

**HIGH COURT OF TRIPURA
AGARTALA**

MAT App. No.14 of 2022

Smt. Apu Paitya

..... Appellant(s)

V E R S U S

Sri Mrinal Kanti Das

..... Respondent(s)

For Appellant(s)	:	Mr. Samar Das, Advocate.
For Respondent(s)	:	Ms. R. Majumder, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S.D. PURKAYASTHA**

_O_R_D_E_R_

08/01/2024

Heard Mr. Samar Das, learned counsel for the appellant.

Also heard Ms. R. Majumder, learned counsel for the respondent.

The appeal arises from the judgment dated 26.08.2022 passed by learned Family Judge, North Tripura, Dharmanagar in T.S.(Divorce) No.12 of 2018 and connected decree thereof whereby the marriage tie between the parties were dissolved by decree of divorce and the appellant was granted permanent alimony of Rs.2,00,000/- under section 25 of Hindu Marriage Act,1955 but her prayer for return of stridhan was rejected.

Being dis-satisfied with the quantum of permanent alimony and also for rejection of her prayer for returning of stridhan, the present appeal has been filed.

Mr. Samar Das, learned counsel of the appellant submitted that inadequate amount of alimony was awarded by the Trial Court though it was categorical assertions of the appellant that the monthly income of the respondent was more than Rs.50,000/- (*Rupees fifty thousand*) from his

business of photocopier machine and mobile handset, and moreover he owns about 10 kanis of land jointly with his brothers and mother including one residential house. The respondent in his cross-examination also admitted the fact of ownership of more than 7 kanis of land jointly with his co-sharers.

Ms. R. Majumder, learned counsel of respondent however, submitted that the respondent is presently working as labourer under MGNREGA scheme and the immovable property as referred by appellant also stands jointly in the name of the respondent and his other co-sharers and therefore, he will be under acute financial hardship even to comply with the direction of payment of Rs.2,00,000/- (*Rupees two lakhs*) as ordered by the learned Family Judge.

Both the learned counsel however, admitted that except some oral evidences, no documentary proof was placed by the appellant about the existence of stridhans as claimed.

We have duly considered the evidences as surfaced by both the parties during trial. It is admitted fact that the respondent is holding a considerable quantum of land jointly with his brothers and mother and moreover his brother [OPW-2] in his cross-examination also admitted that they are four brothers living in same mess and they have one 'Dokan vitti' i.e. shop class of land at Panisagar market in their names. The respondent also did not specifically deny in his written statement about the existence of his business of mobile handset and photocopier machine as claimed by the appellant.

Considering all these aspects, it is held that granting of permanent alimony of Rs.3,00,000/- will meet the ends of justice. However, evidence is deficient for allowing the prayer of the appellant for returning her stridhans.

The appeal is therefore partly allowed. The impugned judgment and decree are interfered with only to the extent that the quantum of permanent alimony is determined to the tune of Rs.3,00,000/- (*Rupees three lakh*) in place of Rs.2,00,000/- (*Rupees two lakh*) as was awarded by learned Family Judge. Liberty is also given to the respondent to pay the said amount to the appellant in 3 (three) equal installments i.e. initially Rs.1,00,000/- by April, 2024, second installment of Rs.1,00,000/- by July, 2024 and third installment of Rs.1,00,000/- by October, 2024.

Registry is to draw up the decree accordingly and to furnish copy of the decree to the parties free of cost.

Pending application(s), if any, shall also stand disposed of.

(S.D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ

SATABDI DUTTA

Digitally signed by SATABDI DUTTA
Date: 2024.01.11 11:53:21 +05'30'

Rudradeep