

MOOT PROBLEM 6

The marriage between the Appellant Rahul - husband, an engineer and the Sania - wife a draftsman, both working in the office of Bicholim Public Works Department took place on 2nd March 2015 as per the Hindu traditions and a civil registration. They lived together in the matrimonial home. A son was born in the wedlock on 24th January 2016.

The appellant alleged that immediately after marriage, the relationship between the spouses was not cordial and the respondent did not want to live with husband's family and wanted to live separately. She insulted and abused the husband calling him 'dhobi' and the minor child as 'dhobi's son'. During their cohabitation the couple had changed their residence thrice. The appellant alleged that it was due to the rude behaviour of the respondent with the landlord and the neighbours. Respondent rejected these allegations and stated that the shifting was necessitated once because the husband desired so and on two other occasions due to increase in rent demanded by the landlord and absence of sufficient quantity of water to the rented premises.

The respondent alleged that since her father was working as 'chowkidar', the appellant's family was ill-disposed towards her and they used to taunt her for not bringing enough dowry. Respondent filed a case under Section 498-A of Indian Penal Code against the appellant but the complaint was later withdrawn by her.

Respondent also levelled an allegation of extra marital affair against the appellant with a woman who was working under him and claimed that whenever she confronted him in this respect the appellant would shout and abuse her. In August 2016, the respondent left the matrimonial home and started to live with her parents and upon legal notice sent by her husband she returned back to the matrimonial home. Then again in March 2017, the respondent left the matrimonial home to live with her parents and has not come back since.

The appellant filed for divorce in Matrimonial Suit No. 27 of 2017, Trial Court, on the ground of cruelty and desertion. The Trial Court heard the spouses in chamber for exploring whether any reconciliation was possible or not. While Sania was agreeable to return forgetting past incidents, Rahul did not agree. The Court then requested the appellant to have a conversation with the respondent outside the Court during the weekend so that if the differences are sorted out, the marital bond could be saved. While before the Court the appellant agreed, he did not contact her. After the failed endeavour to bring about reconciliation, the Honourable Court decided on merits and the decree of Divorce was refused. Thus, being aggrieved by this decision, the Appellant-Rahul has preferred an appeal before this Honourable High Court. Hence, The Present Appeal is before this Honourable Court.