

**HIGH COURT OF TRIPURA
AGARTALA**

Mat. App. 28 of 2024

Smt. Nilima Debnath

.....**Appellant(s)**

Versus

Shri Ratan Debnath

.....**Respondent(s)**

For the Appellant(s)	: Mr. K. Deb, Advocate. : Mr. S. Deb, Advocate.
For the Respondent(s)	: Mr. S. Chakraborty, Advocate.
Date of hearing & delivery of judgment & order	: 27.11.2024.
Whether fit for reporting	: Yes/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(ORAL)**

[T. Amarnath Goud, J]

Heard Mr. K. Deb, learned counsel and Mr. S. Deb, learned counsel for the appellant. Also heard Mr. S. Chakraborty, learned counsel for respondent.

[2] The present appeal has been preferred under section 19 of the Family Court Act, 1984, read with section 28 of the Hindu Marriage Act, 1955 against the judgment and decree dated

30.05.2024 passed in T.S. (Divorce) 336 of 2021 by the learned Addl. Judge, Family Court, West Tripura, Agartala.

[3] The case of the appellant in brief, is that being the wife (petitioner) she filed a suit for divorce on the grounds of cruelty against the husband (respondent) before the Court below. The husband contested the suit by denying the allegations and raised counter-allegations of an extra-marital affair of his wife with one Rana Das along with accusations of theft. However, the respondent neither consented to the divorce nor filed any counterclaim. The learned Additional Family Judge, Agartala, West Tripura, dismissed the suit filed by the petitioner (wife) by way of judgment and decree dated 30.05.2024. The appellant-wife, being dissatisfied with the said judgment and decree, has filed the instant appeal.

[4] It is contended on behalf of the appellant-wife that she is not willing to lead conjugal life with the respondent. She is living separately from the respondent-husband since 2018 on the ground of cruelty. She wants dissolution of marriage with the respondent.

[5] On the other hand, it is contended on behalf of the respondent-husband that he works as daily wage worker at a jewellery shop with meager income. Due to wedlock with the

appellant, a male child was born to them on 25.04.2007, who is staying with his father i.e. the respondent herein.

[6] Heard learned counsel for the respective parties. Perused the record.

[7] Both the parties are present today. During the course of argument, though the appellant-wife has not made any prayer except dissolution of marriage, request was made that since both of them (appellant and respondent) are employed and their son is staying with the respondent-father, some reasonable amount be fixed as permanent alimony to the wife to resolve their marriage. This Court suggested Rupees 2 lakhs as permanent alimony be paid by the respondent-husband to the appellant-wife, which has been accepted by both the parties.

[8] In view of the above discussions, as agreed by both the parties, the marriage between them is dissolved. The respondent-husband is directed to pay a sum of Rs.2 lakhs to the appellant-wife as permanent alimony within four months from today with four equal instalments.

With the above observation and direction, the instant appeal is allowed and accordingly, the same is disposed of. The personal appearance of the parties is dispensed with and the

impugned order dated 30.05.2024 passed by the learned Court below is set aside. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

B. PALIT, J

T. AMARNATH GOUD, J

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