

**HIGH COURT OF TRIPURA
AGARTALA**

MAT APP NO.26 OF 2024

Smt. Sangita Deb
Vs.
Shri Kanchan Deb.

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

Present:

For the Appellant(s) : Mr. S. Bhattachajree, Advocate.

For the Respondent(s) : Ms. S. Debbarman, Advocate.

04.12.2024

Order

Heard Mr. S. Bhattacharjee, learned counsel appearing for the appellant-wife (*hereinafter referred to as the appellant*), and Ms. S. Debbarman, learned counsel appearing for the respondent-husband (*hereinafter referred to as the respondent*).

2. The brief facts of this case are that the respondent filed an application for divorce on the grounds of cruelty and desertion. The case was registered as T.S. (DIV) 39 of 2020 before the learned Judge of the Family Court, Khowai, Tripura. After hearing both parties and examining the evidence on record, the learned court decreed the suit vide judgment dated 21.12.2023, with the following terms:

”

ORDER

7. In the result, it is ordered that the application filed the petitioner, Sri. Kanchan Deb against the respondent, Smt. Sangita Deb for a decree of divorce on the grounds of cruelty and desertion, U/Ss-13(1) (la) & (lb) of the Hindu Marriage Act is hereby allowed.

It is held that marriage solemnized between the parties on 20.02.2006 according to the Hindu rites and customs, stands dissolved and there shall remain no marital bondage between parties, henceforth.

8. A Court while passing a decree of divorce can grant permanent alimony to the wife having regard to the financial condition and income of the parties. In the instant Case, the respondent-wife is found to be unemployed, totally depending upon the maintenance from her husband, as ordered by the Court, whereas the petitioner on the other hand is not a regular employee, but a daily-rated worker under the department of Animal Resources. Maintenance allowance of Rs.3,000/- per month is already allowed in favour of the respondent, however, considering the nature and condition of their relationship and economic status, I opine that an Order of permanent alimony in favour of the respondent, in place of monthly maintenance, would be suitable.

Accordingly, the petitioner is directed to pay the respondent a one-time permanent alimony of Rs.3,50,000/- (Rupees Three Lac & Fifty Thousand Only) within the next 03(three) months and deposit the same in her Bank Account, where-after deduction of monthly maintenance from his salary shall stand seized and ineffective. It is however, directed that deduction of monthly maintenance shall continue, at the event of the petitioner failing to pay the amount of permanent alimony within the above stipulated period, upto the month when full payment of the alimony is made.”

3. Being aggrieved and dissatisfied with the said judgment dated 21.12.2023, passed in T.S. (DIV) 39 of 2020, the appellant filed this appeal seeking to set aside the impugned judgment.

4. In terms of the order of this Court dated 26.11.2024, both parties personally appeared before this Court today.

5. The appellant-wife submitted that the permanent alimony awarded by the Court below is meager, and she seeks an enhancement. Mr. S. Bhattacharjee, learned counsel appearing for the appellant, further stated that the service of the respondent-husband has been regularized from the post of daily-rated worker and that the interest on the permanent alimony fixed by the Court below will only fetch Rs. 2,000/- per month, which is insufficient for the survival of the appellant-wife.

6. On the other hand, the respondent-husband submitted that he has become debt-ridden while arranging for the permanent alimony of Rs. 3,50,000/- as granted by the Court below. He further stated that he cannot bear any further increase in alimony due to his economic constraints. He also expressed that it is impossible for him to live together with the appellant as their relationship has irretrievably broken down.

7. Heard both sides and perused the evidence on record.

8. In the matter at hand, after considering the submissions of both parties and examining the material placed on record, this Court finds that the permanent alimony of Rs. 3,50,000/- awarded by the Trial Court is inadequate, given the

circumstances of the parties and the appellant-wife's contention regarding its insufficiency. It is also observed that the respondent-husband has expressed his inability to pay an increased amount, citing financial constraints, while simultaneously asserting his unwillingness to reconcile with the appellant-wife due to the irretrievable breakdown of their marital relationship. In light of the above, and in the interest of justice, this Court deems it appropriate to enhance the permanent alimony amount by Rs. 50,000/-, making the total sum payable by the respondent-husband to the appellant-wife at Rs. 4,00,000/-.

9. Accordingly, the decree of divorce as granted by the Trial Court is upheld. However, the permanent alimony awarded is modified to Rs. 4,00,000/- (Rupees Four Lakhs Only). The respondent-husband is directed to pay the permanent alimony as ordered by this Court within a period of 6(six) months from the date of this judgment. All other aspects of the judgment and decree passed by the learned Trial Court shall remain intact and unaltered.

10. With the above observations and directions, the present appeal stands disposed of. As a sequel, any stay,

if granted, stands vacated. Any pending application(s), if any, also stand closed.

B. PALIT, J

T. AMARNATH GOUD, J

suhanjit

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SUHANJIT SINGHA

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