



FAO-5204-2025 (O&amp;M)

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

**FAO-5204-2025 (O&M)**

**Date of Decision: 08.10.2025**

Neetu Rani Satija

...Appellant

Versus

Pankaj Kumar

...Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL  
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. Sunny K. Singla, Advocate, for the applicant/appellant.

**GURVINDER SINGH GILL, J.**

**CM-17421-CII-2025**

For the reasons mentioned in the application, the same is allowed and the delay of 76 days in filing the accompanying appeal is condoned.

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1. The appellant/respondent (wife) assails judgment and decree dated 13.03.2025 passed by the learned Family Court, Sangrur, whereby a petition under Section 9 of the Hindu Marriage Act (for short 'the HMA') filed by the respondent (husband) for restitution of conjugal rights has been decreed.
2. The case set up by the respondent (husband) in his petition under Section 9 of the HMA is that the marriage between the parties was solemnized on 01.12.2017 in a simple ceremony wherein no dowry article was demanded or given to the respondent or to any member of his family. The appellant (wife) was a divorcee at the time of marriage. After the marriage, the parties started residing in the house of respondent



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(husband) at Sangrur and a child was born out of the wedlock on 17.03.2019. However, there used to be quarrels between the parties on petty issues, which somehow could not be resolved. The respondent (husband) averred that the present appellant (wife) was running IELTS Center at Sandaur, District Malerkotla being its partner and she had been insisting upon the respondent (husband) to reside at Ahmedgarh, but the respondent (husband) did not agree for the same, as he had his aged parents to look after. It was averred that the appellant (wife) represented that in case she leaves the institute, she will be required to pay an amount of Rs.10 lakhs as penalty, but despite repeated requests by respondent, she never showed any such agreement to the respondent (husband). The respondent further averred in his petition that his wife i.e. the appellant, was of quarrelsome nature and used to quarrel with his mother on the one pretext or the other and although efforts were made to reason out with her, but to no avail. The respondent averred that after the appellant (wife) had left her matrimonial home, he visited her several times in the house of her parents, but even they misbehaved with him and that he was left with no option, but to file the instant petition.

3. The appellant (wife) filed her reply, wherein she took a stand that huge amount had been spent on the marriage and articles of dowry in the shape of air conditioner, gold ornaments, furniture, valuable clothes etc. were given to the respondent (husband) and to other members of his family. The appellant while denying all the material averments alleged that the respondent (husband) and the members of his family were greedy persons and compelled her to work in a private school and used to keep her



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salary. She further asserted that the respondent (husband) and his family started misbehaving with her and demanded more dowry and on account of which she even filed a complaint with the police but the matter was later on compromised. She further asserted that in September, 2020, the respondent (husband) left her at her parental home and imposed a condition that she would not be rehabilitated unless an amount of Rs.5 lakhs is paid to him.

4. The Family Court framed the following issues:

- “1. Whether the petitioner is entitled for restitution of conjugal rights? OPP
2. Relief.”

5. While the respondent (husband) himself stepped into the witness-box as PW-1 and also examined Neelam Rani as PW-2 to substantiate his case, the appellant (wife) neither herself stepped into the witness-box nor did she examine any other witness to rebut the evidence led by the respondent (husband).

6. The Family Court upon appreciating the evidence on record returned its finding on Issue No.1 in favour of the respondent (husband) and consequently passed a decree in favour of the respondent (husband) for restitution of conjugal rights, which is assailed before this Court.

7. Learned counsel for the appellant (wife) submitted that the Family Court did not appreciate the evidence in its correct perspective and that even if the appellant (wife) had not led any evidence, still it was incumbent upon the Family Court to have meticulously examined the evidence led by the respondent (husband) and since the evidence led by the



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respondent/petitioner (husband) is far from convincing, the judgment and decree dated 13.03.2025 deserve to be set aside.

8. We have considered the aforesaid submissions and have gone through the judgment and decree passed by the Family Court.

9. The relevant extract from the impugned judgment dated 13.03.2025 is reproduced herein under:

“7. ....The petitioner has led voluminous evidence in form of his own testimony and testimony of PW-2. Though, rigorous cross-examination was made to both the witnesses, but same was not sufficient to extract anything in favour of the respondent. The respondent did not bother to examine even a single witness in this case and also she himself did not appear to rebut the case of the petitioner, meaning thereby that she admitted the case of the petitioner. So the evidence led on record by the petitioner has remained un-rebutted on record, from which it stands proved on record that respondent being wife of the petitioner has withdrawn from the society of the petitioner without any reasonable cause or excuse. It is proved on record that the petitioner made many efforts at his personal level and through respectable persons for rehabilitation of the respondent at her matrimonial home, but the respondent refused to join the company of the petitioner. Wife is under an obligation to live with her husband in his home and under his roof except in case of distinct and specific misconduct on the part of the husband. Thus, it stands proved on record that the respondent has withdrawn from the society of the petitioner without any reasonable cause or excuse. Therefore, the petitioner is entitled for Restitution of Conjugal rights. Hence, this issue is decided in favour of the petitioner and against the respondent.”

10. The Family Court has observed that while the respondent (husband) had led evidence to substantiate his case as regards the appellant (wife) having left her matrimonial home without any justifiable reason, the appellant (wife) has not led any evidence to rebut the said assertions. Nothing substantial could even be elicited during the cross-examination



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of PWs. As such, in the absence of any evidence to rebut the case of the respondent (husband), the findings returned by the Family Court in favour of the respondent (husband) cannot be said to be erroneous or perverse in any manner. It was for the appellant (wife) to have led some evidence to rebut the assertions made by the respondent (husband). However, the appellant (wife) not even having chosen to have herself step into the witness-box, the assertions made by her husband have remained unrebutted. As such, we do not find any infirmity in the findings recorded by the Family Court. The appeal being sans merit, is hereby dismissed.

**(GURVINDER SINGH GILL)**  
**JUDGE**

**08.10.2025**

Vimal

**(LAPITA BANERJI)**  
**JUDGE**

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**