

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 635-636 OF 2020  
(@ SLP (CIVIL) NOS. 12507-12508 OF 2017)

MUKESH KUMAR

.. Appellant (s)

Versus

SMT. ANJU @ HEM LATA

.. Respondent(s)

O R D E R

Leave granted.

The Appellant married the Respondent on 25.4.2007. Matrimonial discord led the Appellant to file a petition for divorce on the ground of cruelty and desertion. The petition was allowed by the Additional District Judge, Solan, Himachal Pradesh and divorce was granted. The High Court set aside the judgment of the trial Court holding that the allegations of cruelty made by the Appellant were not serious and were due to normal wear and tear of her marriage. Without any discussion on desertion, the High Court held that the allegation of desertion is also proved.

As no reasons are given by the High Court while reversing the finding of the trial Court on desertion, we set aside the judgment of the High Court and remit the matters back to the High Court for fresh consideration on the ground of desertion.

The appeals are accordingly disposed of.

.....J.  
( L. NAGESWARA RAO )

.....J.  
( HEMANT GUPTA )

New Delhi,  
Dated: January 24, 2020

ITEM NO.41

COURT NO.9

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 12507-12508/2017

(Arising out of impugned final judgment and order dated 03-08-2016 in FAO No. 127/2015 07-11-2016 in RP No. 91/2016 passed by the High Court Of Himachal Pradesh At Shimla)

MUKESH KUMAR

Petitioner(s)

VERSUS

SMT. ANJU @ HEM LATA

Respondent(s)

( IA No. 149691/2019 - APPLICATION FOR PERMISSION  
IA No. 149692/2019 - EXEMPTION FROM FILING O.T.)

Date : 24-01-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Remeshwar Singh Malik, Sr. Adv.  
Mr. Anand Prakash, Adv.  
Mr. T.D. Keshav, Adv.  
Ms. Varsha Arya, Adv.  
Mr. Jitesh Malik, Adv.

Mr. Sumit Sahni, Adv.  
Mr. Deepak Sahni, Adv.

Mrs. S. Usha Reddy, AOR

For Respondent(s) Mr. Rajesh Srivastava, AOR  
Mrs. Suresh Kumari, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeals are disposed of in terms of the Signed Order.

Pending application(s) shall also stand disposed of.

(GEETA AHUJA)  
COURT MASTER (SH)

(ANAND PRAKASH)  
BRANCH OFFICER

(The Signed Order is placed on the file)