

2024:PHHC:143970 DB



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

FAO-2544-2024 (O&M)

Date of decision: 23.10.2024

VIPIN BIHARI

...Appellant

Versus

POONAM

...Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Onkar Rai, Advocate for appellant.

SUDHIR SINGH, J.

Challenge in the present appeal is to the part of the judgment and decree dated 16.03.2024 passed by the Learned Additional Principal Judge, Family Court, Faridabad (for short 'the Family Court'), whereby while decreeing the petition under Section 13 (1) (i-a) of the Hindu Marriage Act, 1955 (for short 'the Act') filed by the appellant-husband, the appellant-husband has been directed to pay an amount of Rs.7,00,000/- to the respondent-wife as permanent alimony.

2. As the only challenge in the present appeal is to the grant of permanent alimony, the detailed facts of the case need not be reiterated. It may be noticed that the respondent-wife had filed FAO-2645-2024 against the impugned judgment and decree granting

divorce to the appellant-husband. The said appeal was dismissed by this Court vide order dated 24.09.2024.

3. As noticed above, the only challenge in the present appeal is to the grant of permanent alimony to the respondent-wife by the learned Family Court. While assailing the grant of permanent alimony to the respondent-wife, it is argued by the learned counsel for the appellant that the respondent-wife herself is guilty of committing cruelty against the appellant-husband and his family members. It is further submitted that the respondent-wife had lodged FIR No.1061 dated 12.12.2018 under Sections 498-A, 323, 506 and 406 IPC against the appellant-husband and his family members and that in the said FIR, the family members of the appellant-husband were found innocent and the challan was presented only against the appellant-husband. It is further submitted that as per the Income Tax Returns for the year 2015-16 to 2018-19, produced on the record of the learned Family Court, it is clear that the respondent-wife was working and earning a handsome amount and she is able to maintain herself with the said income. Still further, it is argued that taking into consideration the aforesaid ITRs, the learned Family Court declined to grant any maintenance to the respondent-wife or the children in the proceedings under Section 125 Cr.P.C.

4. We have heard learned counsel for the appellant-husband and have also gone through the impugned judgment and decree passed by the learned Family Court.

5. The issue that requires consideration by this Court is whether the grant of permanent alimony to the respondent-wife, requires any interference by this Court.

6. Admittedly, while granting the permanent alimony, the learned Family Court has taken into consideration the fact that the respondent-wife has no source of income and she is unable to maintain herself and the three children of the parties. It was further observed that in the proceedings under Section 125 Cr.P.C., the maintenance was only awarded to the children and not to the respondent-wife. On the basis of the ITRs filed by the appellant-husband, it was found that he was a man of means and, thus, while granting divorce to the appellant-husband, the aforesaid amount of Rs.7,00,000/- was ordered to be paid to the respondent-wife as permanent alimony.

7. We find that the amount of Rs. 7,00,000/- awarded to the respondent-wife as permanent alimony can neither be said to be unjustified nor on the higher side. It is not the case of the appellant-husband that the respondent-wife has any source of income. We may also notice that apart from maintaining herself, the respondent-wife is also to maintain the three children born out of the wedlock, and, therefore, the learned Family Court has rightly granted the amount of Rs.7,00,000/- as permanent alimony to the respondent-wife.

8. No other point has been urged.

9. In view of the above, we do not find any illegality or perversity in the impugned judgment and decree passed by the learned

Family Court. Consequently, finding no merit in the present appeal, the same is hereby dismissed.

10. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

[JASJIT SINGH BEDI]
JUDGE

23.10.2024
Himanshu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No