

**HIGH COURT OF TRIPURA
AGARTALA
MAT. APP. NO.27 OF 2024**

Smt. Samhita Datta Biswas
Vs.
Sri Somen Biswas

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Present:

For the Appellant(s) : Mr. D. Bhattacharjee, Sr. Advocate.
Mr. S. Das, Advocate.

For the Respondent(s) : Mr. S. Bhattacharjee, Advocate.

28.01.2025

Order

This appeal has been filed under Section 19(1) of the Family Court Act, read with Section 28 of the Hindu Marriage Act, against the Judgment and Decree dated 14-06-2024, passed in T.S. (Divorce) 57 of 2020 by the Learned Family Court, Agartala, West Tripura. Vide the said Judgment and Decree, the Learned Family Court granted divorce and dissolved the marriage solemnized between the appellant-wife and the respondent-husband herein.

2. The brief facts of the case is that the marriage between the appellant and the respondent was solemnized on 03-07-2009 at the paternal house of the appellant in the presence of well-wishers. Out of the wedlock, the appellant-

wife gave birth to a baby girl on 23-04-2010. Thereafter, disputes arose between the parties. Subsequently, the respondent-husband filed a petition seeking divorce before the Learned Family Court, West Tripura, citing desertion and cruelty as grounds. The Learned Family Court issued a notice to the wife-appellant, who then appeared before the Court below and contested the proceedings by filing a written statement. After hearing the arguments of both parties, the Learned Family Court passed a Judgment and Decree on 14-06-2024, granting divorce and declaring that the marriage solemnized between the appellant and the respondent herein as dissolved. Hence, this appeal has been preferred by the appellant-wife seeking to set aside/quash the Judgment and Decree dated 14-06-2024, passed in T.S. (Divorce) 57 of 2020 by the Learned Court below.

3. Heard Mr. D. Bhattacharjee, learned Senior Counsel, assisted by Mr. S. Das, learned counsel, appearing for the appellant, as well as Mr. S. Bhattacharjee, learned counsel, appearing for the respondent.

4. In compliance with the order dated 21-01-2025, both parties were present before this Court today.

5. It is submitted at the Bar that the respondent-husband herein entered into a second marriage on 20-11-2024, and the certificate of marriage has also been exhibited. The appellant-wife demanded Rs. 40 lakhs as permanent alimony for maintaining herself and her daughter, as she is unemployed and has been covering her daughter's educational expenses. She further submitted that the respondent-husband is a Bank Manager, earning more than Rs. 1(one) lakh per month, and also possesses ancestral property. She also submits that he has been paying monthly maintenance of Rs.10,000/- to her. On the other hand, the respondent-husband agreed to pay Rs.11-12 lakhs as permanent alimony. He further submitted that his net salary is Rs. 90,000/- per month and that he has no additional source of income, and he has to also bear the medical expenses of his aged parents.

6. From the records, it is evident that the respondent-husband has remarried, and the said marriage is not under challenge. The appellant-wife has expressed her demand for permanent alimony. Considering the circumstances, this Court confirms the divorce while granting permanent alimony.

7. Regarding the quantum of permanent alimony, the appellant initially demanded Rs. 40 lakhs, which she later

reduced to Rs. 20 lakhs. The respondent-husband proposed an amount of Rs.11-12 lakhs. After reviewing his salary certificate and considering the financial responsibilities of both parties, including the husband's obligation towards his aged parents' medical expenses and his second family, this Court finds Rs.15 lakhs as permanent alimony to be a reasonable amount. Accordingly, the Court directs the respondent to pay Rs. 15,00,000/- (Rupees fifteen lakhs) only as permanent alimony to the appellant herein in four equal instalments, with the full amount to be paid on or before 1st June 2025. Until the full amount is paid, the respondent-husband shall continue to provide the month maintenance as directed by the Court below.

8. With the above observation and direction, this present appeal stands disposed of. 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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