

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.115 of 2021

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Amar Nath Bharti @ Akali Rai Daughter of Arvind Mandal, Resident of Village-Basbitta, Police Station- Dhoraiya, District-Banka

... .. Appellant/s

Versus

1. Sabita Devi Wife of Amar Nath Bharti @ Akali Rai Daughter of Arvind Mandal, Resident of Village-Basbitta, Police Station-Dhoraiya, District-Banka.
2. Rajhans Kumar Son of Late Bahadur Mandal, Resident of Village-Basbitta, Police Station-Dhoraiya, District-Banka.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Dr. Manoj Kumar, Advocate Mr. Kshem Sharma, Advocate Ms. Sweety Sinha, Advocate
For the Respondent/s	:	Mr. Brij Nandad Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI)

18 26-02-2026 This is an appeal filed by the husband/appellant against the respondents.

2. Learned Advocate on behalf of the appellant and the respondent are present.

3. It is submitted by Dr. Manoj Kumar, learned Advocate on behalf of the appellant that the Trial Court did not consider the one time alimony properly because of the fact that the petitioner is a day labourer and his daily income is only Rs. 480/- as per the rate of Minimum Wages Act.

4. In the affidavit of assets and liabilities, the

appellant has stated his monthly income as Rs. 10,000/- to Rs. 12,000/-. Now, if we consider the daily income of the appellant @ Rs. 480/-, as per Minimum Wages Act, his monthly income comes to Rs. 14,400/- (Rupees Fourteen Thousand Four Hundred). One third of 14,400/- is 4,800 which the respondent no. 1 is entitled as alimony per month, when the per month alimony multiplied by 12, it would become Rs. 57,600/- (Rupees Fifty Seven Thousand Six Hundred) per anum. In case of permanent alimony, the said amount is to be multiplied by 18 years i.e. still attainment of 60 years of the respondent, then it comes to Rs. 10,36,800/- (Rupees Ten Lakhs Thirty Six Thousand Eight Hundred).

5. If the monthly salary of the appellant is held as per the affidavit of asset @ of Rs. 12,000/- then the respondent no. 1 is entitled to get Rs. 36,000/- per anum. In such case the permanent alimony will be 6,48,000/- (Rs. Six Lakhs Forty Eight Thousand).

6. The learned Trial Court granted Rs. 10 lakhs towards permanent alimony to be paid by the appellant to respondent no. 1.

7. Learned Advocate on behalf of the appellant submits that he is not in a position to pay the said amount

because of the fact that the respondent no. 1 is living in adultery. In a most unparliamentary way, he submits in open Court, within the hearing of this Court as well as the learned Advocates amongst whom number of lady Advocates are present, that the appellant is not obliged to pay any permanent alimony to a lady who has fled away with respondent no. 2 to lead adulterous life. When the Trial Court disbelieved the allegation of adultery as a ground of divorce and granted divorce in favour of the appellant only on the ground of cruelty and the instant appeal is filed challenging the amount of permanent alimony to be paid by the appellant to his wife, making such aspersion in an open Court without having any substance in record is not only derogatory to the respondent no. 1 but also to the women folk in general.

8. Learned Advocate on behalf of the appellant is cautioned on his submission in future.

9. Since the appellant has filed document about his income as per monthly wages @ Rs. 480/- per day and on calculation in accordance with the guideline made by the Hon'ble Supreme Court in ***Rajnesh vs. Neha*** reported in **2021 2 SSC 324**, we have come to a conclusion that the appellant was under obligation to pay Rs. 10,36,800/- (Rupees Ten Lakhs Thirty Six Thousand and Eight Hundred) and the Trial Court

granted a sum of Rs. 10 lakhs only towards permanent alimony,
we do not find any reason for interference in the instant appeal.

10. However, to enable the appellant to make payment
of such amount, six months time is granted to him, failing
which, the respondent no. 1 is at liberty to recover the said
amount by putting the decree passed by Trial Court in
execution.

11. With the above order, the instant appeal is disposed
of.

(Bibek Chaudhuri, J)

(Dr. Anshuman, J)

Jyoti Kumari/-

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