

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**FAM No. 67 of 2016**

- Jayanti Bai W/o Naveen Chandra, Aged About 38 Years R/o Village- Jharmokhali, Post- Ranitarai, Tahsil- Patan, District- Durg Chhattisgarh

---- Appellant**Versus**

- Naveen Chandra S/o Thakur Ram Dhruv, Aged About 44 Years R/o Village- Dumartarai, Post- Mana Camp, Tahsil And District- Raipur Chhattisgarh

---- Respondent

For Appellant	:	Shri Praveen Dhurandhar, Advocate
For Respondent	:	Ms. Richa Dwivedi, Advocate

D.B.:- Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board**25/02/2020**

This appeal is directed against impugned judgment and decree dated 15/09/2015 passed by the Family Court, Durg to the extent, the learned Family Court has awarded Rs.5 lakhs as permanent alimony.

2. The respondent / husband moved an application for declaration that the marriage solemnized between the parties on 23/06/1989 be declared null and void. Learned Trial Court recorded a finding in favour of the respondent / plaintiff and granted decree of divorce. While deciding the case, learned Court below also passed an award for payment of Rs.5 lakhs as permanent alimony to the appellant / defendant. As the appellant feels aggrieved by the amount awarded, this appeal has been filed.

3. The submission of learned counsel for the appellant is that the learned Court below, while awarding alimony of Rs.5 lakhs, has not made any enquiry from the records of the case and has mechanically awarded this amount. According to him, in the light of the evidence, oral and documentary on record, the appellant / wife was entitled to get more amount than what has been awarded as alimony to the appellant.

4. Learned counsel for the respondent submits that the amount which has been awarded to the appellant is commensurate with the income of the parties which has been observed by the learned Trial Court.

5. In para 4 of the plaint, it has been pleaded that the appellant / wife is an Anganbadi worker. This has not been denied by the appellant in her written statement. The respondent / husband, examined as plaintiff witness No.1, has stated that his wife is an Anganbadi worker and earns Rs.3,500/- per month and in support of this, he has filed certificate (Ex.P/7) issued by the employer. Further, we find that the wife examined as DW1, has stated regarding income of the husband and pay slips (Ex.D/2) disclosing that the husband is receiving Rs.32,867/- in hand after deductions. From what has been stated in para 22 by the respondent / husband and appellant (DW1) in para 17 and 19 in her evidence, it is established that the husband was getting Rs.32,867/- in his hand with liability to maintain his father, mother, second wife and three children. It is also proved that the appellant is getting Rs.3,500/- working as Anganbadi worker. The age of the appellant appears to be 44 years on the date of passing of the judgment and decree in view of her age declared in her affidavit under Order 18 Rule 4 CPC.

6. Taking into consideration all the above facts, we are of the view that the amount of Rs.5 lakhs which has been awarded to the appellant, appears to be just and proper. Though the learned Trial Court has not examined the evidence on

record, we have examined the evidence on record as above, to reach to the same conclusion that the award of Rs.5 lakhs to the appellant as permanent alimony is just and proper. The appeal has, therefore, no merit and is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge