

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

Mat. App. No.25 of 2024

Sri Rabindra Kumar Nath @ Sagar

.....Appellant

_V_E_R_S_U_S_

Smti. Sumitra Debnath

.....Respondent

For Appellant(s) : Mr. G. K. Nama, Advocate.

For Respondent(s) : Ms. Sarama Deb, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

HON'BLE MR. JUSTICE BISWAJIT PALIT

_F_I_N_A_L_O_R_D_E_R_

03.12.2024

Heard Mr. G. K. Nama, learned counsel appearing for the appellant also heard Ms. S. Deb, learned counsel appearing for the respondent.

[2] This is an appeal filed under Section-19 of the Family Courts Act, 1984 read with Section-28 of the Hindu Marriage Act, 1955 against the judgment and decree dated 15.06.2023 passed by the learned Family Court, Dharmanagar, North Tripura in T.S. (Divorce) 56 of 2019.

[3] The facts in brief are that the marriage of both the parties was solemnized on 13.12.2013. The husband alleged that the respondent refused to obey his and his parents' instruction or suggestion regarding his family culture. Hence immediately after 7 (seven) days of their marriage dispute cropped up between the parties. It is also alleged among others that within said 7 days of their marriage the wife used to go to her paternal house at any time without telling her husband or any member of her matrimonial house. It is further alleged that after 3 (three) months of marriage, the wife left her matrimonial home without saying him or other members of his family and the dispute was settled at the initiative of the husband and he took her back to his home.

[4] Then again, the wife left for her father's house stealthily with her clothes and ornaments and it was her final departure from the home of her husband. Then the appellant-husband along with other well-wishers went to her home, made an attempt to take her back, but failed. From 6.4.2015 to till date the wife has been residing in her parental home leaving the company of her husband. The husband

again alleged that during the period of his wife's staying in his home no physical relationship developed between them.

[5] The respondent-wife appeared before the learned Court below and submitted written statement. The wife did not dispute about the fact of departure from her husband's house and also the period of separation. The wife alleged that her husband treated her cruelly for dowry and beat her several times for it. However, the materials produced by the wife and the oral testimonies of the witnesses do not support her case. The learned Court below failed to appreciate the pleadings, testimony of the witnesses and the fact of irretrievable breakdown of marriage but, ultimately, the learned Court below rejected the husband's prayer for granting the decree of divorce.

[6] Hence, the present appeal has been preferred before this Court for redress.

[7] When the case is called both the parties are present before this Court and after hearing both the parties and their respective counsel, this Court made efforts for reconciling and persuaded the matter for leading conjugal life but both the parties have represented before this Court that they are not interested to lead conjugal life and they want to get separated and also wanted to settle the matter by fixing a reasonable amount of permanent alimony.

[8] However, having gone through the material evidence placed on record and heard the learned counsel appearing for the parties, this Court is of the considered view that the marriage had already been broken down long back and there is no scope for re-union and also would not be fruitful for either of the parties. Thus, to come to a definite conclusion and for ends of justice, it would be better for both of them if the dissolution of marriage is granted. Thus, this Court allows the present appeal by setting aside the judgment i.e. T.S. (Divorce) 56 of 2019 passed by the learned Court below with permanent alimony. It is further ordered that both the parties shall take steps for closing/withdrawing all the criminal cases or the complaints made against each other before any Court, forum or authority if at all, they are pending.

[9] Considering the financial conditions and the old aged parents of the husband-appellant, permanent alimony amounting to Rs.6,00,000/- would be

appropriate for dissolution of the marital tie between the parties and they have mutually agreed to the same amount thus, same is ordered. Accordingly, this amount would be paid by the appellant-husband to the wife-respondent in three equal installments without fail.

[10] With the above observation and directions, the present appeal stands allowed and disposed of by granting divorce by dissolution of marriage between the appellant and the respondent. As a sequel, miscellaneous applications pending, if any, shall stand closed. Send down the LCRs. However, the personal appearance of the parties stand dispensed with.

B. PALIT, J

T. AMARNATH GOUD, J

A. Ghosh

