

**HIGH COURT OF TRIPURA
AGARTALA**

Mat.App 05 of 2024

Smt. Sima Debnath

--- Appellant(s)

Versus

Sri Litan Debnath

--- Respondent(s)

For Appellant (s)	:	Mr. D. Sarkar, Advocate.
For Respondent(s)	:	Ms. R. Purkayastha, Advocate.
Date of hearing and date of Judgment and order	:	03.12.2024
Whether fit for reporting	:	No

**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 28 of Hindu Marriage Act, 1955 read with Section 19 of Family Courts Act challenging the legality and validity of Judgment and Decree dated 17/10/2023 in connection with TS (Divorce) 145 of 2020 passed by Judge, Family Court, Agartala, West Tripura whereby the Learned Family Court grant decree of divorce as prayed by the Petitioner-Husband under section 13(1)(ia)(ib) of Hindu Marriage Act, 1955 and dissolved the marriage tie between the husband and wife.

[3] The factual matrix of the case is that the marriage of the respondent, Sri Litan Debnath was solemnised with the appellant Smt Sima Debnath on 07.06.2012 A.D. as per Hindu customary rites and ceremonies in the house of the appellant at Brajapur, Bishalgarh, Sepahijala, Tripura. That, soon after the marriage the parties have entered into the marital life with a high hope and aspiration to lead a happy conjugal life with full of mirth and merriment and started living together as husband and wife. But to ill luck of the respondent, after a few days of marriage the appellant had started to treat the respondent and his relatives with great harshness and subjected to oppression and

violence and she always misbehaved with the parents and relatives of the respondent. During her continuance of living in the matrimonial home, she used to live with her own wish without care of anybody to the house of the respondent. Regarding the said adamant attitude of the appellant, several baithaks were held in presence of the parents, relatives and well wishers of both the parties and they tried to make understand the appellant to lead a happy conjugal life with the respondent but all in vain. The appellant used to go to her parents house as and when she liked on her own volition. The respondent on several occasions had to bring back the appellant from her parental house.

[4] Having no alternative, the respondent husband filed a petition for divorce before learned court below and the learned court below allowed his plea. Being aggrieved by the impugned order dated 17/10/2023 the appellant wife has approached before this court.

[5] On the contrary, Ms. R. Purkayastha, 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] Based on the argument as advanced by the learned counsel for the parties, it appears to this court that the husband and wife are not in a position to lead their conjugal life any further. So what remains as a solitary solution to put an end to this litigation is to grant a divorce. For a lady to live her life all alone without the support of her husband considering all aspect is very difficult and 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 appellant-wife is not a working lady and her expenses have to be borne by the respondent-husband. Having considered the future of the appellant-wife, the respondent-husband shall pay a lump sum amount for her better and secured future. Though the marriage has already been dissolved but this court, having no alternative and for the better future of the appellant-wife, directs the respondent-husband to pay a sum

of Rs.5,00,000/- (Rupees Five 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, the appeal stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed. Send back the LCRs forthwith.

B.Palit, J

T. Amarnath Goud, J

