HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. Civil Miscellaneous Appeal No. 350/2025
CNR: RJHC010063612025 | URN: CMA / 784U / 2025

Smt. Ruchika Goyal D/o Shri Jagdish Goyal, Aged About 32 Years, R/o Ward No. 3 Raipur Road Gangapur PS Gangapur District Bhilwara Rajasthan

----Appellant

Versus

Om Prakash S/o Shri Dharmchand, Aged About 34 Years, R/o Kelwa District Rajsamand (Raj.)

----Respondent

For Appellant(s) : Mr. Mukesh Vyas
For Respondent(s) : None present

HON'BLE MR. JUSTICE MUNNURI LAXMAN
HON'BLE MRS. JUSTICE SANGEETA SHARMA

Order

05/08/2026

1. Heard learned counsel appearing for the appellant.

2. The challenge in the present appeal is to the judgment and decree dated 19.11.2024 whereunder the Family Court, Gangapur, District Bhilwara, on the application filed by the appellant herein, for grant of divorce was partly allowed and the permanent alimony of Rs.1,00,000/- was awarded as against a claim of Rs.10,00,000/-. The present appeal is confined only to the challenge against the quantum of permanent alimony. There is no challenge to the decree of divorce by the respondent.

3. Initially, notice was served to the respondent. He engaged the counsel on record and the said counsel appeared and reported “No instructions” and thereupon the same was accepted

whereupon his engagement was terminated. Having determined, this Court, proceeded ex parte. Once a notice has been duly served, it is for the respondent to supervise his litigation and this Court is not required to issue any notices again and burden the process on the Court shoulder.

4. Learned counsel appearing for the appellant submits that the unrebutted averments and evidence clearly demonstrate that the respondent possesses a computer degree, and was imparting computer education to students and also carrying on the flower decoration business, and earning approximately Rs.50,000/- per month. It is contended that although no proof has been filed to show that the respondent was imparting computer education or was running the business of flower decoration but the evidence led by the appellant was also unrebutted. Therefore, the learned Family Court ought to have accepted such evidence and awarded the permanent alimony of Rs.10,00,000/- as claimed.

5. It is not in dispute that the respondent was proceeded ex parte and the proceedings are drawn basing upon ex parte evidence. The only evidence before the learned Family Court was the evidence of the appellant. Except for such oral evidence there was nothing before the Family Court to substantiate or corroborate the evidence of appellant. The appellant is an interested witness in the litigation and, therefore, her testimony cannot be wholly reliable without any corroboration. When the witness is not wholly reliable, the evidence ordinarily requires corroboration. In the present case, although it has been claimed that the respondent was imparting computer education to students and doing flower

decoration business, no corroborative evidence has been placed on record in support thereof except oral evidence.

6. We are conscious that even an unskilled person may earn around Rs.15,000/- per month in the present day circumstances. If such an earning is taken into consideration, the award of permanent alimony of Rs.1,00,000/- appears to be on the lower side. Even if the respondent is assumed to be earning only minimum wages, we deem that the permanent alimony deserves to be enhanced.

7. In the result, the appeal is partly allowed. The amount of permanent alimony is enhanced from Rs.1,00,000/- to Rs.3,00,000/-. The said amount shall be deposited within two months from today, failing which, the said amount shall carry an interest at the rate of 7.5% per annum till the amount is paid.

(SANGEETA SHARMA),J **(MUNNURI LAXMAN),J**

38/Suraj Kumar