

IN THE HIGH COURT OF JHARKHAND AT RANCHI

F.A. No. 90 of 2025

Gopal Chandra Bhakat, son of Sri Sukhram Bhakat, aged about 34 years, resident of Dayal City, Govindpur, PO and PS: Govindpur, Town-Jamshedpur, District East Singhbhum, Jharkhand, permanent resident of village Bhurkadih, Asanboni, PO and PS: Jadugora, District-East Singhbhum, State-Jharkhand.Petitioner/Appellant

Versus

Smt. Rupa Rani Kumar, wife of Gopal Chandra Bhakat, daughter of Sri Nagendra Nath Kumar, aged about 30 years, resident of village Durkasai, PO Asanboni, PS Jadugora, District East Singhbhum, Jharkhand.Respondent/Respondent

**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHAY**

For the Appellant : Mr. Parambir Singh Bajaj, Advocate
For the Respondent : Mr. Anurag Kashyap, Advocate;
Mr. Bhaswat Prakash, Advocate

C.A.V. On: 30.3.2026

PRONOUNCED ON: 22.04.2026

Prayer

1. The instant appeal under Section 19(1) of the Family Courts Act, 1984 is directed against the judgment dated 15.5.2024 and decree dated 22.5.2024 passed by the learned Additional Principal Judge, Additional Family Court-II, Jamshedpur, Camp Court, Ghatsila in Original Suit No. 593 of 2017, whereby and whereunder, the Suit filed by the appellant under Sections 13 (1) (i-a) and (i-b) of the Hindu Marriage Act, 1955, has been dismissed.

Factual Matrix

2. The brief facts of the case, leading to filing of the petition filed under Section 13(1) (i-a) and (i-b) of the Hindu Marriage Act, 1955, by the petitioner/appellant, needs to be referred herein which are as under:

(i) The petitioner's [the appellant herein] case, in brief, is that marriage of appellant and respondent was solemnized on 19.04.2014, as per Hindu rites and customs at the house of the parents of the respondent in village Dorkasai, PO: Asanboi, District East Singhbhum. After the marriage, the appellant and the respondent led a conjugal life at the house of the appellant.

(ii) It has been stated that the marriage between the parties was negotiated without any dowry and that the petitioner, his parents or his relatives have never demanded any dowry and the respondent is in possession of her entire *streedhan*.

(iii) It has further been stated that the marital relation was not compatible and pleasant since the day of marriage and the reason for the same is squarely attributable to the respondent/wife who has been disrespectful, non-cooperative from the very beginning of the marriage. There had also been vital difference of opinion and mind as well as other differences between the appellant and the respondent on account of status as well as mannerism and behaviour.

(iv) It has further been stated that after a few days of marriage, the respondent, without informing anyone or without taking consent, left the house of the appellant on 11.09.2015, and since then has been living separately without maintaining conjugal relationship without any cause or sufficient reason.

(v) The petitioner/appellant on account of the cruelty meted out by the respondent as well as desertion, filed an Informatory Petition under section 39 of the Code of Criminal Procedure,

1973, being Informatory Petition No. 1232 of 2015 dated 30.11.2015 and thereafter the appellant preferred a petition under section 13(1) (ia) (ib) of the Hindu Marriage Act, 1955.

3. The learned Family Judge has issued notice upon the respondent-wife, who appeared and filed written statement admitting the factum of marriage with the petitioner-appellant.

4. After taking into consideration the pleadings of the both the parties the learned Family Court have framed altogether six issues which are as follows: -

- (i) *Is the Suit is maintainable in its present form?*
- (ii) *Whether the petitioner has got valid cause for the Suit?*
- (iii) *Whether the petitioner has suffered cruelty at the hands of the respondent?*
- (iv) *Whether the respondent has deserted the petitioner prior to two years from the date of filing of this Suit?*
- (v) *Whether the petitioner is entitled for decree of divorce on the ground of cruelty and desertion?*
- (vi) *Whether the petitioner is entitled for any other relief or reliefs?*

5. The evidences have been laid on behalf of both the parties. Thereafter, vide order dated 15.05.2024, the judgment has been passed dismissing the Suit by holding that the petitioner/husband is not entitled to get relief as claimed.

6. Against the aforesaid order, the present appeal has been filed.

7. The matter was taken up by this Court and on 20.02.2026 both the parties had submitted that there is chance of settlement by reunion. This Court while taking into consideration the aforesaid submission has directed both the parties to remain physically present on 11.03.2026, for ready reference the order dated 20.02.2026 is being quoted as under:

1. Heard learned counsel for the appellant-husband and learned counsel for the respondent-wife.

2. Learned counsel for both the parties have submitted that there appears to be some chance of settlement by reunion.

3. Considering the same, this Court has thought it proper to interact with the parties.

4. Accordingly, let this matter be listed on 11th March, 2026. Both the parties are directed to remain physically present on that day.

8. Accordingly, matter was taken up on 11.03.2026 wherein the husband-appellant has stated that he is not interested for re-union by carrying the marital status with the responded-wife. However, the responded-wife has submitted that she still wants to carry out the marital status with the appellant-husband. Thereafter, the appellant-husband has submitted that he requires some time to reconsider the issue of re-union.

9. This Court while taking into consideration the aforesaid submissions and ratio rendered by the Hon'ble Apex Court in the case of ***Rajnesh v. Neha***" reported in ***(2021) 2 SCC 324*** directed both the parties to file affidavit showing the entire worth both moveable and immoveable property, for ready reference the order dated 11.03.2026 is being quoted as under:

"1. In view of the order dated 20th February, 2026 both the parties are remain physically present before this Court.

2. The husband-appellant, namely Gopal Chandan Bhakat has stated that he is not interested for re-union by carrying the marital status with the responded-wife. However, the responded-wife, namely Smt. Rupa Rani Kumar has submitted that she still wants to carry out the marital status with the appellant-husband. 3. Subsequently, the appellant-husband has submitted that he requires some time to reconsider the issue of re-union.

*4. This Court, however, is of the view that in the meanwhile, i.e. during the period of rethinking to continue the marital status as the husband has stated, an affidavit is required to be filed in view of the judgment passed in the case of ***Rajnesh v. Neha***" reported in ***(2021) 2****

SCC 324, showing the entire worth both moveable and immoveable property including the pay slip along with the statement of the account. The similar affidavit shall also be filed on behalf of the respondent-wife.

5. List this case on 30.03.2026

10. Accordingly, the instant matter was listed before this Court on 30.03.2026 and on that day argument was concluded and judgment was reserved on point of alimony, for ready reference the order dated 30.03.2026 is being quoted as under:

1. In compliance of order dated 11.3.2026 an affidavit has been filed on behalf of the appellant-husband. The copy of the same has also been handed over to the learned counsel for the respondent-wife.

2. Let the aforesaid affidavit be taken on record.

3. The learned counsel appearing for the respondent-wife has submitted that in the light of the order dated 11.3.2026 an affidavit has already been filed. I.A. No. 5257 of 2025

4. The present interlocutory application has been filed under section 5 of the Limitation Act for condonation of delay of 233 days in filing the present appeal.

5. Heard the learned counsel for the parties.

6. Having been satisfied with the reasons stated in paragraph nos. 4,5 and 6 of the present interlocutory application, we are inclined to condone the delay of 233 days in filing of the present appeal.

7. Accordingly, delay of 233 days in filing the present appeal is hereby condoned.

8. Consequently, the present interlocutory application stands allowed and disposed of. F.A. No. 90 of 2025

9. Arguments concluded on the point of alimony.

10. Order reserved.

11. Thus, from the aforesaid orders quoted and referred hereinabove, the parties have shown their willingness to settle the matter on the issue of

alimony and, accordingly, they have filed their affidavits regarding their source of income and existing property.

12. Accordingly, the matter proceeded on the point of determination of permanent alimony without going into the merit of the impugned judgment.

Arguments advanced on behalf of the petitioner/appellant:

13. It has been submitted that admittedly the parties are living separately since long and hardly stayed together since marriage and hence there is no chance of restoration of their matrimonial life as such, the only question remains is with respect to alimony.

14. Learned counsel for the appellant has submitted that he will not argue the case on merit and he is ready on the point of alimony for one time settlement.

15. Learned counsel for the petitioner-appellant has submitted that he is working on the post of LDC/Typist in the Uranium Corporation of India Ltd.(UCIL) from which he is currently getting gross salary of Rs-65,534/- which would be evident from the pay slip of the month of February annexed as Annexure-3 to the affidavit which has been filed by the petitioner/appellant in compliance of the order dated 11.03.2026 passed by this Court.

16. The learned counsel has further stated that after deduction under different heads his net salary is Rs. 40,073/- and further the petitioner/appellant has responsibility of his ailing parents and, therefore, the petitioner himself facing the financial constrain.

Arguments advanced on behalf of the respondent-wife:

17. Per contra, learned counsel appearing for the respondent-wife has submitted that though the respondent-wife intends to reside with the appellant but the appellant does not want to keep her. However, on the offer being made by learned counsel for the appellant for final settlement by way of permanent alimony, submission has been made that she has no source of income to survive.

18. Further submission has been made that the appellant is working in the UCIL and getting handsome gross salary about Rs-65,000/-per month and by this way even the provident fund and other savings are there for the appellant's present necessity and also for his future necessity besides salary. But the life of the respondent is at a very pitiable condition.

19. On the point of permanent alimony, submission has been made that the salary of the appellant would increase after every six months on increase of Dearness Allowance and every year on account of annual increment and further there will be huge amount of hike in salary due to forthcoming Pay-Commission(s) and promotion(s)/ACP/MACP and even after retirement the appellant-husband would get huge amount of retiral benefit but the respondent-wife has to survive on the interest earned on the permanent alimony granted in favour of the respondent. Therefore, considering the life expectancy of 70 years and the fact that the respondent-wife is about 30 years of age, submission has been made that at least substantial amount would require for survival of respondent/wife on the interest earned from that.

20. Therefore, submission has been made that considerable amount of maintenance be directed to be paid to the respondent-wife so that she can live in reasonable comfort considering the status and mode of life she would have used to live when she was living with appellant-husband.

21. Learned counsel appearing for the respondent has submitted that he also does not want to go into the merit of issue and the respondent is ready to settle the issue on the point of alimony and, lastly, he has submitted that the respondent-wife has no source of income to survive.

Analysis:

22. This Court has heard the learned counsel for the parties and had gone through the findings recorded by the learned Family Judge in the impugned judgment.

23. The admitted fact herein is that the Suit has been filed under Sections 13(1) (i-a) and (i-b) of the Hindu Marriage Act, 1955 for decree of divorce on the ground of cruelty and desertion.

24. In order to substantiate and establish his case, the appellant examined himself as PW-1 and Lakhi Rani Pal as PW-2. The respondent on the other hand examined herself as RW-1 and her father Nagendra Nath Kumar as RW-2.

25. The evidences have been laid on behalf of both the parties. Thereafter, vide order dated 15.05.2024, the judgment has been passed by the learned Family Court dismissing the Suit by holding that the petitioner/appellant/husband is not entitled to get relief as claimed.

26. Being aggrieved with the impugned judgment passed by the learned family court, the appellant-husband has preferred the present appeal. However, after appearance of the respondent-wife, the parties have agreed

for permanent alimony and, accordingly, submission has been made in support thereof.

27. This Court in the aforesaid backdrop, facts and submissions requires to consider as to “*what would be the quantum of permanent alimony to meet the needs of the respondent/wife on the basis of pleadings available on record?*”

28. This Court, before considering the aforesaid issue, needs to refer herein the provision of law as contained under Section 25 of the Hindu Marriage Act, 1955, wherein it has been provided that any court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent’s own income and other property, if any, the income and other property of the applicant, it may seem to the court to be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent. For ready reference, Section 25 of the Act, 1955 is quoted as under:

“25. Permanent alimony and maintenance.—(1) Any court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent’s own income and other property, if any, the income and other property of the applicant 1 [the conduct of the parties and other circumstances of the case], it may seem to the

court to be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent.

(2) If the court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under subsection (1), it may, at the instance of either party, vary, modify or rescind any such order in such manner as the court may deem just.

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

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

30. The Hon’ble Apex Court has also considered the intent of Section 25 of Hindu Marriage Act in catena of Judgments wherein it has been observed that Section 25 of Act 1955 is an enabling provision. It empowers the court in a matrimonial case to consider facts and circumstances of the

spouse applying and deciding whether or not to grant permanent alimony. Sub-section (1) of Section 25 provides that a matrimonial Court exercising the jurisdiction under the Hindu Marriage Act may at the time of passing a decree or at any time subsequent thereto on an Application made to it, order to pay maintenance.

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

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

“14. Section 25 of the Hindu Marriage Act, 1955 confers power upon the court to grant a permanent alimony to either spouse who claims the same by making an application. Sub-section (2) of Section 25 of the Hindu Marriage Act confers ample power on the court to vary,

modify or discharge any order for permanent alimony or permanent maintenance that may have been made in any proceeding under the Act under the provisions contained in sub-section (1) of Section 25. In exercising the power under Section 25(2), the court would have regard to the “change in the circumstances of the parties”. There must be some change in the circumstances of either party which may have to be taken into account when an application is made under sub-section (2) of Section 25 for variation, modification or rescission of the order as the court may deem just.”

33. We may note here that a substitution has been brought to Sub-section (3) of Section 25 of the Hindu Marriage Act with effect from 27th May 1997. Earlier, it was provided under Sub-section (3) of Section 25 that if the Court was satisfied that the party in whose favour an order has been made has not remained chaste, it shall rescind the order. The words “it shall rescind the order” appearing in Sub-section (3) of Section 25 were replaced by the said amendment by the words “it may at the instance of the other party vary, modify or rescind any such order”. The legislature in its wisdom by the said substitution has provided that after the facts stated in Sub-section (3) of Section 25 of the Hindu Marriage Act are established, the Court may vary, modify or rescind any such order under Sub-section (1) of Section 25 of the Hindu Marriage Act. Thus, after 1976, there is a discretion conferred on the Court by Sub-section (3) of Section 25 of the Hindu Marriage Act of declining to rescind, vary or modify the order under Sub-section (1) of Section 25 thereof, even if on an Application made by the husband/wife, it is established that the husband/wife has not remained chaste after the decree of maintenance is passed under Sub-section (1) of Section 25.

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

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

35. It needs to refer herein that no arithmetic formula can be adopted for grant of permanent alimony to wife. However, status of parties, their respective social needs, financial capacity of husband and other obligations must be taken into account. The Hon'ble Apex Court in the case of **U. Sree**

v. U. Srinivas, (2013) 2 SCC 114 has observed that while granting permanent alimony, no arithmetic formula can be adopted as there cannot be mathematical exactitude. It shall depend upon the status of the parties, their respective social needs, the financial capacity of the husband and other obligations. For ready reference the relevant paragraph is being quoted as under:

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

36. In the case of **Rajnish v. Neha & Anr. [(2021) 2 SCC 324]** the Hon'ble Apex Court has extensively dealt with the issue of granting interim/permanent alimony and has categorically held that the objective of granting interim/permanent alimony is to ensure that the dependent spouse is not reduced to destitution or vagrancy on account of the failure of the marriage, and not as a punishment to the other spouse. There is no

straitjacket formula for fixing the quantum of maintenance to be awarded.

The Hon'ble Apex Court further held that the Court while considering the issue of maintenance, should consider the factors like the status of the parties; reasonable needs of the wife and dependent children; whether the applicant is educated and professionally qualified; whether the applicant has any independent source of income; whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home; whether the applicant was employed prior to her marriage; whether she was working during the subsistence of the marriage, for ready reference the relevant paragraph of the aforesaid judgment is being quoted as under:

77. The objective of granting interim/permanent alimony is to ensure that the dependent spouse is not reduced to destitution or vagrancy on account of the failure of the marriage, and not as a punishment to the other spouse. There is no straitjacket formula for fixing the quantum of maintenance to be awarded.

78. The factors which would weigh with the court inter alia are the status of the parties; reasonable needs of the wife and dependent children; whether the applicant is educated and professionally qualified; whether the applicant has any independent source of income; whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home; whether the applicant was employed prior to her marriage; whether she was working during the subsistence of the marriage; whether the wife was required to sacrifice her employment opportunities for nurturing the family, child rearing, and looking after adult members of the family; reasonable costs of litigation for a non-working wife. [Refer to Jasbir Kaur Sehgal v. District Judge, Dehradun, (1997) 7 SCC 7; Refer to Vinny Parmvir Parmar v. Parmvir Parmar, (2011) 13 SCC 112 : (2012) 3 SCC (Civ) 290]

79. In Manish Jain v. Akanksha Jain [Manish Jain v. Akanksha Jain, (2017) 15 SCC 801 : (2018) 2 SCC (Civ) 712] this Court held that the financial position of the parents of the applicant wife, would not be material while determining the quantum of maintenance. An order of interim maintenance is conditional on the circumstance that the wife or husband who makes a claim has no independent income, sufficient for

her or his support. It is no answer to a claim of maintenance that the wife is educated and could support herself. The court must take into consideration the status of the parties and the capacity of the spouse to pay for her or his support. Maintenance is dependent upon factual situations; the court should mould the claim for maintenance based on various factors brought before it.

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

37. The Hon'ble Supreme Court in the case of **Rajnesh v. Neha** (supra), provided a comprehensive criterion and list of factors to be looked into while deciding the question of permanent alimony. This judgment lays down an elaborate and comprehensive framework necessary for deciding the amount of maintenance in all matrimonial proceedings, which specific emphasis on permanent alimony and the same has been reiterated by Hon'ble Supreme Court in **Kiran Jyot Maini v. Anish Pramod Patel** reported in **2024 SCC OnLine SC 1724**.

38. The Hon'ble Supreme Court in **Kiran Jyot Maini (supra)**, while discussing the husband's obligation to maintain the wife and the importance of his financial capacity in deciding the quantum, observed under para 26 that:-

"26. Furthermore, the financial capacity of the husband is a critical factor in determining permanent alimony. The Court shall examine the husband's actual income, reasonable expenses for his own maintenance, and any dependents he is legally obligated to support. His liabilities and financial commitments are also to be considered to ensure a balanced and fair maintenance award. The court must consider the husband's standard of living and the impact of inflation and high living costs. Even if the husband claims to have no source of income, his ability to earn, given his education and qualifications, is to be taken into account. The courts shall ensure that the relief granted is fair, reasonable, and consistent with the standard of living to which the aggrieved party was accustomed. The court's approach should be to balance all relevant factors to avoid maintenance amounts that are either excessively high or unduly low, ensuring that the dependent spouse can live with reasonable comfort post- separation."

39. The Hon'ble Supreme Court in the case of **Pravin Kumar Jain v. Anju Jain** reported in **2024 SCC OnLine SC 3678** has taken note of the various judgments to clarify the position of law with regard to determination of permanent alimony and the factors that need to be considered in order to arrive at a just, fair, and reasonable amount of permanent alimony. In para 31 it is held as under:

"31. There cannot be strict guidelines or a fixed formula for fixing the amount of permanent maintenance. The quantum of maintenance is subjective to each case and is dependent on various circumstances and factors. The Court needs to look into factors such as income of both the parties; conduct during the subsistence of marriage; their individual social and financial status; personal expenses of each of the parties; their individual capacities and duties to maintain their

dependents; the quality of life enjoyed by the wife during the subsistence of the marriage; and such other similar factors. This position was laid down by this Court in Vinny Paramvir Parmar v. Paramvir Parmar, and Vishwanath Agrawal v. Sarla Vishwanath Agrawal."

40. Recently, the Hon'ble Apex Court in the case of ***Rakhi Sadhukhan Vs. Raja Sadhukhan [2025 SCC OnLine SC 1259]*** has enhanced the amount of alimony subject to increase of alimony on every two years.

41. This Court has considered the factual aspect of the said case and on perusal of the fact, referred therein, it is evident that in the said case, the appellant-wife and respondent-husband were married on 18.06.1997. A son was born to them on 05.08.1998. In July 2008, the respondent-husband filed Matrimonial Suit No. 430 of 2008 under Section 27 of the Special Marriage Act, 1954 seeking dissolution of marriage on the ground of cruelty allegedly inflicted by the appellant-wife. Subsequently, the appellant-wife filed Misc. Case No. 155 of 2008 in the same suit under Section 24 of the Hindu Marriage Act, 1955, seeking interim maintenance for herself and the minor son. The Trial Court, by order dated 14.01.2010, awarded interim maintenance of Rs. 8,000/- per month to the appellant-wife and Rs. 10,000/- towards litigation expenses. The appellant-wife then instituted Misc. Case No. 116 of 2010 under Section 125 of the Criminal Procedure Code, 1973. The Trial Court, *vide* order dated 28.03.2014, directed the respondent-husband to pay maintenance of Rs. 8,000/- per month to the appellant-wife and Rs. 6,000/- per month to the minor son, along with Rs. 5,000/- towards litigation costs. The Trial Court, *vide* order dated 10.01.2016, dismissed the matrimonial suit, finding that the respondent-husband had failed to prove cruelty. Aggrieved, the respondent

filed FAT No. 122 of 2015 before the High Court of Calcutta. During the pendency of the appeal, the appellant-wife filed CAN No. 4505 of 2025 seeking interim maintenance of Rs. 30,000/- for herself and Rs. 20,000/- for the son, along with Rs. 50,000/- towards litigation expenses. The High Court, by order dated 14.05.2015, directed the respondent-husband to pay interim maintenance of Rs. 15,000/- per month. Subsequently, by order dated 14.07.2016, the High Court noted that the respondent-husband was drawing a net monthly salary of Rs. 69,000/- and enhanced the interim maintenance to Rs. 20,000/- per month. Finally, the High Court, by the impugned order dated 25.06.2019, allowed the respondent's appeal, granted a decree of divorce on the ground of mental cruelty and irretrievable breakdown of marriage, and directed the respondent-husband to redeem the mortgage on the flat where the appellant-wife was residing and transfer the title deed to her name by 31.08.2019; allowed the appellant-wife and their son to continue residing in the said flat; and continue to pay permanent alimony of Rs. 20,000/- per month to the appellant-wife, subject to a 5% increase every three years. Additionally, the High Court directed payment of educational expenses for the son's university education and Rs. 5,000/- per month for private tuition.

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

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

appearance and filed an application seeking vacation of the said interim order.

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

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

46. The Hon'ble Apex Court taking note of the quantum of permanent alimony fixed by the High Court has come to the conclusion that it requires revision. The said revision is on the basis of the respondent-husband's income, financial disclosures, and past earnings which establish that he is in a position to pay a higher amount. The Hon'ble Apex Court has observed that the appellant-wife, who has remained unmarried and is living independently, is entitled to a level of maintenance that is reflective of the

standard of living she enjoyed during the marriage and which reasonably secures her future. It has also been observed, the inflationary cost of living and her continued reliance on maintenance as the sole means of financial support necessitate a reassessment of the amount.

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

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

“7. Having considered the submissions and materials on record, we are of the view that the quantum of permanent alimony fixed by the High Court requires revision. The respondent-husband's income, financial disclosures, and past earnings establish that he is in a position to pay a higher amount. The appellant-wife, who has remained unmarried and is living independently, is entitled to a level of maintenance that is reflective of the standard of living she enjoyed during the marriage and which reasonably secures her future. Furthermore, the inflationary cost of living and her continued reliance on maintenance as the sole means of financial support necessitate a reassessment of the amount.

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

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

49. In the backdrop of the aforesaid settled position of law this Court is now re-adverting to the factual aspects of the instant case.

50. It needs to refer herein that when petitioner/appellant had filed suit for dissolution of marriage then the respondent wife had filed a maintenance case being O.M. Case No. 34 of 2018 wherein vide order dated 09.10.2024, the learned Family Court has passed direction upon the petitioner/appellant to pay amount of Rs. 12,000/- from date of application dated 12.02.2018 to the respondent wife along with payment of arrears.

51. The appellant against the said order dated 09.10.2024 has preferred a criminal revision being Cr. Revision No. 561 of 2025 before the single Judge of this Court and vide order dated 26.06.2025 passed by this Court the operation of the order dated 09.10.2024 has been stayed and the said revision application is still pending for final adjudication.

52. In the instant case herein, in terms of the judgment rendered by Hon'ble Apex Court in the case of **Rajneesh v. Neha &Anr., (supra)**, the affidavit has been filed on behalf of the appellant-husband annexing therewith the details of salary, bank statement showing the details of salary

and other perks, annexing therewith the salary slip and bank statement as also the details of movable and immovable property i.e. 16 decimal land on name of his mother.

53. We have perused the affidavit filed by the appellant-husband wherefrom it is evident that the appellant is working in the UCIL on the post of LDC/Typist. From the salary slip of February, 2026, it is evident that his gross salary Rs. 65,534/-. It suggests that he is living in government accommodation with all amenities. Further, there is deduction in the gross salary in different head including provident fund which accrued in his PF Account and as per the salary slip his net salary is Rs-40073/-

54. It has been contended on behalf of the appellant that since he has taken loans from different financial institution, as such he is in financial constrain and in support thereof relevant documents have been annexed with the affidavit which has been filed in pursuance of the order dated 11.03.2026.

55. It requires to refer herein that in maintenance proceedings it is of primary importance that the income of the spouse is first assessed. The process of determining maintenance cannot begin or end with assumptions and it must rest on an assessment of the earning capacity of the person from whom maintenance is sought. If both spouses are earning, the income of each must be examined. However, where the wife is not employed or has no independent source of income, the focus naturally shifts to the income of the husband, which becomes the foundation for fixing the amount of maintenance payable.

56. Such assessment of income may be of two kinds. In cases where documentary evidence such as salary slips, bank statements, or income tax

returns are available, the Court can take the actual income as discernible from the record. However, in many cases, husband either fail to disclose his true income, conceal relevant details, or claim to be unemployed despite indications to the contrary. In such circumstances, the Courts must make a reasonable and fair assessment of the husband's income, taking into account his educational qualifications, professional background, past employment, lifestyle, bank transactions, and other material placed on record.

57. Once the income, whether actual or notional, is determined, the Family Court must then proceed to apportion the same among the dependents, including the wife and any children, keeping in view their reasonable needs and standard of living. Therefore, assessing income is the first and most crucial step, as maintenance cannot be determined in vacuum. Only after establishing what the earning spouse actually earns, or can reasonably be expected to earn, can a just and proportionate amount be fixed towards the sustenance of those who are entitled to be maintained.

58. The fact that the wife is earning some amount cannot, by itself, be a ground to deny her claim for maintenance. In the case of ***Sunita Kachwaha & Ors. v. Anil Kachwaha: (2014) 16 SCC 715***, the Hon'ble Supreme Court has observed that even if the wife is employed and earning, that alone does not disentitle her to maintenance if her income is insufficient to enable her to maintain herself with the standard of living that she enjoyed in the matrimonial home. Maintenance, after all, is not a matter of charity but of right – a continuing obligation flowing from the marital relationship, which the husband cannot evade merely by pointing to the wife's limited earning capacity.

59. Further, in *Manish Jain v. Akanksha Jain: (2017) 15 SCC 801*, which has also been referred to in *Rajnesh v. Neha (supra)*, the Hon'ble Supreme Court categorically held that the financial position of the parents of the applicant-wife is immaterial while determining the quantum of maintenance. The responsibility to maintain a wife flows from the marital relationship itself and cannot be shifted upon her parents, however well-off they may be.

60. The object of law of maintenance is precisely to prevent such dependence. The grant of maintenance ensures that a woman is not forced to rely on her parents or relatives for basic needs, but can live with dignity and autonomy. Only when adequate maintenance is granted can she hope to secure independent accommodation, meet her daily expenses and denying or reducing maintenance on the assumption that her parents can support her effectively undermines the very purpose of law of maintenance, which seeks to protect a deserted or destitute spouse from financial helplessness. The duty to maintain a wife rests primarily on the husband, in case she is not earning for herself, and cannot be diluted on the ground that she is presently living with her parents or that her parents have means to assist her.

61. In every proceeding of determination of alimony, there are two sides to a human story- that of the wife and that of the husband. Each brings forth a version shaped by their experiences, grievances, and perceptions. It is the duty of the Court to assess these narratives not mechanically but pragmatically, and to arrive at a conclusion that is grounded in both evidence and social reality.

62. In the aforesaid backdrop, herein this Court has perused the documents related to the loan accounts wherefrom it is evident that most of the loan has been availed by the petitioner/appellant from year 2022 onwards, i.e, after filing of the maintenance case by the respondent in year 2018. Further, deduction in gross salary under the head of provident fund will amount to future saving for the appellant/husband and, as such, the said deduction under the head of provident fund will amount to add on in the net salary.

63. The appellant has annexed ITR for the Assessment Year 2023-24, 2024-25 and 2025-2026 wherein the total income has been shown to be Rs.4,75,200 for the Assessment year 2023-24. Similarly, the total income for the Assessment Year 2024-25 has been shown to be Rs.6,87,590/- and the Rs. 6,90,810 for the Assessment Year 2025-26.

64. Submission has been made on behalf of respondent-wife that the salary of the appellant increases after every six months on increase of Dearness Allowance and every year on account of annual increment and further there will be huge amount of hike in salary due to forthcoming Pay Commissions and promotions/ACP/MACP and even after retirement the appellant-husband would get huge amount of retiral benefit but the respondent-wife has to sustain herself on the interest earned on the quantum of permanent alimony granted in favour of the respondent.

65. Further submission has been made that considering the life expectancy of 70 years and the fact that the respondent-wife is about 30 years of age; and further taking into consideration the future inflation etc. a considerable amount would require for survival of the respondent wife.

66. This Court, considering the submissions advanced on behalf of parties and law laid by Hon'ble Apex Court as referred hereinabove, has again perused the affidavit filed by the appellant-husband and found therefrom that his gross salary is Rs. 65,534/- per month, which included basis pay of Rs. 38,810/-; Dearness Allowance of Rs. 18,186/-; Transport Allowance of Rs. 1000/-; and common allowance of 8538/-.

67. Further, the appellant is only about 35 years old, taking his date of birth to be 14.02.1991, as reflected in the pay-slip and he would be in service for long 24 years of service from now and after retirement a huge amount on account of retiral benefit he would get and even in service he would be availing all the facilities as available for employees of UCIL. Whereas on the other hand, the respondent-wife has to survive for his livelihood solely on the amount of permanent alimony so given by the appellant-husband. At present, the respondent-wife is about 30 years and taking into life expectancy of even 70 years, she has to survive for long 40 years on the amount of permanent alimony given by her husband beating the inflation etc.

68. As per submission advanced by learned counsel for the respondent-wife, even taking life expectancy and multiplied by the 1/3 of the salary it comes to more than 90 lakhs but as per the settled connotation of law this Court while deciding the quantum of permanent alimony has to take care of the present capacity and responsibility of the appellant/husband also.

69. This Court is conscious that the appellant-husband is also to survive and he has other liability and responsibility but vis-à-vis it is also his utmost duty to maintain the standard of life of the respondent-wife as she

would have enjoyed during subsistence of the marriage as per income and status of his husband the appellant herein.

70. For the reasons aforesaid, this Court thought it proper that a sum of Rs. 40,00,000/- [Rs. Forty Lakhs] in total as one-time permanent alimony would be just, fair and reasonable, for sustenance of the respondent-wife, who has no other source of income than the alimony so received by the appellant-husband.

71. In such view of the matter, the appellant-husband is directed to pay a sum of Rs. 40 lakhs [Forty Lakhs], which shall be paid by him in three equal installments within a period of 12 months from the date of passing of the order and first installment shall be paid within a period of one month from today.

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

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

74. Accordingly, the impugned order/judgment dated 15.5.2024 and decree dated 22.5.2024 passed by the learned Additional Principal Judge, Additional Family Court-II, Jamshedpur, Camp Court, Ghatsila in Original Suit No. 593 of 2017 is hereby quashed and set aside, subject to the final payment of alimony, as directed by this Court.

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

76. Pending interlocutory application(s), if any, also stands disposed of.

I Agree

(Sujit Narayan Prasad, J.)

(Anubha Rawat Choudhary, J.)

(Anubha Rawat Choudhary, J.)

Jharkhand High Court
Dated: 22 /04/2026
KNR/A.F.R.

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