IN THE HIGH COURT OF JHARKHAND AT RANCHI
F.A. No. 195 of 2023
With
I.A. No. 1146 of 2025

Soroti Kumari, aged about 36 years, wife of Radheram Manjhi, D/o Ishwar Manjhi, at present resident of Bharat Singh High School, Ambedkar Colony, Block No.7, Qrs. No. 65, P.O.- Dhori, P.S.- Bermo, District- Bokaro, permanent resident of Village-Arjua, P.O.- Arjua, P.S.- Peterwar, District- Bokaro, Jharkhand.

... ... Appellant

Versus

Radheram Manjhi, son of Late Karma Manjhi, resident of Chalkari Colony, P.O.- Baidkaro, P.S.- Gandhinagar, District- Bokaro.

… ... Respondent

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Appellant : Mr Mahesh Kumar Mahto, Advocate
For the Respondent : Mr Baibhaw Gahlaut, Advocate

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08 /Dated: 03.11.2026

1. Heard Mr Mahesh Kumar Mahato, learned counsel for the appellant. Neither the respondent nor his advocates are present.

2. The records show that on most occasions, neither the counsel for the appellant nor the respondent was present.

3. This appeal was admitted on 10.01.2025 and was directed to be placed for final hearing after the receipt of the trial court records. The trial court records have been received, and therefore, the matter was put up for hearing on 14.10.2026. On that date, neither the appellant nor the respondent appeared. Therefore, the matter was posted for final disposal high on board on 03rd of November, 2026.

4. This appeal is directed against the judgment dated 23.01.2023 and the decree signed on 31.01.2023 in Original Suit No. 347 of 2021 passed by the Principal Judge, Family Court at Bokaro.

5. The operative portion of the judgment and decree is contained in paragraph 17, and the same reads as follows: -

> *"17. It is therefore, ORDERED, that the suit be and the same is decreed on contest. The marriage solemnized on 28.02.2011 between the petitioner namely Radheram Manjhi and the respondent namely Soroti Kumari stands dissolved under the provision of Section 13 (1) (ia) (ib) of Hindu Marriage Act, 1955, subject to payment of Rs.12,00,000/- (Rupees Twelve Lakhs) by the Petitioner to the respondent towards her future maintenance and one time permanent alimony to be paid in three installments within three months from today. Thereafter, there will be no relationship of husband and wife in between the Petitioner and the respondent. However, it is made clear that as ordered by this court in Original Maintenance Case No. 145 of 2018, the Petitioner of this case should keep paying Rs.8,000/- (Rupees Eight Thousands) per month towards maintenance of their son viz. Vishnu Baske till attainment of his majority. It is also made clear that the Petitioner will have visiting and contact right to meet their son as per convenience of the parties."*

6. The learned counsel for the appellant submits that there are several grounds to challenge the impugned judgment and decree, but points out that the impugned judgment and decree was to take effect subject to payment of Rs. 12.00 lakhs by the respondent herein to the appellant herein towards future maintenance within the timeline prescribed above. He pointed out that till date no such payment has been made and consequently, the impugned judgment and decree should be declared as unenforceable. He further pointed out that I.A. No. 1146 of 2025 seeking such a declaration has also been filed by the appellant herein.

7. Mr Baibhaw Gahlaut, the learned counsel for the respondent, has now appeared in the matter. He states that he tried to obtain instructions from the respondent, but such instructions were wanting. He submitted that at least about a year ago, the amount of Rs. 12.00 lakhs had not been paid.

8. Since the judgment and decree were conditional upon payment of Rs. 12.00 lakhs as a one-time permanent alimony, and since that condition has not been fulfilled, it is obvious that the decree of dissolution made by the Family Court, Bokaro, cannot operate or be enforced.

9. It is pertinent to note that the respondent herein has not challenged the impugned judgment and decree either by filing a separate appeal or cross-objection in this appeal. Therefore, there is no scope to go into the legality and validity of the conditional decree.

10. But since the condition subject to which the decree of dissolution was granted has not been fulfilled, we declare that such decree of dissolution shall not operate or be sought to be enforced or any benefits taken from such a decree by the respondent.

11. Further, we clarify that this order would not affect the direction issued by the Family Court at Bokaro for payment of maintenance to the son, Vishnu Baske, until the son attains majority. The direction regarding visiting and contact rights is also maintained.

12. With the above clarification, we dispose of this appeal without any order for costs. I.A. No. 1146 of 2025 also stands disposed of.

(M.S. Sonak, C.J.)

(Manoj Prasad, J.)

November 03, 2026
Ranjeet / R.Kr.
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Uploaded on 05.11.2026