IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1011 OF 2025

SMT. SARIKA W/O TARENDRA BISEN
Vrs.
TARENDRA S/O NARAYAN BISEN

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order

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Shri I. N. Choudhari, Advocate for petitioner.

CORAM: ANIL L. PANSARE, J.
DATE : 25/02/2025.

1. The petitioner – wife is aggrieved by Judgment and order dated 08/07/2024 passed by the learned Joint Civil Judge, Senior Division, Gondia in H.M.P. No.51/2019 to the extent of granting permanent alimony of Rs.5,00,000/- as against the prayer of Rs.50,00,000/-

2. It appears that the respondent had filed petition under Section 13 (1)(i-a) (i-b) of the Hindu Marriage Act, 1955 for dissolution of marriage. The learned Trial Court was pleased to allow the petition and dissolve the marriage solemnized between the parties on 13/05/2002 and in doing so, the Trial Court directed the husband to pay Rs.5,00,000/- as one time permanent alimony to the petitioner – wife.

3. The counsel for petitioner submits that the amount of alimony is far below the stature of the respondent. According to him, respondent was capable of paying permanent alimony to the tune of Rs.50,00,000/-.

4. To find out the correctness in the argument, I have gone through the Judgment to find that respondent was involved in the business of contractorship in construction work. He had a Registration Licence to take up work upto Rs.10,00,000/-. This licence, however, was not renewed after year 2010.

5. The Court below noted that petitioner in his affidavit mentioned income of Rs.8,000/- per month as against he has mentioned expenses of Rs.10,000/- for himself and his dependents. The Court below, while noting abovesaid discrepancy, opined that respondent has not furnished correct status of his income. The Trial Court has further noted from the affidavit of assets and liabilities that the respondent is having agricultural land at village and two plots at Katangi Kala. The affidavit also disclosed that respondent had invested amount in Fixed Deposit. It is, however, not known as to how much amount has he invested.

6. It further appears from the impugned Judgment and Decree that the petitioner is also employed, but has no regular income. The Court, then noted that the petitioner is getting maintenance at Rs.3,000/- per month in terms of Judgment in Misc. Criminal Application

No.78/2017. Considering all attending circumstances, the Trial Court thought it proper to award Rs.5,00,000/- as permanent alimony.

7. The counsel for petitioner has not shown any document or evidence to indicate that the respondent had invested the amount, which is as high as could easily pay Rs.50,00,000/- as alimony. When enquired as to whether the Income Tax Returns filed by the respondent were available, the counsel for petitioner failed to give any answer. Thus, it is not known as to on what basis, the petitioner is claiming Rs.50,00,000/- as permanent alimony. That being so and since the Trial Court has considered all relevant aspects, it appears to me that the reason and finding given by the Trial Court is consistent with the material on record.

8. There is thus no merit in the petition. The petition is dismissed in limine.

[ANIL L. PANSARE, J.]

Choulwar

Signed by: V.M. Choulwar (VMC)
Designation: PS To Honourable Judge
Date: 26/02/2025 18:05:48