

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No.M-34 of 2019 (O&M)

Date of decision:07.03.2019

Amit Malik

...Appellant

Vs.

Riddhi Luthra

....Respondent

**Coram: Hon'ble Mr. Justice Rakesh Kumar Jain
 Hon'ble Mr. Justice Harnaresh Singh Gill**

**Present: Mr. Gaurav Jindal, Advocate,
 for the appellant.**

Rakesh Kumar Jain, J.

This appeal is directed against the order dated 19.09.2018, by which an application filed by the respondent under Section 25 of the Hindu Marriage Act, 1955 (hereinafter referred to as the "Act") for grant of permanent alimony has been allowed.

In brief, the marriage of the parties to the lis was solemnized on 24.11.2012 at Kanpur as per Hindu Rites and ceremonies. Unfortunately, the marriage could not survive as the respondent-wife filed a petition under Section 13(1)(ia) of the Act for seeking a decree of divorce. While the said petition was pending, she also filed an application under Section 25 of the Act. Not only her petition filed under Section 13(1)(ia) of the Act has been decreed vide judgment and decree dated 13.12.2017 but her application filed under Section 25 of the Act has also been allowed on 19.09.2018 and the appellant has been directed to pay the permanent alimony of ₹20 lacs within a period of 2 months from the date of passing of the said order. It was, however, clarified that the interim maintenance, if any, received by the

respondent-wife in any of the matrimonial proceedings would be excluded. It is admitted by the appellant that he is working in Juniper Networks India Pvt. Ltd. and earning ₹27 lacs per annum, whereas the respondent has admitted that she is working in Infosys and earning ₹6.4 lacs per annum. The Court had also found that the respondent-wife is getting monthly salary of ₹49,127/- but while referring to a decision of the Supreme Court rendered in the case of **Vinny Parmvir Parmar v. Parmvir Parmar**, 2011(3) R.C.R. (Civil) 900, in which it has been held that while dealing with the concept of permanent alimony, the Court is required to take note of the fact that the amount of maintenance fixed for the wife should be such as she can live in reasonable comfort considering her status and the mode of life she was used to when she lived with her husband, the lower Court when found annual income of the appellant to the tune of ₹27 lacs as against ₹6.4 lacs of the respondent, instead of granting monthly alimony granted permanent alimony of ₹20 lacs to the respondent-wife.

The only argument raised by the counsel for the appellant is that the amount of permanent alimony cannot be more than 25% of the net salary of the appellant and in this regard, he has relied upon a decision of the Supreme Court rendered in the case of **Kalyan Dey Chowdhury vs. Rita Dey Chowdhury Nee Nandy**, 2017(2) R.C.R. (Civil) 1033.

We have heard learned counsel for the appellant and after perusal of record, are of the considered opinion that there is no error in the impugned order which requires our interference. In **Kalyan Dey Chowdhury's case (supra)**, relied upon by the appellant, monthly alimony was fixed, whereas in the present case, the respondent has been awarded a lump sum amount of ₹20 lacs as permanent alimony. However, it has been categorically held in

Kalyan Dey Chowdhury's case (supra) that the amount of permanent alimony awarded to the wife must be befitting the status of the parties and the capacity of the spouse to pay maintenance and in such circumstances where the wife is getting only 1/4th salary as compared to the husband, the learned trial Court has not committed any error in awarding the amount of ₹20 lacs as a whole towards permanent alimony as it would be befitting to the status of the wife, had she been living with her husband/appellant, before the decree of divorce was passed.

Thus, looking from any angle, we do not find any error in the impugned order for the purpose of interference and hence, the present appeal is hereby dismissed, though without any order as to costs.

(Rakesh Kumar Jain)
Judge

March 07, 2019
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(Harnaresh Singh Gill)
Judge

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No