

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

Mat. App. No.16 of 2024

Smti. Sabitri Rani Nath

.....Appellant

_V_E_R_S_U_S_

Sri Gautam Chandra Debnath

....Respondent

For Appellant(s) : Mr. S. Saha, Advocate.

For the respondent(s) : Mr. S. Datta, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

HON'BLE MR. JUSTICE BISWAJIT PALIT

_F_I_N_A_L_O_R_D_E_R_

22.01.2025

Heard Mr. S. Saha, learned counsel appearing for the appellant also heard Mr. S. Datta, learned counsel appearing for the respondent.

[2] This is an appeal filed under Section-19 of the Family Court Act, read with Section-28 of the Hindu Marriage Act, 1955 against the judgment and decree dated 21.03.2024 passed by the learned District Judge, North Tripura Dharmanagar in case No. T.S. (Div) 72 of 2019 whereby the District Judge, dissolved the marriage between the appellant and the respondent by a decree of divorce on the ground of desertion, under Section-13(1) (ib) of the Hindu Marriage Act, 1955.

[3] The facts in brief are that the marriage between the appellant and the respondent was solemnized on 11.03.2009 according to the Hindu Rites and Customs. Thereafter, disputes arose between the parties following which the appellant and the respondent are living separately since 20.09.2011. On 08.11.2011, the appellant lodged an FIR with Kanchanpur Police Station against the respondent and his family members which was registered u/s 498-A of IPC and after investigation police submitted charge sheet against the respondent and three others. Thereafter, the learned SDJM, after completion of trial convicted the respondent and three others u/s 498-A IPC and sentenced each of them to suffer Simple Imprisonment for two years and to pay a fine of Rs. 5000/- (rupees five thousand) only by the judgment dated 22.03.2013. Be it mentioned here that the conviction and sentence of the respondent as aforesaid, passed by the learned SDJM, Kanchanpur, North Tripura was also upheld in the appellate court i.e. the learned Sessions Judge, the Hon'ble High Court and also in the Apex Court of India.

[4] However, in the Apex Court of India the sentence of the respondent was altered by the judgment and order dated 12.07.2017 in case No. CRL 1121/2017 arising out of SLP (CRL) No. 1641/2017. On 09.12.2014, the respondent filed a petition praying for a decree of divorce before the learned Judge, Family Court, Kailashahar, Unakuti District which was registered as TS (Div) 41 of 2014, but the said case was withdrawn by the respondent on 10.08.2015. Thereafter, the respondent again filed a petition u/s 13(1)(ia)(ib) of the Hindu Marriage Act, 1955 on 17.08.2019 before the learned District Judge, North Tripura, Dharmanagar, for dissolution of marriage between the parties which was registered as TS (Div) 72/2019. In the said case after conclusion of trial the learned District Judge, North Tripura, Dharmanagar by the judgment and order dated 21.03.2024 dissolved the marriage between the appellant and the respondent.

[5] After hearing the parties and having gone through the material evidence on record the learned Court below has observed as under:

“11. In the result, the prayer of the petitioner for a decree of divorce is hereby allowed and the marriage between the petitioner Sri Goutam Chandra Debnath and the respondent Smt. Sabitri Rani Nath solemnized on 11.03.2019 is hereby dissolved from the date of the decree.

Since the respondent has stated that she has been getting maintenance allowance from her husband, no order is passed regarding maintenance of the respondent.

12. Prepare decree accordingly. The case is disposed of on contest. Also supply a copy of his judgment free of cost to both the parties. The judgment is delivered in the open Court.”

[6] Being highly aggrieved by and dissatisfied with the same, the present appeal has been preferred by the appellant herein.

[7] Today when the case is called, both the parties are present and are represented with their respective counsel and having heard the argument as advanced by the learned counsel for the parties, it appears to this Court that the husband and wife are not in a position to lead their conjugal life any further. For a lady to live her life all alone without the support of her husband considering all aspects is very difficult and the role of the Court is not to remain a spectator but to give justice without being partial to any party. It is seen from the record that the appellant- 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.7,00,000/- (Rupees seven lakhs) as permanent alimony in three equal installments.

[8] Hence, the appellant and respondent are no longer legally married husband and wife and their marriage stands dissolved. It is also made clear that both the parties shall withdraw all the cases pending, if any, against each other before any authority, forum with immediate effect.

[9] With the above observation, the present appeal stands disposed of. As a sequel, miscellaneous application, pending if any, shall stand closed.

B. PALIT, J

T. AMARNATH GOUD, J

A. Ghosh

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