Item-131. 18-08-2022

Ct. 8

sg

FMA 2197 of 2016

Ranen Mondal
Versus
Smt. Soma Mondal

None appears on behalf of the parties nor any accommodation is prayed for on their behalf. The appellant was also not present on the adjourned date.

The appeal is directed against a judgment and order dated 3rd June, 2015 in a Miscellaneous Suit/Case No. 18 of 2014. The respondent filed an application under Section 25 of the Hindu Marriage Act, praying for permanent alimony to the tune of Rs.80,000/- per month. The respondent has given an estimate of the expenses for herself and her minor son that are required monthly for an honourable living. It appears from the evidence on record that the average monthly income of the husband including taxable benefits after deduction of income tax was Rs.1,60,000/- in the year 2014 and Rs.25,00,000/- during the financial year 2010-11. the income of the appellant ahs increased over a period of time. It is the obligation and duty of the appellant to ensure a decent and conformable living for the minor child and his mother and it is the duty of the Court to ensure that the petitioner, respondent and the minor child are living with dignity and conform and not in penury. (See (i) ***Vinny Parmvir Parmar vs. Parmvir Parmar,*** reported in ***II (2011) DMC 754 (SC)***, (ii) ***Moumita Roychourhury vs. Abjijit Chatterjee,*** reported in ***I (2014) DMC 161*** and ***U. Sree Vs. U. Srinivas***, reported ***in (2013) 2 SCC 114***].

On such consideration, we do not find any reason to interfere with the order passed by the learned Trial Court. The appeal is, accordingly, dismissed.

(Siddhartha Roy Chowdhury, J.) **(Soumen Sen, J.)**