



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Civil Misc. Appeal No. 3388/2025

Shobha Kanwar W/o Narpat Singh, Aged About 43 Years, D/o
Dunger Singh Residing At 3 P 37, kudi Bhagtasni, Housing
Board, Jodhpur.

----Appellant

Versus

Narpat Singh S/o Shri Mohan Singh, Resident Of Morkha, Tehsil
Desuri, District Pali, At Present Residing Behind Bangar
Government Hospital, Government Quarter, Pali.

----Respondent

Connected With

D.B. Civil Misc. Appeal No. 3601/2025

Dr. Narpat Singh S/o Late Sh. Mohan Singh, Aged About 54
Years, R/o Morkha Tehsil Desuri District Pali Opposite Bangur
Hospital Quarters At Present Residing At 05 Ashirwad Township
Khairva Road Pali Husband

----Appellant

Versus

Smt. Shobha Kunwar W/o Dr Narpat Singh, Aged About 53
Years, D/o Shri Dungar Singh R/o 8 T 66 Gokuldharm Society
Kudi Bhagtasni Housing Board Jodhpur Raj. Wife

----Respondent

For Appellant(s) : Mr. Nitin Trivedi
For Respondent(s) : Mr. Yogesh Sharma
Mr. Deepesh Birla

**HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE YOGENDRA KUMAR PUROHIT**

Judgment

Reportable

Judgment Reserved On : 19/02/2026

Judgment Pronounced On : 01/04/2026

By the Court (Per: Arun Monga, J)

1. By this common judgment and order, the present two cross-
appeals are being adjudicated together, as both arise from the



same judgment and decree dated 29.08.2025 passed by the learned Family Court, Jodhpur. By the said judgment, the marriage between the parties was dissolved, and the husband was directed to pay permanent alimony of ₹25,00,000/- to the wife.

2. The wife has challenged the quantum of alimony on the ground that it is grossly inadequate, whereas the husband, by way of a cross-appeal, has assailed the same as being excessive. Dissolution of marriage is not under challenge by either side. The wife, in her appeal, seeks enhancement of the permanent alimony to at least ₹2 crore, having regard to the financial status of the husband as asserted by her. In this common order parties are being addressed as per the memo of parties filed by the wife.

FACTUAL NARRATIVE

3. The brief facts, as emerging from the record, are that the marriage between the parties was solemnized on 23.04.1994 at Marwar Junction in accordance with Hindu rites and customs. Irreconcilable differences arose leading to the appellant/wife, Smt. Shobha Kanwar, instituting a petition under Section 13 of the Hindu Marriage Act on 02.03.2015 against the respondent-husband, Narpat Singh. Out of the wedlock, two sons, Govind Singh and Himanshu Singh, were born, who are now adults.

3.1. It is the case of the appellant that at the time of marriage, her parental family provided gifts, household articles, and streedhan, including gold and silver ornaments, beyond their financial capacity. These articles, according to her, remain in the possession of the respondent and his family. It is further alleged that the respondent and his family were dissatisfied with the



dowry and subjected her to taunts and harassment on that account.

3.2. The appellant has further averred that after the year 2003, the demands of the respondent and his family escalated, along with the intensity of harassment. In 2004, the respondent, along with his parents and younger brother, allegedly conspired to compel her to persuade her father to sell his residential house at Marwar Junction as well as agricultural land, and to hand over the sale proceeds to finance the business ventures of the respondent's brothers. Upon her refusal, she was allegedly subjected to severe harassment and hostility, and despite repeated efforts at reconciliation, the respondent and his family remained adamant in their demands.

3.3. It is further alleged that in 2009, proceedings under Sections 107 and 116 CrPC were initiated before the SDO, Pali, against the respondent and his family. However, no effective action was taken, allegedly on account of the respondent's position as a medical officer.

3.4. The appellant has also relied upon photographs to substantiate allegations of physical assault. During the said proceedings, it is alleged that the respondent forcibly took away their minor son, Himanshu Singh.

3.5. The appellant has specifically alleged that on 01.05.2009, she was physically assaulted by the respondent at the government quarters, resulting in injuries, and was threatened with death and forcibly driven out of the matrimonial home along with the children. She thereafter obtained medical treatment and an injury report. Since that date, the respondent has allegedly neither





maintained nor cared for her and the children. Efforts at reconciliation failed, as the respondent allegedly insisted upon transfer of her father's house and sale of agricultural land as a precondition for her return.

3.6. It is further the case of the appellant that since 01.05.2009, she has been deprived of matrimonial consortium without reasonable cause, and the respondent has refused to resume cohabitation despite repeated efforts at settlement.

3.7. The appellant also initiated proceedings under the Protection of Women from Domestic Violence, Act before the Judicial Magistrate, Marwar Junction, wherein interim maintenance of ₹12,000/- per month was granted by order dated 14.11.2013. It is alleged that the respondent, aggrieved by these proceedings, issued threats to kidnap the children, cause grievous harm, and even kill her if she did not withdraw the cases.

3.8. Further, in September 2014, when the appellant was travelling to Jodhpur, the respondent, along with his family members, allegedly intercepted and threatened her, leading to the lodging of an FIR under Sections 498A, 406, 323, and 120B IPC, which remains under investigation.

3.9. The appellant has stated that she has no independent source of income. She is pursuing a Ph.D., which involves substantial expenses, and is undergoing legal training in Jodhpur without any regular or stable earnings. She asserts that she alone is bearing the educational and daily expenses of both children.

3.10. With regard to the financial status of the respondent, it is alleged that he is employed as a Medical Officer at Bangad Hospital, Pali, drawing a monthly salary of ₹90,000/-. In addition,





he is stated to be earning ₹50,000/- per month through private practice, ₹50,000/- per month from conducting RTO-related medical examinations, and ₹1,00,000/- per month from a medical agency in Jaipur, thereby totaling an approximate monthly income of ₹2,90,000/-.

3.11. On these grounds, the appellant asserts that she has been subjected to continuous physical and mental cruelty and has been deserted without reasonable cause. She, therefore, seeks dissolution of marriage and claims permanent alimony of ₹80,00,000/- under Section 25 of the Hindu Marriage Act.

4. In response, the respondent, in his written statement, has admitted the factum of marriage and the birth of two children but has denied all other allegations, contending that the petition is based on false and fabricated facts. He has specifically denied any demand for dowry or receipt of excessive gifts or streedhan.

4.1. The respondent has asserted that it was the appellant who deserted him in May 2009, compelling him to file a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. He has stated that on 25.05.2009, while he was at the hospital, the appellant, allegedly at the instigation of her father, left the matrimonial home with the children and household articles, prompting him to lodge a missing report at Police Station Kotwali, Pali. He further claims that the remaining articles were subsequently returned during investigation, and no streedhan remains with him.

4.2. The respondent has further averred that the appellant is a qualified advocate who has made false allegations. He denies any acts of cruelty, conspiracy, or dowry demands and states that after



marriage, she stayed only briefly in his ancestral village, as he was pursuing MBBS in Jodhpur at the time. He asserts that he maintained her properly and bore all expenses, including those related to childbirth.

4.3. It is also alleged by the respondent that the appellant neglected household responsibilities, interfered in family matters through her parents, prevented him from attending family functions, and used to take his entire salary. He claims that she pressured him to live as a "ghar jamai" and voluntarily left the matrimonial home on 25.05.2009.

4.4 The respondent further submits that he made efforts to bring her back from Marwar Junction, but she refused to return, and thereafter misused legal provisions after a lapse of five years. He maintains that he is still willing to resume matrimonial relations.

4.5. It is also stated that pursuant to mediation proceedings before the Rajasthan High Court on 30.03.2015, he has been paying maintenance and bearing educational expenses of the elder son, as reflected in orders dated 16.04.2015 and 25.05.2015.

4.6. The respondent has denied the allegations regarding additional sources of income, including private practice, RTO examinations, or income from a medical agency, stating that he receives only his salary along with non-practice allowance from the State Government. He has further stated that he is responsible for maintaining his aged parents and a disabled brother, and that his parents are undergoing medical treatment for serious ailments.

4.7. The respondent has also asserted that the appellant is well-qualified (BA LL.B., LL.M.), is practicing as an advocate before the





Rajasthan High Court at Jodhpur, earning approximately ₹50,000/- per month, and is also employed as a teacher in a private school. He claims to be paying ₹17,000/- per month towards maintenance and bearing educational expenses of his son, and asserts that the appellant is not entitled to any further maintenance. According to him, the petition is devoid of merit and liable to be dismissed with costs.

Submissions on behalf of the husband

5. The learned Family Court failed to appreciate that the respondent-wife, Smt. Shobha Kunwar, in paragraph 18 of her petition, asserted her monthly and future expenses while alleging that the appellant's income was ₹2,90,000/- per month and claimed permanent alimony of ₹80,00,000/-. These assertions were made without any documentary or oral evidence. No proof was adduced to establish the alleged additional sources of income, such as earnings from a medical agency, RTO-related certifications, or private practice. The appellant specifically denied all such allegations in his reply, and, being a government doctor receiving non-practice allowance, it is legally impermissible for him to engage in private income-generating activities. In these circumstances, the award of ₹25,00,000/- as permanent alimony, based on unsubstantiated claims and overlooking the fact that the respondent left the matrimonial home of her own accord on 25.05.2009 (while incorrectly alleging the date as 01.05.2009), is wholly unsustainable.

5.1. The learned Family Court further erred in overlooking that the respondent, examined as PW-1, produced 115 documents during her examination-in-chief dated 03.12.2021; however, none





of these documents substantiated her allegations regarding the appellant's alleged additional income from private practice, RTO work, or any medical agency. Her statements on this aspect are thus baseless and unsupported by evidence. Conversely, during her cross-examination dated 17.05.2022, she admitted that she has been enrolled as an advocate since 2007, which stands proved by Exhibit D-14. She also acknowledged that she is regularly practicing and earning, and further derives income from tuition classes, as evidenced by Exhibits D-12 and D-13. Merely because her income tax returns reflect adjusted income does not imply absence of income. The trial court failed to consider these material aspects while determining permanent alimony.

5.2. The learned Family Court also failed to consider that the respondent resides with her adult son, Govind Singh, who completed his B.Tech in 2017 from Vyas Engineering College, Jodhpur, with expenses borne by the appellant. Thereafter, he was employed as an Assistant Professor in an engineering college at Jodhpur and was earning ₹25,000/- per month as early as 2019, which would have reasonably increased over time. Although examined as PW-2, he reiterated the respondent's version; however, in cross-examination dated 12.01.2023, he admitted that he had completed his B.Tech in 2017 and had arrived at court on a motorcycle. The said motorcycle, i.e., a Royal Enfield valued at over ₹2.5 lakhs indicates financial capacity inconsistent with his claim that he is unable to maintain himself. His statement that he is presently unemployed and preparing for competitive examinations is thus unreliable, and his credibility stands impeached. The trial court failed to appreciate that the respondent



resides with adult, qualified, and earning sons, and consequently erred in awarding ₹25,00,000/- as permanent alimony.

5.3. The impugned order is based on conjectures and ignores the statutory framework governing maintenance. Under the Hindu Adoptions and Maintenance Act, 1956, as well as Section 125 of the Code of Criminal Procedure, maintenance obligations towards children are confined to minors or, in limited cases, major children suffering from disability. It is undisputed that both sons of the respondent have attained majority and do not suffer from any disability. Therefore, the financial responsibility for their maintenance cannot be imposed upon the appellant. On the contrary, as able-bodied adult sons, they are legally obliged to support their mother. The trial court erred in disregarding this settled position.

5.4. The learned Family Court further failed to consider the appellant's financial liabilities. The appellant's mother is bedridden due to a cerebrovascular accident and incurs medical expenses of approximately ₹35,000/- per month. Additionally, his disabled younger brother and sister-in-law are dependent upon him. The appellant is the sole earning member of his family. In contrast, the respondent is earning, has no comparable financial liabilities, and is supported by her parental family as well as her earning adult sons. These material factors were not properly weighed by the trial court.

5.5. The learned Family Court misapplied the principles governing grant of permanent alimony under Section 25 of the Hindu Marriage Act. While determining alimony, the court is required to consider the income and financial status of both





parties, their conduct, standard of living, independent earning capacity of the spouse seeking maintenance, and the liabilities of the other spouse. In the present case, these parameters have not been judiciously evaluated, and the lump sum amount awarded is arbitrary and beyond the appellant's paying capacity.

5.6. It is also pertinent that the respondent has simultaneously filed an appeal seeking enhancement of maintenance while initiating execution proceedings of the same decree before the trial court. This amounts to taking inconsistent positions, approbating and reprobating, solely to harass the appellant, and reflects adversely on her conduct. The factual matrix demonstrates that the respondent is financially capable of maintaining herself and is residing in a stable condition with her earning adult sons. Accordingly, the award of ₹25,00,000/- as permanent alimony is untenable.

5.7. Lastly, in the present case arising under Sections 13 and 25 of the Hindu Marriage Act, the provision under Section 24 relates only to maintenance pendente lite and litigation expenses during the pendency of proceedings. Any typographical error in the final judgment was duly corrected by the trial court within its jurisdiction and does not amount to a substantive alteration under Section 152 CPC. Further, Section 25 contemplates grant of permanent alimony only to a spouse, and not for maintenance of adult children. Therefore, the financial responsibilities relating to the respondent's adult sons, including their maintenance, education, or marriage, cannot be imposed upon the appellant.

5.8. In the light of the aforesaid submission, the counsel for the appellant-husband also relied on a Division Bench of Delhi High





Court's judgment in Mat. App. (F.C.) 2/2024 & CM Appl. 360/2024 wherein considering the scope of Section 25 of the Hindu Marriage Act, it is held that permanent alimony is an equitable relief intended to prevent destitution, not to enrich a financially independent spouse.

Submission on behalf of the wife

6. The impugned order passed by the learned Family Court No.1, Jodhpur suffers from material irregularity and illegality, inasmuch as the court failed to properly appreciate the factual matrix and the material evidence on record. Consequently, the quantum of permanent alimony awarded is inadequate and liable to be enhanced and suitably modified.

6.1. The learned Family Court failed to appreciate that the object of granting permanent alimony is to secure the wife's reasonable needs, standard of living, and long-term financial stability, commensurate with the husband's financial capacity and social status. In the present case, it was duly pleaded and supported by oral and documentary evidence that the respondent-husband earns approximately ₹8-10 lakhs per month, being an ENT specialist and a Senior Medical Officer at Bangar Government Hospital, Pali. In contrast, the appellant has no independent source of income and has been single-handedly raising two children for over 16 years. Considering the future requirements of the appellant and her children, including education, marriage, healthcare, and social obligations, the amount of ₹25 lakhs awarded is wholly inadequate. The same deserves to be enhanced to ₹2 crores. The failure of the trial court to properly evaluate



these aspects while deciding Issue Nos. 4 and 5 renders the findings unsustainable and vitiated by an error apparent on the face of the record.

6.2. The learned Family Court below further erred in not factoring in the impact of inflation and the increasing financial needs of the appellant and her children over time. The computation of alimony has been made without considering the future escalation in expenses necessary to maintain a reasonable standard of living. The amount awarded is thus insufficient to meet long-term needs and is liable to be enhanced. The omission to consider these relevant factors constitutes a patent error on the face of the record.

6.3. The appellant has specifically pleaded and substantiated through cogent evidence that the respondent is employed as an ENT Specialist and serves as a Specialist Medical Officer at Government Bangar Hospital, Pali, drawing a salary exceeding ₹3,00,000/- per month. In addition, he earns ₹2-3 lakhs per month from private practice, ₹2-3 lakhs per month from issuing fitness certificates at the RTO, and further income from a medical agency, an aspect admitted by him in proceedings under the Domestic Violence Act. The respondent also derives income from ancestral agricultural land and residential properties. Thus, his total monthly income is approximately ₹8-10 lakhs. In view of this financial capacity, the appellant is entitled to a comparable standard of living. The trial court failed to properly consider this evidence, resulting in an unjust and inadequate award of alimony.





6.4. The learned Family Court below did not adequately consider that the appellant is responsible for maintaining herself and her two children, which entails substantial financial obligations towards their education, marriage, healthcare, and other social needs. Despite this, only a sum of ₹25 lakhs has been awarded, which is disproportionately low considering the respondent's financial status. The amount of permanent alimony ought to have been enhanced to ₹2 crores. The failure to consider these material aspects renders the impugned findings erroneous.

6.5. The learned Family Court below failed to take into account the settled position of law, as reiterated by the Hon'ble Supreme Court, that a wife is entitled to secure residential accommodation. In the present case, although the court recorded that the appellant does not own any residential property while the respondent owns residential houses, no amount has been awarded to enable the appellant to acquire even a modest residence. The appellant continues to remain without a house, whereas the respondent owns multiple properties. This crucial aspect has been ignored, and the meagre amount awarded is insufficient to secure even basic residential needs. The award, therefore, requires enhancement.

6.6. The impugned order does not disclose any cogent reasoning or basis for arriving at the quantum of ₹25 lakhs. Considering the respondent's substantial monthly income, it would have been appropriate to allocate a proportionate share towards the appellant and her children, taking into account their present and future needs. The arbitrary determination of alimony without a



rational basis renders the award unsustainable and warrants enhancement to ₹2 crores.

6.7. The learned Family Court further erred in allowing an application under Section 152 CPC, whereby the original direction granting ₹45,000/- per month to the appellant was modified to restrict such payment only until the permanent alimony amount is deposited. This modification materially alters the nature of the original judgment and cannot be treated as a mere clerical or typographical correction. In effect, it amounts to a substantive review or alteration of the decree, which is impermissible under Section 152 CPC. By virtue of the original order dated 29.08.2025, the appellant was entitled to receive ₹45,000/- per month on a continuing basis; however, the impugned modification has curtailed this right, thereby causing serious prejudice to the appellant.

7. In the aforesaid backdrop, we heard the rival contentions and perused the case file along with the record of the learned Family Court and shall now proceed to deal with the same by recording our discussions and based thereupon render our opinion.

8. Before proceeding further, it is necessary to examine the reasoning which weighed with the learned Family Judge while returning the findings qua alimony in the impugned judgment.

8.1. Upon consideration of the evidence, the trial court observed that the appellant had produced medical documents (Exhibits 58 to 76) and photographs to substantiate her ongoing treatment. Her testimony regarding physical incapacity was corroborated by both her sons. Although documents relating to her past





professional engagement (Exhibits D-12, D-13, and D-14) were produced by the respondent, these pertained to a period prior to 2011. No evidence was produced to establish that she is presently earning or capable of self-maintenance.

8.2. The learned Family court further noted that the burden to prove the wife's independent income lies upon the husband. In the absence of such proof, the plea of concealment of income was not accepted. While acknowledging that the appellant is well-qualified (LLB and PhD), the court held that, *prima facie*, her current physical condition restricts her ability to work.

8.3. With regard to the financial position of the respondent, the court relied upon his affidavit (Exhibit-108), which reflected an income of approximately ₹2 lakhs per month, ownership of self-acquired residential property, and additional assets including agricultural land and ancestral property. It was also noted that he had purchased a house through a bank loan and was servicing the same.

8.4. Considering the overall circumstances, while allowing the petition filed by the appellant under Section 13 of the Hindu Marriage Act, the non-appellant was directed to pay a lump sum amount of ₹25 lakhs as permanent alimony within three months and to continue paying ₹45,000/- per month as maintenance, subject to subsequent modification limiting such payment until the deposit of permanent alimony. The petition filed by the non-appellant under Section 9 of the Hindu Marriage Act was dismissed.





9. Having given our anxious consideration to the rival submissions, the material available on record, and the reasoning assigned by the learned Family Court, we are of the view that while the grant of permanent alimony in favour of the wife is fully justified, the quantum determined by the learned Family Court warrants upward revision. Let us see how.

10. At the outset, it must be emphasized that the scope of Section 25 of the Hindu Marriage Act is not merely subsistence-oriented but is intended to secure dignified sustenance and long-term financial stability for the spouse who is economically disadvantaged as a consequence of marital breakdown. The provision is equitable in character and obligates the Court to consider multiple factors, including the status of the parties, the income and financial capacity of the husband, the reasonable needs of the wife, and the standard of living enjoyed during the subsistence of marriage.

11. Before arriving at the enhanced quantum, it is necessary to closely examine the financial capacity of the respondent/husband on the basis of the material available on record, being the central determinant under Section 25 of the Hindu Marriage Act.

12. The respondent is admittedly employed as a Specialist Medical Officer (ENT) in Government service. His affidavit (Exhibit-108), as noticed by the learned Family Court, reflects a regular and stable monthly income in the vicinity of ₹2,00,000/-, which is corroborated by his salary particulars. This income is not sporadic or uncertain but is secured by virtue of permanent government employment, carrying with it attendant benefits such as



increments, allowances, pensionary entitlements, and overall financial security.

13. The contention of the wife that the respondent earns substantially higher income through private practice, RTO certification work, and medical agency operations has not been established by cogent documentary evidence during trial. The learned Family Court has rightly exercised caution in not placing reliance on unsubstantiated claims of additional income. However, the absence of strict proof of such additional earnings does not detract from the undeniable fact that the respondent's base income itself is substantial and places him in an upper economic bracket.

14. Further, from the respondent's own disclosures, it emerges that he is possessed of immovable assets, including a self-acquired residential house for which he is servicing a loan, as well as an undivided share in ancestral agricultural land and residential property. These factors are relevant pointers of overall financial standing and asset base, which must be taken into account while assessing capacity to pay.

15. The plea raised by the respondent regarding financial obligations towards his aged parents and dependent brother, no doubt, cannot be ignored, but they do not, in the facts of the present case, appear to be of such overwhelming magnitude as to substantially erode his capacity to make a reasonable one-time provision for his wife. Notably, no clear and quantified evidence has been placed on record to demonstrate that these liabilities are so onerous as to render him financially constrained.





16. Equally important it is to note, that the respondent continues to enjoy a steady stream of income with long-term financial stability, whereas the appellant-wife is placed in a position of comparative economic vulnerability. The statutory mandate under Section 25 of the Hindu Marriage Act, requires the Court to account not merely for current income but also for earning capacity, financial security, and future prospects of the parties.

17. It is pertinent to note that certain very fundamental facts stand either admitted or sufficiently established on record viz. :-

- a. The marriage subsisted for a long duration of nearly 15 years of cohabitation, followed by prolonged litigation since 2009;
- b. The wife has been living separately along with the children for more than 16 years, effectively discharging parental and domestic responsibilities single-handedly;
- c. The husband is a Specialist Medical Officer (ENT) in Government service, enjoying a stable, secure, and respectable source of income.

18. In the aforesaid backdrop, while the precise quantum of the husband's additional income from private sources may not have been strictly proved by documentary evidence, it cannot be ignored that his baseline earning capacity itself is substantial and secure, with salary admittedly in the range of ₹2 lakhs per month (as accepted by the trial court on affidavit evidence). The nature of his professional qualification further indicates a high and progressive earning potential, which is a relevant consideration under Section 25 of the Hindu Marriage Act.



19. On the other hand, the plea of the husband that the wife is financially independent does not inspire confidence. The material on record indicates that though the wife is academically qualified, there is no cogent evidence of stable or sufficient income enabling her to maintain herself at a standard commensurate with that enjoyed in the matrimonial home. The documents relied upon by the husband pertain to a period prior to 2011 and do not establish any present earning capacity. Further, the evidence regarding her physical condition, supported by medical documents, cannot be lightly brushed aside.

20. Equally significant is the fact that the wife does not possess any independent residential accommodation, whereas the husband admittedly owns immovable property. The right of a divorced wife to secure a reasonable residence is now a well-recognized facet of maintenance jurisprudence. The amount awarded must, therefore, be sufficient to enable her to secure at least a modest dwelling and ensure long-term financial security.

21. The contention of the husband regarding the majority and earning capacity of the sons, though legally relevant, does not substantially dilute the wife's entitlement under Section 25 of the Hindu Marriage Act. Permanent alimony is not contingent upon dependency of children alone, but is a distinct and independent right of the spouse arising out of the dissolution of marriage. At best, this factor may have a bearing on quantum, but cannot negate entitlement.

22. At the same time, we are not persuaded to accept the exaggerated claim of the wife seeking ₹2 crores as permanent





alimony. The said claim appears disproportionate and not fully supported by reliable evidence regarding the husband's alleged income of ₹8–10 lakhs per month. We are mindful that this Court must guard against converting alimony into a measure of enrichment rather than support.

23. Thus, even on a conservative assessment, restricting the evaluation strictly to the proven income on record and excluding unproven additional sources, the respondent's financial profile clearly demonstrates sufficient means and capacity to discharge a higher quantum of permanent alimony than what has been awarded by the learned Family Court.

24. What is required is a balanced, realistic, and equitable determination, which neither unduly burdens the husband nor leaves the wife in a state of financial vulnerability. Considering; the long duration of marriage and separation, the established cruelty and consequent breakdown, the absence of independent income and residential security of the wife, the stable and substantial earning capacity of the husband, the rising cost of living and inflationary trends, and the need to provide a one-time financial cushion ensuring dignity and security, we are of the opinion that the amount of ₹25,00,000/- awarded by the learned Family Court is on the lower side and does not adequately meet the ends of justice.

25. Accordingly, in exercise of appellate jurisdiction, the permanent alimony is enhanced to ₹40,00,000/- (Rupees Forty Lakhs only), payable by the respondent-husband to the appellant-





wife within a period of six months from today, until then he shall continue to provide monthly maintenance as before.

26. In the parting we may also like to observe that Delhi High court judgment relied upon by the learned counsel for the respondent is not applicable to the facts of the present case. In that case before High court the appellant(wife), a Senior IRTS Officer with a stable and substantial income, was financially self-sufficient and had no demonstrated hardship, liabilities, or dependency. The marriage itself was short-lived, without children or enduring interdependence. In such circumstances, no case for permanent alimony was made out.

27. As an upshot, appeal filed by wife is allowed and that of the husband is dismissed and the findings returns by learned Family court and the impugned judgment stand modified as above.

28. Decree sheet be prepared accordingly.

29. Any pending application stands disposed of.

(YOGENDRA KUMAR PUROHIT),J

(ARUN MONGA),J

59-60 neha/-