

HIGH COURT OF TRIPURA
AGARTALA

Mat.App. 24 of 2024

Smt. Manti Dey Debnath,

---The Appellant(s)

Versus

Sri Tapan Debnath

--- The Respondent (s)

For Appellant (s)	:	Mr. P Roy Barman, Sr. Advocate. Mr. S. Bhattacharjee, Advocate.
For Respondent(s)	:	Mrs. S. Deb (Gupta), 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 the Hindu Marriage Act, 1955 read with Section 19 (1) of the Family Court's Act, 1984, against the ex-parte Judgment, dated, 18.12.2023, passed by the L'D Additional Judge, Family Court, West Tripura District in Case No T.S(Div) 320 of 2022, as the appellant is partly aggrieved by the ex-parte Judgment, dated, 18.12.2023, so far the amount of permanent alimony is concerned.

[3] The factual backdrops of the appellant's case, in brief, is that the appellant filed a present divorce petition on compelled circumstances on the ground of desertion and cruelty as the matrimonial relation had been fully broken down and the wife appellant was forced to leave the rented house situated at Ramnagar Rd.4, under ownership of Sri Makahan Sarkar on 10-01-2020 with her minor son and against the minor son was taken back by the husband-respondent on 03-05- 2022. The appellant-wife was also consented the same as she was unable to maintain the

minor son including his expenses of education as the husband respondent did not provided any maintenance to the appellant and the minor son during such period i.e. 10-01-2022 to 03-05-2022 and till today no maintenance in any form is provided by the husband-respondent. Once both the parties agreed to get divorced with mutual consent u/s.13(B) under HMA and accordingly in the year 2021 in the month of November, the divorce petition u/13(B) was prepared by the Counsel of the parties . The appellant was declined to file such divorce petition on mutual consent without any monetary relief in her favour and even before filling.

[4] Now, aggrieved by the order dated 18.12.2023 passed by the learned court below, the appellant-wife has approached before this court for seeking the relief. It is contended by the counsel for the appellant that the Ld Court below failed to consider that the respondent has successful computer business and he is income tax payee. While granting permanent alimony Ld. Court ought to have taken into consideration the financial condition of the respondent. It is further contended that the appellant is a home maker and has no income and for this reason the Ld. Court below ought to have taken into consideration the monthly requirement of the appellant to maintain a descent life. The Ld. Court below failed to consider that Rs.1,00,000/- is too meager amount in the context of the respondent's financial position and minimum requirement of the appellant to maintain herself.

[5] On the contrary, Mrs. S. Deb (Gupta), learned counsel appearing for the husband- respondent has contended before this Court that the impugned order dated 18.12.2023 is just and proper and does not need any interference from this Court.

[6] It surfaces from the record that the appellant has approached this court for enhancing the permanent alimony as awarded by the learned court below. The appellant-wife has also submitted before this court that she has already received an

amount of Rs.1,71,000/- from the respondent-husband as per the order the learned court below. It cannot be denied that the marriage has already been dissolved and they are living separately. The parties are before this Court today and it is learnt that the respondent-husband is running computer business. The respondent-husband has expressed his inability to enhance the amount of permanent alimony stating that his business has not been working out properly since the inception of pandemic Covid-19. In matrimonial cases, this court has always considered the future aspect of the bride and the groom not being partial to only either of the two. It is seen from the record that the respondent-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 three equal installment. Since the husband has already paid Rs.1,71,000/- , the remaining amount of Rs.3,29,000/- be paid in three equal installments. It is made also clear that the appellant wife shall also withdraw all the cases, if any, pending against the respondent-husband listed 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