

IN THE HIGH COURT OF JHARKHAND AT RANCHI

First Appeal No. 126 of 2022

P.O and P.S-Madhupur, District-Deoghar

..... **Appellant/Respondent**

Versus

1.

Jamtara.

2. General Manager, Chittaranjan Loco Motives Works (CLW)
Chittaranjan, West Bengal, P.O+P.S-Chittranjan, District-West
Burdawan.

..... **Respondents**

**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SANJAY PRASAD**

For the Appellant : Mr. Shadab Bin Haque, Advocate

Mr. Aryamann Relan, Advocate

For the Resp. No.1 : Mrs. Ritu Kumar, Advocate

Mr. Anjani Kumar, Advocate

C.A.V on 05.05.2026

Pronounced on 19/06/2026

Per Sujit Narayan Prasad, J.

1. The instant appeal under section 19(1) of the Family Courts Act, 1984 is directed against the judgment dated 01.09.2022 and the decree signed on 09.09.2022 passed in Original Suit No.80 of 2019 by the learned Principal Judge, Family Court, Jamtara, (in short, Family Judge) whereby and whereunder the petition filed under section 13 (1) (i-a) (i-b) of the Hindu Marriage Act, 1955 by the respondent-husband against the appellant-wife, has been allowed and marriage between the appellant-wife and the respondent-husband has been dissolved by passing a decree of divorce.

Factual Matrix

2. The brief facts of the case as pleaded in the plaint having been recorded by the learned Family Judge, needs to be referred herein as:

- (i) The appellant-wife and respondent-husband got married with each other on 29.05.1984 as per Hindu rites.
- (ii) Thereafter, the appellant-wife started living in the respondent-husband's house at Kangoi (Mihijam).
- (iii) Out of the said wedlock, appellant-wife gave birth to a female child and after attaining her majority, she got married by the petitioner, his father and other family members on 11.07.2007 at Baidyanath Temple, Deoghar and all the expenses of the marriage were borne by the husband, respondent herein.
- (iv) The appellant and the respondent last resided together at the respondent's house till the year 1990.
- (v) As a matter of fact, the appellant-wife, namely, Sandhya Devi, since the very beginning of matrimonial life was not willing to stay at her matrimonial home in a village as such she started showing her total unwillingness to stay with the respondent-husband at her matrimonial home and she used to flee away to her father's house off and on against the will and without the consent of the respondent's husband and his other family members.
- (vi) Subsequently, the appellant-wife willfully left the respondent's house in the year 1990 along with the minor female child and started living at her father's place at Patherchapti, Madhupur District Deoghar.

- (vii) Thereafter, several efforts were made by the husband and his other family members to bring back the respondent-wife, namely, Sandhya Devi but all efforts went in vain due to rigid attitude of the appellant-wife not to live in her matrimonial home.
- (viii) Subsequently, in or about the year 1992 the appellant-wife filed a totally false case u/s 498A IPC against the respondent-husband and his parents with ulterior motives. The case continued for several years but thereafter finding no fruitful result, she compromised the case with the husband and agreed to live with him in her matrimonial home. However, she did not keep her promise and continued to live at her parents' house as before. However, she used to take money from the respondent-husband from time to time on the plea of domestic expenses.
- (ix) Again, in the year 2010 she filed a maintenance case against the respondent-husband which was compromised and the respondent-husband agreed to pay Rs. 5000/- per month to the appellant-wife and, accordingly, the said case was disposed of on 01.02.2013.
- (x) After the compromise, the respondent-husband has been regularly paying the maintenance allowance @ Rs. 5000/- per month to the appellant-wife in her bank account.
- (xi) The respondent, namely, Sandhya Devi since the year 1990 when she left her matrimonial home, has been living at her father's house separately from her husband and during this long period she never performed her

matrimonial obligation and she is willfully refusing to come and live with the respondent at her matrimonial home.

(xii) Further, the respondent-husband has filed a suit being Original Suit No. 80 of 2019 praying therein to pass a decree of divorce, and on contest, the Family Court dissolved the marriage of appellant-wife and respondent-husband on the grounds of cruelty and desertion, against which the instant appeal has been preferred.

3. On the aforesaid ground of cruelty and desertion, the petitioner-husband has filed a suit before the learned Family Court and prayed for a decree of dissolution of the marriage between him and the respondent-wife.

4. In pursuance to issuance of notice, the appellant-wife appeared in the original suit and filed written statement stating therein that the suit filed under section 13 of the Hindu Marriage Act is not maintainable in law and is fit to be dismissed. The factum of marriage has been admitted. It has been stated that the respondent was residing at CLW quarter no.17D Street No.37 at Chittaranjan. It has been stated that all the expenses of the marriage of the daughter were borne by her father. It has been denied that the appellant-wife ever resided at Kangoi Mihijam with the petitioner-husband. It is stated that the house of the petitioner-husband was constructed in the year 2000 when his father retired from CLW, Chittaranjan and thereafter they shifted to Mihijam. It is admitted that the respondent-wife had filed a case being Jamtara PS Case No.254 of 1992 under sections 498A, 494, 379/109 of the Indian Penal Code against the petitioner-husband, his parents and his kept Sima Devi in which the police

submitted Final Form. It is alleged that the petitioner-husband used to live with his kept Sima Devi and, as such, it is not possible for her to live and continued her marital life with him. It is admitted by the respondent-wife that the maintenance case filed against the petitioner-husband was disposed of in terms of the compromise arrived at between the parties in which the petitioner-husband has agreed to pay Rs.5000/- per month to the respondent-wife. It is denied that the respondent-wife has deserted the petitioner-husband, rather it is stated that since the petitioner-husband has kept a woman, namely, Sima Devi and, as such, he has deserted her. It is stated that the petitioner-husband was aged about 55 years at the time of filing of suit and the respondent-wife was aged about 53 years and at the old age, the suit for divorce is irrelevant.

5. On the aforesaid ground, the respondent-wife (appellant herein) has prayed that the original suit being Original Suit No.80 of 2019 is fit to be dismissed.

6. Learned Family Judge, after institution of the said case taking into consideration of the pleadings of the parties, after scrutinizing the evidence adduced on behalf of both the parties, oral as well as documentary, has allowed the suit for dissolution of marriage.

7. The impugned judgment by which the suit filed by petitioner/respondent husband for dissolution of marriage has been allowed is under challenge by the respondent/ appellant-wife by filing the instant appeal.

Submission of behalf of the appellant-wife:

8. Mr. Shadab-bin-Haque, the learned counsel appearing for the appellant-wife has taken the following grounds:

(i) There is an error in the impugned judgment, since, each and every aspect of the matter has not been taken into consideration based upon the evidences produced by the appellant-wife.

(ii) The element of cruelty has not been found to be there if the evidences adduced on behalf of the appellant-wife will be taken into consideration but without appreciating the same the learned Family Judge has come to the finding by holding that element of cruelty is there and on that ground dissolved the marriage by a decree of divorce and, as such, the impugned judgment and decree suffer from an error.

(iii) It has been contended that the appellant-wife has been meted out with cruelty as also the respondent-husband is living separately with his kept and, as such, both the grounds, i.e., the cruelty and desertion are not available as would be evident from the evidence adduced on behalf of the appellant-wife, but the same has not been taken into consideration by the learned Family Judge.

(iv) It has been contended that the learned Family Judge has failed to appreciate the evidences adduced on behalf of the appellant-wife as in the trial, the evidence has come that it was the respondent-husband who has treated the appellant-wife with cruelty and neglected her as he has kept a concubine and deserted her without any valid

reason, but this fact has not been considered by the learned Family Judge.

(v) The learned Family Judge has not appreciated the fact that the appellant-wife wanted to lead a happy conjugal life with the respondent-husband but it was the respondent-husband who himself has kept a concubine and started living with her and deserted the appellant-wife and thus, compelled her to live separately.

(vi) The learned counsel for the appellant-wife has further submitted that while passing the judgment for divorce the learned Family Judge has though awarded a lump-sum amount Rs.10.00 Lakhs to be paid by the respondent-husband in favour of the appellant-wife, but the learned Family Judge has failed to consider the fact that the said amount is very meagre in view of the fact that the respondent-husband is a Central Government employee and getting a handsome salary of Rs.81,669/- per month. In addition to that, he is going to be retired from his service very soon and will be getting approximately Rs.1 Crore and odds from his retiral benefits.

9. The learned counsel, based upon the aforesaid ground, has submitted that the impugned judgment and decree, therefore, need interference on the ground of perversity.

Submission of behalf of the respondent-husband:

10. Per contra, Mrs. Ritu Kumar, the learned counsel appearing for the respondent-husband has taken the following grounds:

- (i) There is no error in the impugned judgement as the learned Family Judge has considered the entire issue and on the basis of evidence laid by the respondent herself has passed the order impugned.
- (ii) The respondent-husband has sought for divorce on the ground that the behaviour of the appellant-wife is cruel and she has deserted him without any valid ground and the learned Family Court, after taking into consideration the evidence adduced on behalf of the respondent-husband, has rightly held that there was sufficient ground found with regard to cruelty and desertion by the appellant-wife and, as such, has allowed the divorce petition.
- (iii) It has been contended that the issue of desertion has rightly been held to be proved, since, the issue of desertion requires to be considered on the basis of the factum that if the wife has left the matrimonial house on her own, and this fact has been shown by the petitioner-husband in his evidence during trial and on that basis the learned Family Judge has rightly allowed the suit for divorce.

11. Learned counsel, based upon the aforesaid grounds, has submitted that if on that pretext, the factum of cruelty and desertion has sufficiently been found to be established, hence, the impugned judgment cannot be said to suffer from an error. However, the learned counsel has admitted the fact that both parties are living separately since about 36 years.

Analysis:

12. We have heard the learned counsel appearing for the parties, gone through the impugned judgment, as also the testimony of the witnesses and the materials available on record.

13. It needs to mention herein that in the present proceeding, after issuance of notice, the respondent-husband has appeared and filed his response.

14. Further, during course of argument, it appears from the submission of learned counsel for both the parties that there is no chance of re-union of the parties, as such, this Court had moved for settlement of the matter in terms of permanent alimony.

15. In view of the fact that the grant of permanent alimony of Rs. 10 lakhs by the learned Family Judge is not sufficient being the respondent-husband is getting a handsome salary and in near future, he is going to be retired from his service and, as such, this Court has impleaded the General Manager, Chittaranjan Locomotive Works, Chittaranjan, West Bengal as party-respondent vide order dated 19.01.2026 to know the fact about the salary and other perks of the respondent-husband as well as his retiral benefit which he will get after retirement from service.

16. In compliance of this Court's order, an affidavit dated 30.01.2026 has been filed on behalf of the newly impleaded respondent, i.e., the General Manager, Chittaranjan Locomotive Works, Chittaranjan, West Bengal giving details of the salary and perks of the respondent-husband and his pension calculation sheet/retirement benefit which has been annexed as Annexure-A & B to the said affidavit.

17. In the said affidavit it has been stated that the respondent-husband is presently holding the post of Senior Technician (M.V. Driver)

in Level-6 of Pay Matrix under RS(RP) Rules, 2016 and he is going to be superannuated from railway service w.e.f. 31.08.2026 on attaining the age of 60 years.

18. This Court is now adverting to the impugned order/judgment by which prayer for dissolution has been allowed by the learned Family Court.

19. It is evident that the learned Family Judge has considered the evidence adduced on behalf of the appellant-wife and the respondent-husband for deciding the issues involved in Original Suit No.80 of 2019 which has been filed on the ground of cruelty and desertion by the respondent-husband.

20. The learned Family Judge has formulated altogether six issues, for ready reference the same are being quoted hereinbelow:

- (i) Is the suit maintainable in its present form?*
- (ii) Is there any valid cause of action for the suit?*
- (iii) Whether the respondent is legally married wife of the petitioner?*
- (iv) Whether the respondent has deserted the petitioner for a continuous period of not less than two years before the date of presentation of the petition?*
- (v) Whether the respondent has treated the petitioner with cruelty?*
- (vi) Whether the petitioner is entitled to the relief claimed or any other relief?*

21. In support of his case, four witnesses have been examined on behalf of the petitioner-husband (respondent herein) including himself as P.W.4. In addition to that the following documentary evidences have been adduced on behalf of the petitioner-husband:

(i) Ext. 1-CC of order sheets of Crl Misc. Case No.218/2010 of Family Court, Deoghar.

(ii) Ext.2-Order sheet dated 01.02.2013 passed in Crl. Misc. Case No.218/2010 of Family Court, Deoghar.

22. On the other hand, the appellant-wife has also examined two witnesses in support of her contention including herself as DW1 and she has also adduced the following documentary evidence:

(i) Ext. A-Salary Slip of the petitioner-husband.

23. But first of all, the learned Family Judge has taken into consideration the issue no.(iii) i.e., whether the appellant-wife is legally married wife of the respondent-husband and it has been decided the appellant-wife is the legally wedded wife of the petitioner-husband.

24. Thereafter, the learned Family Judge has considered the evidence adduced on behalf of the parties for deciding the issues involved in Original Suit No.80 of 2019.

25. This Court in order to appreciate the aforesaid rival submission before entering into the legality and propriety of the impugned judgment needs to discuss herein the relevant part of the evidences adduced on behalf of the appellant-wife and the respondent-husband wherein the element of cruelty and desertion has been shown by the petitioner-husband (respondent herein).

26. During the trial, the respondent-husband himself has been examined as PW4 before learned Family Court.

27. In his examination on oath as PW4, the respondent-husband has narrated entire things as pleaded in the plaint about his marriage with the appellant-wife. He has stated on oath that his marriage was solemnized with the respondent on 29.05.1984 in accordance with Hindu rites and

customs and after marriage they were living as husband and wife at Kangoi/Mihijam. He has stated that out of the said wedlock a daughter, namely, Priti Kumar was born and on attaining her majority, her marriage was solemnized on 11.07.2007 at Baidyanath Temple, Deoghar and all the expenses were borne by him.

He has stated that the appellant was living with him lastly in the year 1990 as his wife at Kangoi/Mihijam. He has stated that after few days of the marriage, the appellant did not want to live with him and she used to quarrel with him. He has stated that the appellant wanted to live a luxurious life and, as such, she used to go to nearby city Asansol where she spent money to watch movie and to take meal at restaurant. He has stated that the appellant used to say that her marriage was solemnized with the respondent at a village and on that pretext, she had shown her displeasure. She used to visit her *maike* without informing any one and lived there for about one to two months. He has stated that when the appellant conceived, she denied to perform her matrimonial obligation and even denied to sleep with him. He has further stated that in the year 1990 the appellant had left her matrimonial house on her own and went to her *maike* situated at Patharpatti, PS-Madhupur, District-Deoghar whereafter he along with his family members went there to bring her back, but she denied and refused to come back.

He has stated that in the year 1992 the appellant had lodged a criminal case under section 498A of IPC against him and later on it was disposed of in terms of compromise arrived at between the parties. He has stated the appellant had promised to live with the respondent but she never came back but she used to get money from him for her expenses.

He has stated that the appellant has filed a maintenance case against him in Deoghar Court in which it was directed by the Court to pay an amount of Rs.5000/- per month to the appellant but in the year 2013 the said maintenance case was also disposed of in terms of compromise.

He has stated that he is paying Rs.5000/- per month to the appellant since then and at present he is paying Rs.6000/- per month to her. He has stated that since the appellant never wants to live with him and she has deserted him, as such, he has filed the suit for divorce.

28. During cross examination, PW4 has stated that he is working at CLW as a driver (IVth grade post). He has stated that he was getting Rs.81,689/- per month as salary. At para-27 he has stated that in the criminal case under section 498A, the appellant had alleged that he has solemnized second marriage with Seema Devi, D/o Ramdeo Singh but he denied the same. He has stated that the criminal case being Jamtara PS Case No.254 of 1992 was disposed of in terms of compromise. At para-29 he has denied the suggestion that as he had illicit relationship with another lady and, as such, the appellant was living separately with her daughter from him. He has denied the suggestion that he had not gone to bring back the appellant and he wanted to remarry with another woman. He further denied the suggestion that he has filed the divorce case as he does not want to give share of his retiral benefit to the appellant.

29. PW2-Rakesh Kumar Singh is the younger brother of the respondent who has corroborated the statement of the respondent with regard to marriage and desertion by the appellant.

30. PW2 has stated that the marriage of the daughter of the appellant and the respondent was solemnized by PW4 on his own expenditure at Baidhyanath Temple, Deoghar. He has stated that the appellant after

quarreling with the respondent went to her *maike* and since then she is living there. He has stated that his brother has never lived at the quarter situated at Chittaranjan rather he was living at Kangoi/Mihijam. He has stated that he along with the respondent and other relatives went to *maike* of the appellant to bring her back but she refused to come back by saying that she will get maintenance and teach a lesson to him. He has stated that the appellant is a quarrelsome lady and she does not want to live with her husband at her matrimonial home.

31. PW1 and PW3 are the neighbours of the respondent and they have deposed by corroborating the evidence of the respondent. They have stated that they know both the parties as they are living nearby their house. They have corroborated the evidence of the respondent on the point of quarreling by the appellant with the respondent, used to go to her *maike* frequently without informing any one and lastly the appellant has deserted the respondent after quarreling and went to her *maike* without any rhyme or reason and since then she is living there. They have stated that the respondent tried his best to bring back the appellant but she refused to come. They have also deposed on the point that marriage of the daughter of the appellant and the respondent was solemnized at Baidhyanath temple, Deoghar and all the expenses were borne by the respondent himself.

32. During cross examination both the witnesses have stated that they have heard about the matrimonial affair of the parties. Both the witnesses have denied that they do not know with whom the marriage of the daughter of the appellant and the respondent was solemnized as they did not participate in the marriage. They have also denied that they never went to *maike* of the appellant situated at village- Patharpatti and they had

heard from the family of the respondent that the appellant went to her *maike*. They have also denied the fact that the appellant has lodged a criminal case against the respondent being Jamtara PS Case No.254 of 1992.

33. Per contra, the appellant while examining herself as DW 1 has stated that her marriage was solemnized with the respondent as per Hindu rites and custom on 29.05.1984 and after the marriage they were living together as husband and wife at Qr. No.17 D, Street No.37, CLW, Chittranjan District- Vardhman and out of their wedlock a daughter, namely, Priti Kumar was born.

34. She has stated that her husband (respondent herein) has developed illicit relationship with another woman, namely, Seema Devi and thrown her away from the matrimonial home. Thereafter, she has lodged a criminal case being Jamtara PS Case No.254 of 1992 under sections 498A,494,379/109 IPC which was disposed of in terms of mutual settlement. She has stated that due to bad habit and illicit relationship of her husband she started residing at her *maike*. She has stated that now she is aged about 55 years and her husband is aged about 56 years and, as such, there is no justification of divorce.

35. She has further stated that she is depending upon her husband for her livelihood and there is no likelihood of their remarriage. She has stated that her husband is earning Rs.80,000/- per month as his salary and she is entitled to a sum of Rs.40,000/- per month as maintenance. At para-13 she has stated that she wants to live with her husband.

36. During cross-examination, she has stated that she has been living in her *maike* since 1990. She had lodged a case against her husband for dowry prohibition in which a compromise was done but she had not

written in that compromise paper that she would live with her husband. Thereafter, she had filed a case for her maintenance at Deoghar Court in which an amount of Rs.5000/- per month was granted in her favour and now she is getting an amount of Rs.6000/- per month. At para-20 of cross examination, DW1 has stated that if her husband wants to take her back she would not go with him.

37. DW2- Priti Kumari is the daughter of the petitioner and the respondent. She has supported the entire version of her mother as deposed in her examination in chief and cross-examination. At para-5 she has stated that her father had developed illicit relationship with another woman, namely, Seema Devi and for that reason he thrown away her mother from the house on the pretext of dowry. She has stated that her mother had lodged a criminal case being Jamtara PS Case No.254 of 1992 against her father under sections 498A, 494, 379/109 of IPC which was disposed of on compromise. She has stated that due to wrong conduct of her father, her mother did not want to live with him and she started living in her *maike*. At para-9 she has stated that her mother is dependent upon her father for her livelihood and there is no possibility of remarriage by either party. At para-13 DW2 has stated that her marriage was solemnized by her maternal grand-father and he had incurred all the expenses of her marriage. She has further stated that her father (respondent no.1) had not co-operated in her marriage and even he was not present in her marriage.

38. During cross-examination, DW2 has stated that since her birth she is living with her mother and she never lived with her father. At para-23 she has stated that she did not trust her father due to his conduct and, as such, it is not possible for her mother to stay with him. At para-24 she has stated that her marriage was solemnized at Deoghar temple and all the

expenses were incurred by her maternal grand-father but she cannot tell the exact amount spent by her maternal grand-father. She has denied the suggestion that her father has not solemnized second marriage and he has no relation with Seema Devi. She has further denied that her mother (appellant herein) intentionally does not want to live with her father.

39. Thus, from scrutiny of the evidence adduced on behalf of the petitioner, it is evident that the appellant-wife has filed a criminal case under sections 498A, 494, 379/109 of IPC against her husband (the respondent no.1 herein) which was disposed of in terms of compromise arrived at between the parties. It is also evident from the evidence of the petitioner that the appellant-wife has filed a maintenance case praying therein for payment of maintenance amount in which the petitioner is paying an amount of Rs.6000/- per month as maintenance and both the parties are staying separately for the last 36 years.

40. It needs to refer herein that the “desertion” is not the withdrawal from a place but from a state of things, for what the law seeks to enforce is the recognition and discharge of the common obligations of the married state; the state of things may usually be termed, for short, ‘the home’. The desertion is a course of conduct which exists independently of its duration, but as a ground for divorce it must exist for a period of at least two years immediately preceding the presentation of the petition.

41. It is, thus, evident from the aforesaid reference of meaning of desertion that the quality of permanence is one of the essential elements which differentiates desertion from wilful separation. If a spouse abandons the other spouse in a state of temporary passion, for example, anger or disgust, without intending permanently to cease cohabitation, it will not amount to desertion. For the offence of desertion, so far as the

deserting spouse is concerned, two essential conditions must be there, namely, (1) the factum of separation, and (2) the intention to bring cohabitation permanently to an end. Similarly, two elements are essential so far as the deserted spouse is concerned: (1) the absence of consent, and (2) absence of conduct giving reasonable cause to the spouse leaving the matrimonial home to form the necessary intention aforesaid. In such a situation, the party who is filing

42. This Court, on the premise of the interpretation of the word “desertion” has considered the evidence of the petitioner as has been incorporated by the learned Family Court in the impugned judgment. On the Court’s query, it has come in the testimony of the appellant-husband that the respondent-wife has deserted him since last 36 years.

43. Herein, as per the facts of the case it is evident that after birth of the female child, the appellant-wife had left her matrimonial home sometime in the year 1990 and went to her *maike* and stayed there, meaning thereby, the parties of the instant case are living separately for last 36 years.

44. It has also come in the evidence of the respondent-husband himself that the appellant-wife had lodged a criminal case against him under the provision of Dowry Prohibition Act which was disposed of in terms of compromise arrived at between the parties.

45. In the aforesaid circumstances, the considered view of this Court is that now the marital relation between the parties has become "dead wood marriage" and marital relation has become lifeless and without emotional or practical value. It is settled proposition of law that when a marriage is deemed a dead wood situation, the Courts may consider it a valid reason to grant a divorce, recognizing that forcing a couple to remain

in such a relationship only prolongs their suffering and no purpose will be served in sailing the dead wood.

46. The Hon'ble Apex Court in the case of ***Durga Prasanna Tripathy v. Arundhati Tripathy, (2005) 7 SCC 353***, while taking into consideration the long period of separation of husband and wife has observed, which reads as under:

"28. The facts and circumstances in the above three cases disclose that reunion is impossible. The case on hand is one such. It is not in dispute that the appellant and the respondent are living away for the last 14 years. It is also true that a good part of the lives of both the parties has been consumed in this litigation. As observed by this Court, the end is not in sight. The assertion of the wife through her learned counsel at the time of hearing appears to be impractical. It is also a matter of record that dislike for each other was burning hot. 29. Before parting with this case, we think it necessary to say the following: Marriages are made in heaven. Both parties have crossed the point of no return. A workable solution is certainly not possible. Parties cannot at this stage reconcile themselves and live together forgetting their past as a bad dream. We, therefore, have no other option except to allow the appeal and set aside the judgment of the High Court and affirming the order of the Family Court granting decree for divorce. -----."

47. The Hon'ble Apex Court in the case of ***Sujata Uday Patil v. Uday Madhukar Patil, 2007 (3) PLR 521*** has observed as under:

"Matrimonial disputes have to be decided by courts in a pragmatic manner keeping in view the ground realities. For this purpose a host of factors have to be taken into consideration and the most important being whether the marriage can be saved and the husband and wife can live together happily and maintain a proper atmosphere at home for the upbringing of their offsprings. Thus the court has to decide in the fact and circumstances of each case and it is not possible to lay down any fixed standards or even guidelines."

48. Herein, the question is that when both the parties are not at all interested to live together then this Court cannot compel them to live together.

49. This Court, taking into consideration the aforesaid settled position of law and also on the basis of the fact that both parties are living separately since 36 years and therefore it will not be practically viable to direct the parties (appellant and respondent no.1) to live together, is of the view that the order of dissolution of marriage dated 01.09.2022 and the decree signed on 09.09.2022 passed in Original Suit No.80 of 2019 by learned Principal Judge, Family Court Jamtara in the Original Suit No. 80 of 2019 in favour the petitioner-husband (respondent herein), is hereby affirmed.

50. So far, the issue of inadequate amount of maintenance is concerned, since the appellant is interested in settling the dispute in terms of money [permanent alimony], which has been agreed by learned counsel for the respondent no.1, therefore, this Court is taking the plea in this regard but the amount which has been offered is not acceptable to the appellant.

51. However, on the offer being made by learned counsel for the appellant for final settlement by way of permanent alimony, submission has been made on behalf of the appellant-wife that she has no source of income to survive.

52. Further submission has been made that the petitioner-husband is working in the Railways and he is going to be retired from his service very soon and after that he will get a handsome amount from the Railways on retiral dues like, P.F, Gratuity etc., therefore, submission has been made that considerable amount of maintenance may be directed to be paid to the appellant-wife so that she can live in reasonable comfort considering the status and mode of life she would have used to live when they lived with respondent-husband.

53. This Court in the aforesaid backdrop facts and submission requires to consider as to: “what would be the quantum of permanent alimony to meet the needs of the wife (appellant herein) on the basis of pleadings available on record and as per the standard of life she would have enjoyed had they been living with the respondent no.1?”

54. This Court, before considering the aforesaid issue, needs to refer herein the provision of law as contained under Section 25 of the Hindu Marriage Act, 1955, wherein it has been provided that any Court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent’s own income and other property, if any, the income and other property of the applicant, it may seem to the Court to be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent. For ready reference, Section 25 of the Act, 1955 is quoted as under:

“25. Permanent alimony and maintenance.—(1) Any court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent’s own income and other property, if any, the income and other property of the applicant 1 [the conduct of the parties and other circumstances of the case], it may seem to the court to be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent.

(2) If the court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1), it may, at the instance of either party, vary, modify or rescind any such order in such manner as the court may deem just.

(3) If the court is satisfied that the party in whose favour an order has been made under this section has re-married or, if such party is the wife, that she has not remained chaste, or, if such party is the husband, that he has had sexual intercourse with any woman outside wedlock, 2 [it may at the instance of the other party vary, modify or rescind any such order in such manner as the court may deem just].”

55. It is evident from the aforesaid provision that concept of permanent alimony as provided under Section 25 of the Act, 1955 have been enacted with the object of removing the hardship of the wife or the husband with no independent income sufficient for living or meeting litigant expenses; such a leave can be granted as well who may also be deprived of the same on proof of having sexual intercourse outside the wedlock.

56. It is also settled position of law that the Court may grant permanent alimony to the party while disposing of the main application even if application has been moved; meaning thereby, the intent of the Act is to remove the handicap/hardship of a wife or husband by passing an appropriate order at the appropriate stage either under Section 24 or 25 of the Hindu Marriage Act, 1955. The basic behind this is to sustain the life of husband or wife, if having no sufficient source of income.

57. The Hon'ble Apex Court has also considered the intent of Section 25 of Hindu Marriage Act in catena of Judgments wherein it has been observed that Section 25 of Act, 1955 is an enabling provision. It empowers the Court in a matrimonial case to consider facts and circumstances of the spouse applying and deciding whether or not to grant permanent alimony. Sub-section (1) of Section 25 provides that a

matrimonial Court exercising the jurisdiction under the Hindu Marriage Act may at the time of passing a decree or at any time subsequent thereto on an application made to it, order to pay maintenance.

58. Thus, a power is conferred on the Matrimonial Court to grant permanent alimony or maintenance on the basis of a decree of divorce passed under the Hindu Marriage Act even subsequent to the date of passing of the decree on the basis of an application made in that behalf. Sub-section (2) of Section 25 confers a power on the Court to vary, modify or rescind the order made under Sub-section (1) of Section 25 in case of change in circumstances. The power under Sub section (3) of Section 25 is an independent power. The said power can be exercised if the Court is satisfied that the party in whose favour an order under Subsection (1) of Section 25 of the Hindu Marriage Act is made has not remained chaste, in such event, at the instance of the other party, the Court may vary, modify or rescind the order under Sub-section (1) of Section 25 of the Hindu Marriage Act.

59. Reference in this regard may be made to the judgment rendered by the Hon'ble Apex Court in the case of ***Kalyan Dey Chowdhury v. Rita Dey Chowdhury Nee Nandy, (2017) 14 SCC 200***. For ready reference, paragraph 14 of the judgment is quoted as under:

“14. Section 25 of the Hindu Marriage Act, 1955 confers power upon the court to grant a permanent alimony to either spouse who claims the same by making an application. Sub section (2) of Section 25 of the Hindu Marriage Act confers ample power on the court to vary, modify or discharge any order for permanent alimony or permanent maintenance that may have been made in any proceeding under the Act under the provisions contained in sub-section (1) of Section 25. In exercising the power under Section 25(2), the court would have regard to the “change in the circumstances of the parties”. There must be some change in the circumstances of either party which may have to be taken

into account when an application is made under sub-section (2) of Section 25 for variation, modification or rescission of the order as the court may deem just.”

60. We may note here that an amendment has been brought to Sub-section (3) of Section 25 of the Hindu Marriage Act by the Act No. 68 of 1976 with effect from 27th May, 1996. Earlier, it was provided under Sub-section (3) of Section 25 that if the Court was satisfied that the party in whose favour an order has been made has not remained chaste, it shall rescind the order. The words “it shall rescind the order” appearing in Sub-section (3) of Section 25 were replaced by the said amendment by the words “it may at the instance of the other party vary, modify or rescind any such order”. The legislature in its wisdom by the said amendment has provided that after the facts stated in Sub-section (3) of Section 25 of the Hindu Marriage Act are established, the Court may vary, modify or rescind any such order under Sub-section (1) of Section 25 of the Hindu Marriage Act.

61. Thus, after 1976, there is a discretion conferred on the Court by Sub-section (3) of Section 25 of the Hindu Marriage Act of declining to rescind, vary or modify the order under Sub-section (1) of Section 25 thereof, even if on an application made by the husband, it is established that the wife has not remained chaste after the decree of maintenance is passed under Sub-section (1) of Section 25.

62. The Hon’ble Apex Court in the case of *“Vinny Parmvir Parmar v. Parmvir Parmar”, (2011) 13 SCC 112* while appreciating the core of Section 25 of the Act 1955 has observed that for permanent alimony and maintenance of either spouse, the respondent's own income and other property, and the income and other property of the applicant are all relevant materials in addition to the conduct of the parties and other

circumstances of the case, for ready reference the relevant paragraph of the aforesaid judgment is being quoted as under:

12. As per Section 25, while considering the claim for permanent alimony and maintenance of either spouse, the respondent's own income and other property, and the income and other property of the applicant are all relevant material in addition to the conduct of the parties and other circumstances of the case. It is further seen that the court considering such claim has to consider all the above relevant materials and determine the amount which is to be just for living standard. No fixed formula can be laid for fixing the amount of maintenance. It has to be in the nature of things which depend on various facts and circumstances of each case. The court has to consider the status of the parties, their respective needs, the capacity of the husband to pay, having regard to reasonable expenses for his own maintenance and others whom he is obliged to maintain under the law and statute. The courts also have to take note of the fact that the amount of maintenance fixed for the wife should be such as she can live in reasonable comfort considering her status and mode of life she was used to live when she lived with her husband. At the same time, the amount so fixed cannot be excessive or affect the living condition of the other party. These are all the broad principles courts have to be kept (sic keep) in mind while determining maintenance or permanent alimony.

63. It needs to refer herein that no arithmetic formula can be adopted for grant of permanent alimony to wife. However, status of parties, their respective social needs, financial capacity of husband and other obligations must be taken into account.

64. The Hon'ble Apex Court in the case of "**U. Sree v. U. Srinivas**", (2013) 2 SCC 114 has observed that while granting permanent alimony, no arithmetic formula can be adopted as there cannot be mathematical exactitude. It shall depend upon the status of the parties, their respective social needs, the financial capacity of the husband and other obligations.

For ready reference, the relevant paragraph is being quoted as under:

33. We have reproduced the aforesaid orders to highlight that the husband had agreed to buy a flat at Hyderabad. However, when the

matter was listed thereafter, there was disagreement with regard to the locality of the flat arranged by the husband and, therefore, the matter was heard on merits. We have already opined that the husband has made out a case for divorce by proving mental cruelty. As a decree is passed, the wife is entitled to permanent alimony for her sustenance. Be it stated, while granting permanent alimony, no arithmetic formula can be adopted as there cannot be mathematical exactitude. It shall depend upon the status of the parties, their respective social needs, the financial capacity of the husband and other obligations. In Vinny Parmvir Parmar v. Parmvir Parmar [(2011) 13 SCC 112 : (2012) 3 SCC (Civ) 290] (SCC p. 116, para 12) while dealing with the concept of permanent alimony, this Court has observed that while granting permanent alimony, the court is required to take note of the fact that the amount of maintenance fixed for the wife should be such as she can live in reasonable comfort considering her status and the mode of life she was used to when she lived with her husband. At the same time, the amount so fixed cannot be excessive or affect the living condition of the other party.

65. In the case of “**Rajnish v. Neha & Anr.**” (2021) 2 SCC 324 the Hon’ble Apex Court has extensively dealt with the issue of granting interim/permanent alimony and has categorically held that the objective of granting interim/permanent alimony is to ensure that the dependent spouse is not reduced to destitution or vagrancy on account of the failure of the marriage, and not as a punishment to the other spouse. There is no straitjacket formula for fixing the quantum of maintenance to be awarded. The Hon’ble Apex Court further held that the Court while considering the issue of maintenance, should consider the factors like the status of the parties; reasonable needs of the wife and dependent children; whether the applicant is educated and professionally qualified; whether the applicant has any independent source of income; whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home; whether the applicant was employed prior to her marriage; whether she was working during the subsistence of the

marriage, for ready reference the relevant paragraph of the aforesaid judgment is being quoted as under:

77. *The objective of granting interim/permanent alimony is to ensure that the dependent spouse is not reduced to destitution or vagrancy on account of the failure of the marriage, and not as a punishment to the other spouse. There is no straitjacket formula for fixing the quantum of maintenance to be awarded.*

78. *The factors which would weigh with the court inter alia are the status of the parties; reasonable needs of the wife and dependent children; whether the applicant is educated and professionally qualified; whether the applicant has any independent source of income; whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home; whether the applicant was employed prior to her marriage; whether she was working during the subsistence of the marriage; whether the wife was required to sacrifice her employment opportunities for nurturing the family, child rearing, and looking after adult members of the family; reasonable costs of litigation for a non working wife. [Refer to Jasbir Kaur Sehgal v. District Judge, Dehradun, (1997) 7 SCC 7; Refer to Vinny Parmvir Parmar v. Parmvir Parmar, (2011) 13 SCC 112 : (2012) 3 SCC (Civ) 19 290]*

79. *In Manish Jain v. Akanksha Jain [Manish Jain v. Akanksha Jain, (2017) 15 SCC 801 : (2018) 2 SCC (Civ) 712] this Court held that the financial position of the parents of the applicant wife, would not be material while determining the quantum of maintenance. An order of interim maintenance is conditional on the circumstance that the wife or husband who makes a claim has no independent income, sufficient for her or his support. It is no answer to a claim of maintenance that the wife is educated and could support herself. The court must take into consideration the status of the parties and the capacity of the spouse to pay for her or his support. Maintenance is dependent upon factual situations; the court should mould the claim for maintenance based on various factors brought before it. 80. On the other hand, the financial capacity of the husband, his actual income, reasonable expenses for his own maintenance, and dependent family members whom he is obliged to maintain under the law, liabilities if any, would be required to be taken into consideration, to arrive at the appropriate quantum of maintenance to be paid. The court must have due regard to the standard of living of the husband, as well as the spiralling inflation rates and high costs of living. The plea of the husband that he does not possess*

any source of income ipso facto does not absolve him of his moral duty to maintain his wife if he is able-bodied and has educational qualifications. [ReemaSalkan v. Sumer Singh Salkan, (2019) 12 SCC 303 : (2018) 5 SCC (Civ) 596 : (2019) 4 SCC (Cri) 339] 81. A careful and just balance must be drawn between all relevant factors. The test for determination of maintenance in matrimonial disputes depends on the financial status of the respondent, and the standard of living that the applicant was accustomed to in her matrimonial home. [Chaturbhuj v. Sita Bai, (2008) 2 SCC 316 : (2008) 1 SCC (Civ) 547 : (2008) 1 SCC (Cri) 356] The maintenance amount awarded must be reasonable and realistic, and avoid either of the two extremes i.e. maintenance awarded to the wife should neither be so extravagant which becomes oppressive and unbearable for the respondent, nor should it be so meagre that it drives the wife to penury. The sufficiency of the quantum has to be adjudged so that the wife is able to maintain herself with reasonable comfort.

80. On the other hand, the financial capacity of the husband, his actual income, reasonable expenses for his own maintenance, and dependent family members whom he is obliged to maintain under the law, liabilities if any, would be required to be taken into consideration, to arrive at the appropriate quantum of maintenance to be paid. The court must have due regard to the standard of living of the husband, as well as the spiralling inflation rates and high costs of living. The plea of the husband that he does not possess any source of income ipso facto does not absolve him of his moral duty to maintain his wife if he is able-bodied and has educational qualifications. [ReemaSalkan v. Sumer Singh Salkan, (2019) 12 SCC 303 : (2018) 5 SCC (Civ) 596 : (2019) 4 SCC (Cri) 339]

81. A careful and just balance must be drawn between all relevant factors. The test for determination of maintenance in matrimonial disputes depends on the financial status of the respondent, and the standard of living that the applicant was accustomed to in her matrimonial home. [Chaturbhuj v. Sita Bai, (2008) 2 SCC 316 : (2008) 1 SCC (Civ) 547 : (2008) 1 SCC (Cri) 356] The maintenance amount awarded must be reasonable and realistic, and avoid either of the two extremes i.e. maintenance awarded to the wife should neither be so extravagant which becomes oppressive and unbearable for the respondent, nor should it be so meagre that it drives the wife to penury. The sufficiency of the quantum has to be adjudged so that the wife is able to maintain herself with reasonable comfort.

66. Recently, the Hon'ble Apex Court in the case of "*Rakhi Sadhukhan Vs. Raja Sadhukhan*" [2025 SCC OnLine SC 1259] has enhanced the amount of alimony subject to increase of alimony on every two years.

67. This Court has considered the factual aspect of the said case and on perusal of the fact, referred therein, it is evident that the appellant-wife and respondent-husband were married on 18.06.1997. A son was born to them on 05.08.1998. In July 2008, the respondent-husband filed Matrimonial Suit No. 430 of 2008 under Section 27 of the Special Marriage Act, 1954 seeking dissolution of marriage on the ground of cruelty allegedly inflicted by the appellant wife. Subsequently, the appellant-wife filed Misc. Case No. 155 of 2008 in the same suit under Section 24 of the Hindu Marriage Act, 1955, seeking interim maintenance for herself and the minor son. The Trial Court, by order dated 14.01.2010, awarded interim maintenance of Rs. 8,000/- per month to the appellant-wife and Rs. 10,000/- towards litigation expenses. The appellant-wife then instituted Misc. Case No. 116 of 2010 under Section 125 of the Criminal Procedure Code, 1973. The Trial Court, vide order dated 28.03.2014, directed the respondent-husband to pay maintenance of Rs. 8,000/- per month to the appellant-wife and Rs. 6,000/- per month to the minor son, along with Rs. 5,000/- towards litigation costs. The Trial Court, vide order dated 10.01.2016, dismissed the matrimonial suit, finding 21 that the respondent-husband had failed to prove cruelty.

68. Aggrieved, the respondent filed FAT No. 122 of 2015 before the High Court of Calcutta. During the pendency of the appeal, the appellant-wife filed CAN No. 4505 of 2025 seeking interim maintenance of Rs. 30,000/- for herself and Rs. 20,000/- for the son, along with

Rs. 50,000/- towards litigation expenses. The High Court, by order dated 14.05.2015, directed the respondent-husband to pay interim maintenance of Rs. 15,000/- per month. Subsequently, by order dated 14.07.2016, the High Court noted that the respondent-husband was drawing a net monthly salary of Rs. 69,000/- and enhanced the interim maintenance to Rs. 20,000/- per month. Finally, the High Court, by the impugned order dated 25.06.2019, allowed the respondent's appeal, granted a decree of divorce on the ground of mental cruelty and irretrievable breakdown of marriage, and directed the respondent-husband to redeem the mortgage on the flat where the appellant-wife was residing and transfer the title deed to her name by 31.08.2019; allow the appellant-wife and their son to continue residing in the said flat; and continue to pay permanent alimony of Rs. 20,000/- per month to the appellant-wife, subject to a 5% increase every three years. Additionally, the High Court directed payment of educational expenses for the son's university education and Rs. 5,000/- per month for private tuition.

69. Aggrieved by the quantum of alimony awarded, the appellant-wife has approached the Hon'ble Apex Court.

70. The Hon'ble Apex Court, by interim order dated 07.11.2023, noting the absence of representation on behalf of the respondent-husband despite proof of service, enhanced the monthly maintenance to Rs. 75,000/- with effect from 01.11.2023. The respondent-husband subsequently entered appearance and filed an application seeking vacation of the said interim order.

71. The appellant-wife contends that the amount of Rs. 20,000/- per month, which the High Court made final, was originally awarded as interim maintenance. She submits that the respondent-husband has a

monthly income of approximately Rs. 4,00,000/- and the quantum of alimony awarded is not commensurate with the standard of living maintained by the parties during the marriage.

72. In response, the respondent-husband submits that his current net monthly income is Rs. 1,64,039/-, earned from his employment at the Institute of Hotel Management, Taratala, Kolkata. He has placed on record salary slips, bank statements, and income tax returns for the year 2023-2024. It is further stated that he was earlier employed with Taj Hotel, drawing a gross annual salary of Rs. 21,92,525/-. He also submits that his monthly household expenses total Rs. 1,72,088/-, and that he has remarried, has a dependent family, and aged parents. The respondent-husband contends that their son, now 26 years of age, is no longer financially dependent.

73. The Hon'ble Apex Court taking note of the quantum of permanent alimony fixed by the High Court has come to the conclusion that it requires revision. The said revision is on the basis of the respondent-husband's income, financial disclosures, and past earnings which establish that he is in a position to pay a higher amount. The Hon'ble Apex Court has observed that the appellant-wife, who has remained unmarried and is living independently, is entitled to a level of maintenance that is reflective of the standard of living she enjoyed during the marriage and which reasonably secures her future. It has also been observed, the inflationary cost of living and her continued reliance on maintenance as the sole means of financial support necessitate a reassessment of the amount.

74. Therefore, Hon'ble Apex Court has held that, a sum of Rs. 50,000/- per month would be just, fair and reasonable to ensure financial stability for the appellant-wife. The said amount shall be subject

to an enhancement of 5% every two years. As regards the son, now aged 26, the Hon'ble Apex Court has expressed its view that the Court is not inclined to direct any further mandatory financial support. However, it is open to the respondent-husband to voluntarily assist him with educational or other reasonable expenses. It has been clarified that that the son's right to inheritance remains unaffected, and any claim to ancestral or other property may be pursued in accordance with law.

75. Accordingly, the appeal was allowed and the order of the High Court was modified to the extent that the permanent alimony payable to the appellant-wife shall be Rs. 50,000/- per month, subject to a 5% increase every two years, for ready reference the relevant paragraph of the said order is being quoted as under:

“7. Having considered the submissions and materials on record, we are of the view that the quantum of permanent alimony fixed by the High Court requires revision. The respondent-husband's income, financial disclosures, and past earnings establish that he is in a position to pay a higher amount. The appellant-wife, who has remained unmarried and is living independently, is entitled to a level of maintenance that is reflective of the standard of living she enjoyed during the marriage and which reasonably secures her future. Furthermore, the inflationary cost of living and her continued reliance on maintenance as the sole means of financial support necessitate a reassessment of the amount.

8. In our considered opinion, a sum of Rs. 50,000/- per month would be just, fair and reasonable to ensure financial stability for the appellant-wife. This amount shall be subject to an enhancement of 5% every two years. As regards the son, now aged 26, we are not inclined to direct any further mandatory financial support. However, it is open to the respondent-husband to voluntarily assist him with educational or other reasonable expenses. We clarify that the son's right to inheritance remains unaffected, and any claim to ancestral or other property may be pursued in accordance with law.

9. In view of the above, the appeal is allowed. The impugned order of the High Court is modified to the extent that the permanent alimony payable to the appellant-wife shall be Rs. 50,000/- per month, subject to a 5% increase every two years, as noted above.”

76. It is evident from the aforesaid judgment that 30% of the salary of the appellant of the said case was awarded to be paid in favour of the wife. However, no alimony was directed to be paid in favour of the son since he was 26 years of age but the Hon'ble Apex Court has made an observation that giving monetary aid to the said son is being left open upon the father.

77. In the instant case in compliance of the Court's order dated 19.01.2026 the affidavit has been filed by respondent no.2 wherein details of the salary and perks of the respondent no.1-husband along with pension calculation has been given vide Annexure-B.

78. We have perused the affidavit which has been filed on behalf of the respondent no.2, the General Manager, Chittaranjan Locomotive Works, Chittranjan in compliance of the order of this Court wherein it has been stated that the respondent no.1, namely, Rajesh Kumar Singh is presently holding the post of Senior Technician (M.V.Driver) in Level-6 of Pay Matrix under RS(RP) Rules, 2016. He is going to be superannuated from Railway Service w.e.f. 31.08.2026 on attaining the age of 60 years. His pension calculation sheet-retirement benefits have been annexed with the said affidavit and a tabular chart has been furnished with the said affidavit which is reproduced as under:

| | | |
|----|-----------------------------------|-----------------|
| 1. | Commutation value of Pension | Rs.11,52,405.00 |
| 2. | Retirement Gratuity (RG) | Rs.15,27,702.00 |
| 3. | Encashment of Leave Salary | Rs.9,25,880.00 |
| 4. | Group Insurance (Saving Money) | Rs.63,790.00 |
| 5. | Provident Fund (as on 01.01/2026) | Rs.1,45,542.00 |

| | | |
|----|------------------------------|------------------------------|
| 6. | Pension (before commutation) | Rs.29300/-+ Dearness Relief. |
|----|------------------------------|------------------------------|

79. On the other hand, it is evident from record that the appellant-wife has to survive for her livelihood as also she has to take care herself medically due to growing age on the amount of permanent alimony so given by the respondent-husband. At present, the appellant-wife is 55 years of age and taking into life expectancy of even 72 years, she has to survive for long 17 years on the amount of permanent alimony given by her husband beating the inflation etc. in addition to medical exigency due to growing age.

80. Further, it has come in the impugned order that the respondent-husband is possessed of his own residential house and, upon retirement, shall be entitled to pensionary benefits quantified at Rs.29,300/- per month together with Dearness Relief. As per the prevailing scenario, the said pensionary emoluments, inclusive of Dearness Relief at the rate of 60%, would approximate Rs.48,000/- per month. Even if one-third of such pensionary amount is earmarked towards maintenance of the appellant-wife, the figure would be Rs.16,000/- per month. Taking into account the probable life expectancy of the appellant, of 72 years, the said monthly sum, spread over a period of twelve years, would cumulatively amounting to Rs.23,00,000/- (Rupees Twenty-Three Lakh). In addition thereto, as referred in the preceding paragraphs the respondent is due to retire in the month of August of the current year and shall receive retiral benefits to the tune of Rs.38,00,000/- (Rupees Thirty-Eight Lakh).

81. Taking into consideration the submission advanced by learned counsel for the appellant-wife that she has no independent means to

sustain herself, and further bearing in mind the impending retirement of the respondent-husband, as also his present earning capacity and financial liabilities, this Court is conscious that the respondent-husband must himself survive and discharge other responsibilities. Nevertheless, vis-à-vis such considerations, it remains his paramount duty to secure for the appellant-wife the standard of life which she was entitled to enjoy during the subsistence of the marriage, commensurate with his income and social status.

82. For the reasons aforesaid, this Court considers it just, fair, and reasonable to fix a sum of ₹40,00,000/- (Rupees Forty Lakhs only) as one-time permanent alimony, for the sustenance of the appellant-wife, who has no independent source of income other than the amount to be received from the respondent-husband.

83. In such view of the matter, the respondent no.1-husband is directed to pay a sum of Rs. 40,00,000/- (Forty lakh) which shall be paid by him in four equal installments within a period of 12 months from the date of passing of the order and first installment shall be paid within a period of one month from today.

84. This Court, considering the factual aspect involved in the case and particularly the fact that due to financial crunch the survival of the appellant-wife may not get disturbed, grants liberty to the appellant-wife that if the amount is not credited to her account, as per the direction passed by this Court, she will be at liberty to approach the Court of law in accordance with law.

85. This Court, however, hope and trust that the respondent-husband will not invite such situation and will abide by the direction so passed by this Court for permanent alimony in favour of the appellant-wife.

86. With the aforesaid directions and observations, as made hereinabove, the instant appeal stands disposed of and decreed in the above terms.

87. Pending Interlocutory Application, if any, stands disposed of.

(Sujit Narayan Prasad, J.)

I Agree.

(Sanjay Prasad, J.)

(Sanjay Prasad, J.)

*Sudhir
Dated:19/06/2026
Jharkhand High Court, Ranchi
AFR*

Uploaded on 19/06/2026.