



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-1755-2025(O&M)

Reserved on: 02.07.2025

Date of decision:08.07.2025

Jai Deep

..Appellant

Versus

Shantu

..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Vineet Kumar Jakhar, Advocate
for the appellant

ANIL KSHETARPAL, J.

1. The appellant (respondent's husband) assails the correctness of the judgment passed by the Family Court on 17.12.2024 dismissing his petition seeking annulment of marriage under Section 12(1)(c) of the Hindu Marriage Act, 1955.

2. Learned counsel representing the appellant has submitted that the respondent and her family members concealed that she was suffering from chronic obstructive pulmonary tuberculosis and she has only one lung. He further contended that the respondent has been diagnosed with hyper inflated lungs and she was under treatment continuously from 2015 onwards, however, at the time of taking consent for marriage, appellant was kept in dark.

3. This Court has considered the submissions made by the learned counsel representing the appellant.



4. The marriage between the parties to this litigation took place on 19.11.2018 and the couple was blessed with a girl child on 23.08.2019. As per the findings arrived at by the Family Court, correctness whereof is not disputed, the respondent has been diagnosed with pulmonary tuberculosis and not chronic obstructive pulmonary tuberculosis. Appellant has himself produced respondent's treatment record which shows that she intermittently received medical treatment between December, 2015 and the year 2017. However, there is no record to prove that the respondent was suffering from chronic obstructive pulmonary tuberculosis. In fact, it is proved that she was patient of bronchitis and was also asthmatic. No medical evidence has been produced to suggest that the respondent was suffering from any kind of a disease, which is infectious or vulnerable or was incurable. The appellant has also not examined Dr. Manchanda who had examined the respondent. Appellant has also failed to prove that the respondent and her family member had concealed any material fact from the appellant or his family members. Within a period of 10 months from the marriage, respondent gave birth to a healthy baby girl from the loins of the appellant. The Family Court has also observed that she remained standing before the court for a period of more than one and half hour and she appeared to be perfectly sound, hail and hearty.

5. Keeping in view the aforesaid facts, the appellant has failed to make out a case for interference. Hence, the appeal is dismissed in limine.



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6. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

(ROHIT KAPOOR)
JUDGE

08.07.2025

rekha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No