

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 422 of 2016

- Sameer Jain S/o Narendra Jain, Aged About 30 Years R/o Subhash Ward No. 9, Jagdalpur, District Bastar (Chhattisgarh).

---- Petitioner

Versus

- Amrita Jain D/o Ashok Jain, R/o 204, Shanti Vijay Apartment, Old Ganj, Chowk, Rajnandgaon (Chhattisgarh).

---- Respondent

For Petitioner

Mr. R.N. Mukherjee, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

13/7/2016

1. Heard.
2. In a matrimonial suit filed by the petitioner before the Family Court, Rajnandgaon, seeking divorce under Section 13(1) (ia) (ib) of the Hindu Marriage Act, 1955, while granting divorce in petitioner's favour on 12.03.2014, the petitioner was directed to pay permanent alimony of Rs.10,00,000/- for future maintenance as also return of '*Streedhan*' in the form of ornaments, utensils and cash, valued at Rs.1,35,000/-. It is this decree, which has been put to execution by the respondent-wife.
3. In the course of execution, the petitioner raised an

objection that since he is paying Rs.5000/- per month as interim maintenance to respondent-wife as per the order passed by the Family Court on 12.10.2010, therefore, he is not liable to pay permanent alimony of Rs.10 lakhs.

4. Having heard learned counsel for the petitioner, it would clearly appear that once a decree for divorce has been granted in petitioner's favour along with further decree granting permanent alimony to the respondent-wife, the petitioner cannot avoid payment of permanent alimony and return of '*Streedhan*' unless the decree is set-aside by the superior Courts.
5. The order for grant of interim maintenance remained operative only during pendency of the proceeding before the Family Court. Once the matrimonial suit is decided, the interim order merges in the final order and therefore, the petitioner is liable to pay the decretal amount in the form of permanent alimony and return of '*Streedhan*' to the value of Rs.1,35,000/-
6. There is no substance in the writ petition, the same deserves to be and is hereby dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

Shyna