

IN THE HIGH COURT OF JHARKHAND AT RANCHI
F.A. No.51 of 2023

Priyanka Gupta	...	...	Appellant
Versus			
Vivek Kumar	...	...	Respondent

**CORAM:HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SANJAY PRASAD**

For the Appellant : Mrs. Shilpi Sandil Gadodia, Advocate
[Through V.C.]
: Mr. Prakhar Harit, Advocate
For the Respondent : Mr. Sudeep Ranjan, Advocate

Order No. 20/Dated 10th August, 2026

1. A very peculiar situation has been created by the conduct of the respondent.

2. The appellant had preferred an interlocutory application being I.A. No.8687 of 2025 under Order 5 Rule 9 of the Code of Civil Procedure in a situation when the respondent was not accepting the notice and, as such, this Court based upon the submission made on behalf of the appellant to send the notice through the employer as the respondent-husband is working in TCS Company and now he is somewhere in U.S.A., for ready reference, the order dated 25th April, 2025 is being referred herein :-

“12/Dated: 25th April, 2025

1. Learned counsel appearing for the appellant has sought for adjournment to file an appropriate application for service of notice said to be effective upon the respondent by sending the same through the employer as the respondent-husband is working in TCS Company but now he is somewhere in USA.

2. Considering the aforesaid, the matter is adjourned so that appropriate application may be filed.

3. As prayed for, put up this case on 18.06.2025 under the appropriate heading.”

3. The appellant had sought for two weeks’ time to file additional affidavit appending the steps taken for service of notice upon the respondent-husband.

4. The steps have been taken to serve notice through the employer, the Executive Vice President-cum-Chief Human Officer (CHRO) Tata Consultancy Services (TCS), as would appear from the order dated 30th July, 2025.

5. One interlocutory application being I.A. No.8687 of 2025 was preferred under Order 5 Rule 9 of the Code of Civil Procedure but on that date one counsel Ms. Veedika Shaboo, had appeared and had submitted that she has got instruction to represent the respondent-husband as also received Vakalatnama which she is filing in course of the day, as such, prayer for one week’s time was made.

6. This Court, therefore, has passed the following orders on 27.08.2025 :-

“I.A. No. 8687 of 2025

Learned counsel appearing for the appellant has submitted that she is not pressing this interlocutory application in view of the undertaking being given by the respondent-husband for appearing through vakalatnama.

2. Considering the said submission, the instant interlocutory application is dismissed as not pressed and also disposed of.

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3. Ms. Veedika Shaboo, learned counsel has submitted that she is having instruction to represent the respondent-husband. She has already received vakalatnama, which she

is filing in course of the day. She has prayed for one week time.

4. The time as sought for, is allowed.

5. List this matter on 08.09.2025 under the appropriate heading.”

7. The case was taken up on 19.01.2026 and the learned counsel appearing for the appellant has made submission that although the decree of divorce has been passed but without any alimony which ought to have been passed in exercise of power conferred under Section 25 of the Hindu Marriage Act, 1955.

8. Learned counsel appearing for the respondent on 19.01.2026, who was represented by Ms. Saman Ahmad, has submitted that the impugned judgement had been passed on the application filed on behalf of appellant-wife for seeking dissolution of marriage on the ground of cruelty. Although the same had been decreed in favour of the appellant-wife but while passing the decree of dissolution of marriage, the claim of permanent alimony has been discarded on the only ground that the appellant-wife is getting salary of more than Rs. 80,000/- (eighty thousand) per month. As such, she is capable to maintain herself and her daughter.

9. The argument was advanced on behalf of the appellant that it is not a question of maintaining the appellant or her daughter, rather, the question is maintaining herself and her daughter as per the living

standard of her husband and reliance upon the judgment rendered by the Hon'ble Apex Court in the case of **Kiran Jyot Maini V. Anish Pramod Patel** reported in **2024 SCC OnLine SC 1724** has been placed.

10. This Court, in the aforesaid backdrop, to consider the issue of alimony, has passed an order to file affidavit placing on record the details of assets including the pay-slip and entire details of salary alongwith the statement of account of the respondent-husband, for ready reference, the said order is being referred herein :-

“Order No.18/Dated: 19.01.2026

1. Heard Mrs. Saman Ahmad on the instruction of Mr. Amit Kumar Sinha, learned counsel for the respondent on record.
2. Mrs. Saman Ahmad, learned counsel for the respondent-husband has submitted that the impugned judgement has been passed on the application filed on behalf of appellant-wife for seeking dissolution of marriage on the ground of cruelty. Although the same has been decreed in favour of the appellant-wife but while passing the decree of dissolution of marriage, the claim of permanent alimony has been discarded on the only ground that the appellant-wife is getting salary of more than Rs. 80,000/- (eighty thousand) per month. As such, she is capable to maintain herself and her daughter.
3. Mrs. Shilpi Sandil Gadodia, the learned counsel for the appellant has contended that it is not a question of maintaining the appellant or her daughter, rather the question is maintaining herself and her daughter as per the living standard of her husband. She has referred the judgment passed by the Hon'ble Apex Court in this regard as rendered in the case of **Kiran Jyot Maini V. Anish Pramod Patel** reported in **2024 SCC OnLine SC 1724**.

4. This Court, considering the aforesaid contention and as per the consideration made with respect to the issue of alimony which is to be based upon the living standard of the husband depending upon the price index, is of the view that Mrs. Saman Ahmad, the learned counsel for the respondent is to place on record the details of assets including the pay-slip and entire details of salary alongwith the statement of account of the respondent-husband by way of an affidavit.

5. Let the said affidavit be filed by the learned counsel for the respondent, for its consideration on or before the next date of hearing.

6. List this case on 05.02.2026.”

11. Today, when the case has been taken up, Mr. Sudeep Ranjan, learned counsel appearing for the respondent, has submitted that the affidavit could not be filed. He has assigned the reason that there is no contact with the respondent and even his mobile number has been blocked.

12. The direction which we have passed to file affidavit by the respondent is in terms of the judgment passed by the Hon'ble Apex Court in ***Rajnish v. Neha & Anr. [(2021) 2 SCC 324]***.

13. The notice has been served through the employer and thereafter the Vakalatnama has also been filed but now the respondent is evading to comply with the direction.

14. This Court, in the aforesaid pretext and to follow the mandate of Section 25 of the Hindu Marriage Act for its consideration as per law is of the view that the party cannot be allowed to evade the court proceeding.

15. This Court, in view of the aforesaid, is of the view that the employer, namely, Tata Consultancy Services Limited, is required to be impleaded as party in the changed circumstances of furnishing no instruction by the respondent to his counsel.

16. Let necessary addition be made of the employer, namely, Tata Consultancy Services Limited, to the present proceeding in course of the day.

17. Let notice be issued upon the newly impleaded respondent to be effected through speed post and the ordinary process for which requisites be filed within a week.

18. The purpose of issuance of notice upon the employer is to get the entire details of salary, pay-in-slip and statement of account for consideration of the issue of alimony as per the judgment rendered by Hon'ble Apex Court in the case of ***Kiran Jyot Maini V. Anish Pramod Patel*** (Supra).

19. The notice is made returnable on 21.09.2026.

(Sujit Narayan Prasad, J.)

(Sanjay Prasad, J.)

Date : 10th August, 2026

Birendra/