

**HIGH COURT OF TRIPURA  
AGARTALA**

**FA 2 of 2024**

**Dr. Dilip Debnath**

**--- Appellant(s)**

**Versus**

**Smt. Mita Sarkar**

**--- Respondent(s)**

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|------------------------------------------------|---|-------------------------------|
| For Appellant (s)                              | : | Mr. Biplab Debnath, Advocate. |
| For Respondent(s)                              | : | Mr. A.K. Pal, Advocate.       |
| Date of hearing and date of Judgment and order | : | 03.12.2024                    |
| Whether fit for reporting                      | : | No                            |

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**HON'BLE MR. JUSTICE T. AMARNATH GOUD  
HON'BLE MR. JUSTICE BISWAJIT PALIT**

**Judgment & Order**

*(T. Amarnath Goud, J)*

Heard learned counsel for the parties.

[2] This is an appeal under Section 19 (1) of the Family Courts Act, 1984 read with Section 28 of the Hindu Marriage Act, 1955, against the impugned Judgment and Order dated 28.07.2023, passed in T.S. (NULL) 06 of 2018, by the learned Additional Judge, Family Court, Agartala, West Tripura, whereby the learned Additional Judge, Family Court, West Tripura, Agartala, had dismissed the petition filed by the husband-petitioner under Section 12(1)(b) (c) 2(a)(i) of the Hindu Marriage Act, 1955;

[3] The appellant's case, in brief, is that the he was a veterinary doctor and now retired from service. He has a son namely Sri Debabrata Debnath and a daughter named Shrestha Debnath through his first wife Lt. Sipra Debnath who died of breast cancer in the month of August, 2011. After 3 years of death of his first wife, appellant decided to perform 2nd marriage due to pressure of his relatives to look after his minor daughter as his son is studying outside of the state. Thereafter, the appellant decided to perform social marriage with the respondent. Accordingly, the appellant went to the house of the respondent to see her along with his relatives and proposer of marriage

namely Krishna Das. During 1st meeting with the respondent the appellant informed her that his first wife died for cancer and to look after his family he desired to perform 2nd marriage on which the 'respondent expressed that her first husband's death was natural as such she also desired to marry 2nd time as her entire life remains. Thereafter, guardian of the respondent including her father visited his house, where total discussion was held. In that meeting local elderly people of the petitioner namely Sri Swapan Debnath, Pallab Debnath, Sri Anil Biswas and other relatives as well as the parents of the respondent and her relatives were also present. After discussion finally, the appellant married respondent at Kasba Kali Mandir under Bishalgarh P.S according to Hindu rites and custom on 27.9.2013. Subsequently the marriage was recorded before the SDM, Sadar on 05-10-2013. At the time of marriage there was no demand of dowry from the appellant side.

[4] After few days of solemnization of marriage the respondent unnecessarily started quarrel by picking-up small issues in a big manner regarding his son and daughter of his first wife. Just after 3/4 months of the marriage the respondent used to leave the house of appellant and went to her parental house, sometimes with his consent or sometimes without intimation to the appellant and stayed there for 2/3 days. It is stated that the appellant after 6/7 months of the marriage surprisingly found that the respondent was suffering from different types of mental ailments. Sometime she spent sleepless night for 2/3 days and used to talk incoherently. Whenever the appellant asked the reason for same the respondent remained speechless and called her father over mobile phone who used to take her in his house and thereafter 5/6 days the respondent returned back alone with some improved condition. Every alternative 3/4 months this incident used to occur. Having no alternative, the appellant husband filed a petition for divorce before learned court below. But the learned court below rejected his plea. Being

aggrieved by the impugned order dated 28.07.2023, the appellant husband has approached before this court.

[5] On the contrary, Mr. AK Pal, learned counsel appearing for the respondent-wife has contended before this court that the judgment and decree as passed by the learned court below is just and proper and needs no interference from this court.

[6] At the very outset when this court asked the appellant whether he will continue to live with his wife after all had happened in the past. On asking, the appellant informed this court that their marriage has miserably broken and the appellant is not in a position to carry on with respondent-wife. This court cannot put pressure on any of the party to live together with each other. Moreover, the role of the court is not to remain a spectator but to give justice without being partial to any party. It is seen from the record that the respondent wife is not a working lady. She also deserves a good standard of living with all basic amenities. Having considered the future of the respondent-wife, the appellant-husband shall pay a lump sum amount for her better and secured future. The unison seems impossible at this stage but this court, having no alternative and for the better future for the parties, grants divorce to them and directs the appellant-husband to pay a sum of Rs.10,00,000/- (Rupees ten lakh) as permanent alimony in five equal installment. Hence, the appellant and respondent are no longer legally married husband and wife and their marriage stands dissolved. It is made also clear that the both the parties shall withdraw all the cases pending, if any, against each other pending before different forum with immediate effect.

[7] With the above observation and direction, this present appeal stands allowed and disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

**B.Palit, J**

**T. Amarnath Goud, J**

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