



Serial No. 2026:JKLHC-JMU:239

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

MA No. 653/2010

Reserved on: 29.01.2026

Pronounced on: 09.02.2026

Uploaded on: 09.02.2026

*Whether the operative part or
full judgment is pronounced-**Full Judgment***

Suresh Bhat, aged 41 years
S/O Shri Tej Krishan Bhat,
R/O H. No.788, Lower Vinayak Nagar,
Muthi, Jammu

.....Appellant(s)/Petitioner(s)

Through: Mr. Anil Sethi, Advocate.

Vs

Veena Bhat, W/O Shri Suresh Bhat,
R/O 49, Anand Nagar, Lane-5, Pata Borhi,
Sector-III, Lower Vinayak Nagar,
Near Mango Garden (Muthi), Jammu.

..... Respondent(s)

Through: Ms. Damini Singh Chouhan, Advocate.

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER

1. The appellant, through the medium of this appeal, seeks quashment of Judgment dated 11.05.2010 passed by the court of Id. Additional District Judge (Matrimonial Cases), Jammu (hereinafter called 'Trial Court') in case No.236/HMA titled Veena Bhat V/S Suresh Bhat, divorce petition, with a further prayer to reject the claim of the respondent, for grant of permanent alimony.
2. By virtue of the impugned judgment dated 11.05.2010, the Id. Trial Court dissolved the marriage between the appellant and the respondent and awarded Rs. 6,00,000/- as permanent alimony amount in favour of the respondent herein, which was to be paid by the appellant herein within a period of three months from the date of order. Aggrieved of the impugned judgment, the appellant has approached



this court by way of filing this appeal seeking the reliefs supra.

3. This court vide order dated 15.10.2010, while issuing notice to the respondent, stayed the impugned judgment so far it relates to permanent alimony of Rs. 6.00 lac.

4. Brief facts which led to the filing of this appeal, are that a petition under Section 13 of J&K Hindu Marriage Act 1980 came to be filed by the respondent-wife, for dissolution of marriage between the appellant and the respondent by a decree of divorce before the Trial Court alleging, inter alia, that, she, immediately after solemnization of marriage with the appellant was subjected to intense pressure for bringing more and more dowry items; that she faced embarrassment, humiliation and dejection owing to the appellant's behavior; that she was not properly looked after as her legitimate needs were not fulfilled at the hands of appellant; that she was accused of being a bad character woman having illicit relationship with her own father, an allegation so grave, intolerable and not even thinkable, which caused indelible mental agony and excruciating pain; that the appellant filed objections/written statement to the aforesaid petition praying its dismissal.

5. It is alleged that a separate application was filed seeking permanent alimony, to which, objections were not filed, as the appellant was oblivious of the filing of such application before the Trial Court; that in the meanwhile, the appellant moved an application, which was duly supported by an affidavit, on 05.11.2008 before the Trial Court seeking permission to withdraw the written statement/objections filed on 14.12.2005, contending therein that he has no objection in case the petition filed by the respondent herein before the Trial Court u/s 13 of Hindu Marriage Act is decreed as prayed for; that the Trial Court erroneously held that the appellant has no objection to the application filed by the respondent seeking permanent alimony



and has also conceded the whole petition, thus, dissolved the marriage and awarded Rs.6,00,000/- as permanent alimony in favour of the respondent, to be paid within a period of three months from the date of order. Aggrieved of the aforesaid judgment passed by the Trial Court, the present appeal has been filed seeking setting aside the same to the extent of grant of alimony.

6. Learned counsel appearing for the appellant argued that the appellant is aggrieved of the impugned judgment as it awarded an amount of Rs.6,00,000/- as permanent alimony to the respondent; that the appellant had no occasion to oppose the relief sought for permanent alimony as the said relief was not prayed in the main petition filed under Section 13 of the Hindu Marriage Act, but was separately prayed in the application, which was not in the knowledge of the appellant. Learned counsel further submits that the ld. Trial court has exceeded its jurisdiction by passing the impugned order. Lastly, it is prayed that the appeal be allowed against the impugned judgment dated 11.05.2010 and the claim of the respondent for grant of permanent alimony be rejected.

7. Learned counsel for the respondent, ex adverso, made submissions in line with the reasoning prevailed with the trial court while passing the judgment impugned; that the respondent filed an application before the learned trial court on 06.03.2009 seeking permanent alimony and on 10.12.2009, fresh written statement on behalf of the appellant was filed admitting the petition of the respondent in toto and also raised no objection if the decree as prayed for is passed. She further submitted that the trial court has rightly passed the judgment after weighing the evidence on record in its right perspective. It was finally prayed that the appeal filed by the appellant be dismissed and the judgment impugned be upheld.

8. Heard learned counsel for the parties at length, perused the file and considered.



9. Section 25 of the Hindu Marriage Act, 1955 is an enabling provision empowering the court in a matrimonial case to consider facts and circumstances of the spouse applying and deciding whether or not to grant permanent alimony or maintenance. No arithmetic formula can be adopted for grant of permanent alimony, however, status of the parties, their respective social needs, financial capacity and other obligations have to be taken into account. It is the duty of the court to see that the spouse lives with dignity and comfort and not in penury, though living need not be luxurious, court had to act with pragmatic sensibility.

10. It will be in the interest of convenience that Section 25 of Hindu Marriage Act, 1955 is reproduced 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 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, [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].”

11. Factual background of the disputes between the parties leading to the Appeal on hand is that the parties had got married as per the Hindu rites and customs, however, their marriage could not go on smoothly and a marital discord arose between them. As such, the respondent-wife filed a suit for dissolution of marriage before the court below leveling serious allegations on various grounds; that the appellant-husband filed objections resisting the divorce plea on 14.12.2005 to the petition filed by respondent-wife and subsequently, filed application on 05.11.2008 seeking permission to withdraw the written statement/objections filed on 14.12.2005. Statement of appellant-husband was recorded by the Trial Court on 05.11.2008 that he has no objection if the case is decreed as prayed for.

12. After filing of the application, stating no objection by the appellant-husband, the respondent-wife moved an application on 06.03.2009 for grant of permanent alimony and the Trial Court solicited objections from the other side and also directed the respondent-wife to lead evidence in support of the application. As is borne out from the record that on 10.12.2009, reply was again filed by the appellant-husband admitting the plea of divorce. The Trial Court finally dissolved the marriage by passing the decree of divorce vide impugned judgment and also granted permanent alimony to the tune of Rs.6,00,000/- payable by the appellant-husband to the respondent-wife.

13. There cannot be strict guidelines or a fixed formula for fixing the amount of permanent alimony. The quantum of alimony is subject to facts of 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. These guidelines were laid down by the Apex Court in *Vinny Paramvir Parmar v. Paramvir Parmar* reported as (2011) 13 SCC 112 and *Vishwanath Agrawal V. Sarla Vishawanath Agrawal* reported as (2012) 7 SCC 288.

14. The Apex Court again in cases titled **Rajnesh v. Neha & Anr. (2021) 2 SCC 32** and **Kiran Jyot Maini v. Anish Pramod Patel, (2024) SCC OnLine 1724**, laid down following factors to be looked into while granting permanent alimony so that the dependent spouse is not left, without any support and means, after the dissolution of the marriage and at the same time not to penalize the other spouse in the process:

- i. Status of the parties, social and financial.
- ii. Reasonable needs of the wife and the dependent children.
- iii. Parties' individual qualifications and employment statuses.
- iv. Independent income or assets owned by the applicant.
- v. Standard of life enjoyed by the wife in the matrimonial home.
- vi. Any employment sacrifices made for the family responsibilities.
- vii. Reasonable litigation costs for a non-working wife.
- viii. Financial capacity of the husband, his income, maintenance obligations, and liabilities.

15. As is borne out from the minutes of the proceedings on the trial court record, after the filing of a separate application by respondent-wife for grant of permanent alimony on 05.03.2009, subsequent to the admission of the divorce petition by the appellant-husband on 05.11.2008, the appellant-husband was provided opportunity to file objections, however without closing the right of appellant-husband to file



objections, the respondent-wife was directed to lead evidence, who besides herself had examined Rajinder Kumar and Yogesh Koul as her witnesses. After closing the evidence of the respondent-wife, the statement was made by the learned counsel for the appellant-husband to not lead any evidence in rebuttal as his counsel Mr. Anil Sethi, signed on the margin of the order sheet, in support of his contention to close the evidence.

16. The Trial Court, after hearing both the parties, granted permanent alimony of an amount of Rs.6.00 lakhs in favour of the respondent-wife as against her claim of Rs.10.00 lakhs, while decreeing this divorce petition in terms of the impugned judgment. The contention of the learned counsel, on behalf of the appellant-husband that neither objections were solicited by the Trial Court from the appellant-husband to the application moved by respondent-wife for grant of alimony and that he was also not afforded opportunity to lead evidence in rebuttal, is found, factually incorrect, on perusal of the record.

17. So far as the contention of the learned counsel for the appellant-husband that the Trial Court had not considered the various aspects with regard to the grant of alimony is concerned, the Trial Court, while granting the divorce by decreeing the petition had observed that since a petition seeking permanent alimony was already filed and the appellant-husband had not objected to it and keeping in view the economic and social background of the parties, some arrangement is required to be made for rehabilitation of wife and for securing her future so that she also leads a dignified life in the time to come and in its wisdom, it was decided that an amount of Rs.6.00 lakhs as permanent alimony shall be appropriate in her favour though a detailed discussion has not been made by the Trial Court with regard to the various aspects as were required.

18. In view of fact that neither any objection to the application was filed nor any



evidence in rebuttal was led by the appellant-husband, as such, it cannot be said that the Trial Court had misdirected itself in any manner to conclude with regard to quantum of permanent alimony of Rs.6.00 lakhs. This was incumbent upon the appellant-husband, against whom an application had been moved by his wife for grant of alimony, to place on record the various aspects which were required to be considered, particularly, with regard to their economic and social status so that the court could take a comprehensive view. The appellant-husband, at the appellate stage, cannot be allowed to take advantage of his own faults so as to seek setting aside of the impugned judgment.

19. Having regard to the foregoing discussion and the reasons assigned, this Court finds the appeal moved by the appellant-husband devoid of any merit and substance, which is liable to be **dismissed**. As a result, the appeal is dismissed and the impugned judgment is upheld.

(M A CHOWDHARY)
JUDGE

Jammu
09.02.2026
Raj Kumar

Whether the order is reportable?: Yes

Whether the order is speaking?: Yes