

GAHC010152532023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Mat.App./37/2023

BHUPENDRA KUMAR DAS
S/O LATE LAKSHI KANTA DAS,
R/O HOUSE NO. 8, RADHA KANTA DAS BHAWAN, PIYALI PHUKAN ROAD,
REHABARI, P.S.- REHABARI, P.S.- PALTANBAZAR, GUWAHATI- 781008,
DIST.- KAMRUP (M), ASSAM.

VERSUS

DIPANJALI CHETIA
D/O LATE DURGESWAR CHETIA,
R/O SONAPUR, NAMGHAR PATH, NEAR DAILY BAZAR, DULIAJAN, P.O.
AND P.S.- DULIAJAN, DIST.- DIBRUGARH, ASSAM, PIN- 786602.

Advocate for the Petitioner : MR S DUTTA

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

08-08-2023

Heard Shri S. Dutta, learned Senior Counsel for the appellant, who by means of this appeal has put to challenge a part of the judgment dated 12.04.2023 passed by the learned District Judge, Dibrugarh in Title Suit (Divorce) No. 35/2017.

The proceeding was initiated by the appellant as petitioner under Section 13 (1) (ia) of the Hindu Marriage Act for dissolution of the marriage. Vide the judgment dated 12.04.2023 while the petition of the appellant has been allowed and divorce has

been granted, a permanent alimony of Rs.8,00,000/-(Rupees Eight Lakhs) has been directed to be paid within a period of 3 (three) months. The grievance of the appellant is with regard to the quantum of the permanent alimony.

The learned Senior Counsel has submitted that before arriving at the said quantum, there was no adequate discussion and the relevant factors including the income and expenditures incurred by the appellant was not taken into consideration. It is the specific case of the appellant that he is suffering from various ailments for which huge expenditure have to be incurred.

This Court while taking up this matter on 05.08.2023 had recorded a *prima facie* opinion that the amount involved may not be in the higher side in which the business of the petitioner was also taken note of. Accordingly, some time was granted to the learned counsel for the appellant who have instructions.

The learned Senior Counsel however submits that the appellant would persist with the present challenge.

The impugned judgment and order dated 12.04.2023 while assessing the permanent alimony had taken into consideration the annual income of the petitioner for the financial years 2018-19 to 2022-23 which are relevant. The claim of the wife was that the petitioner was earning about Rs.10,00,000 (Rupees Ten Lakhs) per month as he was the lessee of a sand mahal, owns property and also owns two numbers of wine shops. However, the learned Court, has taken a rather conservative approach and the amount of permanent alimony of Rs.8,00,000/- (Rupees Eight Lakhs) has been fixed. In the opinion of this Court, the said approach of the learned Court is very reasonable and the amount arrived at may not be held to be on the higher side at all. In that view of the matter, this Court is of the opinion that the present may not be a fit case to be admitted and accordingly, the appeal stands dismissed.

This Court however would slightly modify the schedule of payment of the said amount of Rs.8,00,000/- (Rupees Eight Lakhs) granted by the learned District Judge,

Dibrugarh. The same is to be paid within a period of 6 (six) months from today, with an amount of Rs.4,00,000/- (Rupees Four Lakhs) is to be paid within a month and the remaining Rs.4,00,000/- (Rupees Four Lakhs) within the 6 (six) months period stipulated.

Appeal stands disposed of.

JUDGE

Comparing Assistant