

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.238 of 2018

Sweta Kumari Verma @ Shweta Verma, Wife of Sri Abhishek Verma, D/o Late Satish Kumar Verma, resident of House No. 408, Mahas Encalve, near Indira Nagar, Police Station-Indira Nagar, Lucknow (U.P.). Permanent address-R/o Mohalla-Shankar Nagar, P.O.-Ramna, P.S.-Mithanpura, District-Muzaffarpur.

... .. Appellant/s

Versus

Abhishek Verma Son of Sri Shankar Nath Verma, resident of Mohalla-Shankar Nagar, P.O. Ramna, Police Station-Mithanpura, District-Muzaffarpur, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar Verma, Advocate
For the Respondent/s : Mr. Satish Kr. Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY)

Date : 02-05-2024

The present appeal is directed against the judgment and decree dated 10.12.2015 and 22.12.2015 respectively passed in Matrimonial Case No. 116/2013 by the Court of Principal Judge, Family Court, Muzaffarpur whereby and whereunder the marriage between the parties has been dissolved.

2. Being aggrieved by the aforesaid judgment and decree, the present Miscellaneous Appeal has been preferred by the appellant-Sweta Kumari Verma @ Shweta Verma, who is the wife of the respondent-Abhishek Verma.



3. Briefly stated the facts of the present appeal is that the appellant and respondent solemnized marriage on 21.01.2011 at Muzaffarpur. It has been submitted that respondent (husband) has left the job who was an employee in ITC INFOTECH on account of abnormal and erratic behaviour of the appellant. It is further claimed that respondent faced difficult situation created by the appellant in form of nuisance and hindrance by defaming the respondent either in the society where he lives or at his office. The respondent requested the appellant on 02.04.2013 to live in a good and familiar environment as a result of which appellant became angry and left the matrimonial home by deserting the respondent on the ground of cruelty. It is stated that no cohabitation has taken place between the parties since December, 2012 and since then the respondent is living in deserted condition and appellant has not discharged any matrimonial obligation causing cruelty and torture.

4. Learned counsel for the appellant has submitted that marriage has been solemnized between both the parties on 21.01.2011. Learned counsel further submitted that parties are living separately since December, 2012. During course of argument counsel of the appellant has also offered permanent alimony and appellant has not raised grievance regarding the judgment and decree of divorce passed by the Family Court as



appellant has also heard through counsel of respondent that respondent has solemnized marriage with another lady after expiry of statutory period from the date of decree of divorce and respondent has been blessed with one son from the second marriage.

5. Learned counsel for the respondent during course of argument has submitted that respondent has already solemnized marriage with another lady after expiry of statutory period from the date of decree of divorce and one son took birth out of the said wedlock.

6. Pursuant to the order of this court both parties have submitted assets and liabilities in the light of direction given by Hon'ble Supreme Court in the case of *Rajnesh vs. Neha* reported in *(2021) 2 SCC 324* and *Aditi @ Mithi vs. Jitesh Sharma* reported in *(2023) SCC Online SC 1451*.

7. During course of argument both parties have submitted that both are living separately since December, 2012 and respondent has solemnized marriage with another lady and respondent is blessed with one son from second marriage. Both parties have also admitted that it is impracticable to resume the marital tie among the parties as for all practical purposes of marriage has been dissolved and after expiry of statutory period



from decree of divorce, respondent has solemnized marriage with another lady. Both parties have their own say on the point of permanent alimony and offer of respondent on the point of permanent alimony has been disputed by the counsel of the appellant.

8. What remains in the present case is to decide permanent alimony.

9. In the light of aforesaid facts and circumstances of the case, both parties have nothing to say against the decree of divorce rather they are not agreed upon the quantum of permanent alimony.

10. In the light of aforesaid facts and circumstances of the case, on the point of divorce, there is no need to pass fresh order as respondent has already solemnized marriage with another lady after expiry of statutory period from the date of passing the decree of divorce and appellant has not raised the grievance on the point of decree of divorce during the course of argument.

11. Accordingly, on the score of permanent alimony, the present matter is remitted back to the Principal Judge, Family Court, Muzaffarpur to decide the permanent alimony after giving ample opportunity of adducing evidence and hearing to the respective parties on each and every contention raised by both



parties and to pass appropriate order within six months from the date of receipt/production of copy of this order.

12. The Family Court Record be sent back to the learned Family Court forthwith.

13. With the aforesaid observations, the present appeal stands disposed of.

14. Pending Interlocutory Applications, if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

