

IN THE HIGH COURT OF JHARKHAND AT RANCHI**F.A. No. 64 of 2025**

Rupali Mahanty, D/o Gopal Prasad Mahanty aged about 46 years resident of Sector 4F Qrs. No. 6110, PO & PS Sector IV, Bokaro Steel City, District Bokaro (Jharkhand) PIN 827004.

Mobile No. xxx

E Mail-xxx

...Petitioner/Appellant

Versus

Subhashish Sannigrahi, S/o Bijoy Chandra Sannigrahi, aged about 53 years, Resident of TRA Bungalow, Tea Research Association, 15, Cooch Behar Road, P.O. Darjeeling PS Darjeeling Sadar PIN 734101 West Bengal. Mobile No. xxx Email address: xxx

...Respondent/Defendant

**CORAM: HON'BLEMR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE ARUN KUMAR RAI**

For the Appellant : Mrs. Rupali Mahanty [In Person]

For the Respondent : Mr. Amit Kumar Das, Advcoate
Mr. Sankalp Goswami, Advcoate

CAV/Reserved on 25.08.2025
Per Sujit Narayan Prasad, J.

Pronounced on 16/09/2025

1. At the outset, it needs to refer herein that for the matrimonial dispute arisen between the husband and wife, series of litigations have been filed by the parties and most of them have been filed the appellant-wife, who appeared in person and conducted her cases, though before the learned family court she was offered for free legal aid, as would be evident from order dated 27.03.2019 passed in Original Suit No. 76 of 2018, but she chosen to appear in person and conduct her case on her own. Even on the issue of 'permanent alimony', after getting the decree of divorce,

which was filed by the appellant-wife, the appellant-wife has approached before this Court for the third time besides filing other litigations. The first one is F.A. No. 15 of 2021; the second is F.A. No. 116 of 2022 and the third is F.A. 64 of 2025 the present one, which has been filed by the appellant-wife questioning the order passed by the learned Family Court.

- 2.** Besides that, Civil Revision No. 20 of 2019 was filed before this Court for enhancement of temporary alimony by the appellant-wife. Further, against the remand order passed in F.A. No. 116 of 2022, the appellant-wife moved before the Hon'ble Apex Court by filing SLP No. 17275 of 2024. However, after remand of the matter [Original Suit No. 76 of 2018] by this Court, the learned Family Court passed order in Original Suit No. 76 of 2018, since there was no order of stay by the Hon'ble Apex Court.
- 3.** The appellant-wife against order/judgment dated 17.02.2025 and decree dated 25.02.2025 passed by the learned Family Court, on remand, has filed the instant appeal being FA No. 64 of 2025. But in the SLP, being SLP No. 17275 of 2024, no step has been taken by the appellant-in-person, which has been taken note of by this Court in order dated 6th August, 2025 and 12th August, 2025, and no order has been brought showing any order of stay, however, learned counsel for the appellant has undertaken before this

Court that she would withdraw the said SLP on the date fixed before the Hon'ble Supreme Court, as such this Court proceeded to hear the matter.

4. Furthermore, a very eccentric allegation of murder of son by his own father [respondent herein] has been leveled by the appellant-wife by filing Argora P.S. Case No. 180 of 2017 and after lodging of FIR, on the allegation of unfair investigation in the said case, the appellant-wife moved before this Court making a prayer for CBI Investigation by filing W.P. (Cr.) No. 419 of 2017, which was disposed of by this Court, as the State took decision to investigate the matter by CBI.
5. The CBI submitted report stating therein that allegation leveled against the respondent-husband and other persons, who were made accused by the appellant-wife in the First Information Report, was found baseless. Against the report submitted by the CBI, the appellant-wife filed protest petition in R.C. Case No. 01 of 2021, which was rejected. However, in the report so submitted by the CBI, the Investigating team of CBI have reported that the appellant-wife and her father put undue pressure upon them by calling 25-30 times to make accused the father and uncle in the accident case, for which undue reward has been offered to the CBI Officials.

Prayer:

6. The instant appeal, under Section 19(1) of the Family Court Act, 1984, is directed against order/judgment dated 17.02.2025 and decree dated 25.02.2025 passed by the learned Principal Judge, Family Court, Bokaro in Original Suit No. 76 of 2018, whereby and whereunder the learned court has decreed the suit fixing Rs. 20,00,000/- [twenty lakhs] as lump sum permanent alimony to the petitioner/appellant herein and hold that since the appellant-wife has already received Rs. 25,00,000/- [twenty five lakhs] as permanent alimony, the respondent-husband shall not recover the amount of Rs. 5,00,000/- [five lakhs] from the petitioner-wife.

Brief facts of the case:

7. The brief facts of the case, as per the pleading made in the original suit, needs to be referred herein, which reads as under:
8. The marriage of the appellant and respondent was solemnized on 17.02.1996 as per Hindu rites and custom at Bokaro. After marriage they lived together as husband and wife for four years at Jalpaiguri, West Bengal. Out of their wedlock, one son was born on 22.08.1998.
9. As per the case made out by the appellant-wife in the Original Suit, after few days of marriage, the respondent-husband and his family members started ill-treating her for

more dowry and tortured her mentally and physically, for which she alleged to have intimated her father by writing several letters. It is stated that her father with a hope that the respondent-husband would be rational in passage of time, did not take any legal action against him, but there was no change in his behaviour. It is stated that when the torture meted out to the appellant became intolerable, she along with her son left the house of the respondent-husband and came to her parental house at Bokaro in the year 2002 and since then she along with her son had been living at her parental home.

- 10.** It is further stated that several attempts were made for reconciliation, but it failed. She has further pleaded that her son was a student of Class-XI of Delhi Public School, Ranchi then she shifted to Ranchi in the month of June/July 2015 and till the time of shifting to Ranchi, all the expenses including educational expenses of her Son had been met partly by her father and partly by her own income. After growing up, it is stated that the son started forcing his father (respondent herein) to bear their entire expenses including his educational expenses as a matter of right. But the respondent-husband became more abusive and infuriated. In the meantime, her son qualified in *Scholastic Aptitude Test* for professional studies in USA, which involved huge expenses of Rs.70 to 80 lacs and her son was forcing the

respondent-husband to bear the expenses. But the respondent and his relatives refused to bear the expenses on the plea that appellant's son will never be theirs.

11. The appellant-wife has made a very specific allegation against the respondent that in order to inflict extreme pain to her [appellant] and her father, on 25.07.2016 at about 8:15 PM near Argora Chowk, Ranchi, her son was murdered by causing a pre-planned accident by the respondent under a conspiracy with his relatives with the help of anti-social elements.

12. It has further been stated that respondent-husband hushed up the crime of murdering her son in connivance with the Police and to get justice she moved the learned court of SDJM, Ranchi and got a fresh FIR registered under Sections 302/120B/34 IPC against the respondent and three others, which was registered as Argora P.S. Case No. 180 of 2017.

13. It has further been submitted that in the meantime, the appellant filed Original Suit No. 367 of 2016 for divorce on mutual consent without alimony but later on she withdrew her consent and accordingly, the suit was dismissed as withdrawn vide order dated 11.07.2017.

14. Thereafter, she filed another suit being Original Suit No. 76 of 2018 making a payer therein for a decree for dissolution of Marriage. In this suit, the respondent on being noticed

appeared and contested the suit by filing written statement with pleading that this suit has been filed only to harass the respondent. He denied to have made any demand from the appellant or subjected her to cruelty and torture.

15. He has further pleaded that in the year 1999 the petitioner on her own will shifted to Bokaro and again returned to Nagarkata after one year, i.e. in the year 2000. Since the year 2000 she started doing AMWAY business while staying at Bokaro and to pursue her business, she visited different places of the country to attend business meeting without his consent and knowledge. Coming back to Nagarkata, in the year 2000 she started inviting her business friend to his house and stayed with him with unacceptable level of intimacy and after that the appellant-wife made a plan to come out of this marriage. She started to torture and forced him to accept her demand of mutual divorce in a court at Jalpaiguri on the condition that he would not claim any right over their son ever, which was not acceptable to him.

16. He has further pleaded that the complaint of torture and treating the appellant with cruelty, both physically and mentally is totally wrong, rather it was opposite. It has been stated that the appellant used to go to his ancestral village once or twice in a year with him for one or two days to meet with his old aged parents during any family function which

only happened once in two to four years. So, the question of cruelty to the appellant was based on utter lies.

17. It is further the case of the respondent-husband that the appellant left for Bokaro in end of the year 2001 and snapped all communications with him. They did not allow him to meet with his son for two years, i.e. from 2001 to 2003, till he had to surrender completely to their terms and conditions. He has further pleaded that the appellant decided to shift to Bokaro from Siliguri on her own will and thereafter she worked in St. Mary's Nursery School as a teacher and admitted his son at DPS, Bokaro. Thereafter, he used to shoulder his responsibility mostly by paying cash, carrying the necessities while he used to visit Bokaro almost every two months.

18. It has further been submitted that the respondent invested in the name of appellant-wife or in his son's name, sometimes at his own will and sometimes as per their need/demand. Submission has been made that he also shared the expenditure during appellant and their son's stay at Bokaro and he was glad to bear all the educational expenses for his son and he was doing so.

19. Regarding the allegation of the appellant of murder of their child the respondent has stated that on the day of accident of his son, he was at Silchar, Assam, far from the place of

occurrence of the accident. He got information about accident of his son from the appellant at about 9:00 PM and he reached Ranchi at about 10:30 PM on the next day. His son was treated at RIMS and thereafter at MEDICA, Ranchi but lastly he succumbed to his injury.

20. It has further been stated that the appellant initially filed Original Suit No. 367 of 2016 for divorce on mutual consent but it is alleged that after seven months the appellant in connivance with her father withdrew that suit with a view to harass him. However, he admitted that they have no conjugal relationship for the last 16 years and if divorce is granted by this court he would have no objection.

21. On the basis of pleadings of the parties, the learned family court framed mainly the issue -*Whether the Respondent (Husband) committed subjected to cruelty against the Petitioner (Wife) after marriage and whether the Petitioner (Wife) is entitled to get a Decree of dissolution of marriage on the basis of cruelty u/S. 13 (1) (ia) of Hindu Marriage Act, 1955?*

22. In order to prove the case, on behalf of two witnesses were examined. PW-1 Rupali Mahanty is the Petitioner/appellant herself and PW-2 Gopal Prasad Mahanty is father of the Petitioner.

- 23.** The Respondent has examined three witnesses in which RW-1 Subhashish Sannigrahi is the Respondent himself, RW-2 Debasish Sannigrahi is brother of Respondent and RW-3 Priya Ranjan Nayak is Maternal Nephew of the Respondent.
- 24.** The learned family court after hearing the parties and on the basis of pleadings available on record decided the suit in favour of petitioner, the appellant herein, vide judgment dated 22.12.2020 awarding a sum of Rs.25,00,000/- (rupees twenty five lakhs) as permanent alimony and the marriage solemnized between the parties stands dissolved on payment of the above amount.
- 25.** The appellant-wife though accepted the said permanent alimony but being aggrieved with part of the judgment/decreed with respect to the quantum of permanent alimony approached this court by filing F.A. No.15 of 2021. The appeal preferred by the appellant was disposed of vide order dated 24.03.2022 and the matter was remanded before the learned family court to pass order afresh on the issue of quantum of permanent alimony and the parties were permitted to file further affidavits as per enclosure-I to the judgment in **"Rajnish v. Neha" (2021) 2 SCC 324** in addition to the materials already brought on record.
- 26.** Accordingly, the matter was heard by the learned family Court and Original Suit No. 76 of 2018 was again revived.

27. After remand, learned family court, after hearing learned counsel for the parties, enhanced the amount by Rs. 10,00,000/- [ten lakhs] in addition to the alimony already granted and received to the tune of Rs.25,00,000/- as permanent alimony.

28. Being aggrieved with the quantum of award, both parties came before this court by filing separate appeal being F.A. No.116 of 2022 by the appellant-wife and F.A. No.131 of 2022 by the respondent-husband.

29. This Court again heard the parties and by common order dated 16.05.2024 disposed of both the appeals and remitted the matter before the learned family Court, which was heard and disposed of vide order date 17.02.2025 and decree dated 25.02.2025, whereby and whereunder the learned court has decreed the suit fixing Rs. 20,00,000/- [twenty lakhs] as lump sum permanent alimony to the appellant-wife and hold that since the appellant-wife has already received Rs. 25,00,000/- [twenty five lakhs] as permanent alimony, the respondent-husband shall not recover the amount of Rs. 5,00,000/- [five lakhs] from the petitioner-wife.

30. Being aggrieved with the order passed by the learned family court, the present appeal has been filed by the appellant-wife.

Submission on behalf of appellant-wife

- 31.** The appellant-in-person has submitted that the learned family court did not properly consider the assets and liabilities of the respondent-husband and calculated the assets and liabilities of the appellant-wife in a highly prejudicial manner to favour the respondent-husband in order to deprive the legitimate claim of quantum of alimony.
- 32.** Submission has been made that there are sufficient material/evidence to prove her lawful eligibility for quantum of permanent alimony as claimed but the learned Principal Judge, Family Court, Bokaro before recording adverse findings regarding the solvency of the petitioner did not properly appreciate the Income Tax Returns of the respondent-husband.
- 33.** Further submission has been made that the learned Principal Judge, Family Court has heard the Original Suit No. 76 of 2018 *de novo*, which is not in consonance with order dated 16.05.2024 passed by this Court whereby the matter was remanded to consider the matter afresh.
- 34.** It has been submitted that the learned family court has passed the order against the direction as passed in the case of ***Rajnish Vs. Neha*** and by misinterpreting the income of the appellant has passed the impugned order.
- 35.** Further submission has been made that the learned family court while reducing the award did not take into

consideration the fact that the appellant is unemployed having no income from any other source save and except the permanent alimony to be given by the respondent-husband.

36. So far 'income from other sources', as shown in the ITRs submitted by the appellant is concerned, it has been submitted that it is the income on the interest derived from the investment made by the appellant's father in their joint names and that amount which is in the parental property of the appellant and that ought not to have been taken as deciding factor for determining the quantum of permanent alimony/maintenance.

37. Further submission has been made that earlier, the predecessor of family court had awarded the amount of permanent alimony to the tune of Rs. 10,00,000/- [ten lakhs] in addition to the earlier award of Rs. 25,00,000/- [twenty five lakhs] i.e., in total 35,00,000/- [thirty five lakhs], that too was inadequate to meet two ends for a reasonable standard of living, but without considering these aspects of the matter the impugned order has been passed, to prejudice to the fact the SLP(C) No. 17275 of 2024 filed by the appellant is pending before the Hon'ble Supreme Court.

38. Learned counsel for the appellant based upon the aforesaid ground has submitted that the order passed by the learned family court requires interference.

Submission on behalf of respondent-Husband

- 39.** Learned counsel for the respondent-husband by defending the order passed by the learned Principal Family Judge, Family Court has taken the following grounds.
- 40.** It has been submitted that marriage of the parties solemnized in the year 1996 and since the conduct of the appellant-wife is not beyond reproach, due to her hostile and highly inimical attitude towards him, they have been living separately for the last more than two decades years, solely on account of the petitioners behavior though the respondent-husband has shouldered all the responsibility including the monetary on regular basis.
- 41.** After short span of time the relationship between them became strained and the appellant-wife left the house with two years son born out of their wedlock and came to her parental house at Bokaro in the year 2002 and since then she along with her son had been living at her parental home.
- 42.** Submission has been made that the respondent-husband has tried his best to save the marriage but due to dominating attitude of appellant-wife, it could not be saved. However, a decision was taken by the parties to get separation by way of decree of divorce on mutual consent. Accordingly, a suit for mutual divorce being Original Suit No.

367 of 2016 was filed but that was withdrawn by the wife for the purpose to harass the respondent-husband.

43. Thereafter, a fresh suit being Original Suit No. 76 of 2018 was filed for dissolution of marriage on the ground of cruelty, wherein she made a very eccentric allegation against the respondent-husband that he by hatching conspiracy committed murder of his only son, who met with an accident at Ranchi while it is admitted fact that the respondent was living far away at Silchar. It has been submitted that on such disgraceful allegation the respondent also wanted to break the marital knot with appellant and contested the suit by filing written statement, wherein, he has denied the allegation of any demand of dowry or subjecting the appellant-wife to cruelty and torture. Submission has been made that the appellant-wife on her own will shifted to Bokaro and started doing AMWAY business while staying at Bokaro and to pursue her business, she visited different places of the country to attend business meeting without his consent and knowledge.

44. Further submission has been made that after return to Bokaro, she worked in St. Mary's Nursery School as a teacher and admitted his son at DPS, Bokaro and since then he used to shoulder the responsibility of his son mostly by paying cash, carrying the necessities while he used to visit

Bokaro almost every two months and he feel all glad to bear the educational expenses for his son and he was doing so.

45. So far eccentric allegation of murder of his own son by the appellant is concerned, submission has been made that on the day of accident of his son, he was at Silchar, Assam, far from the place of occurrence of accident and immediately after getting such information he reached Ranchi but during treatment his son succumbed to his injury.

46. Submission has been made that the learned family court after hearing the parties decided the suit vide judgment dated 22.12.2020 and directed the respondent-husband to pay a sum of Rs.25,00,000/- (rupees twenty five lakhs) as permanent alimony, which the respondent-husband paid.

47. But the appellant, being dissatisfied with the award of the quantum of alimony, filed FA No. 15 of 2021 praying for enhancement of permanent alimony from Rs.25,00,000 to Rs.70,00,000/-. The said FA No. 15 of 2021 was disposed of by remitting the matter for the second time before the learned family court vide order dated 24th March, 2022. Thereafter, the Original Suit No. 76 of 2018 was heard and the permanent alimony was enhanced by an additional sum of Rs.10,00,000/-.

48. Learned counsel for the respondent-husband has further submitted that after filing of suit and case of maintenance,

the respondent has been granted the interim maintenance to the tune of Rs. 20,000/-, which the respondent paid to the appellant without fail till the date of final order of permanent alimony. But the appellant-wife did not stop and filed one case and the other before this Court and also before Hon'ble Supreme Court only in order to put pressure.

49. Learned counsel for the respondent further drawing attention of this Court towards the proceeding of the learned family court has submitted that only in order to harass the respondent, the appellant filed several recall petitions for cross-examination of the respondent witness, which has been taken note of by the learned family judgment in the impugned order.

50. Besides that the allegation has been made by the appellant that the respondent has conspired to murder his own child. The matter has been enquired by the State Police and CID, who found no hand of the respondent but again the matter was enquired by the CBI at the request of the appellant, who did not find anything against the respondent. Even then, the appellant in order to put the respondent behind bar, put undue pressure upon the CBI Officials stating them to get the respondent responsible for the murder of his son and also offered money for the same, which has been complained by the CBI Officials, as taken note in the impugned order.

51. Learned counsel for the respondent has further submitted that on the one hand, the appellant-wife has contested the suit on being remanded by this Court while on the other hand, she moved before the Hon'ble Supreme Court by filing SLP which has still not been withdrawn and on being confronted by this Court in the instant litigation [FA 64 of 2025] she has though undertaken that she would withdrew the case pending before the Supreme Court but she still did not withdraw the same, however, there is no stay order in that SLP.

52. Coming to the issue of source of income, learned counsel for the respondent has submitted that the appellant had huge assets in the form of jewellery, which was kept in Bank, and the same was alleged to be stolen away, therefore, she filed a case, in which award to the tune of Rs. 32.00 lakh has been paid back as compensation to the family of the appellant by the Reserve Bank of India following an order of *National Consumer Forum*.

53. Learned counsel for the respondent has further submitted that from the I.T.Rs. of the appellant-wife for the assessment years 2017-18, 2018-19 and 2019-20 has submitted that there are sufficient interest income of Rs.5,50,551/-, Rs.4,24,026/- and Rs.4,24,701/- respectively. Therefore, it is evident that the appellant gets more than Rs.35,000/-per

month as interest income besides income from other sources.

54. Further submission has been made that in the affidavit, the appellant-wife has taken the ground that Bank statement could not be collected which shows her intention to conceal other particulars of her income during last three years. Therefore, submission has been made that there is sufficient monthly income from the interest of her fixed deposits and interest from alimony, which is sufficient to maintain life for a person/appellant. Further submission has been made that though by filing ITR, the appellant has shown the income derived from Fixed Deposit but what is the amount that has been deposited has never been disclosed by her either before the learned trial court or before this Court.

55. Further submission has been made that the appellant has given a large sum of cash and jewelries, worth not less than 35-40 lakhs to her throughout the last 20 years of married life (1996 to 2016).

56. Learned counsel for the respondent has further submitted that even in the year 2016, the entire house hold items costing Rs.8 lakhs for furnishing the rented flat at Ranchi were transferred through M/s Yash Packers & Movers on 8th August, 2016 following her [wife] request to the respondent-husband, this fact has been proved by adducing evidence

both oral and documentary by the respondent before the learned family court.

57. Submission has been made that the learned family court has taken these aspect of the matter into consideration and has come to the conclusion that the appellant-wife has sufficient means to sustain her life with the standard of life as she was enjoying at the time of marriage. Therefore, submission has been made that the impugned order requires no interference by this Court.

58. So far assets and liabilities of the respondent is concerned, learned counsel for the respondent has submitted that since the respondent has already retired from service on 31.01.2024, which is a non-pensionable service and he is getting no pension as such by small amount of means he has to sustain his life as also the three dependents. Further submission has been made that he is yet to get retirement benefit due to non-recognition of the PF kept under a trust and acute financial crunch in Tea Research Association.

59. Learned counsel for the respondent-husband has further submitted that as a matter of fact till the respondent was getting salary he maintained the appellant and the only son who died in accident i.e., till 2016 and after that on the order passed by the Court of law, he regularly paid monthly maintenance without fail. Thereafter, the learned family

court after appreciating the evidence and contentions of the parties awarded Rs. 25,00,000/- as permanent alimony, which the respondent paid immediately in the year 2021 itself.

60. Learned counsel for the respondent has submitted that the copy of recent ITR [2024-25] has been annexed with the affidavit wherefrom it is evident his income from interest is shown to be Rs. 29,444/- per annum. Besides that he has self-occupied house and one incomplete flat at Kolkata and one self-built house at Siliguri for consultancy service.

61. Further submission has been made that besides, after getting divorce, he got married and out of that a baby girl is there and to educate and bringing up her daughter and second legally wedded wife and taking care of his 92 years old bed-ridden ailing mother he has to incur huge amount on month to month basis and also he has to secure future of her daughter, whereas the appellant has no responsibility or no dependent to shoulder the responsibility.

62. It is submitted that in addition to that the appellant has kept all the household goods purchased by spending more than Rs.8.00 lakh by him to furnish their rented accommodation at Ranchi. Based on the above facts, the predecessor court has mentioned in his order that the appellant is not helpless lady but quite sound financially. A

large part of her above deposits was made with the money given by him as cash during 20 years of married life. Therefore, the learned family court has rightly awarded Rs.25.00 lakh as permanent alimony to the appellant-wife, so the judgment and decree passed by the learned family court requires no interference by this Court.

Analysis:

- 63.** We have heard learned counsel for the parties, perused the documents available on record as also finding recorded by the learned family court.
- 64.** Admittedly, the appellant has approached this Court raising her grievance with respect to '*quantum of alimony*' challenging the order dated 17.02.2025 passed in Original Suit No. 76 of 2018, which has been remanded for the 3rd time.
- 65.** Further, it is also admitted fact that for deciding the issue of permanent alimony, the conduct of the parties is of least importance but herein since allegation and counter-allegation are there, therefore, this Court besides delving into factual aspect is also going into the allegation and counter-allegation made by the parties so as to come to the conclusion that the finding arrived at by the learned family court in the impugned judgment requires any interference or not.

66. Admittedly, the marriage between the parties was solemnized on 17.02.1996. After marriage they lived together as husband and wife for four years at Jalpaiguri, West Bengal. Out of their wedlock, one son was born on 22.08.1998.

67. As per the case made out by the appellant-wife after few days of marriage, the respondent-husband and his family members started ill-treating her for more dowry and tortured her mentally and physically. However, as per materials available on record till 2016, the parties did not come before Court of law.

68. Unfortunately, in the year 2016, the only son, born out of the wedlock of the parties, met with a road accident at Argora Chowk, Ranchi and died on 27.07.2016. At the time of accident, the respondent-father was at Silchar, however, knowing the news of accident of his son, he rushed from there and was all along with him but during treatment the son succumbed to injuries.

69. For the said accident, the respondent lodged an FIR being Argora Police Station Case No. 243 of 2016 dated 03.08.2016 for the offence under Sections 279/304A of the Indian Penal Code, in which, the police submitted Final Form showing the case to be true but without any clue, which was accepted by the Court.

70. But the appellant-wife objected to the investigation done by the Investigating Officer and Complaint Case No. 1977 of 2017 was filed alleging *inter alia* that the respondent-husband in connivance with the Investigating Officer has only cover up the matter has lodged the case being Argora P.S. Case No. 243 of 2016, in which final form has been submitted but as a matter of fact her son has been murdered by the respondent after hatching a well-planned conspiracy. Accordingly, Argora P.S. Case No. 180 of 2017 was lodged on the instance of the appellant-wife that in order to inflict extreme pain to her [appellant] and her father, her son was murdered by causing a pre-planned accident by the respondent under a conspiracy with his relatives with the help of anti-social elements.

71. Thereafter, the appellant-wife has come before this Court by filing W.P. (Cr.) No. 419 of 2017 making a prayer for fair and proper investigation in Argora P.S. Case No. 180 of 2017 registered under Sections 302/120B and 34 of the Indian Penal Code and further prayer has been made that the matter may be handed over to the Central Bureau of Investigations or the Criminal Investigation Department. The ground was taken by the writ petitioner, the appellant herein, that the investigating officer in Argora P.S. Case No. 180 of 2017 is the same who was investigating the case in Argora P.S. Case No. 243 of 2016, therefore, there is every

chance that there would not be fair trial. In that case, the State appeared and filed counter affidavit and stated that State has decided that the matter is to be handed over to the Central Bureau of Investigation. Accordingly, the W.P. (Cr) No. 419 of 2017 was disposed of vide order dated 03.12.2020 directing the Central Bureau of Investigation to investigate the case and submit the report at the earliest.

72. Thereafter, the Central Bureau of Investigation investigated the matter and submitted the report, copy of which has been placed on record by the respondent in affidavit dated 22.08.2025, in which, the allegation leveled against the respondent-husband and other persons who were made accused by the appellant-wife in the First Information Report, was not found to be baseless.

73. Since much emphasis has been laid by learned counsel for the respondent, as such this Court has perused the report of the CBI and found therefrom in particular paragraphs 16.23 to 16.30 that during the course of investigation the CBI subjected the respondent and his family members as well as the persons, against whom the allegation has been made by the appellant, to '**Polygraph Test**', the report of which indicate that their responses were found to be truthful and none of them exhibited any signs of deception. For ready reference, the para 16.30, and 1638 is quoted as under:

16.30. During the course of investigation, CDRs of accused persons and the suspect persons for the relevant period were collected and it was revealed that there is no communication/contact between the accused persons viz. Shri Subhashish Sannigrahi; Shri Debashish Sannigrahi; Smt. Jharna Sannigrahi & Shri Sujoy Chandra Sannigrahi and the suspects viz. Shri Rana Gautam Raj Shri Kundan Kumar Sahgal; Shri Amit Kumar & Shri Ravi Kumar Gupta. This shows that Shri Rana Gautam Raj Shri Kundan Kumar Sahgal; Shri Amit Kumar & Shri Ravi Kumar Gupta did not have any acquaintance with Shri Subhashish Sannigrahi; Shri Debashish Sannigrahi; Smt. Jharna Sannigrahi & Shri Sujoy Chandra Sannigrahi.

16.31 Investigation revealed that Shri Abhinav Mishra was a friend and classmate of Antariksh at DPS, Ranchi. He along with Antariksh used to go for tuition classes (Physics and Chemistry) with the same teachers. He was found to have been in touch with Antariksh over phone but he was not found to have introduced Antariksh to bad people.

16.32 During the course of investigation, Shri Subhashish Sannigrahi; Smt. Jharna Sannigrahi Shri Rana Gautam Raj Shri Kundan Kumar Sahgal; Shri Amit Kumar Shri Ravi Kumar Gupta and Shri Abhinav Mishra (friend of Antariksh) were subjected to undergo 'polygraph tests' by the Team of CFSL, New Delhi. During the process of the said test, CFSL team had asked them questions related to the road accident of Antariksh. The CFSL, New Delhi has furnished the report of the polygraph tests vide its report No. CFSL-2021/FPD-856 dated 02.03.2022 and analysis of this report disclosed that they were found truthful in their responses and none was deceptive in their responses. Due to their advancing age and underlying health issues, Shri Debashish Sannigrahi and Shri Sujoy Chandra Sannigrahi could not be subjected to polygraph tests.

16.33 During the course of investigation, a team of experts from CFSL, New Delhi had visited the scene of crime and the Team re-created the scene of crime and physically inspected the accidental bike. **The CFSL Team vide its Crime Scene Inspection Report No. CFSL-2022/P-194 dated**

07.04.2022 informed that there were minor skid marks on right side of the bike, but there were no traces of paint of any other colour/vehicle on the bike and that bike was found to be damaged which could be result of hit by a strong metallic pole which was present on the road divider at the spot at the time of incident, as such, there was no possibility of it being a "hit & run" case.

There was no CCTV Camera installed at the place of occurrence or nearby at the relevant time i.e. 2016.

16.38 *In view of the above discussed facts & circumstances and the evidence gathered during course of investigation, the allegations leveled by the complainant Smt. Rupali Mahanty against FIR named accused persons and other suspects are not found substantiated.*

Hence this Final Report is being submitted before this Hon'ble Court with prayer to kindly accept it."

74. Being aggrieved with the report so submitted by the CBI, the appellant filed Protest Petition before the learned Special Judge, CBI, however, the Court after hearing the parties dismissed the protest petition vide order dated 22.09.2022 in R.C. Case No. 01 of 2021.

75. Learned counsel for the respondent in order to show the conduct of the appellant-wife, has drawn attention of the Court to relevant part of order passed by the learned Special Judge, CBI in order to show that the appellant and her father have tried to falsely implicate the respondent and his family members for the death of his son. The said relevant part of the order dated 22.09.2022 is reproduced as under:

“यह उल्लेखनीय है कि जब मामला अपराध अनुसन्धान विभाग, राँची को सौंपा गया तो अपराध अनुसन्धान विभाग की टीम द्वारा भी जाँच किया गया और अपना जाँच प्रतिवेदन पुलिस अधीक्षक (साईवर क्राईम) अपराध

अनुसन्धान विभाग, झारखण्ड, राँची को समर्पित किया गया जिसमें जाँच टीम द्वारा दुर्घटना को स्वभाविक बताया गया है। जाँच टीम द्वारा यह भी बताया गया है कि सूचिका/आवेदिका ने उसे करीब 25-30 बार फोन कर कहा कि इस घटना में अंतरिक्ष के चाचा एवं पिता का हाथ है। किसी भी तरह उनको केस में फंसाकर जेल भेज दीजिए, आपको मुँह माँगा इनाम दिया जाएगा। जिसके कारण जाँचकर्ता द्वारा फोन उठाना बन्द कर दिया गया। साथ ही यह भी कहा गया है कि सूचिका/आवेदिका के पिता के द्वारा जाँच पदाधिकारी पर अनावश्यक एवं अनुचित प्रभाव डालने का प्रयास किया गया है। वरीय पुलिस अधीक्षक, राँची द्वारा अपर पुलिस महानिदेशक, अनुसन्धान विभाग, झारखण्ड, राँची को जो प्रतिवेदन समर्पित किया गया है, उसमें भी आवेदिका के आवेदन में उल्लिखित बिन्दुओं की जाँच के क्रम में मामले में नामित व्यक्तियों के विरुद्ध षड्यंत्र के तहत दुर्घटना कारित करने से संबंधित कोई प्रत्यक्ष अथवा अप्रत्यक्ष साक्ष्य नहीं पाये जाने की बात बतायी गयी है।

76. However, besides filing of these litigations, raising the matrimonial dispute, the appellant-wife has filed Original Suit No. 367 of 2016 for decree of divorce on mutual consent but later, the suit was dismissed as withdrawn vide order dated 11.07.2017.

77. Thereafter, the appellant filed another suit being Original Suit No. 76 of 2018 making a payer therein for a decree for dissolution of Marriage, on the ground of cruelty as provided under section 13(1) (ia) of the Hindu Marriage Act, 1955.

78. During the pendency of the Suit, the appellant filed an Interlocutory Application u/S. 24 of the Hindu Marriage Act claiming therein a temporary alimony of Rs.30,000/- per

month from the date of application/issue of summons, and Rs.30,000/- as litigation cost. Learned Family Court vide order dated 28.01.2019 awarded a sum of Rs.20,000/- per month as temporary alimony from the date of order, which the respondent-husband paid.

79. But being aggrieved the appellant-wife moved before the High Court by filing Civil Revision No. 20 of 2019 for enhancement of temporary alimony from the date of application and award of litigation cost whereas the respondent-husband filed writ petition being WPC No. 2199 of 2019. This Court vide order dated 24.01.2020 disposed of the said cases without interfering with order dated 28.01.2019 by which interim maintenance was awarded to the appellant-wife.

80. In the Original Suit No. 76 of 2018, on the basis of pleadings of the parties, the learned family court framed mainly the issue -*Whether the Respondent (Husband) committed subjected to cruelty against the Petitioner (Wife) after marriage and whether the Petitioner (Wife) is entitled to get a Decree of dissolution of marriage on the basis of cruelty u/S. 13 (1) (ia) of Hindu Marriage Act, 1955?*

81. In order to prove the case, the appellant has examined two witnesses in which PW-1 Rupali Mahanty is the

Petitioner/appellant herself and PW-2 Gopal Prasad Mahanty is father of the Petitioner.

82. The Respondent has examined three witnesses in which RW-1 Subhashish Sannigrahi is the Respondent himself, RW-2 Debasish Sannigrahi is brother of Respondent and RW-3 Priya Ranjan Nayak is Maternal Nephew of the Respondent.

83. The learned family court, after hearing the parties decided the suit vide judgment and decree dated 22.12.2020 and 05.01.2021 respectively, subject to payment of Rs.25,00,000/- (Rupees Twenty Five Lakhs) by the respondent to the appellant towards her permanent alimony payable within two months in two installments and ordered that the marriage solemnized between the Petitioner-appellant with the Respondent on 17.02.1996 stands dissolved on payment of Rs.25,00,000/- (Rupees Twenty Five Lakhs) by the respondent to the appellant towards her permanent alimony and for future maintenance. The relevant portion of judgment is quoted as under:

“15. On the basis of the documents as discussed above on record as well as the details of the income of the respondent, I find that the respondent/husband has sufficient means. In the light of the guidelines given by the Hon'ble Supreme Court of India, in the case of Rajnesh Versus Neha and Another as reported in 2020 SCC Online SC 903, I have gone through the documents regarding income of the respondent and his superannuation is in the year 2024, I am of the opinion that Rs.25,00,000/- (Rupees Twenty five lakhs)

as permanent alimony would be sufficient to maintain the petitioner.

16. *On the basis of above discussions, this suit of the petitioner is decreed on contest subject to payment of Rs.25,00,000/- (Rupees Twenty five lakhs) as one time permanent alimony/for future maintenance to the respondent.*

17. *It is therefore,*

O R D E R E D

that the suit be and the same is hereby decreed on contest subject to payment of Rs.25,00,000/- (Rupees Twenty five lakhs) by the respondent to the petitioner towards her permanent alimony and for future maintenance within two months in two installments and the marriage solemnized between the petitioner with the respondent on 17.02.1996 stands dissolved on the payment of Rs.25,00,000/- (Rupees Twenty five lakhs) by the respondent to the Petitioner as permanent alimony and for future maintenance.”

84. The appellant on the ground that no fresh reasoned order has been passed in respect of temporary alimony in the light of the Order dated 24.01.2020 passed by the High Court in the Civil Revision No. 20 of 2019 and also no litigation cost was awarded, the appellant-wife has filed Civil Misc. Case No. 01 of 2021 for review of the judgment praying for enhancement of permanent alimony from Rs.25.00 lakh to Rs.40.00 lakh but it was dismissed.

85. Further, being aggrieved by and dissatisfied with the aforesaid judgment and decree the appellant approached to this Court by filing F.A. No. 15 of 2021, which was disposed of vide order dated 24.03.2022 setting aside the judgment passed in this suit [Original Suit No. 76 of 2018] in respect

of award of permanent alimony and the matter was remanded by this Court to this court.

“20. In the judgment passed in Original Suit No. 76 of 2018, the learned Principal Judge, Family Court, Bokaro has not discussed status of the parties, the living standards the wife would have been enjoying in her matrimonial home and the other parameters which should have been taken into consideration for fixing the amount of permanent alimony. In “Kalyan Dey Chowdhury v. Rita Dey Chowdhury Nee Nandy” (2017) 14 SCC 200 the Hon’ble Supreme Court has observed that the amount of permanent alimony awarded to the wife must be befitting the status of the parties and the capacity of the spouse to pay maintenance. However, without any such discussion the learned Family Court Judge came to a conclusion that the award of Rs. 25,00,000/- as permanent alimony to the wife is reasonable, adequate and sufficient for her to maintain herself for life.

23. In the circumstances of the case, we are of the opinion that on the question of quantum of permanent alimony the judgment passed in Original Suit No. 76 of 2018 requires interference by this Court for a fresh decision by the Family Court.

24. The judgment passed in Original Suit No. 76 of 2018 in respect to award of permanent alimony of Rs. 25,00,000/-, which according to the parties, has been received by the appellant is set-aside and the matter is remanded back to the Family Court, Bokaro. The parties are permitted to file further affidavits as per enclosure-I to the judgment in “Rajnesh v. Neha” (2021) 2 SCC 324, in addition to the materials already brought on record.

25. We order accordingly.

26. FA No. 15 of 2021 is allowed to the above extent.”

86. Accordingly, the matter was again sent before the learned Family Court for passing fresh order in Original Suit No. 76 of 2018.

- 87.** The matter was heard by the learned Family Court, in which, permanent alimony was enhanced by an additional sum of Rs.10,00,000/- i.e., in total Rs. 35,00,000/- [thirty five lakhs].
- 88.** Being aggrieved with the quantum of permanent alimony, both the parties approached this Court. The appellant wife filed F.A. No. 116 of 2022 and respondent-husband filed F.A. No.131 of 2022. Both the cases were heard together and have been disposed of by common order dated 16.05.2024.
- 89.** For ready reference, the relevant portion of order dated is quoted as under:

16.As we have noted above, the petitioner is aggrieved by the fact that in the impugned judgment dated 21.09.2022, the alimony of Rs. 35,00,000/- which has been granted to the petitioner is a meagre amount and the same on the basis of the income and assets of the respondent should be enhanced to Rs. 70,00,000/- while the respondent – husband has his own case to the effect that though Rs. 25,00,000/- as permanent alimony has already been extended to the petitioner, but so far as the further amount of Rs. 10,00,000/- is concerned, the same is not based on Neutral Citation 2024:JHHC:20821-DB 6 proper appreciation of evidence and therefore, that part of the order according to the respondent should be set aside. There is nothing on record to indicate that the petitioner – wife is a working lady, rather as per her own submission, she does not have any independent source of income and she stays with her father at Bokaro. The petitioner has highlighted about certain assets which have purportedly been in possession of the respondent including a duplex bungalow in Darjeeling and a HIG flat in Kolkata, but the prices assessed of the said assets have been denied by the respondent. In fact, in the cross-examination of the

respondent he has admitted about having a duplex bungalow in Darjeeling which costs about 25 to 30 lacs. In the cross-examination of the respondent, he has also stated that his gross salary is Rs. 1,00,000/- per month and his net salary is Rs. 60,000 to 70,000/- per month. He has also certain other grievance which have been mentioned which are with respect to the petitioner taking all the household articles and shifting the same to Bokaro for which the various consignments have been brought on record. Both the affidavits filed by the petitioner and the respondent pursuant to the order of remand in F. A. No. 15 of 2021 though have been taken note of, but no findings seem to have been recorded with respect to the claim of either of the parties. In fact, the learned trial court seems to have passed the impugned judgment dated 21.09.2022 awarding a further amount of Rs. 10,00,000/- as permanent alimony apart from the amount of Rs. 25,00,000/- which were granted earlier and which has already been paid by the respondent to the petitioner without properly discussing the affidavits filed by either of the parties though, the various aspects of the case as well as the averments made in the affidavit have been noted.

17. The Original Suit No. 76 of 2018 was remanded back by this court in F. A. No. 15 of 2021, to be reconsidered by the learned trial court and the parties were permitted to file further affidavits in addition to the materials already available on record. Though, the affidavits have been filed, but as stated above, the findings with respect to grant of permanent alimony does not resonate in the impugned judgment. We in view of the aforesaid findings therefore set aside the impugned judgment dated 21.09.2022 passed by Sri Alok Kumar Dubey, learned Principal Judge, Family Court, Bokaro in Original Suit No. 76 of 2018 and **remand the matter back to the learned Principal Judge, Family Court, Bokaro to consider the issue afresh and pass a speaking and reasoned order** expeditiously by considering the materials available on record. The learned trial court in the context of arriving at specific findings based on appropriate reasonings may consider the further materials if any brought on record by the parties.

18. Consequently, both the First Appeals are disposed of.

90. It is pertinent to note here that against the order of remand, the appellant-wife moved before the Hon'ble Supreme Court by filing SLP (C) being SLP (C) No. 017275 of 2024, which is pending consideration and as per submissions advanced by the parties there is no stay in the said SLP. However, in course of hearing, the appellant-wife has undertaken before this Court that she would withdraw the said SLP on the date fixed before the Hon'ble Supreme Court.

91. Thereby, again the matter was remanded before the learned Family Court for the third time vide order dated 16.05.2024 to consider the issue afresh and to pass speaking and reasoned order. Accordingly, the matter was heard and decided vide order dated 17th February, 2025, relevant portion of the judgment is quoted as under:

“30. There is no arithmetical or straitjacket formula to calculate quantum of permanent alimony like calculation of compensation relating to motor accident cases or under Employees' Compensation Act. On the same set of evidence and material two different courts may fix different quantum based upon its objective and subjective satisfaction. Keeping in mind the period of stay of the Petitioner in the house of the Respondent, her standard of living during her such stay, income and assets of the Petitioner and the Respondent, job sacrifice of the Petitioner, liabilities of the Respondent towards his dependants particularly towards the minor daughter (as per affidavit of disclosure the Petitioner has got no dependant), the Respondent is now superannuated from service with no provision of pension, permanent alimony granted by the Hon'ble Court in the case of brother of the

Petitioner, in earlier suit filed for dissolution of marriage on mutual consent no claim for any alimony was made by the Petitioner etc. in particular apart from others, I am of the considered opinion that a sum of Rs.20,00,000/- (rupees twenty lakhs) is just and proper quantum of lump sum permanent alimony to the Petitioner. It is admitted fact that the Respondent has already paid a sum of Rs.25,00,000/- (rupees twenty five lakhs) to the Petitioner as permanent alimony after passing of judgement dated 22.12.2020 in the present suit. The Respondent did not challenge that judgement and paid the said amount to the Petitioner and the Petitioner has asserted to have invested that amount to get monthly interest from the same. So, if recovery right is given to Respondent it will cause great hardship to the Petitioner. So, ends of justice would met if no recovery right is given to the Respondent.

The issue under adjudication relating to the permanent alimony is answered that the Petitioner is entitled to get a lump sum of Rs.20,00,000/- (rupees twenty lakhs) as permanent alimony from the Respondent which she has already received.

31. The Petitioner by repeated written notes of argument as well as oral submissions asserted that she was awarded Rs.20,000/- per month as temporary alimony u/S 24 of the HMA against her claim of Rs.30,000/- per month from the date of the norder which was unjustified. She submitted to grant temporary alimony from the date of filing of the suit and also litigation cost.

*The present suit has been remanded by the Hon'ble Court to consider the issue of permanent alimony afresh not on the issue of maintenance pendente lite. However, when I go through the case record then it appears to me that by order dated 28.01.2019 a sum of Rs.20,000/- per month was allowed to the Petitioner towards maintenance pendente lite from the date of the order till disposal of the case. Undisputedly till that time. judgement in the case of *RajneshvsNeha* (supra) was not delivered by the Hon'ble Supreme Court and parties had also not filed any affidavit disclosing their assets and liabilities. Section-24 of the HMA*

makes provision for maintenance pendente lite and expenses of the proceedings to either of the spouse if he/she has no independent income sufficient for her or his support and necessary expenses of the proceeding. If affidavits of disclosure of their assets and liabilities had been filed by the parties before the passing of the order the court might not had granted pendente lite maintenance to the Petitioner considering her huge Petitioner is pursuing her case in person without engaging any lawyer and paying his remuneration. Considering these facts and also the fact that the Respondent is not being given any recovery right, I do not find any reason to vary or alter maintenance pendente lite granted to the Petitioner by order dated 28.01.2019 and also to grant litigation cost to the Petitioner.

In the light of above adjudication order is passed that-

ORDER

The present suit of the Petitioner is hereby decreed on contest without cost. Rs.20,00,000/- (rupees twenty lakhs) is fixed as lump sum permanent alimony to the Petitioner. She has already received Rs.25,00,000/- (rupees twenty five lakhs) from the Respondent as permanent alimony. The Respondent shall not recover the balance amount of Rs.5,00,000/- (rupees five lakhs) from the Petitioner.”

92. Aggrieved thereof, the appellant-wife has come before this Court by filing the present appeal being First Appeal No. 64 of 2025.

93. Before this Court, the matter has been heard and the parties were directed to file affidavit regarding the assets and liabilities. Pursuant thereto, they have filed affidavits.

94. However, this Court, before appreciating the affidavits filed on behalf of the parties with respect to the assets and liabilities, deems it fit and proper to discuss the law governing the field of assessing the ‘*permanent alimony*’.

Permanent alimony is a one-time payment given to the spouse after the marriage ends, with the intention of providing long-term financial support.

95. It requires to mention herein that permanent alimony has been dealt under Section 25(1) of the Hindu Marriage Act, 1955, which reads 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, 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 remarried 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, 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.”

96. The issue of permanent alimony has elaborately been dealt with by Hon’ble Apex Court in the case of **Rajnish v. Neha**

& Anr. (2021) 2 SCC 324 which is the leading case governing the field, wherein the Hon'ble Apex Court taking into consideration all aspects of the matter in granting permanent alimony/maintenance, has given certain directives and also the yardstick have been given for assessing the permanent alimony. For ready reference, the relevant paragraphs of the judgment wherein law has been laid down for permanent alimony is quoted as under:

“Permanent Alimony:

73. *Parties may lead oral and documentary evidence with respect to income, expenditure, standard of living, etc. before the court concerned, for fixing the permanent alimony payable to the spouse.*

74. *In contemporary society, where several marriages do not last for a reasonable length of time, it may be inequitable to direct the contesting spouse to pay permanent alimony to the applicant for the rest of her life. The duration of the marriage would be a relevant factor to be taken into consideration for determining the permanent alimony to be paid.*

75. *Provision for grant of reasonable expenses for the marriage of children must be made at the time of determining permanent alimony, where the custody is with the wife. The expenses would be determined by taking into account the financial position of the husband and the customs of the family*

76. *If there are any trust funds/investments created by any spouse/grandparents in favour of the children, this would also be taken into consideration while deciding the final child support.*

97. Further the Hon'ble Apex Court from paragraphs 77 to 85 has laid down the criteria for determining the quantum of maintenance taking into consideration the objection of granting interim/permanent alimony to ensure that

dependent spouse is not reduced to destitution or vagrancy on account of failure of marriage and not as a punishment to the other spouse by taking into various factors viz. Status of the parties; reasonable wants of the claimant; the independent income and property of the claimant; the number of persons, the non-applicant has to maintain etc. For ready reference, the relevant paragraphs of the judgment is quotes as under:

“Criteria for determining quantum of maintenance

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 JasbirKaurSehgal v. District Judge, Dehradun, (1997) 7 SCC 7; Refer to VinnyParmvirParmar v. ParmvirParmar, (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. [Reema Salkan 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.*

82. *Section 23 of the HAMA provides statutory guidance with respect to the criteria for determining the quantum of maintenance. Sub-section (2) of Section 23 of the HAMA provides the following factors which may be taken into consideration : (i)*

position and status of the parties, (ii) reasonable wants of the claimant, (iii) if the petitioner/claimant is living separately, the justification for the same, (iv) value of the claimant's property and any income derived from such property, (v) income from claimant's own earning or from any other source.

83. *Section 20(2) of the DV Act provides that the monetary relief granted to the aggrieved woman and/or the children must be adequate, fair, reasonable, and consistent with the standard of living to which the aggrieved woman was accustomed to in her matrimonial home.*

84. *The Delhi High Court in Bharat Hegde v. SarojHegde [Bharat Hegde v. SarojHegde, 2007 SCC OnLine Del 622 : (2007) 140 DLT 16] laid down the following factors to be considered for determining maintenance : (SCC OnLine Del para 8)*

- “1. Status of the parties.*
- 2. Reasonable wants of the claimant.*
- 3. The independent income and property of the claimant.*
- 4. The number of persons, the non-applicant has to maintain.*
- 5. The amount should aid the applicant to live in a similar lifestyle as he/she enjoyed in the matrimonial home.*
- 6. Non-applicant's liabilities, if any.*
- 7. Provisions for food, clothing, shelter, education, medical attendance and treatment, etc. of the applicant.*
- 8. Payment capacity of the non-applicant.*
- 9. Some guesswork is not ruled out while estimating the income of the non-applicant when all the sources or correct sources are not disclosed.*
- 10. The non-applicant to defray the cost of litigation.*
- 11. The amount awarded under Section 125 CrPC is adjustable against the amount awarded under Section 24 of the Act.”*

85. *Apart from the aforesaid factors enumerated hereinabove, certain additional factors would also be relevant for determining the quantum of maintenance payable.”*

98. Learned counsel for the respondent-husband has submitted that the wife has earnings besides the interest over the amount that has been given by the respondent-husband in

terms of the order passed by the Court of law. Therefore, this Court is also quoting the relevant paragraph of the judgment in **Rajnesh Vs. Neha (supra)** which reads as under:

“Where wife is earning some income:

90. *The courts have held that if the wife is earning, it cannot operate as a bar from being awarded maintenance by the husband. The courts have provided guidance on this issue in the following judgments:*

90.1. *In Shailja v. Khobbanna [Shailja v. Khobbanna, (2018) 12 SCC 199 : (2018) 5 SCC (Civ) 308; See also the decision of the Karnataka High Court in P. Suresh v. S. Deepa, 2016 SCC OnLine Kar 8848 : 2016 Cri LJ 4794 (Kar)] , this Court held that merely because the wife is capable of earning, it would not be a sufficient ground to reduce the maintenance awarded by the Family Court. The court has to determine whether the income of the wife is sufficient to enable her to maintain herself, in accordance with the lifestyle of her husband in the matrimonial home. [Chaturbhuj v. Sita Bai, (2008) 2 SCC 316 : (2008) 1 SCC (Civ) 547 : (2008) 1 SCC (Cri) 356] Sustenance does not mean, and cannot be allowed to mean mere survival. [Vipul Lakhanpal v. Pooja Sharma, 2015 SCC OnLine HP 1252 : 2015 Cri LJ 3451]*

90.2. *In Sunita Kachwaha v. Anil Kachwaha [Sunita Kachwaha v. Anil Kachwaha, (2014) 16 SCC 715 : (2015) 3 SCC (Civ) 753 : (2015) 3 SCC (Cri) 589] the wife had a postgraduate degree, and was employed as a teacher in Jabalpur. The husband raised a contention that since the wife had sufficient income, she would not require financial assistance from the husband. The Supreme Court repelled this contention, and held that merely because the wife was earning some income, it could not be a ground to reject her claim for maintenance.*

90.3. *The Bombay High Court in Sanjay Damodar Kale v. Kalyani Sanjay Kale [Sanjay Damodar Kale v. Kalyani Sanjay Kale, 2020 SCC OnLine Bom 694] while relying upon the judgment in Sunita Kachwaha [Sunita Kachwaha v. Anil Kachwaha, (2014) 16 SCC 715 : (2015) 3 SCC (Civ) 753 : (2015) 3 SCC (Cri) 589] , held that neither the mere potential to earn, nor the actual earning of the wife, howsoever meagre, is sufficient to deny the claim of maintenance.*

90.4. *An able-bodied husband must be presumed to be capable of earning sufficient money to maintain his wife and children, and cannot contend that he is not in a position to earn sufficiently to maintain his family, as held by the Delhi High Court in Chander Parkash v. Shila*

Rani [Chander Parkash v. Shila Rani, 1968 SCC OnLine Del 52 : AIR 1968 Del 174] . The onus is on the husband to establish with necessary material that there are sufficient grounds to show that he is unable to maintain the family, and discharge his legal obligations for reasons beyond his control. If the husband does not disclose the exact amount of his income, an adverse inference may be drawn by the court.

90.5. *This Court in Shamima Farooqui v. Shahid Khan [Shamima Farooqui v. Shahid Khan, (2015) 5 SCC 705 : (2015) 3 SCC (Civ) 274 : (2015) 2 SCC (Cri) 785] cited the judgment in Chander Parkash [Chander Parkash v. Shila Rani, 1968 SCC OnLine Del 52 : AIR 1968 Del 174] with approval, and held that the obligation of the husband to provide maintenance stands on a higher pedestal than the wife.*

99. This Court, in the touchstone of aforesaid judgment, now coming to factual aspect involved in the present case so as to come to the conclusion about the quantum of permanent alimony to be awarded to the appellant-wife besides the pleadings available on record with respect to the assets and liabilities of the parties.

100. For coming to such conclusion, this Court has gone through the affidavit filed by the parties, disclosing their assets and liabilities before this Court as also the finding as has been taken note by the learned Principal Judge, Family Court, Bokaro.

101. The Co-ordinate Bench of this Court vide order dated 23.06.2025 directed both the parties to file affidavit with respect to income, assets, both movable and immovable

102. Pursuant thereto, the respondent-husband has filed affidavit, disclosing his income, assets, both movable and

immovable therein. It has been stated that he is retired from Tea Research Association [an autonomous body] as on 31.01.2024. He has shown his earning of Rs.70,000/- to Rs. 75,000/- per month from consultancy service and income from Fixed Deposit. Besides, he has stated that her mother is having pension to the tune of Rs. 13,539/-. In support thereof, he has annexed with the affidavit the ITR of the Financial Year 2024-25 as also ITR of the year of separation and ITR of the year when maintenance case has been filed i.e. of FY 2019-20.

103. So far immovable property is concerned, he has disclosed that one self-occupied house at Silliguri is there. Further, one Flat at Batanagar, Kolkata has been booked in the year 2014, but the entire project is stated to be gone to NCLT following bankruptcy of the developer. Besides, there is some agricultural land but that is in the name of grandfather of the respondent.

104. So far details of liability are concerned, he has shown personal loan of Rs. 12 lakhs. So far Jewelry is concerned, it is alleged that whatever jewelry were purchased during or after marriage, the same was taken by the appellant and those are in her possession.

105. So far number of dependent on his income is concerned, submission has been made that his mother is bed-ridden for

more than three years even spending Rs. 10.50 lakhs for her knee replacement surgery. On her there is monthly medical expense of about Rs.25,000/-. After decree of divorce, he got married, and her second wife remains to be ill and out of that a baby girl is there, on whose there is expenditure at present and for future study, higher study and marriage etc.

106. Submission has been made that his service was not the pensionable one and even during pendency of the suit filed for maintenance, he paid the interim maintenance to the tune of Rs. 20,000/- per month towards the maintenance of appellant and further before filing of the suit for divorce he incurred all the expenses towards the appellant and their only son, who died in road accident.

107. Learned counsel for the respondent-husband has submitted that large sum of cash and jewelries worth not less than 35-40 lakhs were given to her for the last 20 years [1996-2016] and further even the jewelry that was kept in the Bank Locker at Bokaro on being allegedly theft a case was lodged which resulted into award of Rs.35,00,000 [thirty five lakhs] to the family of the appellant-wife, having share of the appellant therein also.

108. In the affidavit, the respondent-husband has also mentioned about the source of income upon which the appellant-wife can well survive.

109. Disclosing the particulars of assets and liabilities of spouse as known to the respondent-husband, it has been stated in the affidavit dated 04.08.2025, filed by the respondent-husban that:

“Based on the last affidavit submitted in the Family court, the details on the assets and liabilities of spouse/ex-wife are in the record of the family court Bokaro and have been mentioned in the order on OS 76/2018, dated 17.02.2025.

*i) The Ld. Family Court, Bokaro, has given a specific finding that the Appellant has got substantial money in her bank accounts, wherein for the year **2016-17, and 2019-20 she has shown her income Rs. from other sources as 5,05,723/- and 4,24,701, which is not possible without having a deposit of approximately Rs. 70,00,000/- in her bank account.***

ii) Large sum of cash and jewelries, worth not less than 35-40 lakhs were given to her throughout the last 20 years of married life (1996 to 2016)

*iii) **Entire house hold items costing Rs.8 lakhs purchased by the Deponent for furnishing the rented flat at Ranchi were transferred through M/s Yash Packers & Movers on 8th August, 2016 following her request to the Deponent.***”

110. In contrast, affidavit has been filed by the appellant wife, which was sent firstly on the official e-mail of the High Court of Jharkhand in the name of learned Registrar General of this Court. However, later the notarized copy of the affidavit has also been filed before this Court. Both the affidavit sent

on e-mail and notarized copy is on the record. Though, there is difference in between both the affidavits, however, since the appellant-wife in person is conducting her case, therefore, this Court is not making any comment thereupon.

111. From perusal of the affidavit, it is evident that in the entire affidavit the appellant has stated all about the income of the respondent-husband and only in the last paragraph, she has stated that her only source of income is the interest accrued from the permanent alimony received from the respondent and further monthly pension to the tune of Rs. 749/- per month.

112. Since the affidavit filed by the appellant-wife is shorter one and for the adjudication of the *lis*, this Court deems it fit and proper to quote all the paragraphs as mentioned in the affidavit filed by the appellant-wife as under:

“1. In compliance with the direction in Order dated 23 June 2025, I have filed my Affidavit and copy of the same has been duly served on the Respondent well in advance.

2. The Respondent, instead of filing his Affidavit as per Order dated 23 June 2025, has filed

(a) Reply Affidavit to Petitioner's Affidavit

(b) Supplementary Affidavit (WITHOUT THE MAIN ORIGINAL AFFIDAVIT). Copy of the Original Affidavit has not been served on me.

Both the above affidavits are not as per direction in Order dated 23 June 2025, passed by this Hon'ble Court.

3. To make the record straight, I have filed my Rejoinder Affidavit to Respondent's Reply Affidavit to my Affidavit.

4. I have also filed Reply Affidavit to Respondent's Supplementary Affidavit.

5. Earlier, I filed the Financial Statement of the Respondent as on 12.03.2015 in the Court below and also before this Hon'ble Court. I attach herewith the said Financial Statement for ready reference by this Hon'ble Court.

6. I filed the photographs of the Duplex Bungalow in Darjeeling owned by the Respondent in the Court below. I attach one of the photographs of the said Duplex Bungalow along with this Notes of Argument.

7. The rent income from this Duplex Bungalow in March 2015 was Rs.25000/- per month (as mentioned in the Financial Statement). The present valuation of the Bungalow is more than Rs.1 Crore. However, the Respondent in his Supplementary Affidavit indicated the value of this Duplex Bungalow as Rs.16 Lakhs. Whereas in the Cross Examination, (in reply to Cross Question 60) the Respondent has stated that the value of the Duplex Bungalow is Rs.25 to Rs.30 lakhs. All said and done, I am ready to forgo my claim for further permanent alimony and also pay Rs.16 lakhs to the Respondent out of my permanent alimony Rs.25 lakhs in lieu of the said Duplex Bungalow.

8. The Respondent owns an Apartment in Hiland Greens, Batanagar, in Kolkata (as mentioned in the Financial Statement). The details of the Unit as gathered is as under:

Dr. Subhasish Sannigrahi

Unit 16-382

Hiland Greens Phase 2

Batanagar

Maheshtala,

Kolkata (West Bengal) PIN 700140

The present valuation of the Apartment is more than Rs.50 Lakhs.

The Respondent in his Supplementary Affidavit has stated that the said Flat is in incomplete state although in the Bank Accounts with State Bank of India and the Punjab National Bank, address of Respondent's Batanagar Flat has been given. Taking the version of the Respondent as true that his Batanagar Flat is in incomplete state, I am ready to forgo my further claim for permanent alimony in lieu of this incomplete flat.

9. The Respondent has another house in his village home.

10. I also filed the Rent Agreement of the Apartment during our stay at Ranchi showing a monthly rent of Rs.9000/- + maintenance charge of Rs.1000/-excluding electricity charge. I am attaching a true photocopy of the said Rent Agreement along with this Notes of Argument once again for ready reference.

11. Besides various other Bank Accounts in various Banks (some of which are mentioned in the Financial Statement), the Respondent has been lately maintaining Savings Bank Account as well Fixed Deposit Accounts in the State Bank of India, Batanagar, Kolkata. In the said State Bank of India, Batanagar, the Respondent has a total Deposit of more than Rs.50 lakhs.

12. The Respondent has received as retirement benefits as under:

(a) Gratuity Rs.20 Lakhs approx

(b) PF amount (employees' contribution + employer's contribution) Rs.1 Crore approx

(c) Leave Encashment as per last salary drawn

(d) Post retirement travelling allowance

(e) Last salary drawn by the Respondent was Rs.216000/- per month.

13. The Respondent has huge accumulation in his Public Provident Fund Account.

14. The Respondent has investment in insurance, mutual funds and shares some of which has been as mentioned in the Financial Statement of the Respondent as on 12 March 2015.

15. The Respondent has also inheritance of ancestral landed property.

16. I have come to know that the Respondent, after his retirement, is employed as fulltime Advisor in M/s Jay Shree Tea Industries Ltd. - a Birla Group of Company - Documentary proof is being filed with this Notes of Argument.

17. In contrast, after the murder of my son, I am helpless without future support. Presently I am dependent on my father. To say the least, I am not the only child of my parents.

18. Besides my independent interest income (presently 6.40 per cent per annum for general citizens below the age of 60) on investment of Rs.25 Lakhs which has been received as permanent alimony, I draw a monthly eps95 pension of only Rs.794/- per month with effect from September 2025.

PRAYER

It is, therefore, respectfully prayed that your Lordships may graciously be pleased to set aside the judgment dated 17.02.2025 and the Decree dated 22.02.205 passed by ShriArvind Kumar No.1, Principal Judge, Family Court, Bokaro in Original Suit No.76/2018 in respect of permanent alimony and the Appeal be allowed with appropriate reliefs;

AND/OR

Pass such order or orders as your Lordships may deem fit and proper in the facts and circumstances of the case.”

113. Though, in the affidavit, the appellant-wife has stated that the respondent-husband is having income from rent to

the tune of Rs. 25,000/- per month and at paragraph 12, it has been stated that the respondent has received handsome retirement benefit but that has been disputed by the respondent-husband by filing affidavit and but no basis of such claim of having handsome retirement has been made or substantial chit of paper has been annexed with the affidavit.

114. For the discussion made hereinabove, this Court does not find the affidavit so filed by the appellant-wife in consonance with the law laid down by the Hon'ble Apex Court in the case of **Rajnish Vs. Neha (supra)** or in terms of the direction as given by this Court vide order dated 23rd June, 2025. It is not the case herein that the appellant-wife is ignorant about the law rather she is well qualified and in person has appeared in a dozen of cases before this Court and even up-to Hon'ble the Supreme Court and as per her own version she was teaching in a school and thereafter worked in private firm. Furthermore, the father of the appellant is a law graduate, who before the learned Family Court has prayed for advancing argument of the matter on behalf of appellant-wife but that was refused, however, free legal aid was offered which the appellant-wife refused to take and decided to conduct her case on her own.

115. It further appears that before the learned family court the appellant-wife did not disclose her income in the spirit of

judgment passed by Hon'ble Apex Court in the case of ***Rajnish Vs. Neha (supra)*** or the direction passed by the court.

116. Though, the appellant-wife, who appeared in person has argued that save and except the income from the interest accrued from the permanent alimony to the tune of Rs.25,00,000/-, she has no other income but this Court on the basis of material available on record is not agreeable to such argument even taking into consideration the I.T.Rs. of the appellant for the assessment years 2017-18, 2018-19 and 2019-20, as mentioned in the impugned order, from which it is evident that the income accrued interest comes to the tune of Rs.5,50,551/-, Rs.4,24,026/- and Rs.4,24,701/- per respectively. Further, it is also evident that award of 'permanent alimony' has been awarded in pursuance to judgment dated 22.12.2020 whereby a sum of Rs.25,00,000/- (rupees twenty five lakhs) was allowed as permanent alimony, which the respondent-husband has paid, and the marriage solemnized between the parties stands dissolved on payment of the above amount.

117. However, in the rejoinder affidavit dated 12.08.2025 at paragraph 24 filed by the appellant-wife, it has been stated that whatever interest shown in the Income Tax Returns of the appellant, the same has been derived out from the investments made by her father in the joint names of the

appellant and her father and it is not the independent property of the petitioner. The said interest is not under the control of the appellant. But this Court is not in agreement with such statement/argument reason being that the ITRs have been filed in the individual capacity and not in joint capacity.

118. Besides, the respondent-husband has argued that a large sum of cash and jewelries, worth not less than 35-40 lakhs has been given to appellant-wife throughout the last 20 years of married life (1996 to 2016), on the other hand the appellant-wife has argued that her jewellery has been kept by the respondent-husband.

119. Admittedly, the main factors for determining permanent alimony, for a wife include financial circumstances, is income, assets, and earning capacity of both spouses, along with the standard of living maintained during the marriage, which we have discussed hereinabove. But the other significant factors, for determining permanent alimony for a wife, are the duration of the marriage, the age and health of the spouses, child custody and caregiving responsibilities, and the wife's educational qualifications and employment potential etc.

120. Admittedly, the respondent-husband has retired from service, which is non-pensionable and now he is aged about

61 years old whereas appellant-wife is 53 ½ years old. After divorce, the respondent got married and out of that wedlock one daughter is there. Besides, the respondent-husband has 92 years old bed-ridden mother on which he has to incur medical expenses on monthly basis.

121. The respondent-husband has in total three dependents whereas on appellant-wife there is no dependent and unfortunately one son was there who in a road accident died and before the death of son, as per the evidence available on record, the respondent-husband used to incur all expenses including education, living cost etc. and even after lodging of matrimonial case, as per the direction of the court he paid regularly the interim maintenance. So far educational status of appellant-wife is concerned, she is well qualified and at one point of time she was teaching in school and was doing private job also.

122. This Court, from the discussions made hereinabove, has found from the I.T.Rs. of the appellant-wife, as taken note of by learned family court, that the interest earned for the assessment years 2017-18, 2018-19 and 2019-20 are Rs.5,50,551/-, Rs. 4,24,026/- and Rs.4,24,701/- respectively. Further, the 'permanent alimony' in pursuance to judgment dated 22.12.2020 to the tune of Rs.25,00,000/- (rupees twenty five lakhs) has been awarded by the learned family court, taking note of the fact that the appellant-wife

has earnings, as mentioned in the ITRs filed by her. Though, the appellant has argued that whatever interest shown in the Income Tax Returns of the appellant, the same has been derived out from the investments made by her father in the joint names of the appellant and her father and it is not the independent property of the appellant and the said interest is not under the control of the appellant. In this regard, this Court has come to the conclusion that this Court is not in agreement with such statement/argument reason being that the ITRs have been filed in the individual capacity and not in joint capacity.

123. Hence, the interest which is to be accrued from bank deposit etc., as discussed, is said be sufficient for survival of the appellant-wife, as per the standard of life living at the time of marriage, taking into consideration the various factors, as discussed in the preceding paragraph.

124. This Court having discussed the financial condition of the parties, as also the other factors like number of dependent i.e., three dependents of the respondent including 92 years ailing old mother, three years old daughter and second wife whereas the appellant wife has no dependent; the age of the parties i.e., the appellant is 53½ years and respondent-husband is more than 61 years, a retired person with no pensionable service, however at present doing independent work and other factors, as discussed above, has gone into

the finding recorded by learned family court in the impugned order/judgment dated 17.02.2025 and decree dated 25.02.2025 passed by the learned Principal Judge, Family Court, Bokaro in Original Suit No. 76 of 2018 and found that there is no reason to take a different view that has been taken by the learned Family Court of awarding permanent alimony to the tune of Rs. 25,00,000/- in total, which has already been received by the appellant-wife in pursuance to order dated 22.12.2020 passed in Original Suit No. 76 of 2018.

125. Accordingly, the instant appeal fails and is dismissed.

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

I agree

(Sujit Narayan Prasad, J.)

(Arun Kumar Rai, J.)

(Arun Kumar Rai, J.)

Alankar/-

A.F.R.