) â€” Section 107, 151
Hindu Marriage Act, 1955 â€” Section 13, 13(1)

Citation: (2002) 2 CivCC 103 : (2001) 3 RCR(Civil) 632

Hon'ble Judges: R.L. Anand, J

Bench: Single Bench

Advocate: Mr. G.S. Sandhawalia, for the Appellant; Mr. Ashwani Talwar, for the Respondent

Final Decision: Dismissed

Judgement

R.L. Anand, J.

This is an appeal and has been directed against the judgment and decree dated 26.4.2000 passed by the Court of learned

District Judge, Jalandhar, who dismissed the petition u/s 13 of the Hindu Marriage. Act filed by Shri Ram Dass husband against his wife Smt.

Kusam for the dissolution of the marriage.

2. The case set up by the petitioner-appellant before the trial Court and before the High Court is that the marriage between the parties was

solemnised on 10.6.1993 at Jalandhar, The parties lived in Jalandhar after the marriage as husband and wife. They co-habited with each and out of

this wedlock a female child by the name of Palak was born on 27.5.1994. It is alleged by the appellant that right from the very beginning the

behaviour of the respondent was not respectful to him and his family members. She used to insult him without any sufficient cause. Respondent

used to tell him that he was not as per her status and his family was also not up to status of the family of the respondent. Respondent used to make

taunts by saying that the family of the petitioner-appellant was uneducated and its standard of living is very poor. The respondent compelled the

petitioner to have a separate house or he should start living in the parental house of respondent as Ghar Jamai. The petitioner-appellant is unable to

live separately from his helpless widow mother and his brother whose wife had died leaving a minor female child upon which the respondent

became angry. Respondent used to lose temper when the appellant used to take care of the child of this brother. Respondent was in the habit of

not attending the domestic duties. She refused to prepare tea and meals etc. for the petitioner and his relatives. She used to shirk work. Then on

13.1.1996, the respondent left the house with all valuable clothes and jewellery. She also took away with her the minor child. On 6.5.1996 the

respondent with two unknown persons came to the house of the petitioner and on the asking of the respondent those two unknown persons gave

beating to the petitioner and then ran away. On 8.5.1996, the mother of the petitioner arranged a Panchayat and the petitioner and the other

members of the Panchayat went to the house of the parents of the respondent and made a request for the rehabilitation of the respondent but the

respondent and her parents insulted the petitioner and the other members of the Panchayat. With these allegations the appellant has prayed that a

decree of divorce on the ground of cruelty by filing the petition which was instituted in the trial Court on 6.9.1996.

3. Notice of the petition was given to the respondent who filed the written statement and denied the allegations. According to respondent she gave

birth to a female child on 27.5.1994 but the child was born when the petitioner has turned out the respondent from the matrimonial home and all

the expenses of that child were borne out by the parents of the respondent. The respondent denied that she ever insulted the petitioner or his family

members or had ever said that petitioner and his family was not of the status or that she was educated or that family of the petitioner was

uneducated. She pleaded that she always treated the petitioner and his family members with love and affection. Respondent denied that she had left

the house on 13.1.1996. She also denied that any occurrence took place on 6.5.1996. It was pleaded that this was quite false and concocted

story. According to the respondent she was physically and mentally tortured on account of the demand of more dowry. After the marriage she was

harassed and humiliated. She was not provided with food. Her jewellery and clothes were snatched by the appellant and his family members. They

made a demand of VCR and cash. In this situation respondent was compelled to leave the house by stating that she could come back only if the

demand is fulfilled. On her refusal she was turned out when she was at the advance stage of pregnancy. The petitioner never came to enquire about

the welfare of the respondent and her newly born child. He never came to take away the child. With the intervention of the respectables, she was

rehabilitated in the house of the petitioner in November 1994. The wife of the brother of the petitioner-appellant died on account of the burn

injuries for which a criminal case was registered against the petitioner and his family members. The respondent was being threatened that if she did

not fulfil the demand then she would also meet with the same fate. She was turned out on 13.1.1996. All the jewellery articles were retained by the

appellant and his family members and in spite of the various requests the appellant did not rehabilitate the respondent. With this defence, the

respondent prayed for the dismissal of the petition u/s 13 of the Hindu Marriage Act.

4. The petitioner filed a replication to the written statement of the respondent in the trial court in which he reiterated his allegations made in the

petition by denying those of the written reply and from the pleadings of the parties the trial court framed the following issues :-

1. Whether respondent treated the petitioner with cruelty as pleaded in the petition ? OPA

2. Relief.

5. The parties led evidence in support of their case and on the conclusion of the trial the learned trial Court while deciding issue No. 1 came to the

conclusion for the reasons stated in paras No. 6 to 11 of the impugned judgment that husband has not been able to prove the cruelty on the part of

the respondent after the solemnization of the marriage. The allegations are general in nature which can be of normal type in any house. Re-sultantly,

issue No. 1 was decided against the appellant and in favour of the respondent and finally the petition was dismissed.

6. The appellant-husband is not satisfied with the judgment and decree of the trial Court dated 24.4.2000. Hence the present appeal.

7. I have heard Shri G.S. Sandhawalia, learned counsel appearing on behalf of the appellant and Shri Ashwani Talwar, learned counsel appearing

on behalf of the respondent and with their assistance have gone through the record of this case.

8. Before I deal with the submissions raised by the counsel for the parties, I consider my duty to reproduce paras No. 6 to 11 of the judgment of

the trial Court, which are as under :-

6. In evidence, petitioner Ram Dass has appeared as his own witness and supported his allegations. AW2 Jeewan Jyoti is brother of the

petitioner. He had supported the petitioner's case as pleaded in the petition. However, he admitted that he did not see the said two persons who

had given slaps to his brother. Swaran Singh AW3 had stated that the petitioner lives in his street and he has social dealing with him. That once he

had gone to the house of the petitioner. Petitioner Ram Dass had told his wife to prepare tea which she refused saying that she was not able to

prepare tea on which he (witness) felt insulted and came back to his house. Balbir Rai AW4 had stated that on 8.5.1996, he along with petitioner

Ram Dass, Ashok Kumar and some other persons had gone to the house of the father of the respondent and had requested the parents of the

respondent to send Kusum but they had refused.

7. Kusam respondent had appeared as RW1 and had supported her case as pleaded in the written statement. Vidya Wati RW2 had stated that

she had . attended the marriage of the petitioner with the respondent. That her house was just opposite to the residence of the respondent's

parents. Sufficient dowry articles were given but petitioner and his parents were demanding more dowry articles and there had been dispute due to

this fact. Kusum was kept by the petitioner only when she was going with some articles but she was again turned out. She further stated that in the

month of January 1996, mother of Kusum had told that she will go with Lohri gifts to the house of the petitioner. Then on 13.1.1996, she (witness)

and mother of Kusum were ready to go to the house of the petitioner and were preparing the things to be taken as Lohri gifts. Then Kusum came

to her mother's house all alone in a rickshaw. She had brought nothing. She had some signs of having been beaten. Then she, parents of Kusum

and one Ashok Kumar had gone to the house of the petitioner. Ram Dass had said that Kusum had just gone in the morning and he was not ready

to bring back her immediately and she be kept at least for six months. Kusum is residing in her parental house since then.

8. Counsel for the petitioner has argued that story regarding demand of VCR and cash amount cannot be looked into as it is beyond pleadings. He

pointed out that it was admitted by Kusum that she had filed security proceedings under Sections 107/151 Cr.P.C. against the petitioner, his

brother Jeewan Jyoti and Swaran Singh. It was argued that the evidence of the petitioner has remained unrebutted as far as non-cooperative

attitude of the respondent towards the petitioner and his family members and not attending to house hold job, is concerned. Counsel for the

petitioner had argued that where wife disrespects and misbehaves with the husband in the presence of his friends or relatives, then she is guilty of

cruelty and the petitioner was entitled to decree of divorce. He argued that when security proceedings were started by the wife, that was also an

act of cruelty. Thus, the husband was entitled to divorce. He has relied upon authorities reported as Krishna Rani v. Chuni Lal Gulati 1981 All LR

16, Rajinder Singh Boon v. Smt. Tara Wati 1980 All L R 534, Smt. Chander Prabha v. Chander Mohan Baluja 1979 All LR 563 and Smt.

Rajinder Kumari v. Shri Daryodhan Lal 1980 All LR 1980.

9. This petition was filed on 7.9.96. Kusum while admitting the security proceedings had started on her complaint, had further stated that it was

during the pendency of the present petition. No document was produced to show that wife had started security proceedings against her husband

before the present petition for divorce was filed by the husband. After a divorce petition is filed, then there can be many disputes and starting of

security proceedings will not be a ground for granting divorce and will not amount to cruelty. As per allegations of the petitioner, slaps were given

by some unknown persons to him at the instance of Kusum on 6.5.96 but it is further case of the petitioner himself and supported by Balbir Rai

PW 4 that on 8.5.1996, petitioner and some other persons had gone to the house of the respondent with a request to rehabilitate her in the house

of the petitioner. It will show that cruelty if any from the acts of date before 8.5.1996 i.e. incidence of 6.5.1996 had been condoned. Moreover,

from the perusal of the allegations in the petition and as deposed by the petitioner in the Court, it would appear that these are normal domestic

problems where wife may not obey husband's directions as per wishes of the husband. Counsel for the respondent has relied upon Smt. Kamla

Devi Vs. Balbir Singh, in which it was held that where husband offers to receive back the wife and normalise relations, it indicates there is

condonation of cruelty. In another authority, reported as Amarjit Paul Singh Vs. Kiran Bala, it had been held that where there are vague allegations

and the matrimonial offences were not set out in separate paragraphs in the petition with time and place, cruelty was not proved. In another

authority reported as Smt. Vimlesh Sharma Vs. Sri Prakash Chand Sharma, it was held that an isolated instance of cruelty will not be sufficient to

grant decree of divorce. In Committee of Management, Vasanta College for Women Vs. Tribhuwan Nath Tripathi and Others, it has been held

that general plea that the wife was constantly misbehaving will not be sufficient to hold that the husband was treated with cruelty. In case,

reported as Smt. Meera v. Vijay Shankar Talchidla 1994(1) S C C 553 (Rajasthan) it had been held that the cruelty has to be of the type which

satisfies the conscience of Court to believe that the relations between the parties had deteriorated to such an extent due to the conduct of one of

the spouses that it becomes impossible for them to live together without mental agony, torture, or distress. In case reported as Smt. Gema

Coutinho Rodrigues Vs. Bricio Francisco Pereira and others, it has been held that where wife was alleged to be haughty, stubborn, unorthodox

and cruel at time that will not amount to cruelty. In case Yashoda Bai v. Krishnamoorthy Bhimappa Katavakar 1991 S C C 855 (Karnataka) it

had been held that domestic quarrels on account of the presence of the mother-in-law in the family do not constitute mental cruelty.

10. Counsel for the petitioner had laid much stress on document Ex.P.1 which respondent admitted to be in her own hand. This document is of a

torn paper from some diary in which it had been written that she will go tomorrow she will not return that she will not allow to see and meet the

child and she will not allow to see the face of the child. From this counsel for the petitioner has argued that conduct of the respondent had always

been cruel. That she went to the extent of writing that she will not allow the petitioner to see the child. In this connection, the respondent had

explained that it was rather under pressure when she was in advance stage of pregnancy. Counsel for the respondent pointed out that since the

child was not born, therefore, neither the name of the child was there nor it had been explained as to whether the child was male or female. From

this document, which is only three lines on a paper torn from a diary, it cannot at all be said that it is voluntary nor constitutes cruelty.

11. In this case, cruelty, if any stands condoned on 8.5.1996. Parties are admittedly living separate since that atleast. Not a single instance of

cruelty has not been specifically given and the allegations are just of general nature, which can be normal in any house. It cannot be said that the

respondent has treated the petitioner with cruelty entitling the petitioner to divorce on this ground. Issue stands disposed of accordingly.

9. The learned counsel appearing on behalf of the appellant submitted that the trial Court has dismissed the petition of the husband mainly on the

ground that he had condoned the various acts of cruelty when the appellant took a Panchayat on 8.5.1996 and thereafter, no incident of any

alleged cruelty had taken place. Secondly, the trial Court has not believed about the alleged incident dated 6.5.1996.

10. Mr. Sandhawalia drew my attention to the evidence of the appellant and other witnesses in order to show that there was a cruelty on the part

of the respondent entitling the appellant to seek a decree of divorce. Shri Sandhawalia further submitted that the appellate Court can take into

notice the subsequent events. The conduct of the respondent had reached to the extent that she filed proceedings under Sections 107/151 Cr.P.C.

Those proceedings were dropped and this act on the part of the respondent was none else but to bring the prestige of the appellant to the lower

stage, therefore, the respondent is guilty of cruelty. So much so Mr. Sandhawalia even stated to the extent by saying that moment it is established

on the record that the defence of the respondent is false when she alleged that appellant allegedly made a demand of more dowry, the false

defence itself is an act of cruelty.

11. Some case law was also cited by the counsel for the appellant which I will discuss in the subsequent portion of the judgment.

12. On the contrary, learned counsel for the respondent submitted that appellant has miserably failed to prove the allegations of cruelty. In fact he

has concocted the allegations of cruelty. No incident dated 6.5.96 or 8.5.96 had taken place. In fact, respondent was treated with cruelty by the

appellant. The family of the petitioner is such that it is a greedy family as the wife of the brother of the petitioner had to die on account of the bum

injuries. A criminal case was registered against the petitioner and his family members. She was turned out when she was pregnant. In spite of the

fact that respondent joined the company of the petitioner-appellant in the month of November, 1994, yet she was again turned out on 13.1.1996.

The respondent did not want to leave the company of the appellant. She was turned out with disrespect even after 13.1.1996. The appellant was

in the habit of threatening the respondent and if respondent had adopted the legal remedy under Sections 107/151 Cr.P.C., this is not enough to

say that the said legal remedy had been adopted with a malafide intention and in order to bring haired for the appellant. In fact no panchayat was

brought by the appellant on 8.5.1996. The conduct of the appellant is very strange that according to his own version he was ready to rehabilitate

the respondent on 8.5.1996 but when he made the statement before the Court on 13.2.1998, he categorically stated that he was not interested in

the respondent. The only inference which can be drawn from this statement of the appellant is that he wanted to get rid of the respondent. No

genuine efforts have been made by the appellant for the rehabilitation of the respondent and the appellant cannot take the advantage of his own

wrong. Moreover, the appellant had to stand on his own legs in order to succeed in the petition. If the alleged acts of cruelty had not been proved

by any preponderance of evidence, the appellant cannot take the advantage of the weakness of the defence of the respondent.

13. I have considered the submissions raised by the learned counsel for the parties and I am of the considered opinion that this appeal must fail.

14. The petitioner-appellant had filed the petition before the trial Court on the ground of cruelty. The phrase ""cruelly"" has not been defined in the

Hindu Marriage Act, 1955 but as I understand from this phrase, the cruelty consists of unwarranted and unjustifiable conduct on the part of one

spouse causing other spouse to endure suffering and distress, (hereby destroying peace of mind and making living with such spouse unbearable,

completely destroying the real purpose and object of marriage. If a person by his or her conduct creates a situation where he or she is reasonably

expected to face some consequences, actions leading to that consequence cannot be deemed to be cruelty. With regard to the argument of Mr.

Sandhawalia that the respondent filed the proceedings u/s 107/151 Cr.P.C., it is stated that to file these proceedings is not an offence. Even those

proceedings have been dropped by the Court. The question is whether there is any finding of any competent court of jurisdiction that the launching

of the proceedings was false, frivolous vexatious or malicious otherwise nobody will be in a position to pursue a legal remedy which is open to him

or her under the law. It is the case of the respondent-wife that she was threatened even after she was turned out from the house. In these

circumstances, if she has resorted to the launching of the proceedings under Sections 107/151 Cr.P.C. just to deter the appellant not to indulge

further into the infarious activities, such action on the part of the wife cannot be termed as cruelty.

15. Further the act of cruelty complained of will not come within the realm of cruelty unless it is further established or proved on the record that

such complaining act was so hazard and was so serious that it had become difficult for the spouse complaining of such cruelty to live with the

spouse against whom the cruelty has been alleged.

16. Petitioner appeared as his own witness as AW1. Though he tried to support his case in the examination-in-chief but his case stands totally

exposed in the cross-examination. He admitted in the cross-examination that he was ready to keep the respondent on 8.5.1996 but not now.

8.5.1996 was the date when alleged Panchayat went to the house of the parents of the respondent.

17. Not a single witness of the locality of the respondent's parents have been examined to prove the genuineness that any panchayat was taken by

the petitioner. It has been further admitted by the appellant that he did not go to take the respondent after 8.5.1996. It does not took probable that

when appellant was insulted on 6.5.1996 in his own house by two unidentified persons in the presence of his wife when those persons gave beating

to the appellant, the appellant would go in the shape of a Panchayat on 8.5.1996. This appears that appellant has concocted a story of 8.5.1996.

It further appears that appellant is in the habit of managing false evidence for his benefit and Ex.P.1 is the example. It is a three line note written by

the respondent. The contents of Ex.P.1 shows that the appellant took this writing forcibly from the respondent on some dale as the date is not

written in Ex.P.1. The contents are interesting, which are reproduced as under L.

Main Kal jaungi to phir nahin auingi aap ke bache ko bhi milne nahin dungi. Ek Ek Taraf uski surat bhi nahin dekhne dungi.

This note is not signed by the respondent. It is undated as I just stated above. Meaning thereby that the appellant wanted to collect evidence so

that the same may be exploited or utilised against the respondent. As against this, there is a cogent explanation given by the wife that this document

has been taken up from her under forcing circumstances and after giving her beating.

18. With regard to the incident dated 6.5.1996 I must say that it is a false version. Had such serious incident taken place, what should have been

the normal conduct of the appellant and his family members ? The appellant admitted that he could not tell the number of the Scooter on which two

unknown persons along with the respondent came. In spite of the fact that his mother and sister were present they did not try to catch hold of those

persons. The appellant did not get himself medically examined. He did not lodge the report with any authority. So much so he did not go to the

house of any respectable in his own locality. Nobody has been examined to prove the alleged incident. In such situation it is difficult for this Court

to hold that any incident dated 6.5.1996 had taken place. The appellant had to admit that the wife of his brother Shri Prem Kumar died on account

of the burn injuries and his brother Shri Prem Kumar was prosecuted for an offence u/s 304-B of the Indian Penal Code.

19. Now let us examine the probabilities of this case. Why respondent should leave the house of the appellant as alleged by him. Respondent is not

employed lady. She was to depend herself upon the income of the appellant. She had a female child in her lap. She would be the last person to

desert the house of the appellant unless she is economically sound or her parents are so sound that they were in a position to afford the expenses of

the respondent and her child for all times to come. Appellant had admittedly not taken any steps after the alleged visit of 8.5.1996. He has not sent

any amount of maintenance either for the child or for the wife. In such a situation, it is difficult for me to hold that respondent had treated the

petitioner with cruelty.

20. With regard to the general allegations that respondent did not prepare the meals or that she used to insult or that she used to nag the appellant

in the presence of his friends or relatives, there is no satisfactory evidence. Jiwan Jyoti AW2 is a student. He admitted that he did not see any

person giving slaps to his brother as he was studying at the first floor. Statement of Shri Swaran Singh also looks to be a tissue of lies. The land of

witness is in Tehsil Dasuya. He does not do any job in Jalandhar. He cannot tell the date or month in which he had gone to the house of the

appellant when the incident had taken place when respondent refused to prepare tea etc. Similarly I am not inclined to give much importance to the

statement of Shri Balbir Rai AW-4.

21. As against this, there is a categorical statement of the wife that in spite of the sufficient dowry given in the marriage, the petitioner-appellant and

his parents were mal-treating her on the ground that dowry brought by her was below to their expectation. According to the respondent even a

scooter was given in dowry still a demand of VCR and cash of Rs. 20,000/- was made. Cash was demanded for the business of the brother of the

petitioner. The demand could not be met. She was turned out in the month of May, 1994 when she was in the advance stage of the pregnancy and

she delivered the child on 27.5.1994. It has also come in the statement of the respondent that in November, 1994, her parents along with

Mohallawalas went to the house of the appellant and made a request for her rehabilitation in her presence. She was allowed to be kept there but

after about 10/15 days she was again turned out. She was given the taunt that in case demand of dowry is not fulfilled she would also be put to

death as it was done with the wife of the Shri Prem Kumar. She was turned out finally on 13.1.1996 and till then she is residing in the house of her

parents. Of course, respondent admits about the launching of the prosecution under Sections 107/151 Cr.P.C. which was filed during the

pendency of the main petition u/s 13. There cannot be a smoke without a fire. There must be compelling necessity on the part of the respondent

and that is obvious reason that she has to file a complaint under sections 107/151 Cr.P.C. She had given her explanation with regard to the writing

Ex.P.1 by stating that it was got written from her after giving her beating and this was written after about 8/9 months of her marriage when she was

on the family way. A suggestion was given to this witness that on 13.1.1996 she locked herself in the room. This is not even the case of the

appellant in his petition. Since the onus of issue No. 1 was upon the appellant, therefore, the appellant cannot take the advantage by saying that

respondent has not been able to prove that appellant ever made a demand of dowry.

22. It has been held in 2000(1) HLR 229 Vegi Jagadesh Kumar v. Radhika that for establishing the cruelty, the party complaining shall prove that

the other party committed wilful and unjustifiable acts inflicting pain and misery on the complainant and causing injury to his/her health. The conduct

of the complainant must be serious and higher than the wear and tear of married life. Mere complaints, taunts by one another do not constitute

cruelty if they are not wilful in nature. In the present case the appellant has not been able to establish the acts of cruelty as complained by him.

23. Also, it was held in 2000(1) HLR 292 Shrikant Ramsajiwan Tripathi v. Saroj that a party should plead all material facts in support his

allegations regarding the ground of cruelty. Mere vague and general averment of cruelty would not constitute proper pleading. In the present case,

there are general allegations of cruelty that respondent was not inclined to do the domestic work. Specific incident of cruelty as alleged in the

petition has been found as false. Even if it is assumed for the sake of argument that respondent has not been able to prove her defence, it cannot

amount to mental cruelty to the appellant because the burden to prove the allegations of cruelty is always on the party which claims the divorce on

the ground of cruelty.

24. The learned counsel for the appellant, however, relied upon 2000(2) RCR 394 (Allahabad)(DB) : 2000(1) S C C226, Smt. Abha Agarwal v.

Sunil Agarwal and submitted that in order to constitute condonation, forgiveness and restoration to the original status is necessary. Mr.

Sandhawalia then submitted that though the appellant stated in Court that he is not interested to rehabilitate the respondent but the visit dated

8.5.1996 should not be treated as condonation to the cruelty because after 8.5.1996, the respondent did not join the society of the petitioner-

appellant. In my opinion, Mr. Sandhawalia has not given the right interpretation to the facts of the case. In order to constitute condonation, two

things are necessary. Of course, two things are forgiveness and restoration but the question is whether there was any panchayat on 8.5.1996 as

alleged when the incident had already taken place on 6.5.1996. Even if it is assumed for the sake of argument that the appellant had not

condoned the alleged act of cruelty, the question for determination is whether the respondent had treated the petitioner-appellant with cruelty at

any point of time and the answer of this Court is in the negative for the reasons stated above.

25. Counsel for the appellant relied upon 1981 HLR 16 Krishna Rani v. Chuni Lal Guluti. The facts of this case are distinguishable. In the cited

case it was proved on the record that the wife was arrogant. She neglected her children and stayed away from house for days together without

consent of husband and that she continuously deserted and misbehaved with the husband in the presence of his friends. Nothing is proved on the

record. Reliance was not placed on 1995(3) RCR 345 (P&H) : 1995(2) HLR 315 Rama Kanta v. Mohinder Laxmidas Bhandula. This judgment

is again distinguishable on facts. There is no evidence on the record to show that the behaviour of the respondent was not cordial or respectful or

that she used to insult every member of family of the petitioner-appellant.

26. My attention was invited to 1993 S C C 410 Kanchanapalli Lalithakumari v. Kanchanapalli Ramaprasada Rao, in which it was held that if

malicious, wild, baseless, scandalous and false allegations have been levelled in the written statement and if those allegations are not proved or

remained unsubstantiated it can become a ground of cruelty. There is no quarrel with the proposition of law but before this proposition is to be

applied to the facts there must be evidence. A genuine defence has been taken by the respondent that she was turned out from the house as the

appellant and his family members were greedy persons. In spite of the sufficient amount of dowry including a scooter a demand of Rs. 20,000/-

was made and when that demand could not be made the things went wrong. So much so, the wife of the younger brother of the appellant had to

commit suicide and the case was registered. The mind of a Hindu woman is very sensitive. Woman by nature is suspicious. If she sees unusual

behaviour either on the part of her husband or on the part of his family members, it becomes a valid basis for her to make her own interpretation.

The moment a woman is confronted with a situation like demand of dowry she starts losing charm of the married life. The moment she feels

disaffection on the part of her husband and his family members, she goes in passion but it does not mean that her defence was frivolous, scandalous

or unjustifiable.

27. I have considered all the pros and cons of this case and am of the considered opinion that this appeal is without any merit. Thus, the present

appeal is hereby dismissed with costs. Counsel fee is assessed at Rs. 500/-.

28. Appeal dismissed.