

**HIGH COURT OF TRIPURA
AGARTALA
MAT APP NO.07 OF 2023**

Sri Raja Dey

.....Appellant(s)

Versus

Smt. Pratima Das @ Mandira @ Sonai Das

.....Respondent(s)

For the Appellant(s) : Ms. V. Poddar, Advocate.

For the Respondent(s) : Mr. T.D. Majumder, Sr. Advocate.
Mr. S. Roy, Advocate.
Mr. D. Kalai, Advocate.

Date of hearing and delivery of
Judgment & Order : 26.11.2024

Whether fit for reporting : NO.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT
J U D G M E N T & O R D E R (O R A L)**

T. AMARNATH GOUD(J)

सत्यमेव जयते

This appeal has been filed under Section 28 of the Hindu Marriage Act, 1995, read with Section 19(1) of the Family Courts Act, 1984, challenging the validity, legality, and propriety of the impugned judgment and decree dated 16.06.2023 and 17.06.2023, respectively, passed by the Learned Judge, Family Court, West Tripura, Agartala, in Case No. T.S. (Divorce) 561/2019, whereby the suit for divorce filed by the appellant-husband was dismissed by the Learned Court below.

2. Heard Ms. V. Poddar, learned counsel appearing for the appellant-husband, as well as Mr. T.D. Majumder, learned senior counsel, assisted by Mr. D. Kalai, learned counsel, appearing for the respondent-wife.

3. In view of the order dated 06.11.2024 passed by this Court, both parties personally appeared before this Court. Upon the query of this Court, the appellant-husband submitted that he and the respondent-wife have been living apart for the last seven years and that there is no emotional bond between them. He further stated that due to the adultery and mental harassment committed by the respondent-wife toward him and his ailing mother, he is unable to even consider leading a conjugal life with the respondent.

4. On the other hand, the respondent-wife stated that all the allegations leveled against her by the appellant-husband, both orally and in the plaint, are incorrect. She further submitted that she is willing to live together with the appellant and expressed apprehension about her future if divorce is granted.

5. Heard and perused the evidence on record.

6. After careful consideration of the evidence and submissions from both parties, it is evident that the emotional bond between the husband and wife has been severed, as

demonstrated by their prolonged separation of seven years. Both individuals have been living apart during this time, signifies their inability to reconcile or sustain the marriage.

7. Further, in view of the allegation made on 15.02.2017, regarding the adultery of the respondent-wife, whether it is proved or not, this Court finds that when both the parties have gone to such an extent of tarnishing the moral image of each other, there is no possibility of them staying together. This Court made all efforts to counsel and convince the parties for leading further conjugal life, but both sides did not consider these suggestions made by the Court in their interest. Hence, this Court finds that the marriage has become irretrievable and is accordingly dissolved.

8. Accordingly, the impugned order of the Lower Court is set aside, and divorce as prayed for herein is granted. However, considering the future and well-being of the respondent-wife and the child, the appellant-husband is directed to pay a permanent alimony of Rs. 7 lakhs only to the respondent-wife and their son. The said amount is to be paid by the appellant-husband in five instalments to the respondent herein

9. With the above observations and directions, the present appeal is allowed to the extent indicated above and is thus disposed of. Any stay, if in place, stands vacated. Pending application(s), if any, also stand closed.

B. PALIT, J

T. AMARNATH GOUD, J

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