

Violet Vs. David

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Court : Punjab and Haryana

Decided On : Jul-16-1984

Reported in : AIR1985P& H49

Judge : Prem Chand Jain, Ag.C.J.,; I.S. Tiwana and; Pritpal Singh, JJ.

Acts : [Indian Divorce Act, 1869](#) - Sections 17

Appeal No. : Matrimonial Reference No. 2 of 1982

Appellant : Violet

Respondent : David

Judgement :

I.S. Tiwana, J.

1. District Judge, Gurdaspur has suggested the dissolution of marriage between the parties and the matter is before us for confirmation in terms of S. 17 of the Indian Divorce Act, 1869 (for short, the Act). The petitioner wife has accused the respondent husband of adultery coupled with desertion without any reasonable excuse. The respondent was proceeded against ex parte as he did not put in appearance in spite of service. The District Judge, in the light of the statements of the petitioner and her brother, Victor John, has found the above noted grounds established as a fact.

2. Before us too the respondent has not put in appearance. It is thus plain that he does not challenge or contest the accusation levelled or the evidence led against him. Having gone through the statements of the petitioner and her brother, we find no facts and circumstances available on record to be lie the stand of the petitioner. It is clearly established by the evidence, that since the end of 1974, not only the petitioner was turned out of the house after chastising her but the respondent is also living in adultery with another woman whose name, as per the statement of the petitioner, was later found to be Moryam.

3. Though the District Judge has failed to draw up a formal decree of divorce yet we have thought it proper not to send the case back to him for the fulfilment of this procedural requirement as he has suggested in no uncertain terms that the petitioner is entitled to the decree of divorce. While affirming this conclusion of the District Judge we grant the petitioner a decree of divorce as prayed for but with no order as to costs.

4. Order accordingly.