

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No. 203 of 2018

- Amarjeet Singh S/o Mahendra Singh, Aged About 39 Years R/o New Khursipar Near Gurudwara Bhilai Tahsil and District Durg, Chhattisgarh.

---- Appellant

Versus

- Smt. Karuna Kaur Ex. W/o Amarjeet Singh Aged About 32 Years D/o Sharan Singh , R/o Near Baikunth Dham, Behind S T M School Camp - 2 Bhilai Tahsil and District Durg Chhattisgarh.

---- Respondent

For the Appellant	:-	Shri Arvind Dubey, Advocate.
For the Respondent	:-	None for the respondent.

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Smt. Justice Vimla Singh Kapoor,

Order on Board By
Prashant Kumar Mishra, J.

11.10.2018

1. Heard on I.A. No. 01/2018 application for condonation of 31 days' delay in filling the instant appeal.
2. On due consideration, the application is allowed and the delay in filling the appeal is condoned.
3. Heard learned counsel for the appellant on admission.
4. The prayer made by the appellant for divorce has been allowed by the family Court. At the same time, while exercising jurisdiction under Section 25 of the Hindu Marriage Act, the family Court has also granted permanent alimony of Rs. 3,000/- per month to the respondent wife.

5. It is argued by learned counsel for the appellant / husband that the respondent / wife remained with the appellant only for 20 days after marriage. He further submits that the present marriage of appellant / husband with respondent / wife was the third one and that of respondent / wife with the appellant / husband was the second one. It is argued that the appellant / husband being a constable in Indian Army earns Rs. 38,000/- per month as salary, therefore, the permanent alimony of Rs. 3,000/- per month fixed by the family Court is disproportionately higher.

6. Having heard learned counsel for the appellant and on perusal of the order passed by the family Court, we are satisfied that the order impugned does not call for any interference for the simple reason that the marriage between the parties is not in dispute and the appellant being employed with the Indian Army earns sufficient monthly income to grant permanent alimony Rs. 3,000/- per month to respondent wife. There is no error of jurisdiction nor is there any perversity in the approach of the family Court while allowing permanent alimony to respondent wife.

7. The appeal, therefore, fails and is dismissed accordingly at the admission stage itself.

Sd/-

Judge
Prashant Kumar Mishra

Sd/-

Judge
Vimla Singh Kapoor