



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

FAMILY COURT APPEAL NO. 86 OF 2024

Vaibhav @ Gunvant Sukram Chaudhari
Occ- Government Service, Age 33 Yrs,
Res- A 1204, Samrat Gokuladhan Society
Hirawadi, Nashik, Dist. Nashik 422003
Mob 9561743787, vsccivil@gmail

...APPELLANT
[Ori. Respondent]

VERSUS

Jyoti @ Jidnyasa w/o Vaibhav @ Gunvant
Chaudhari
Occ- Contractor, Age 27 Yrs,
R/o. C/o Suresh Vitthal Chaudhari,
Plot No. 28, Mohini Raj Puram,
Bhagat Singh Nagar Road, Harsool,
Tal & Dist. Aurangabad.

...RESPONDENT
[Ori. Petitioner]

**ALONG WITH
CIVIL APPLICATION NO. 2811 OF 2025
WITH
CIVIL APPLICATION NO. 12927 OF 2024
IN
FAMILY COURT APPEAL NO. 86 OF 2024
WITH
CIVIL APPLICATION NO. 6687 OF 2025
IN
FAMILY COURT APPEAL (STAMP) NO. 13043 OF 2025
WITH
FAMILY COURT APPEAL (STAMP) NO. 13043 OF 2025**

Appellant/ party-in-person present
Mr. Shaikh Mohammad Naseer, Advocate for the respondent

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**CORAM : NITIN B. SURYAWANSHI AND
SMT. VAISHALI PATIL JADHAV, J.J.**

**RESERVED ON : 11th SEPTEMBER, 2025
PRONOUNCED ON: 10th OCTOBER, 2025**

JUDGMENT: [PER NITIN B. SURYAWANSHI, J.]

1. Family Court Appeal No.86 of 2024 is filed under Section 19 of Family Courts Act, 1984, by the appellant/husband challenging the judgment and decree passed by the Family Court, Aurangabad in Petition No. A-321 of 2022 dated 06.03.2024.

2. Family Court Appeal (Stamp) No.13043 of 2025 is filed by the appellant Jyoti against rejection of her prayer by the Family Court to return her *stridhan*. For the sake of convenience, appellant and respondent are hereinafter referred as "Vaibhav" and "Jyoti".

3. Facts in brief, leading to this appeal can be stated thus:

Jyoti filed petition under Section 13(1)(i)(i-a) and (i-b) of the Hindu Marriage Act for divorce against Vaibhav *inter alia* contending that their marriage was solemnized on 01.07.2017 at Chalisgaon as per Hindu rites and customs. After the marriage, Jyoti went for cohabitation in the joint family of Vaibhav at Jamner, Dist. Jalgaon. On 06.07.2017, as per prevailing custom, she returned to her maternal house. On 09.07.2017, Vaibhav came to her maternal house for MPSC examination. On that day in the evening Vaibhav and Jyoti went to Nashik at the house of her maternal uncle and they stayed there for four to five days. Jyoti was unable to clear few subjects of her engineering, therefore, she could not get admission in the 4th year. On

17.07.2017, again they went to matrimonial house which was a rented house of two rooms at Jamner. Five persons were staying in the said house.

4. At the time of marriage, Jyoti had finished her Civil Engineering Diploma and was appearing in 3rd year of Engineering. Vaibhav was made aware that Jyoti is interested in continuing the education. He agreed to get transfer at Nashik. Therefore, marriage was solemnized between them. Vaibhav did not gift anything in the marriage except mangalsutra of three grams and Jodwe. Parents of Vaibhav were of the view that since he is Class-II officer and Jyoti is the only child to her parents, they would gift car and golden ornaments in the marriage. After the marriage, they started teasing her on that count and mentally harassed her. When she went to Jamner for cohabitation they did not treat her properly. Vaibhav was of the opinion that he shall take license and contract in the name of Jyoti and his brother would do the business. Therefore, he was creating obstructions in her further education.

5. Vaibhav was to attend training from 08.08.2017 to 09.09.2017 in WALMI, Aurangabad, therefore after the Raksha Bandhan ceremony on 07.08.2017, Vaibhav and Jyoti came to the parental house of Jyoti at Aurangabad. Vaibhav asked Jyoti to stay in

the parental house as he could meet her in the weekend.

6. Vaibhav is Class-II Government Officer. In his rental house of two rooms he and Jyoti were not getting privacy. Therefore, Vaibhav took another house of three rooms on rent. His mother did not like it. His parents and brother started teasing him that he is dancing on the tunes of Jyoti. They started polluting his mind against Jyoti. Vaibhav started abusing Jyoti at the instance of his parents. He also started quarreling with her on small issues.

7. Jyoti had taken room at Nashik for education. Vaibhav had chosen the said room. Jyoti's father was paying the entire expenses of her education and rent of the room. Vaibhav was not in favour of Jyoti staying at Nashik. Since it was decided prior to the marriage that Vaibhav would not oppose for Jyoti's further education, initially he allowed her to take room. However, he started asking her to come to Jamner and stay there. He use to make Whatsapp calls continuously to see who is with her, what clothes she is wearing, whether or not she is wearing Mangalsutra and applied Sindoor etc. He asked her not to talk to a particular friend, not to wear particular dresses, not to go at a particular place, thereby he caused mental cruelty to her.

8. On 14.09.2017, Vaibhav called her from Nashik to her

maternal house at Aurangabad and from there he asked to come to Jamner on 24.09.2017 for Dassehra Festival. On 06.10.2017, they both went to Nashik, however, he compelled her to pay all the travelling expenses. They went to the house of his aunt at Nashik. After reaching there Jyoti cooked food, cleaned the utensils and thereafter requested him to go to her room in the night as the house of his aunt was very small. Vaibhav raised quarrel with her saying that he would not come to that room. Thereafter on the say of his aunt, he went to her room. On that day, Vaibhav did not allow Jyoti to go to the examination of Railway Civil Engineering and because of that she suffered great loss. On 20.10.2017, Jyoti went to Aurangabad for Bhaubeej festival along with her parents and uncle. At that time Vaibhav abused her father. Though, it was decided that Vaibhav would not prevent her from taking education, he always created obstacles in her education. He started defaming her saying that she is having illicit relations with 4-5 boys at a time and that she shall not be sent alone for education.

9. Vaibhav demanded Rs. 20 Lakhs from Jyoti for his transfer at Nashik and for construction of house. He told her that unless she brings Rs. 20 Lakhs he would not allow her to go to Nashik for education. He started suspecting her character saying that she is

having illicit affairs. He used to say that his sister cleans utensils at her matrimonial home and Jyoti also should do that. Vaibhav and his parents were saying that other girls were available and ready to give dowry of Rs. 30 Lakhs to him, but they chose her with an expectation that her parents would gift lot of gold, household articles and four wheeler vehicle in the marriage.

10. On 22.12.2017, Vaibhav and his father sent Jyoti to her parental house. Vaibhav abused her parents saying that he would not take her back. On 15.01.2018, a meeting of relatives from both the sides took place at Chalisgaon. Vaibhav agreed in the said meeting that he would not ill treat and beat Jyoti in future. Relying on his words, on 15.01.2018, Jyoti went to Jamner with Vaibhav. On 22.01.2018, her father took her to Thane for examination. After the examination on 24.01.2018 he called Vaibhav and asked him to take her with him. At that time, Vaibhav abused Jyoti and her father on phone. Jyoti also requested him to take her with him. At that time, Vaibhav replied that he is busy and he would not take her back as he is not interested to stay with her. In spite of her repeated requests he did not take her for cohabitation. Thereafter on 17.03.2018, he issued legal notice to her for divorce making false allegations. Jyoti replied the said notice on 17.04.2018. Then she filed complaint in Women Cell

and FIR under Section 498-A of IPC. Vaibhav filed divorce petition in Jalgaon Court. The same was transferred to Family Court, Aurangabad and renumbered as Petition No. A-360 of 2019. In the said petition interim maintenance @ Rs. 6,000/- per month was awarded. Since Vaibhav did not pay the maintenance, divorce petition was dismissed with cost of Rs. 25,000/-. Jyoti therefore contended that Vaibhav and his parents subjected her to cruelty and compelled her to stay separately. Vaibhav did not take her responsibility. Since Jyoti is taking education she has no source of income. She filed POWDV Petition No. 536 of 2018 in the Court of Judicial Magistrate First Class for maintenance. Interim maintenance of Rs. 4,000/- per month was awarded to her, but Vaibhav was not paying the said amount.

11. On 20.08.2021, Vaibhav has illegally performed second marriage with one Janhavi Sanjay Chaudhary in Krishidhan Hotel, Mumbai-Agra Highway, Ozar Mig, Tq. Nifad, Dist. Nashik. He is leading immoral life with her. He has subjected Jyoti to cruelty and deserted her. He has not paid interim maintenance and has totally neglected her. Because of cruel treatment, Jyoti is completely depressed. By performing second marriage, Vaibhav has caused her mental torture. For these reasons it is impossible for her to continue the matrimonial tie with him. Therefore, she prayed for dissolution of marriage and

claimed an amount of Rs. 40 Lakhs towards permanent alimony and return of her *stridhan* articles which she has described in her evidence. She has also given the list of expenditure incurred for the marriage. She has also given description of the properties of Vaibhav and his father. She further claimed that Vaibhav is Class-II officer in Government service having salary of Rs. 90,000/- per month. His family is running business of furniture in the name of Ratna Furniture. Father and brother of Vaibhav are doing private job and getting salary. Nobody was dependent on him, therefore, he is in a position to pay Rs. 40 Lakhs towards permanent alimony.

12. Vaibhav opposed the petition by filing written statement Exhibit-19 and denied the allegations levelled against him. He stated that DV Act proceedings filed by Jyoti bearing No. 536 of 2018 has been dismissed after trial on 02.11.2023. In the said judgment Trial Court has observed that no domestic violence has taken place. Therefore, pleadings of the Jyoti of cruelty against her are false. He claimed that Jyoti is not legally wedded wife. Their marriage did not take place as per Hindu rites and customs. On 01.07.2017 , when the Saptapadi was performed, there was storm in the afternoon, because of that sacred fire could not be ignited in the *homa*. Saptapadi was therefore performed without sacred fire. As per Section 7 of Hindu

Marriage Act, ceremonies of Hindu marriage include Saptapadi and therefore marriage between Vaibhav and Jyoti is incomplete and not binding on him. Jyoti has not produced any marriage certificate or legal document to show that marriage dated 01.07.2017 is complete and binding on each other. Jyoti was not ready to stay with his parents. She was continuously demanding separate residence from the matrimonial house. Since his parents are totally dependent on him, it was not possible for him to leave them. Therefore, instead of residing at matrimonial home at Jamner, Jyoti was residing at Nashik without any reason. Jyoti asked Vaibhav not to look after his parents and family. Jyoti purposely avoided sexual intercourse with him. Said refusal amounts to cruelty. He therefore, prayed for dismissal of the petition filed by Jyoti.

13. The alleged second wife of Vaibhav namely Janhavi was arrayed as respondent No. 2. Though served she did not appear and matter proceeded ex parte against her.

14. After recording evidence, Family Court dissolved the marriage between Vaibhav and Jyoti and directed Vaibhav to pay an amount of Rs. 30 Lakhs to Jyoti towards permanent alimony under Section 25 of Hindu Marriage Act within one month. The prayer of Jyoti for return of *stridhan* was rejected. Vaibhav is aggrieved by this

judgment.

15. Heard Vaibhav being party-in-person and learned advocate representing Jyoti. We have perused the record as well as written statement filed on record by Vaibhav and citations relied upon by him.

16. After hearing rival contentions following points arise for our consideration;

- (i) Whether the Family Court is justified in dissolving the marriage between Vaibhav and Jyoti?
- (ii) Whether the Family Court is justified in awarding permanent alimony of Rs. 30 Lakhs?

17. In support of petition Jyoti examined herself at Exhibit-5. She has filed her evidence affidavit in verbatim reproducing her averments in the petition. She has produced following documents.

- (i) Marriage Invitation (Exhibit-44)
- (ii) Two photos of Marriage (Exhibit-45)
- (iii) Complaint dated 12.06.2018 given to Women Cell (Exhibit-46)
- (iv) List of articles given to Vaibhav in marriage (Exhibit-47)
- (v) Two receipts of ornaments (Exhibit-48)
- (vi) Receipt of purchase of Samsung phone and headphone (Exhibit-49)
- (vii) 15 photos of Engagement and Marriage (Exhibit-50 collectively)
- (viii) Receipt of Swarsamrat Band (Exhibit-51)
- (ix) Information sheet and menu of engagement of

- Kaustubh Kalyani Caterers (Exhibit-52)
- (x) 11 Receipts of purchase of wedding clothes (Exhibit-53 collectively)
- (xi) Receipts of Shiv Caterers of wedding and other receipts (Exhibit-54 collectively)
- (xii) 8 photos of Vaibhav's second marriage (Exhibit-55) collectively
- (xiii) Photos of Vaibhav with second wife (since said photos are objectionable they were kept in sealed envelope. If needed said envelope will be opened) (Exhibit-56 collectively)
- (xiv) Printout of Whatsapp chats of Vaibhav and his second Janhavi (Exhibit-57 collectively)
- (xv) Pendrive containing video recording of wedding of Vaibhav and Janhavi and chatting.

18. In her cross examination Vaibhav tried to bring on record discrepancies in her contentions raised in the petition, complaint made under Section 498-A and DV Act proceedings. She denied that in 498-A proceedings she has alleged that Vaibhav's father used to ask her to bring Rs. 20 Lakhs for purchasing motorcycle and house. She admitted that in DV Act proceedings she has written that Vaibhav was asking Rs. 20 Lakhs for his transfer. In the present matter in her evidence affidavit she has stated that for transfer and construction of house, demand of Rs. 20 Lakhs was made. She also admitted that as she could not pass in one subject she did not take admission in the college after marriage. She used to attend the private classes at Nashik. She attended the classes between 1st/ 2nd September, 2017 to 24th

September, 2017. She gave examination of remaining subjects in May/June-2018 and for that examination Vaibhav did not obstruct. She also admitted that from 20.01.2018 she was staying at maternal home. Since then she and Vaibhav did not have physical relations and they did not stay in one room. She denied the suggestion that she has made false accusations against Vaibhav that since 20.08.2021 he is leading adulterous life. She admitted that she has not personally witnessed the marriage ceremony of Vaibhav and Janhavi. She however stated that she has seen physical relations between Vaibhav and Janhavi from the video in the mobile phone of Vaibhav. She has filed in the Court video of marriage between Vaibhav and Janhavi. She admitted that on 04.10.2021 she snatched Vaibhav's cell phone. She further admitted that thereafter for a period of one month his phone was with her. Thereafter she filed complaint under Section 494 of IPC. After snatching of phone there was no contact between her and Vaibhav. In August-2023 she filed her evidence affidavit at that time she was not taking education. Since Vaibhav filed divorce proceeding she did not go for cohabitation.

19. Vaibhav examined himself by filing evidence affidavit at Exhibit-81 reiterating his contentions in the written statement.

In the cross examination he admitted that he has not

claimed dissolution of marriage as at the time of Saptapadi sacred fire of *homa* was not burning. He admitted that no such contention was raised by him in his petition filed for dissolution of marriage. He admitted that his father had purchased two plots at Jamner. He also admitted that his father owns agricultural land at Jamner, but denied that any income is there from the said land. He admitted his photographs with Janhavi, their boarding passes of Indigo company of travelling to Andaman and their photographs of travelling etc. He also admitted that he and Janhavi celebrated their son Advit's birthday on 04.11.2023. He further denied that there were physical relations between him and Janhavi. He insisted that Advit was born without their physical relations. He further admitted that he is biological father of Advit. Some part of his cross examination was taken in camera wherein videos of his marriage with Janhavi etc. were shown to him. He said that he is not in a position to tell whether in the said videos he and Janhavi are there. His training at WALMI was between 08.08.2017 to 09.09.2017. Prior to 08.08.2017 for some time Jyoti was at Jamner and for some time she was at Aurangabad. At the time of marriage Jyoti had completed civil engineering diploma. He admitted that while Jyoti was staying at Nashik, her room's rent was paid by her father. He admitted that since Jyoti started residing separately, till the Court directed him to pay maintenance he did not pay any money to her. He

admitted that since January-2018 he and Jyoti are staying separately. He is not in position to pay Rs. 40 Lakhs alimony.

20. Vaibhav examined his father Sukram Chaudhari at Exhibit-128. He claimed that responsibility of entire family is on Vaibhav. After the marriage Jyoti was not ready to reside in joint family and her parents supported her for that purpose. She was repeatedly deserting Vaibhav and staying at maternal home. At the time of Vaibhav's training at Aurangabad instead of staying at matrimonial home she was staying at maternal home. After the training was over her father rented a room for her at Nashik. Jyoti and her parents were bringing pressure on Vaibhav for staying separately. Jyoti went for Diwali festival of 2017 and after that her parents refused to send her for cohabitation. In December-2017 when he went to bring Jyoti her parents refused to send her and told him that till Vaibhav stays separately they will not send Jyoti for cohabitation. In January there was meeting of senior members of both the families. Then Jyoti was sent for cohabitation. Thereafter, within 4-5 days Jyoti's father came to take her for examination. Thereafter, they tried to bring her for cohabitation but she did not come. Since 20.01.2018 Jyoti is staying separately as per her wish.

21. In the cross examination he denied that he and his family

staying with Vaibhav at Nashik. His second son Sagar is also staying at Nashik. The house at Samrat society is in the name of Vaibhav and his wife Ratnabai. He denied that a furniture license is taken in the name of his wife Ratnabai. He admitted that from October-2019, Sagar is serving at finance company at Pune. He denied that he is working as Accountant at Nashik. He admitted that at the time of marriage Jyoti was in 3rd year Engineering Course at Nashik. It was decided that her remaining education was to be completed by her father. He admitted that the statement in his evidence affidavit that they had not given consent to Jyoti for staying at Nashik is correct. He further admitted that since 20.01.2018 Vaibhav and Jyoti are staying separately.

22. On careful scrutiny of evidence on record it is clear that Jyoti has sought divorce on three grounds i.e. (i) Cruelty, (ii) Desertion and (iii) That Vaibhav voluntarily performed sexual intercourse with respondent No. 2.

23. In support of ground of cruelty, Jyoti has examined herself and has stated about the ill treatment meted out to her. But there is no evidence of physical ill treatment albeit there is sufficient evidence of mental cruelty. Vaibhav claimed that since there was no sacred fire in the *homa* at the time of Saptapadi, their marriage itself is not valid. This contention of Vaibhav is falsified by the photographs at Exhibit-70

in which fire in the *homa* at the time of Saptapadi can be seen. This itself is sufficient to prove the mental cruelty on the part of Vaibhav towards Jyoti. Fact remains that in none of the proceedings between the parties, Vaibhav has taken this defence that their marriage was invalid for absence of sacred fire in the *homa* at the time of Saptapadi.

There is evidence to show that Vaibhav was pestering Jyoti during her stay at Nashik by continuously calling her on video calls and verifying whether she is wearing Mangalsutra and Sindoor, with whom she is wandering, what clothes she was wearing and his allegations that she was having illicit relations with men also amounts to mental cruelty. The Family Court, therefore, is justified in giving a finding that Jyoti has proved the ground of cruelty.

24. There is sufficient evidence on record to prove the ground of desertion. It is clear from the evidence on record that Vaibhav and Jyoti cohabited for a short span of six to seven months intermittently. After the marriage on 01.07.2017, Jyoti went to her maternal home as per ritual on 06.07.2017. On 09.07.2017 Vaibhav came to her maternal home for MPSC examination. On the same day, at evening, Vaibhav and Jyoti went to Nashik at the house of maternal uncle where they stayed for 4-5 days. On 17.07.2017 they again went to the matrimonial home. Vaibhav had to attend training from 08.08.2017 to

09.09.2017 at WALMI, Aurangabad and therefore after Raksha Bandhan ceremony on 07.08.2017, Vaibhav and Jyoti came to her maternal home at Aurangabad where Vaibhav asked her to stay during his training period so that they can meet. Admittedly, Jyoti had taken room on rent at Nashik for education. According to her it was chosen by Vaibhav. Her father was bearing the expenses of her education and rent of the room. On 14.09.2017, Vaibhav called Jyoti from Nashik to her maternal home and asked her to come to Jamner on 24.09.2017 for Dassehra festival. Thereafter on 06.10.2017 they both went to Nashik to the house of Vaibhav's aunt. There he quarreled with Jyoti and tried to prevent her from coming to her room. Since his aunt's house was small, she went to her room. Thereafter on 20.10.2017 Jyoti went to Aurangabad for Bhaubeej festival. Vaibhav did not allow Jyoti to attend Railway Civil Engineer exam on 06.12.2017. During her stay at Nashik he used to harass her by making video calls. There is evidence on record that on 15.01.2018 there was meeting of relatives from both the sides at Chalisgaon and Vaibhav agreed to treat Jyoti properly. On the same day, Jyoti came to Jamner with Vaibhav. Thereafter, since she was to attend exam at Thane, on 22.01.2018 she went to Thane along with her father. On 24.01.2018 her father called Vaibhav and asked him to take Jyoti with him, but Vaibhav refused.

25. Admitted position on record is that from 20.01.2018 Vaibhav and Jyoti are staying separately from each other and thereafter they did not come together. There is no evidence on record to indicate that Vaibhav tried to take Jyoti for cohabitation. Jyoti filed complaint before Women's Cell on 02.06.2018 (Exhibit-46). As per the roznama dated 09.07.2018 of the said proceedings, Jyoti was ready for cohabitation. Vaibhav also showed his willingness for cohabitation, however, he asserted that they both will cohabit together for two years, beget a child and then only he will think about her further education. The next roznama dated 20.07.2018 shows that Vaibhav informed Women Cell that he had filed petition for divorce in the Court at Jalgaon. He has filed Hindu Marriage Petition No. 206 of 2018 at Jalgaon Court on 06.06.2018 i.e. within 05 months from the date of their separation. Divorce petition cannot be filed within one year from the date of marriage as per Section 13 of Hindu Marriage Act. Vaibhav did not wait for completion of one year period. This also shows intention of Vaibhav that he did not want to continue the marriage with Jyoti. This evidence makes it clear that Vaibhav deserted Jyoti with an intention to end the matrimonial relations.

26. Adverting to the third ground of Jyoti that during the subsistence of their marriage, Vaibhav performed marriage with

Janhavi and he voluntarily performed sexual intercourse with Janhavi/respondent No. 2. Though served, Janhavi has not caused appearance in the matter. In his evidence Vaibhav has admitted the photographs Exhibit-94, 96a, 97a, 100 and 101, which are of his and Janhavi's visit to Andaman. Their cruise trip photographs are at Exhibit-102 and 103. Vaibhav has not denied the fact that he travelled with Janhavi from his house at Nashik to Port Blair. He has also admitted the boarding passes/tickets at Exhibit-93 and 97 and that they travelled through Agrawal travels and stayed together in one room at Port Blair. He has also admitted his acquaintance with Janhavi, but denied the fact of second marriage and their physical relations. Vaibhav has admitted that Janhavi has given birth to a son namely Advit on 04.01.2022 at Ankur Hospital, Chalisgaon and he is the biological father of child. He has put forth a fallacious theory that by following artificial insemination procedure child is born, which is liable to be rejected at the threshold taking into consideration the voluminous evidence on record to show his marriage with Janhavi and their photographs of Andaman trip etc.

27. Jyoti has produced photographs of Vaibhav and Janhavi at Exhibit-56 collectively, which clearly indicate the intimate relations between Vaibhav and Janhavi. Vaibhav has also admitted videos at

Exhibit-113 and 118. However, he has denied the remaining videos WA001, WA004, WA005, Video No. 230213, 230836. These videos are of Saptapadi, Haldi and other functions of marriage with Janhavi. Vaibhav claimed that these videos are edited. It is pertinent to note that all these videos and photographs are derived from the cell phone of Vaibhav, which he has admitted to be in possession of Jyoti. He has also gone to the extent of filing report in police station alleging that Jyoti has stolen his cell phone.

The above referred evidence and admission on the part of Vaibhav that he is biological father of Advait proves the fact that Advait is born to Janhavi out of her physical relations with Vaibhav. Jyoti has therefore proved that Vaibhav is illegally staying with Janhavi. Since the marriage between Vaibhav and Janhavi was subsisting, the relation of Vaibhav with Janhavi can be termed to be adulterous. Hence, Janhavi has proved that Vaibhav has voluntarily engaged in sexual relations with Janhavi, which amounted to adultery.

28. Janhavi has therefore proved by sufficient evidence that she was treated with cruelty, Vaibhav has deserted her with an intention to end the matrimonial tie and he has kept adulterous relations with Janhavi during the subsistence of their marriage. Considering the evidence on record, the Family Court has rightly

granted the divorce decree by assigning cogent reasons and we find no reason to interfere in the same. For these reasons, Point No. (i) is answered in affirmative.

29. Coming to the challenge raised by Vaibhav to the quantum of permanent alimony of Rs. 30 Lakhs awarded by the Family Court, it is necessary to note here that the parties have cohabited together hardly for 6 to 7 months period. Admittedly, Jyoti is well educated and holds B.E (Civil) degree. It appears that her father is well off.

As per Exhibit-142, payment slips of Vaibhav for the period between January-2023 to January-2024 his gross salary is @ Rs. 1,06,477/-, after deduction of Rs. 22,620/- his net pay is Rs. 63,857/-. There is evidence on record to show that he owns a flat at Nashik jointly with his mother. There is evidence to show that his father owns two plots at Jamner admeasuring 3400 sq.ft. They own ancestral house at Ozar, Tq. Jamner. Though, 8A extract and 7/12 extract of the agricultural land standing in the name of Vaibhav's father is placed on record, there is no evidence to indicate that his father is getting some income from the agricultural land. But it has to be presumed that he must be getting some income from the agricultural land. There is no evidence to show that Vaibhav's family is running a shop by name Ratna Furniture. In the light of evidence on record it appears that

Vaibhav has some responsibility of parents. In view of admission of Vaibhav that he is biological father of Advit, it can be held that he has responsibility of Advit.

30. During the course of arguments, it was argued that Jyoti has performed the second marriage after the divorce decree. This fact is not specifically denied by the learned advocate representing Jyoti. It therefore appears that both Vaibhav and Jyoti have moved on in their life by leaving the past behind.

31. The Apex Court has laid down the criterion for arriving at a quantum of permanent alimony. In *Pravin Kumar Jain Vs. Anju Jain*¹ it is observed thus;

“32. This Court in the case of Rajnesh v. Neha (Supra), provided a comprehensive criterion and a list of factors to be looked into while deciding the question of permanent alimony. This judgment lays down an elaborate and comprehensive framework necessary for deciding the amount of maintenance in all matrimonial proceedings, with specific emphasis on permanent alimony. The same has been reiterated by this Court in Kiran Jyoti Maini v. Anish Pramod Patel (Supra). The primary objective of granting permanent alimony is to ensure that the dependent spouse is not left without any support and means after the dissolution of the marriage. It aims at protecting the interests of the dependent spouse and does not provide for penalizing the other spouse in the process. The Court in these two judgments laid down the following factors to be looked into:

¹ 2025(2) SCC 227

- i. *Status of the parties, social and financial.*
- ii. *Reasonable needs of the wife and the dependent children.*
- iii. *Parties' individual qualifications and employment statuses.*
- iv. *Independent income or assets owned by the applicant.*
- v. *Standard of life enjoyed by the wife in the matrimonial home.*
- vi. *Any employment sacrifices made for the family responsibilities.*
- vii. *Reasonable litigation costs for a non-working wife.*
- viii. *Financial capacity of the husband, his income, maintenance obligations, and liabilities.*

These are only guidelines and not a straitjacket rubric. These among such other similar factors become relevant.”

32. In ***Kiran Jyot Maini Vs. Anish Pramod Patel***², the Apex Court had held:

“26. Furthermore, the financial capacity of the husband is a critical factor in determining permanent alimony. The Court shall examine the husband’s actual income, reasonable expenses for his own maintenance, and any dependents he is legally obligated to support. His liabilities and financial commitments are also to be considered to ensure a balanced and fair maintenance award. The court must consider the husband’s standard of living and the impact of inflation and high living costs. Even if the husband claims to have no source of income, his ability to earn, given his education and qualifications, is to be

taken into account. The courts shall ensure that the relief granted is fair, reasonable, and consistent with the standard of living to which the aggrieved party was accustomed. The court's approach should be to balance all relevant factors to avoid maintenance amounts that are either excessively high or unduly low, ensuring that the dependent spouse can live with reasonable comfort post-separation."

33. Applying the aforesaid ratio to the facts of present case and taking into consideration the standard of living of the parties, qualification of Jyoti, the fact that Vaibhav and Jyoti cohabited intermittently only for a period of 6-7 months, and partial responsibility of parents of Vaibhav, so also, the fact that he has responsibility of Advit, we are of the considered opinion that permanent alimony of Rs. 15,00,000/- would be a reasonable amount. It would not be excessively high as has been awarded by the Family Court or unduly low ensuring that Jyoti can live with reasonable comfort post separation.

34. The Family Court has misdirected itself in awarding high amount of permanent alimony @ Rs. 30,00,000/- on the erroneous ground that since the amount of Rs. 10,000/- per month was awarded to Jyoti as interim maintenance, yearly maintenance would come to Rs. 1,20,000/- and since Jyoti is of 30 years of age and considering the life expectancy of a normal human being is of 65 years. Then the Family Court calculated yearly maintenance @ Rs. 1,20,000/- for next

30 years holding it to be fair and reasonable for Jyoti to lead life with dignity till her age of 65 years. The said finding of the Family Court is unreasonable and unsustainable in the facts of the present case. Point No. (ii) is accordingly answered in negative.

35. Adverting to the claim of Jyoti of return of *stridhan* articles, it is clear from the record that she has failed to prove that said articles were gifted to her in the marriage and those are still in possession of Vaibhav. Though Jyoti has produced bills of jeweler at Exhibit-48 and some photographs at Exhibit-50, from the photographs it can be seen that few silver articles were gifted to Vaibhav in marriage and the gold ring was also gifted to him. Vaibhav has denied that he is in possession of silver articles and gold ornaments. There is no evidence on record to show that the *stridhan* articles are still in the custody of Vaibhav. Jyoti has admitted that Almira, TV and Cooler are at the house of her grandparents. Therefore, in this view of the matter, we find no error in the finding recorded by the family Court that "*In such circumstances, possibility cannot be ruled out that the other articles are also in possession of the petitioner. In the absence of any evidence that the stridhan articles are in possession of the respondent, the relief of return of stridhan articles to the petitioner cannot be granted*". We, therefore, find no merit in the appeal filed by Jyoti.

36. Vaibhav was granted permission to argue the matters as a party-in-person. He has mostly argued on irrelevant aspects and has relied on irrelevant judgments, which were rendered in different facts.

37. In *Smt. Guntamukkala Nagar Venkata Kanaka Durga Vs. Guntamukkala Eswar Sudhakar and another*³, it is held that allegations made by appellant does not constitute the act of cruelty. This decision as well as decisions in *Dalip Singh Vs. State of U.P. & Others*⁴ and *Mahadeo Shridhar Gaikwad Vs. Sau. Vandana Mahadeo Gaikwad*⁵, are rendered in different facts and are of no assistance to the case of Vaibhav.

38. For the aforestated reasons, we pass the following order:

ORDER

- (i) Judgment of the Family Court is modified to the extent of award of permanent alimony by directing Vaibhav to pay an amount of Rs. 15,00,000/- towards permanent alimony to Jyoti. The amount shall be paid within three months from the date of uploading of this judgment. The amount paid by Vaibhav till date towards permanent alimony shall be deducted from the said amount.
- (ii) Rest of the judgment of Family Court is confirmed.

3 (2013) 2 ANDHLD 148

4 2010 AIR SCW 50

5 FCA No. 192/2014 Nagpur Bench

- (iii) Vaibhav shall pay cost of Rs. 50,000/- to Jyoti towards litigation expenses within three months from the date of uploading of this judgment.
- (iv) Family Court Appeal No.86 of 2024 is accordingly disposed of.
- (v) Family Court Appeal (Stamp) No.13043 of 2025 is dismissed.
- (vi) In view of disposal of appeals, pending civil applications also stand disposed of.

(SMT. VAISHALI PATIL JADHAV, J.)

(NITIN B. SURYAWANSHI, J.)