IN THE HIGH COURT OF JHARKHAND AT RANCHI

F.A. No. 213 of 2024

Rajni Shukla aged about 30 Yrs., W/O Shashi Kant Sukla, D/O Late Chandra Bhushan Singh, R/O Village Hussepur, P.O. Rahimpur, P.S. Amnour, Dist-Chatra (Bihar). **Respondent/Appellant**

Versus

Shashi Kant Shukla S/O Sri Hari Shankar Sukla R/O Village Kandra, P.O. Kura, P.S. Pindrajora, Dist.-Bokaro (Jharkhand). ... **Petitioner/Respondent**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellant : Mr. Mac Lincon Emmanuel Kujutz, Adv.
For the Respondent: None

CAV/Reserved on 27.08.2026 **Pronounced on 08/10/2026**
Per Sujit Narayan Prasad, J.

Prayer:

1. The instant appeal, under Section 19(1) of the Family Court Act, 1984, is directed against order/judgment dated 22.01.2022 and decree signed on 27.01.2022, passed by the learned Principal Judge, Family Court, Bokaro in Original Suit No. 223 of 2019, whereby and whereunder the suit, filed by the petitioner/respondent under Section 13(1) of the Hindu Marriage Act, 1955 for dissolution of marriage has been allowed, ex-parte.

Brief facts of the case:

2. The brief facts of the case, as taken note in the impugned order, needs to be referred herein as under:

3. The marriage of the appellant-wife was solemnized with the respondent-husband on 10.06.2011 as per Hindu rights and custom at Bokaro and after marriage they started to live as husband and wife at Kandra, Chas, Dist. Bokaro and from the said wedlock they were blessed with one female child. It has further been alleged by the respondent that when his wife (appellant) got pregnant her behavior started changing towards them due to pregnancy and they think all will be cured after birth of baby but even after the birth of baby she become more crueler towards them and she started destroying household articles and did not discharge her marital obligation rather threatened them to implicate in false case. Appellant wife, thereafter, started to go to her parental home off and on by withdrawing herself without any reasonable cause since the year 2014 for which several time Panchayatis were held but no fruitful solution has come out. Accordingly, he filed Title Matrimonial suit No 180/2014 under section 9 of Hindu Marriage Act, 1955 for restitution of conjugal right, which was compounded and withdrawn but after few months his wife again started cruelty with them and thereafter, she started to live at her parental house, due to which again respondent-husband herein had filed an application under Section 9 for restitution of conjugal right which was dismissed. Further, appellant-wife has filed a case under

Section 498A of IPC with false allegation. It has further been alleged that his wife without any reason is living in her parental house and has deserted him since 2017.

4. Notice was issued upon the respondent, the appellant herein but she did not appear before the learned Family Court. Hence, the said suit proceeded *ex-parte* vide order date 07.12.2019.

5. The learned family court, on the basis of pleading available on record, framed the issues, and evidences led on behalf of petitioner/respondent/husband.

6. The learned Family Court, upon due consideration of the pleading available on record, decreed the *suit ex-parte* against the respondent, the appellant herein, and the marital tie between the parties was dissolved.

7. Aggrieved thereof, the present appeal has been preferred by the respondent-wife who is the appellant herein.

8. It needs to refer herein that after issuance of notice being issued the respondent/husband appeared.

9. On 7th October 2025 when the instant was taken up then learned counsel for the respondent-husband, on instruction submitted that the respondent-husband is not willing to live together with the appellant-wife, however, both the parties had shown their willingness for settlement of the dispute in terms of money.

10. Accordingly, this Court directed to file affidavit in terms of law laid down in the case of ***Rajnesh Vs. Neha & Anr. [(2021) 2 SCC 324].*** For ready reference, order dated 7th October, 2025 is quoted as under:

> "1. *The matter was heard on 6th October, 2025.*
>
> *2. Learned counsel for the respondent-husband had sought for time to take instruction on the issue of settlement particularly for re-union of the parties and settlement of the dispute in terms of money.*
>
> *3. Today, Mr. Baihaw Gahlaut, learned counsel for the respondent-husband appeared and submitted that respondent-husband is not willing to live together with the appellant-wife.*
>
> *4. However, both the parties have showed their willingness for settlement of the dispute in terms of money.*
>
> *5. Therefore, this Court is of the view that affidavit in terms of law laid down in the case of* ***Rajnesh v. Neha & Anr., [(2021) 2 SCC 324]*** *is required to be filed by the parties.*
>
> *6. Accordingly, the both the parties are directed to file such affidavit giving all details of movable and immovable property in terms of the judgment rendered by Hon'ble Apex Court in the case of* ***Rajnesh v. Neha & Anr (supra)****.*
>
> *7. List this case under the same heading on 31.10.2025."*

11. In terms of the aforesaid order, the affidavit was filed on behalf of respondent-husband, as would be evident from order dated 31.10.2025. However, by that time, though no affidavit could be filed on behalf of appellant-wife but submission was made that wife has come from the District of Chapra, Bihar to swear affidavit. Since the appellant-wife was present in the Court, as such this Court interacted with the appellant-wife, who has stated before the Court that income which has been shown by

respondent/husband, which is being earned on monthly basis i.e., to the tune of Rs. 10,500/- appears to be false, since the shop is located in the posh area of the district of Bokaro and is 25 years old shop, whereas as per her information, about 5-6 technicians/mechanics are working. Besides aforesaid, submission has been made that the respondent-husband has landed property in the district of Bokaro also and all these things will be brought by her on record by way of affidavit. For ready reference, order dated 31.10.2025 is quoted as under:

> *"1. Affidavit dated 31st October, 2025 has been filed in terms of order dated 07th October, 2025, for which, leave has been sought for to take it on record. Copy of the same has been served upon the learned counsel appearing for the appellant-wife.*
>
> *2. The affidavit is taken on record.*
>
> *3. Mr. Tarun Kumar No.1, learned counsel appearing for the appellant has submitted that the affidavit in terms of the aforesaid order could not have been filed. But the wife has come from Chapra, a district in the State of Bihar for swearing the affidavit.*
>
> *4. This Court has also interacted with the appellant-wife who has stated before this Court that the income which has been shown which is being earned on monthly basis i.e. to the tune of Rs. 10,500/- appears to be false, since, the shop which is located in the posh area of the district of Bokaro i.e. at Chas is about 25 years old where, as per her information, about 5-6 technicians/mechanics are working. It has been stated by her that the respondent-husband has an established business of mobile repairing centre in that area. It has also been stated by her that the respondent-husband has also having the landed property in*

the district of Bokaro. She has stated that all these things will be brought on record by way of an affidavit.

5. She has also stated that she is facing great difficulties in maintaining herself as also maintaining her daughter taken birth from the wedlock, who is aged about 12 years. It has also been stated that she has taken much pain in coming to this Court for swearing the affidavit from Chapra being a lady and has also incurred expenditure in travelling.

6. This Court considering the aforesaid aspect of the matter is of the view that the travelling expense which has been incurred in travelling from Chapra to Ranchi is required to be paid by the respondent-husband in favour of the appellant-wife.

7. The learned counsel appearing for the respondent-husband has submitted that appropriate order may be passed.

8. The learned counsel appearing for the appellant has submitted that the QR Code will be provided just now to Mr. Gahlaut, learned counsel appearing for the respondent so that the expenditure amount which has been incurred in the travelling from Chapra to Ranchi be paid today itself to the appellant-wife. The same will be to the tune of Rs. 5,000/-.

9. Let the said part of the direction be carried out today itself, since, the appellant-wife has again to rush to her paternal house which is Chapra in the State of Bihar.

10. With the consent of the parties, list this matter on 07th November, 2025."

12. However, when the matter was taken up on 28th January, 2026, with the consent of learned counsel for the parties, the matter was referred to JHALSA, Ranchi for mediation.

13. Accordingly, the parties appeared before the Mediator, JHALSA but the mediation failed, as such the matter proceeded for final hearing on merit.

14. When the matter was taken up on 27.08.2026, none appeared on behalf of the respondent-husband. Inasmuch as the affidavit, in terms of the directions rendered in ***Rajnesh v. Neha & Anr., (supra),*** had already been filed and the pleadings stood complete, this Court proceeded to hear the matter on merits. Upon conclusion of submissions, the matter was reserved for judgment. For ready reference, order dated 27th August, 2026 is quoted as under:

> *"1.Learned counsel for the appellant is present to argue the case but none is present to represent the respondent even on repeated call though the name of learned counsel for the respondent is being reflected in the daily cause list and has also been displayed in the Display Board but even then, there is no appearance on behalf of the respondent.*
>
> *2. This Court, therefore, has gone through the affidavit which has been filed as per the order dated 07th October, 2025 in terms of judgment laid down in the case* ***of Rajnesh v. Neha & Anr., (2021) 2 SCC 324.***
>
> *3. The matter was also sent for mediation as would be evident from the order dated 28.01.2026 but as per mediation report dated 19.02.2026, the dispute between the parties has been reported to be unsettled.*
>
> *4. Heard on the issue of alimony in view of the order dated 07th October, 2025, wherein we have passed an order on the pretext that both the parties i.e., appellant-wife and respondent-husband have shown their willingness not to live together.*
>
> *5. This Court in the aforesaid backdrop had directed the learned counsel for the parties to file their respective affidavits as per the judgment passed by Hon'ble Apex*

Court in the case of ***Rajnesh v. Neha & Anr., (2021) 2 SCC 324.***

6. Affidavit thereof, has been filed on behalf of both the parties. The affidavits have also been exchanged.

7. Learned counsel for the appellant is present and has argued the case at length on the issue of settlement by submitting as per the stand taken in the affidavit filed on 03.11.2025 that the respondent is a man of means which would be evident from the document appended of his running mobile shop situated in Chas in the District of Bokaro.

8. Argument on behalf of the appellant has been concluded.

9. Accordingly, the judgment is being reserved."

Submission of learned counsel for the appellant-wife:

15. The learned counsel for the appellant, has submitted that the learned family court without securing the fact that whether the notice has been sent on the correct address of the respondent-wife, the appellant herein, proceeded with the matter and awarded the decree ex-parte.

16. Further submission has been made that though it has come in the evidence that out of the wedlock, one female child borne, who is aged about 9 years, but did not pass any order of maintenance or permanent alimony even to the minor daughter.

17. Learned counsel for the appellant has further submitted that initially the respondent-husband had filed application under Section 9 of the Hindu Marriage Act being T.M. Suit No. 180 of 2014 but the same was withdrawn on the basis

of compromise and again for the same cause, in the year 2017, suit was filed, which was dismissed.

18. So far as the issue of permanent alimony is concerned, learned counsel for the appellant-wife has submitted that it is the respondent-husband who has all along shown his desire to live separately with the appellant-wife and finally in Original Suit No. 223 of 2019, succeeded to get the decree of divorce ex parte.

19. Before this Court, the respondent-husband has in unequivocal term had stated that he is not ready to live with the appellant-wife, however, he has shown his willingness for settlement of the dispute in terms of money, as has been taken note in order dated 7th October, 2025.

20. Accordingly, this Court directed both the parties to file affidavit in terms of judgment passed by Hon'ble Apex Court in the case of ***Ranjesh Vs. Neha & Ors. (supra).***

21. Pursuant thereto, the affidavit has been filed by the respondent-husband wherein, he has though admitted that he has his own Mobile Shop in the City of Bokaro but surprisingly, shown his income to be only Rs. 10,500/- per month which is beyond to believe.

22. Submission has been made that the shop is situated in the Posh Area of Bokaro and 25 years old shop of the City,

where at least 5-6 technicians/mechanics besides other salesman are working. In support of such submission photographs has been annexed with the affidavit filed by the appellant-wife, referring to the same, submission has been made that from it is evident that technicians are working in the shop as also the look of the shop.

23. It has been submitted that from that shop the respondent-husband has income of more than Rs. 1.5 lakh per month. Further submission has been made that the appellant has residential plot at Chas, Bokaro and has income from Mobile Tower also. Whereas the appellant has no source of income, and she is somehow surviving on the interim maintenance as awarded by the Court to the tune of Rs.5000/- per month and loans from the friends and relatives.

24. It has submitted that the female child who is at present aged about 12 years born out of their wedlock is residing with her and for her maintenance she has to incur huge amount. Besides that, since she has been ousted from the matrimonial house, as such she is forced to live in a rented accommodation.

25. Submission has been made that considering the aforesaid fact, sufficient amount of permanent alimony be granted in favour of appellant and the female child who is only

aged about 12 years for her education, day-to-day expense; and marriage etc.

Analysis

26. We have heard learned counsel for the appellant-wife and gone through the pleading available on record as also the finding recorded by learned family court.

27. This Court before proceeding further on the issue of permanent alimony has gone to the impugned judgment, wherefrom it is evident that the learned family court, on the basis of evidence adduced on behalf of petitioner-husband, the respondent herein, has passed the impugned order granting decree of divorce in favour of petitioner-husband, however, no order on the issue of permanent alimony has been passed.

28. In support of his case, the petitioner-husband, the respondent herein, has produced five witnesses before the learned Family Court who have all along stated the same version.

29. PW-1 Chandrakant Shukla (Brother) has supported the case of the petitioner in his examination-in-chief filed on oath and further stated that the respondent did not respect either to her husband (Petitioner) or her in-laws. After birth of baby, she became more cruel and also threatened to implicate them in false case. Since the year

2016, she has been living at her parents' home in Bihar. Again, he has stated that since 26.01.2017 the parties are living separately. Respondent used to pick up quarrel on trivial issues and she did not do household work.

30. PW-2 Loknath Prasad stated the same facts as stated by PW-1 in his examination-in-chief filed on oath and further stated that he had seen quarreling and assaulting the Petitioner by his wife (respondent).

31. PW-3 Hari Shankar Shukla (Father) has stated the same facts as stated by PW's' 1 & 2 in his examination-in-chief filed on oath and further stated that his daughter-in-law lived with him till November 2013. Thereafter he has separated his son and daughter-in-law because of her ill behaviour. His daughter-in-law lived till January 2017 and after that she went to her parents' home along with baby. Panchayati was held at Chhapra but no result. His daughter-in-law has filed a case u/S. 498A in a Court at Chhapra and he has obtained bail.

32. PW-4 Khalil Ansari has also supported the case of the Petitioner in examination-in-chief filed on oath and further stated that the parties are living separately since 2017. The respondent is living at her parents' home at Chhapra, Bihar.

33. PW-5 Shashi Kant Shukla (Petitioner) has stated the same facts as stated by PW's' 1, 2, 3 and 4 in his examination-in-chief filed on oath. He has proved the documents, which is marked as Exhibits-1 and 1/1. He further states that his wife does not want to live with him, so he has filed this case for divorce. His wife is living separately from him since 26.01.2017. His wife has filed a case u/S. 498A IPC against them which is pending. In the year 2014, he had filed a case under section 9 of Hindu Marriage Act, 1955 for restitution of conjugal rights, which was compromised and they lived together as husband and wife, but again in the year 2015 she left her matrimonial home. Again, he had filed a case under section 9 of Hindu Marriage Act, 1955 for restitution of conjugal rights, which was dismissed.

34. The learned family court, on the basis of testimony available on record, has come to the conclusion that the petitioner-husband has been able to establish that his wife has left her matrimonial home and is not willing to lead her conjugal life with her husband and has abandoned him without any reasonable cause and since then she has been living separately from her husband for more than two years, as such the petitioner-husband is entitled for decree of divorce.

35. Learned counsel for the appellant-wife, during course of argument, has submitted that since the suit was decided ex parte as such the wife could not place her case before the learned family court. Learned counsel for the appellant has also questioned the mode and manner in which notice was issued and case proceeded ex parte.

36. However, since during course of hearing the matter, the respondent husband has in unequivocal term has stated that he is not ready to live with the appellant-wife, however, he has shown his willingness for settlement of the dispute in terms of money, as has been taken note in order dated 7th October, 2025. As such, this Court proceeded to hear the matter on the issue of permanent alimony.

37. This Court in the aforesaid backdrop facts and submission requires to consider as to: "*what would be the quantum of permanent alimony to meet the needs of the wife and her minor daughter of age 12 years on the basis of pleadings available on record and as per the standard of life she would have enjoyed had she been living with the appellant?*"

38. This Court, before considering the aforesaid issue, needs to refer herein the provision of law as contained under Section 25 of the Hindu Marriage Act, 1955, wherein it has been provided that any court exercising jurisdiction

under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent's own income and other property, if any, the income and other property of the applicant, it may seem to the court to be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent. For ready reference, Section 25 of the Act, 1955 is quoted as under:

> *"**25. Permanent alimony and maintenance**.—(1) Any court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent's own income and other property, if any, the income and other property of the applicant 1 [the conduct of the parties and other circumstances of the case], it may seem to the court to be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent.*
>
> *(2) If the court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1), it may, at the instance of*

either party, vary, modify or rescind any such order in such manner as the court may deem just.

(3) If the court is satisfied that the party in whose favour an order has been made under this section has re-married or, if such party is the wife, that she has not remained chaste, or, if such party is the husband, that he has had sexual intercourse with any woman outside wedlock, 2 [it may at the instance of the other party vary, modify or rescind any such order in such manner as the court may deem just].”

39. It is evident from the aforesaid provision that concept of permanent alimony as provided under Section 25 have been enacted with the object of removing the hardship of the wife or the husband with no independent income sufficient for living or meeting litigant expenses; such a leave can be granted as well who may also be deprived of the same on proof of having sexual intercourse outside the wedlock. It is also settled position of law that the Court may grant permanent alimony to the party while disposing of the main application even if application has been moved; meaning thereby the intent of the Act is to remove the handicap/hardship of a wife or husband by passing an appropriate order at the appropriate stage either under Section 24 or 25 of the Hindu Marriage Act, 1955. The basic behind this is to sustain the live of husband or wife, if having no sufficient source of income.

40. The Hon’ble Apex Court has also considered the intent of Section 25 of Hindu Marriage Act in catena of

Judgments wherein it has been observed that Section 25 of Act 1955 is an enabling provision. It empowers the court in a matrimonial case to consider facts and circumstances of the spouse applying and deciding whether or not to grant permanent alimony. Sub-section (1) of Section 25 provides that a matrimonial Court exercising the jurisdiction under the Hindu Marriage Act may at the time of passing a decree or at any time subsequent thereto on an Application made to it, order to pay maintenance.

41. Thus, power is conferred on the Matrimonial Court to grant permanent alimony or maintenance on the basis of a decree of divorce passed under the Hindu Marriage Act even subsequent to the date of passing of the decree on the basis of an application made in that behalf. Sub-section (2) of Section 25 confers a power on the Court to vary, modify or rescind the order made under Sub-section (1) of Section 25 in case of change in circumstances. The power under Sub-section (3) of Section 25 is an independent power. The said power can be exercised if the Court is satisfied that the wife in whose favour an order under Subsection (1) of Section 25 of the Hindu Marriage Act is made has not remained chaste. In such event, at the instance of the other party, the Court may vary, modify or rescind the order under Sub-section (1) of Section 25 of the Hindu Marriage Act.

42. Reference in this regard may be made to the judgment rendered by the Hon'ble Apex Court in the case of ***Kalyan Dey Chowdhury v. Rita Dey Chowdhury Nee Nandy*, (2017) 14 SCC 200.** For ready reference, paragraph 14 of the judgment is quoted as under:

> ***"14.*** *Section 25 of the Hindu Marriage Act, 1955 confers power upon the court to grant a permanent alimony to either spouse who claims the same by making an application. Sub-section (2) of Section 25 of the Hindu Marriage Act confers ample power on the court to vary, modify or discharge any order for permanent alimony or permanent maintenance that may have been made in any proceeding under the Act under the provisions contained in sub-section (1) of Section 25. In exercising the power under Section 25(2), the court would have regard to the "change in the circumstances of the parties". There must be some change in the circumstances of either party which may have to be taken into account when an application is made under sub-section (2) of Section 25 for variation, modification or rescission of the order as the court may deem just."*

43. We may note here that a substitution has been brought to Sub-section (3) of Section 25 of the Hindu Marriage Act with effect from 27th May 1997. Earlier, it was provided under Sub-section (3) of Section 25 that if the Court was satisfied that the party in whose favour an order has been made has not remained chaste, it shall rescind the order. The words "it shall rescind the order" appearing in Sub-section (3) of Section 25 were replaced by the said

amendment by the words “it may at the instance of the other party vary, modify or rescind any such order …..”. The legislature in its wisdom by the said substitution has provided that after the facts stated in Sub-section (3) of Section 25 of the Hindu Marriage Act are established, the Court may vary, modify or rescind any such order under Sub-section (1) of Section 25 of the Hindu Marriage Act. Thus, after 1976, there is a discretion conferred on the Court by Sub-section (3) of Section 25 of the Hindu Marriage Act of declining to rescind, vary or modify the order under Sub-section (1) of Section 25 thereof, even if on an Application made by the husband/wife, it is established that the husband/wife has not remained chaste after the decree of maintenance is passed under Sub-section (1) of Section 25.

44. The Hon’ble Apex Court in the case of ***Vinny Parmvir Parmar v. Parmvir Parmar, (2011) 13 SCC 112*** while appreciating the core of Section 25 of the Act 1955 has observed thatfor permanent alimony and maintenance of either spouse, the respondent's own income and other property, and the income and other property of the applicant are all relevant material in addition to the conduct of the parties and other circumstances of the case, for ready reference the relevant paragraph of the aforesaid judgment is being quoted as under:

> *12. As per Section 25, while considering the claim for permanent alimony and maintenance of either spouse, the respondent's own income and other property, and the income and other property of the applicant are all relevant material in addition to the conduct of the parties and other circumstances of the case. It is further seen that the court considering such claim has to consider all the above relevant materials and determine the amount which is to be just for living standard. No fixed formula can be laid for fixing the amount of maintenance. It has to be in the nature of things which depend on various facts and circumstances of each case. The court has to consider the status of the parties, their respective needs, the capacity of the husband to pay, having regard to reasonable expenses for his own maintenance and others whom he is obliged to maintain under the law and statute. The courts also have to take note of the fact that the amount of maintenance fixed for the wife should be such as she can live in reasonable comfort considering her status and mode of life she was used to live when she lived with her husband. At the same time, the amount so fixed cannot be excessive or affect the living condition of the other party. These are all the broad principles courts have to be kept (sic keep) in mind while determining maintenance or permanent alimony.*

45. It needs to refer herein that no arithmetic formula can be adopted for grant of permanent alimony to wife. However, status of parties, their respective social needs, financial capacity of husband and other obligations must be taken into account. The Hon'ble Apex Court in the case of **U**. ***Sree v. U. Srinivas*, (2013) 2 SCC 114** has observed that while granting permanent alimony, no arithmetic formula can be adopted as there cannot be mathematical exactitude. It shall depend upon the status of the parties,

their respective social needs, the financial capacity of the husband and other obligations. For ready reference the relevant paragraph is being quoted as under:

> ***33.*** *We have reproduced the aforesaid orders to highlight that the husband had agreed to buy a flat at Hyderabad. However, when the matter was listed thereafter, there was disagreement with regard to the locality of the flat arranged by the husband and, therefore, the matter was heard on merits. We have already opined that the husband has made out a case for divorce by proving mental cruelty. As a decree is passed, the wife is entitled to permanent alimony for her sustenance. Be it stated, while granting permanent alimony, no arithmetic formula can be adopted as there cannot be mathematical exactitude. It shall depend upon the status of the parties, their respective social needs, the financial capacity of the husband and other obligations. In Vinny Parmvir Parmar v. Parmvir Parmar [(2011) 13 SCC 112 : (2012) 3 SCC (Civ) 290] (SCC p. 116, para 12) while dealing with the concept of permanent alimony, this Court has observed that while granting permanent alimony, the court is required to take note of the fact that the amount of maintenance fixed for the wife should be such as she can live in reasonable comfort considering her status and the mode of life she was used to when she lived with her husband. At the same time, the amount so fixed cannot be excessive or affect the living condition of the other party.*

46. In the case of ***Rajnesh v. Neha & Anr (supra)*** the Hon'ble Apex Court has extensively dealt with the issue of granting interim/permanent alimony and has categorically held that the objective of granting interim/permanent alimony is to ensure that the dependent spouse is not

reduced to destitution or vagrancy on account of the failure of the marriage, and not as a punishment to the other spouse. There is no straitjacket formula for fixing the quantum of maintenance to be awarded. The Hon'ble Apex Court further held that the Court while considering the issue of maintenance, should consider the factors like the status of the parties; reasonable needs of the wife and dependent children; whether the applicant is educated and professionally qualified; whether the applicant has any independent source of income; whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home; whether the applicant was employed prior to her marriage; whether she was working during the subsistence of the marriage, for ready reference the relevant paragraph of the aforesaid judgment is being quoted as under:

> "***77.*** *The objective of granting interim/permanent alimony is to ensure that the dependent spouse is not reduced to destitution or vagrancy on account of the failure of the marriage, and not as a punishment to the other spouse. There is no straitjacket formula for fixing the quantum of maintenance to be awarded.*
>
> ***78.*** *The factors which would weigh with the court inter alia are the status of the parties; reasonable needs of the wife and dependent children; whether the applicant is educated and professionally qualified; whether the applicant has any independent source of income; whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home; whether the applicant was employed prior to her marriage; whether she was working during the subsistence of the marriage; whether the wife was*

required to sacrifice her employment opportunities for nurturing the family, child rearing, and looking after adult members of the family; reasonable costs of litigation for a non-working wife. [Refer to Jasbir Kaur Sehgal v. District Judge, Dehradun, (1997) 7 SCC 7; Refer to Vinny Parmvir Parmar v. Parmvir Parmar, (2011) 13 SCC 112 : (2012) 3 SCC (Civ) 290]

79. *In Manish Jain v. Akanksha Jain [Manish Jain v. Akanksha Jain, (2017) 15 SCC 801 : (2018) 2 SCC (Civ) 712] this Court held that the financial position of the parents of the applicant wife, would not be material while determining the quantum of maintenance. An order of interim maintenance is conditional on the circumstance that the wife or husband who makes a claim has no independent income, sufficient for her or his support. It is no answer to a claim of maintenance that the wife is educated and could support herself. The court must take into consideration the status of the parties and the capacity of the spouse to pay for her or his support. Maintenance is dependent upon factual situations; the court should mould the claim for maintenance based on various factors brought before it.*

80. *On the other hand, the financial capacity of the husband, his actual income, reasonable expenses for his own maintenance, and dependent family members whom he is obliged to maintain under the law, liabilities if any, would be required to be taken into consideration, to arrive at the appropriate quantum of maintenance to be paid. The court must have due regard to the standard of living of the husband, as well as the spiralling inflation rates and high costs of living. The plea of the husband that he does not possess any source of income ipso facto does not absolve him of his moral duty to maintain his wife if he is able-bodied and has educational qualifications. [ReemaSalkan v. Sumer Singh Salkan, (2019) 12 SCC 303 : (2018) 5 SCC (Civ) 596 : (2019) 4 SCC (Cri) 339]*

81. *A careful and just balance must be drawn between all relevant factors. The test for determination of maintenance in matrimonial disputes depends on the financial status of the respondent, and the standard of living that the applicant was accustomed to in her matrimonial home. [Chaturbhuj v. Sita Bai, (2008) 2 SCC 316 : (2008) 1 SCC (Civ) 547 : (2008) 1 SCC (Cri) 356] The maintenance amount awarded must be reasonable and realistic, and avoid either of the two extremes i.e. maintenance*

awarded to the wife should neither be so extravagant which becomes oppressive and unbearable for the respondent, nor should it be so meagre that it drives the wife to penury. The sufficiency of the quantum has to be adjudged so that the wife is able to maintain herself with reasonable comfort."

47. Recently, the Hon'ble Apex Court in the case of ***Rakhi Sadhukhan Vs. Raja Sadhukhan [2025 SCC OnLine SC1259]*** has enhanced the amount of alimony subject to increase of alimony on every two years.

48. This Court has considered the factual aspect of the said case and on perusal of the fact, referred therein, it is evident that in the said case, the appellant-wife and respondent-husband were married on 18.06.1997. A son was born to them on 05.08.1998. In July 2008, the respondent-husband filed Matrimonial Suit No. 430 of 2008 under Section 27 of the Special Marriage Act, 1954 seeking dissolution of marriage on the ground of cruelty allegedly inflicted by the appellant-wife. Subsequently, the appellant-wife filed Misc. Case No. 155 of 2008 in the same suit under Section 24 of the Hindu Marriage Act, 1955, seeking interim maintenance for herself and the minor son. The Trial Court, by order dated 14.01.2010, awarded interim maintenance of Rs. 8,000/- per month to the appellant-wife and Rs. 10,000/- towards litigation expenses. The appellant-wife then instituted Misc. Case No. 116 of 2010

under Section 125 of the Criminal Procedure Code, 1973. The Trial Court, *vide* order dated 28.03.2014, directed the respondent-husband to pay maintenance of Rs. 8,000/- per month to the appellant-wife and Rs. 6,000/- per month to the minor son, along with Rs. 5,000/- towards litigation costs. The Trial Court, *vide* order dated 10.01.2016, dismissed the matrimonial suit, finding that the respondent-husband had failed to prove cruelty. Aggrieved, the respondent filed FAT No. 122 of 2015 before the High Court of Calcutta. During the pendency of the appeal, the appellant-wife filed CAN No. 4505 of 2025 seeking interim maintenance of Rs. 30,000/- for herself and Rs. 20,000/- for the son, along with Rs. 50,000/- towards litigation expenses. The High Court, by order dated 14.05.2015, directed the respondent-husband to pay interim maintenance of Rs. 15,000/- per month. Subsequently, by order dated 14.07.2016, the High Court noted that the respondent-husband was drawing a net monthly salary of Rs. 69,000/- and enhanced the interim maintenance to Rs. 20,000/- per month. Finally, the High Court, by the impugned order dated 25.06.2019, allowed the respondent's appeal, granted a decree of divorce on the ground of mental cruelty and irretrievable breakdown of marriage, and directed the respondent-husband to redeem the mortgage on the flat where the appellant-wife was

residing and transfer the title deed to her name by 31.08.2019; allow the appellant-wife and their son to continue residing in the said flat; and continue to pay permanent alimony of Rs. 20,000/- per month to the appellant-wife, subject to a 5% increase every three years. Additionally, the High Court directed payment of educational expenses for the son's university education and Rs. 5,000/- per month for private tuition.

49. Aggrieved by the quantum of alimony awarded, the appellant-wife is approached the Hon'ble Apex Court.

50. The Hon'ble Apex Court, by interim order dated 07.11.2023, noting the absence of representation on behalf of the respondent-husband despite proof of service, enhanced the monthly maintenance to Rs. 75,000/- with effect from 01.11.2023. The respondent-husband subsequently entered appearance and filed an application seeking vacation of the said interim order.

51. The appellant-wife contends that the amount of Rs. 20,000/- per month, which the High Court made final, was originally awarded as interim maintenance. She submits that the respondent-husband has a monthly income of approximately Rs. 4,00,000/- and the quantum of alimony awarded is not commensurate with the standard of living maintained by the parties during the marriage.

52. In response, the respondent-husband submits that his current net monthly income is Rs. 1,64,039/-, earned from his employment at the Institute of Hotel Management, Taratala, Kolkata. He has placed on record salary slips, bank statements, and income tax returns for the year 2023-2024. It is further stated that he was earlier employed with the Taj Hotel, drawing a gross annual salary of Rs. 21,92,525/-. He also submits that his monthly household expenses total Rs. 1,72,088/-, and that he has remarried, has a dependent family, and aged parents. The respondent-husband contends that their son, now 26 years of age, is no longer financially dependent.

53. The Hon'ble Apex Court taking note of the quantum of permanent alimony fixed by the High Court has come to the conclusion that it requires revision. The said revision is on the basis of the respondent-husband's income, financial disclosures, and past earnings which establish that he is in a position to pay a higher amount. The Hon'ble Apex Court has observed that the appellant-wife, who has remained unmarried and is living independently, is entitled to a level of maintenance that is reflective of the standard of living she enjoyed during the marriage and which reasonably secures her future. It has also been observed, the inflationary cost of living and her continued reliance on

maintenance as the sole means of financial support necessitate a reassessment of the amount.

54. Therefore, Hon'ble Apex Court has held that, a sum of Rs. 50,000/- per month would be just, fair and reasonable to ensure financial stability for the appellant-wife. The said amount shall be subject to an enhancement of 5% every two years. As regards the son, now aged 26, the Hon'ble Apex Court has expressed its view that the Court is not inclined to direct any further mandatory financial support. However, it is open to the respondent-husband to voluntarily assist him with educational or other reasonable expenses. It has been clarified that the son's right to inheritance remains unaffected, and any claim to ancestral or other property may be pursued in accordance with law.

55. Accordingly, the appeal was allowed and the order of the High Court was modified to the extent that the permanent alimony payable to the appellant-wife shall be Rs. 50,000/- per month, subject to a 5% increase every two years, for ready reference the relevant paragraph of the said order is being quoted as under:

> ***"7.*** *Having considered the submissions and materials on record, we are of the view that the quantum of permanent alimony fixed by the High Court requires revision. The respondent-husband's income, financial disclosures, and past earnings establish that he is in a position to pay a higher amount. The appellant-wife, who has remained unmarried and is living independently, is entitled to a level of*

maintenance that is reflective of the standard of living she enjoyed during the marriage and which reasonably secures her future. Furthermore, the inflationary cost of living and her continued reliance on maintenance as the sole means of financial support necessitate a reassessment of the amount.

8. *In our considered opinion, a sum of Rs. 50,000/- per month would be just, fair and reasonable to ensure financial stability for the appellant-wife. This amount shall be subject to an enhancement of 5% every two years. As regards the son, now aged 26, we are not inclined to direct any further mandatory financial support. However, it is open to the respondent-husband to voluntarily assist him with educational or other reasonable expenses. We clarify that the son's right to inheritance remains unaffected, and any claim to ancestral or other property may be pursued in accordance with law.*

9. *In view of the above, the appeal is allowed. The impugned order of the High Court is modified to the extent that the permanent alimony payable to the appellant-wife shall be Rs. 50,000/- per month, subject to a 5% increase every two years, as noted above."*

56. This Court has perused the affidavit filed by the respondent-husband in terms of the law laid down by the Hon'ble Apex Court in ***Rajnesh v. Neha & Anr. (supra)***. It emerges therefrom that the respondent is engaged in mobile sales and repairing establishment styled as *M.K. Mobile Sale & Service Centre*. Surprisingly, however, he has disclosed his monthly income to be only ₹10,500/-, a claim which strains credulity.

57. Conversely, the appellant-wife has filed her affidavit asserting that the respondent earns in excess of ₹1.5 lakh per month. She has further submitted that the respondent owns a residential plot at Chas, Bokaro and derives

income from a mobile tower erected thereon. The appellant herself has no independent source of livelihood and is subsisting precariously on interim maintenance of ₹5,000/- per month and loans from friends and relatives.

58. It is further submitted that the female child, aged about 12 years, born of the wedlock, resides with the appellant. For her maintenance, considerable expenditure is required. The appellant, having been ousted from the matrimonial home, is constrained to live in rented accommodation.

59. Under the family law jurisprudence, where a husband runs a cash-dominant business such as a mobile shop and deliberately suppresses his income, the Court cannot accept such understated claims at face value.

60. Admittedly, in the present case, both parties have filed mandatory income affidavits in terms of ***Rajnesh v. Neha (supra)***. The respondent/husband, while acknowledging his proprietorship of the mobile sales and service shop, has sought to understate his earnings, whereas the appellant has consistently maintained that the monthly income of respondent/husband is upwards of ₹1.5 lakh from the said shop.

61. In support thereof, she has annexed therewith the Photographs of the Shop showing the number of staffs

working therein as also the location of the shop, stating it to be in the posh area of City of Bokaro District. However, neither of the parties have annexed the Tax Return filing of the shop; Bank Account/statement of the Bank or stock in voices. These documents were although supposed to be filed by the owner of the shop, herein the respondent-husband but he has not filed those documents to substantiate the fact that he has only income of Rs. 10,500/- from that shop.

62. The version of the respondent/husband, so far monthly income is concerned, does not appear to be reasonable since admittedly, the Mobile Shop, is situated in the Market Area of Bokaro City where as per the photographs furnished by the appellant-wife with the affidavit filed on 31.10.2025, even two Mechanics were found to be engaged in doing service of mobiles with sophisticated required machines in an Air-Conditioned Shop, as reflected from the Photographs. The photographs annexed therewith have not been disputed by the respondent-husband.

63. From the mere production of photographs, the location of the shop, or the number of staff engaged therein, it is not feasible to ascertain with exactitude the quantum of income derived from such establishment. However, by no stretch of imagination can it be accepted that the shop in question yields only a paltry monthly income of ₹10,500/-.

The assertion of such meager earnings stands wholly incongruous with the nature and scale of the business depicted.

64. Furthermore, the wife has stated in the affidavit that the husband has residential plot in Chas, Bokaro and earns rental income from a mobile tower erected thereon but that aspect of source of income has been concealed by the respondent-husband.

65. Prima facie, it appears that the respondent-husband, in order to evade his responsibility to maintain his wife and minor daughter child commensurate with their standard of living, is deliberately concealing his actual income.

66. This Court, on the backdrop of aforesaid facts, submissions and judicial pronouncement, as referred hereinabove, and the capacity of the husband to pay, having regard to reasonable expenses for his own maintenance and others whom he is obliged to maintain under the law and statute vis-à-vis the fact that the amount of maintenance fixed for the wife and minor female child, who is living with the appellant, should be such as they can live in reasonable comfort considering her status and mode of life she was used to live when she lived with her husband, is of the view that a minimum amount of Rs. 25 lakhs would be just and proper.

67. This Court is conscious that the respondent-husband has his own liabilities and responsibilities. Nonetheless, it is his paramount duty to ensure that the appellant-wife enjoys the standard of life she was entitled to during subsistence of the marriage, commensurate with his income and status.

68. For the reasons aforesaid, this Court thought it proper that a sum of Rs. 25,00,000/- [twenty five lakhs] in total as one-time permanent alimony would be just, fair and reasonable, for sustenance of the respondent-wife and the female child aged about 12 years, who have no other source of income other than the amount of alimony so received by the appellant for their livelihood and sustenance.

69. The said amount shall be paid by the respondent-husband in four equal installments within a period of one year from the date of passing of the order and first installment shall be paid within a period of two month from today.

70. Accordingly, the order/judgment dated 22.01.2022 and decree signed on 27.01.2022, passed by the learned Principal Judge, Family Court, Bokaro in Original Suit No. 223 of 2019, is modified to the extent, as indicated hereinabove.

71. This Court, considering the factual aspect involved in the case and particularly the fact that due to financial crunch the survival of the appellant-wife may not get disturbed, grants liberty to the appellant-wife that if the amount is not credited to her account, as per the direction passed by this Court, the appellant-wife will be at liberty to approach the court of law in accordance with law.

72. This Court, however, hope and trust that the respondent husband will not invite such situation and will abide by the direction so passed by this Court by paying permanent alimony in favour of the appellant-wife and minor child.

73. With the aforesaid directions and observations, as made hereinabove, the instant appeal stands disposed of and decreed in the above terms.

74. Pending Interlocutory Application, if any, stands disposed of.

I agree **(Sujit Narayan Prasad, J.)**

(Pradeep Kumar Srivastava, J.) **(Pradeep Kumar Srivastava, J.)**

8th October, 2026

*Alankar***/ A.F.R.**

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