

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.165 of 2016

Sanjeet Kumar Agrawal S/o Raj Kumar Agrawal, R/o B-404, Aashiana Apartments, Mayur Vihar Phase 1 Extension Delhi 110091. Presently residing at D- 204, FF, Sushant Lok- 2, Sector- 56 , Gurgaon.

... .. Appellant/s

Versus

Mrs. Mukta Agrawal daughter of Vijay Kumar Saraf, resident of G.N Ganj Laherisarari, Darbhanga, Distt- Darbhanga. Presently residing at F-303, Green Vista, Atghora, Rajarhat, Kolkata.

... .. Respondent/s

with

Miscellaneous Appeal No. 117 of 2016

Mrs. Mukta Agarwal

... .. Appellant/s

Versus

Sri Sanjit Kumar Agarwal

... .. Respondent/s

Appearance :

(In Miscellaneous Appeal No. 165 of 2016)

For the Appellant/s	:	Mr. Ranjan Kumar Dubey, Advocate Mr. Shashank Kashyap, Advocate Mr. Kumar Gaurav, Advocate Ms. Sheshadri Kumari, Advocate Ms. Ishiqua Raj, Advocate
For the Respondent/s	:	Mr. Pramod Kr. Sinha, Advocate Mr. Arvind Kr. Sharma, Advocate Mr. Chetan Kumar, Advocate

(In Miscellaneous Appeal No. 117 of 2016)

For the Appellant/s	:	Mr. Pramod Kr. Sinha, Advocate Mr. Arvind Kr. Sharma, Advocate Mr. Chetan Kumar, Advocate
For the Respondent/s	:	Mr. Ranjan Kumar Dubey Mr. Shashank Kashyap, Advocate Mr. Kumar Gaurav, Advocate Ms. Sheshadri Kumari, Advocate Ms. Ishiqua Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

and

HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI)

6 11-12-2025 The learned Advocates on behalf of both the parties
are present.

2. This is an appeal filed by the appellant who is the
husband of the respondent, challenging a part of the order



regarding permanent alimony granted by the learned Principal Judge, Family Court, Muzaffarpur in Matrimonial (Divorce) Case No. 29 of 2011 *vide* order dated 09.12.2015.

3. The wife has also filed a cross appeal against the said judgment assailing the decree of divorce as well as claiming permanent alimony at a higher rate against the husband.

4. We have heard both the appeals together in presence of the learned counsel on behalf of the appellant and the respondent in M.A. No. 165 of 2016 and *vice versa* in M.A. No. 117 of 2016.

5. It is contended by the learned Advocate on behalf of the wife being the respondent in M.A. No. 165 of 2016 and appellant in M.A. No. 117 of 2016 that he has not received any instruction from his client though, he informed the date of hearing to her. As, he has no instruction, he is not in a position to submit anything on merit in the appeals in hand. However, it is submitted by the learned Advocate on behalf of the wife that even though he is not in a position to submit anything with regard to decree of divorce on the ground of cruelty and desertion, law relating to permanent alimony has changed to a substantial extent in view of the judgments delivered by the



Hon'ble Apex Court. He refers to a judgment in the case of ***Kiran Jyot Maini Vs. Anish Pramod Patel*** reported in (2024) 13 SCC 66. The factual aspect of the said reported decision is that both the husband and wife were working. The Hon'ble Apex Court granted divorce on the ground of irretrievable breakdown of marriage between the parties. Para no. 32 of the said judgment is quoted herein below:-

“It is not in dispute that the respondent has the legal obligation as also the financial capacity to maintain his wife after dissolution of marriage. It is also necessary to ensure that the award of maintenance or permanent alimony should not be penal but should be for the purposes of ensuring a decent living standard for the appellant wife. Considering the material on record, the factors stated above, the considerations noted herein, and the arguments advanced by the learned Senior Counsel on both sides, this Court is of the opinion that the demand made by the appellant is exceptionally high but, at the same time, the amount offered by the respondent is insufficient in the broader rubric of maintenance considerations.”

Thereafter, final decision was taken by the Hon'ble



Supreme Court in para no. 33 of the said judgment which is also quoted herein below:-

“Keeping in view the totality of the circumstances, the social and financial status of the parties, their current employments as well as future prospects, standards of living, and their obligations, liabilities, and other expenses, a one-time settlement amount of Rs 2 crores would be a balanced and fair amount. This amount would also cover all pending and future claims. Thus, we fix the said amount as permanent alimony to be paid by the respondent to the appellant within a period of four months.”

6. In the instant case, it is not in dispute that both the husband and wife are Chartered Accountants, they have their independent incomes. The parties have a girl child who is now on the verge of major. The Trial Court granted permanent alimony of Rs. 8,00,000/- (Rupees Eight Lakhs) to the wife and Rs. 5,00,000/- (Rupees Five Lakhs) for the maintenance of minor girl.

7. A supplementary affidavit has been filed on behalf of the husband/appellant in MA No. 165 of 2016 on 10.12.2025 in compliance of the order dated 14.05.2019, directing the



husband/appellant to deposit the amount of alimony of Rs. 13,00,000/- (Rupees Thirteen Lakhs) in a fixed deposit in the name of his daughter, the interest of which can be utilized by the respondent for the education and upbringing of the daughter.

8. At the time of final disposal of the appeals, we directed the learned counsel for the husband/appellant to place his view over the matter. It is already recorded that by way of supplementary affidavit, the husband/appellant gave consent to deposit enter amount of Rs. 13,00,000/- (Rupees Thirteen Lakhs) of permanent alimony in the account of the wife as full and final settlement of the case.

9. With regard to the appeal filed by Mrs. Mukta Agrawal, the wife of the appellant of MA No. 165 of 2016, we like to record that we have duly considered the impugned judgment delivered by the learned Principal Judge, Family Court, Muzaffarpur. The learned Principal Judge, Family Court, Muzaffarpur, on careful consideration of evidence on record, decreed the suit on the ground of cruelty and desertion in favour of the husband. On independent appreciation of evidence, we do not find any reason to spill ink over the said finding relating to grant of decree of divorce.

10. With regard to payment of alimony which was



challenged by the husband, we dispose of both the appeals directing the husband to deposit the amount of Rs. 13,00,000/- (Rupees Thirteen Lakhs) along with the accrued interest in the bank account of the wife in which the interest of the existing fixed deposit is being transferred, within the stipulated time. Acknowledgment with regard to transfer of the said money shall be handed over to the learned Advocate on behalf of the appellant of MA No. 117 of 2016, within 15 days from the date of this order.

11. It is submitted by the learned Advocate for the husband/appellant that the enter amount of Rs. 13,00,000/- (Rupees Thirteen Lakhs) is now in fixed deposit in the name of minor daughter of the parties in HDFC Bank, Gurgaon Branch.

12. As such, the Bank Authority is directed to permit the husband/appellant to withdraw the said amount along with the interest and allow him to deposit the same in the bank account of the wife.

13. It is made clear that any finding made by the Trial Court with regard to cruelty allegedly inflicted by the husband upon the wife shall be limited only for the purpose of the disposal of the matrimonial case. Such finding/observation by the Trial Court shall not be used in any other criminal,



subsequent civil or revenue proceedings.

14. The present order passed by this Court shall not effect any legal right of the daughter over the property of her father.

15. Accordingly, with the aforesaid observation and direction, both the appeals i.e. M.A. No. 165 of 2016 and M.A. No. 117 of 2016 along with interlocutory application(s) if any, are hereby disposed of.

(Bibek Chaudhuri, J)

(Dr. Anshuman, J)

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