

**HIGH COURT OF TRIPURA
AGARTALA
MAT APP NO.17 OF 2023**

Smt. Dipali Saha

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

Versus

Sri Bimal Bikash Saha

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

For the Appellant(s) : Mr. A.K. Pal, Advocate.

For the Respondent(s) : Mr. B.C. Laskar, Advocate.
Mr. H. Laskar, Advocate.

Date of hearing and delivery of
Judgment & Order : 10.07.2024.

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)

This present appeal has been filed under Section 28 of the Hindu Marriage Act, 1955 read with Section 19(1) of the Family Courts Act, 1984 challenging the impugned Judgment and Order dated 30.08.2023 and decree dated 04.09.2023 respectively passed by the learned Judge, Family Court, West Tripura, Agartala in Case No.T.S.(Divorce) 255/2017 whereby the suit of divorce filed by the respondent-husband herein has been allowed by the learned Court below.

2. Heard Mr. A.K. Pal, learned counsel appearing for the appellant-wife, and Mr. H. Laskar, learned counsel appearing for the respondent-husband.

3. Mr. A.K. Pal, learned counsel appearing for the appellant-wife submits that the Judgment and Decree passed by the learned Trial Court is against the will of the wife-appellant. The learned Trial Court below without considering the facts and circumstances of the wife-appellant passed the Judgment and Decree in favour of the husband-respondent and granted the decree of divorce. Moreover, the permanent alimony and the maintenance amount as given by the Court below to the wife-appellant is on the lower side considering the fact that the husband is the owner of a bookshop in Agartala and have landed properties. Learned counsel further submits that no opportunity was given to the appellant-wife by the learned Court below to examine witness on her behalf.

4. On the other hand, Mr. H. Laskar, learned counsel appearing for the husband-respondent submits that the Judgment and Decree as passed by the Court below is just and proper. Learned counsel further submits that the husband-respondent is the employee in the bookshop and not the owner of the bookshop. Learned counsel further submits that the respondent-husband has gifted landed property to the

wife-appellant and the same has been deposed by the wife-appellant in her deposition.

5. Heard and perused the evidence on record.

6. No evidence has been provided by the appellant-wife to establish the income of the husband-respondent. Further, no evidence has been put forth to verify that the respondent is the owner of the bookshop or he has many landed properties. However, on the cross-examination of the wife-appellant herein, she stated that landed property has been given to her in the form of gift-deed by the husband-respondent. This Court also does not find any list of witnesses given by the appellant-wife to the Court below to support her case.

7. In view of the above circumstance, this Court is of the opinion that if Rs. 9,00,000/-(Rupees Nine Lakhs) is given to the appellant-wife towards permanent alimony, the same would be just and proper. Accordingly, the same is ordered to pay within 3(three) months from today in equal monthly instalments. However, on payment of this permanent alimony, the monthly maintenance paid by the respondent-husband to the appellant-wife herein as ordered by the Court below stands void. As seen from the evidence of D.W.-1, it is evident that the respondent-husband has gifted landed property to the appellant-wife. The same is restored in

addition to permanent alimony as given above. In case of any civil dispute, it is open for the parties to avail remedies under the law before the Competent Court.

8. With the above observation and direction, this present appeal is disposed of and the impugned Order and Decree is upheld. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

B. PALIT, J

T. AMARNATH GOUD, J



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