

IN THE HIGH COURT OF JUDICATURE AT PATNA

Sabnam Kumari

v

Dhananjay Choudhary

Miscellaneous Appeal No. 97 of 2016

06.08.2025

(Hon’ble Mr. Justice P. B. Bajanthri & Hon’ble Mr. Justice S. B. Pd. Singh)

Issue for Consideration

Whether the decree for divorce granted by the learned Family Court on the grounds of cruelty and desertion required interference by the appellate court.

Headnotes

Respondent-husband has made out ground for grant of decree of dissolution of marriage on the ground. - Couple have been living separately for about seven years and this long separation has in fact put them in such a situation that matrimonial bond has broken down beyond repair. There are no chances of the couple living together and such a marriage is now unworkable and can be a source of great misery for the parties, if allowed to be continued. - Factum of separation, intention to bring cohabitation to a permanent end, goes to establish that appellant-wife has deserted respondent-husband without reasonable cause continuously for a period of more than two years. Thus, respondent-husband proved the ground of desertion. (Para 7, 18)

While granting the decree of divorce, without assessing the assets and liabilities of the parties, Family court has awarded Rs. 2,00,000/- (Two Lakhs) to the respondent-wife towards Permanent Alimony - Claim under Section 25 of the Act has to be made on an application furnishing all details regarding his or her own income or other property. - Court deems it proper to remand the matter back to the Principal Judge only with regard to decide the quantum of permanent alimony. (Para 20-25)

Case Law Cited

Jagbir Singh v. Nisha, (2015) 9 RCR (Civil) 873; Rishipal v. Luxmi Devi, (2009) 4 RCR (Civil) 811; Dharampal v. Smt. Pushpa Devi, 2004 RCR (Civil) 717; Major Ashish Poonia v. Mrs. Nilima Poonia; Mangayakarasi v. M. Yuvaraj, (2020) 3 SCC 786; K. Srinivas Rao v. D.A. Deepa, (2013) 5 SCC 226; K. Srinivas v. K. Suneetha, (2014) 16 SCC 34; Jagdish Singh v. Madhuri Devi, (2008) 10 SCC 497; Joydeep Majumdar v. Bharti Jaiswal Majumdar, (2021) 2 RCR (Civil) 289; Samar Ghosh v. Jaya Ghosh, (2007) 4 SCC 511; Rajnesh v. Neha, (2021) 2 SCC 324; Aditi @ Mithi v. Jitesh Sharma, (2023) SCC OnLine SC 1451; Pravin Kumar Jain v. Anju Jain, (2024) SCC OnLine SC 3678

List of Acts

Hindu Marriage Act, 1955; Indian Penal Code, 1860; Arms Act, 1959 ;Code of Criminal Procedure, 1973

List of Keywords

Divorce, Cruelty, Desertion, Dowry, Irretrievable Breakdown, Permanent Alimony, Matrimonial Litigation, Section 13(1), Hindu Marriage Act, Section 25, Hindu Marriage Act, Section 9, Hindu Marriage Act, Section 24, Hindu Marriage Act, Complaint Case, Mental Cruelty ,False Allegation

Case Arising From

Judgment and decree dated 30.04.2015 passed by the Principal Judge, Family Court, Sitamarhi in Matrimonial Case No. 18 of 1998/203 of 2014.

Appearances for Parties

For the Appellant: Mr. Ranjan Kumar Dubey
For the Respondent: Mr. Saket Kumar

Headnotes Prepared by Reporter:

Amit Kumar Mallick, Adv.

Judgment/Order of the Hon’ble Patna High Court

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.97 of 2016

Sabnam Kumari wife of Sri Dhananjay Choudhary, D/O Madhusudan Prasad Choudhary resident of village - Bajitpur, P.O. Bajpatti, District Sitamarhi, presently resident of village neemachak Haider, P.S. Chak Mehasi, District Samastipur.

... .. Appellant/s

Versus

Dhananjay Chawdhary son of Late Ramnandan Choudhary, resident of village Bajitpur, P.S. Bajpatti, District Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjan Kumar Dubey
 For the Respondent/s : Mr.Saket Kumar

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
And
HONOURABLE MR. JUSTICE S. B. PD. SINGH
CAV JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. B. PD. SINGH)

Date : 06-08-2025

Heard the parties.

2. The appellant-wife (Sabnam Kumari) has come up in this appeal against judgment and decree dated 30.04.2015 passed by the learned Principal Judge, Family Court, Sitamarhi in Matrimonial Case No. 18 of 1998/203 of 2014, whereby the petition filed by the respondent-husband (Dhananjay Choudhary) under Sections 13(1) of the Hindu Marriage Act, 1955 (in short 'the 1955 Act') seeking dissolution of marriage by a decree of divorce, has been allowed and divorce stands granted and the respondent



was directed to pay Rs. 2 lakh as permanent alimony to the appellant within a period of six months.

3. Succinctly, the marriage of appellant was solemnized with respondent on 14th July, 1991 as per Hindu rites and ceremonies. The marriage was duly consummated; however, no child was born from the wedlock.

4. The pleaded case of respondent-husband in his petition under Section 13 (1) of the 1955 Act was that the marriage with the appellant was arranged one and there was no exchange of dowry and the same had taken place in a very simple manner. The respondent, just after marriage, has found that the attitude and behaviour of the appellant is very rigid, indifferent and passive towards her husband, mother-in-law, father-in-law and other in-laws members. During period of stay of the appellant-wife in her matrimonial house, she never allowed the respondent-husband to fulfill the conjugal obligation and consummate the marriage and after two months of marriage, the appellant-wife suddenly left her matrimonial house and went to her parental house and thereafter she developed the habit of frequently visiting her parental palace as per her



will and without consent of the respondent-husband. The appellant-wife, thereafter on 22.09.1994 has filed Complaint Case No. 652 of 1994 under Sections 498(A), 323, 379, 406 of the Indian Penal Code against the respondent-husband and other in-laws family members with frivolous allegation of torture and demand of dowry. The appellant-wife also alleged in the aforesaid complaint that respondent-husband had killed his first wife for want of demand of dowry. The respondent-husband appeared in the aforesaid complaint case and denied all the allegations levelled against him. In the aforesaid complaint case, on the order of the learned Court below, the respondent-husband along with his father went to the parental house of the appellant-wife for Bidagari but they were illegally detained, brutally assaulted and respondent-husband was forced to put his signature on the blank paper for which the respondent-husband has filed Chak Mehsi P.S. Case No. 44 of 1998 under Sections 386, 364, 365, 342 and other allied sections of the Indian Penal Code and Section 27 of the Arms Act. It is further alleged that appellant-wife on 24.06.1998 came along with several unknown persons at the



residence of the respondent-husband, stayed for few hours and thereafter committed loot in the house of the respondent-husband after overpowering the members of the family for which Bajidpur P.S. Case No. 107 of 1998 has been registered against the appellant's side. The actions/misdeeds of the appellant have caused great torture and harassment in the mind of the respondent. The appellant has repeatedly voiced that she has no interest in leading conjugal life with the respondent, rather she wants to break all sorts of relation with him. This causes enormous pain and grief in the mind of the respondent and he found that in spite of giving best possible love and affection, there was no change in her behaviour towards him, his parents, relations and friends. The appellant always avoided to make physical relation with the respondent which is nothing but a grave cruelty with the respondent. The appellant has left the society and company of the respondent and went to her Maikie on March, 1994. The matrimonial relation between the appellant and respondent has already irretrievably broken down and there is no hope of restoration of their conjugal life.



5. The appellant-wife appeared and filed her written statement on 26.02.2005 stating therein that she was married to the respondent on 14-07-1991 in which the father of appellant-wife and other relatives gave domestic articles as a gift worth Rs. 1 lakh. After marriage, the appellant learnt from the family member that her husband was previously married with one lady namely, Sudha Kumari but later on, she was burnt to death by the respondent-husband. The appellant also came to know that her husband (respondent) was having illicit relationship with one Abha Singh. The further contention of the appellant-wife is that after 10 to 15 days of her marriage, her husband, his brother and brother's wife started torturing her and putting pressure to bring motorcycle, V.C.R. Fridge and cash of Rs.1 Lakh from her father. They used to treat the appellant-wife worst than a servant and also used to compel to perform all the domestic work of the family, failing which, they used to assault her and stop providing food and clothes. Ultimately on 15-01-1992, the father of the appellant brought her to his house. Due to the social pressure, on 13-7-1993 the respondent and some of his



family members came at the house of her father and tendered apology and asked for Bidagari for the purpose of celebrating the marriage anniversary on 14-07-1993, but they did not leave their dowry demand. The appellant-wife went her Sasural on on 14-07-1993 but again the appellant was tortured for non-fulfillment of dowry demand. It has been further contended that at several time, the she was compelled to commit suicide, and ultimately on 18-08-1994 at about 2 P.M. the appellant-wife was brutally assaulted, her belongings were snatched and she was dragged-out from her matrimonial house. The appellant-wife thereafter filed Complaint Case No. 652 of 1994 on 22.09.1994 under Sections 498(A), 323, 379, 406 of the Indian Penal Code against her husband and other family members in which the respondent was sent to jail. The respondent-husband, in order to put pressure, has filed Complaint Case No. 306 of 1998 against the appellant, her father and brother which was later on registered as Chak Mehshi P.S. Case No. 44 of 1998 The brother of the respondent-husband has also filed Bajidpur P.S. Case No. 107 of 1998 against the appellant's side to put pressure. The appellant-wife, therefore prayed



that the petition filed by the respondent-husband for dissolution of marriage does not have any leg to stand and it should be dismissed.

6. In view of facts and circumstances and materials available on record learned Principal Judge, Family Court, Sitamarhi held that the appellant-wife has treated her husband with mental cruelty. It has further been held that appellant-wife has deserted respondent-husband for not less than two years continuously preceding the immediate date of presentation of the suit and accordingly the suit has been decreed on contest under Sections 13 (1) of the Act and accordingly the marriage solemnized on 14.07.1991 between the parties was dissolved on the ground of cruelty and desertion and the respondent-husband was directed to pay Rs. 2 lakh to the appellant-wife as permanent alimony. The appellant-wife, aggrieved by the said judgment of the learned Family Court filed the instant appeal before this Court.

7. The divorce has been granted on the grounds of cruelty and desertion. A perusal of the Impugned judgment would show that the following acts of cruelty and desertion



were considered by the Family Court, as proved:-

a) Cruelty:

(i) From oral and documentary evidence, it is evident that the couple got married about seven years back. The marriage took place on 14.07.1991 and they are residing separately w.e.f. 18.08.1994.

(ii) Admittedly, the parties got separated on 18.08.1994 and the appellant-wife had filed a criminal case bearing Complaint Case No. 652 of 1994.

(iii) The appellant-wife in her written statement has not been able to give any specific instance of maltreatment on account of demand of dowry or alleged cruelty and in absence thereof, it was inferred that the appellant-wife had taken undue advantage of her position as a wife and had dragged respondent-husband and his family members into unnecessary litigation by getting false complaint lodged against them.

(iv) The Hon'ble Apex Court in "Jagbir Singh v. Nisha", (2015) 9 RCR (Civil) 873, "Rishipal v. Luxmi Devi", (2009) 4 RCR (Civil) 811, "Dharampal v. Smt. Pushpa Devi", 2004 RCR (Civil) 717, "Major Ashish



Poonia Mrs. Nilima Poonia"; "Mangayakarasi v. M. Yuvaraj" (2020) 3 SCC 786, "K. Srinivas Rao v. D.A. Deepa", (2013) 5 SCC 226 and "K. Srinivas v. K. Suneetha" (2014) 16 SCC 34, has held that making unfounded allegations and filing false complaints against the spouse or his relatives amount to cruelty to the other spouse and held that acquittal of respondent-husband and his mother in criminal case filed by appellant in fact goes to show that respondent-husband has indeed faced matrimonial cruelties at the hands of appellant-wife.

(v) It was observed by the Family Court that the couple have been living separately for about seven years and this long separation has in fact put them in such a situation that matrimonial bond has broken down beyond repair. It was further observed that there are no chances of the couple living together and such a marriage is now unworkable and can be a source of great misery for the parties, if allowed to be continued.

8. Accordingly, it was concluded that the respondent-husband has been able to prove the ground of cruelty.



b) Desertion:

(i) The Family Court observed that the allegation of the appellant-wife that she has been shunted out of matrimonial house due to demand of dowry has not been proved. She has filed Complaint Case No. 652 of 1994 against respondent-husband and his family members with false allegations. There was no effort on the part of appellant-wife to return to fold of respondent-husband. She had deserted respondent only after three years of marriage and during this span of seven years, there was no effort on part of the appellant-wife to return to respondent-husband.

(ii) It was concluded that the appellant-wife had put the relationship to a permanent end and had not joined the respondent-husband. She has not filed any case under Section 9 of the 1955 Act for restitution of conjugal rights. Hence, it is evident that the factum of separation, intention to bring cohabitation to a permanent end, goes to establish that appellant-wife has deserted respondent-husband without reasonable cause continuously for a period of more than two years. Thus, respondent-husband proved the ground of desertion.



9. In the aforementioned circumstances, present appeal has been filed before this Court.

10. Learned counsel for the appellant-wife submits that the learned Family Court has erred in law and facts in allowing the divorce petition filed by the respondent-husband. Learned counsel has further submitted that the divorce petition has wrongly been allowed on the ground of cruelty, rather the appellant-wife had been treated with cruelty at her matrimonial home and she had only availed her legal remedies by filing cases as regards the cruelty meted out to her and also as regards the demand of dowry by the respondent-husband and his family members, however the same have been wrongly taken against the appellant. It is further submitted that the Family Court has wrongly concluded that the appellant had deserted the respondent-husband, whereas it was the respondent, who had compelled the appellant-wife to leave her matrimonial home.

11. It is further submitted that on 12.04.2002, the appellant-wife has filed a petition under Section 24 of the Hindu Marriage Act seeking maintenance as well as



litigation cost which was allowed on 14.12.2004 whereby interim maintenance of Rs. 1500/- per month was granted with effect from 12.04.2002 and a litigation cost of Rs. 5000/- was also allowed in favour of the appellant-wife. The said order of maintenance dated 14.12.2004 was challenged in Civil Revision No. 545 of 2005. However, on 21.05.2005, when the matter was heard, the Court was not inclined to grant any indulgence and hence the respondent withdrew the revision petition with a liberty to file a review/recall petition before learned Court below against the order dated 14.12.2004. The respondent-husband again filed a petition on 21.06.2005 under Section 151 Cr.P.C for recall of the order dated 14.12.2004. The learned 1st Additional District Judge, Sitamarhi vide order dated 11.07.2005 had rejected the petition for recall of the order dated 14.04.2004 but stayed the proceedings of the Matrimonial Suit till the payment of maintenance amount and litigation cost. Aggrieved by the said order dated 11.07.2005, the respondent-husband filed Civil Revision No. 1841 of 2005 before this Court. The Hon'ble Court adjourned the aforesaid revision application for two weeks



to inform the Court in view of the breakdown of the marriage whether they were agreeable to divorce by mutual consent. The appellant-wife appeared through her counsel but without consent of the appellant, her counsel agreed that both the parties will file a petition for mutual divorce in view of the fact that the marriage seems to have been broken irretrievably. It was therefore directed that the impugned order will be kept in abeyance up to the final order when a decree is to be passed in accordance with the agreement as stated above and such agreement never filed. The appellant thereafter filed Civil Review No. 143 of 2006. A coordinate Bench of this Court has held that civil review was not maintainable and the appellant was directed to approach before appropriate forum with regard to question of interim maintenance under Section 24 or permanent alimony under Section 25 of the Hindu Marriage Act. The Matrimonial Suit filed for dissolution of marriage was taken up for *ex-parte* hearing wherein some false and fabricated evidence was produced by the respondent on the basis of which the impugned judgment dated 30.04.2015 was passed by the Principal Judge, Family Court, Sitamarhi.



12. We have heard learned counsel for the appellant, respondent and perused the paper-book as well as the impugned judgment.

13. The following question arises for consideration before this Court: "Whether the decree for divorce granted on the grounds of cruelty and desertion by the Family Court, requires interference?"

14. In **"Jagdish Singh v. Madhuri Devi", (2008) 10 SCC 497**, the Hon'ble Supreme Court while considering the scope of interference by first appellate court, observed as under:-

"24. It is no doubt true that the High Court was exercising power as first appellate court and hence it was open to the Court to enter into not only questions of law but questions of fact as well. It is settled law that an appeal is a continuation of suit. An appeal thus is a re-hearing of the main matter and the appellate court can re-appraise, re-appreciate and review the entire evidence "oral as well as documentary" and can come to its own conclusion.

25. At the same time, however, the appellate court is expected, nay bound, to



bear in mind a finding recorded by the trial court on oral evidence. It should not forget that the trial court had an advantage and opportunity of seeing the demeanour of witnesses and, hence, the trial court's conclusions should not normally be disturbed. No doubt, the appellate court possesses the same powers as that of the original court, but they have to be exercised with proper care, caution and circumspection. When a finding of fact has been recorded by the trial court mainly on appreciation of oral evidence, it should not be lightly disturbed unless the approach of the trial court in appraisal of evidence is erroneous, contrary to well-established principles of law or unreasonable..."

15. Further, the concept of cruelty within the meaning of Section 13 (1)(i-a) of the Hindu Marriage Act has been explained by the Hon'ble Supreme Court in case of **"Joydeep Majumdar v. Bharti Jaiswal Majumdar"**, **(2021) 2 RCR (Civil) 289**, by observing as under: -

"10. For considering dissolution of marriage at the instance of a spouse who allege mental cruelty, the result of



such mental cruelty must be such that it is not possible to continue with the matrimonial relationship. In other words, the wronged party cannot be expected to condone such conduct and continue to live with his/her spouse. The degree of tolerance will vary from one couple to another and the Court will have to bear in mind the background, the level of education and also the status of the parties, in order to determine whether the cruelty alleged is sufficient to justify dissolution of marriage, at the instance of the wronged party..."

16. In "**Samar Ghosh v. Jaya Ghosh**", (2007) 4 **SCC 511**, Hon'ble Supreme Court gave illustrative cases where inference of mental cruelty could be drawn even while emphasizing that no uniform standard can be laid down and each case will have to be decided on its own facts.

"85. No uniform standard can ever be laid down for guidance, yet we deem it appropriate to enumerate some instances of human behaviour which may be relevant



in dealing with the cases of 'mental cruelty'. The instances indicated in the succeeding paragraphs are only illustrative and not exhaustive.

(i) On consideration of complete matrimonial life of the parties, acute mental pain, agony and suffering as would not make possible for the parties to live with each other could come within the broad parameters of mental cruelty.

(ii) On comprehensive appraisal of the entire matrimonial life of the parties, it becomes abundantly clear that situation is such that the wronged party cannot reasonably be asked to put up with such conduct and continue to live with other party.

(iii) Mere coldness or lack of affection cannot amount to cruelty, frequent rudeness of language, petulance of manner, indifference and neglect may reach such a degree that it makes the married life for the other spouse absolutely intolerable.

(iv) Mental cruelty is a state of mind. The feeling of deep anguish, disappointment, frustration in one spouse caused by the conduct of other for a long time may lead to mental cruelty.



(v) *A sustained course of abusive and humiliating treatment calculated to torture, discommode or render miserable life of the spouse.*

(vi) *Sustained unjustifiable conduct and behaviour of one spouse actually affecting physical and mental health of the other spouse. The treatment complained of and the resultant danger or apprehension must be very grave, substantial and weighty.*

(vii) *Sustained reprehensible conduct, studied neglect, indifference or total departure from the normal standard of conjugal kindness causing injury to mental health or deriving sadistic pleasure can also amount to mental cruelty.*

(viii) *The conduct must be much more than jealousy, selfishness, possessiveness, which causes unhappiness and dissatisfaction and emotional upset may not be a ground for grant of divorce on the ground of mental cruelty.*

(ix) *Mere trivial irritations, quarrels, normal wear and tear of the married life which happens in day to day life would not be adequate for grant of divorce on the ground of mental cruelty.*



(x) The married life should be reviewed as a whole and a few Isolated instances over a period of years will not amount to cruelty. The ill-conduct must be persistent for a fairly lengthy period, where the relationship has deteriorated to an extent that because of the acts and behaviour of a spouse, the wronged party finds it extremely difficult to live with the other party any longer, may amount to mental cruelty.

(xi) If a husband submits himself for an operation of sterilisation without medical reasons and without the consent or knowledge of his wife and similarly if the wife undergoes vasectomy or abortion without medical reason or without the consent or knowledge of her husband, such an act of the spouse may lead to mental cruelty.

(xii) Unilateral decision of refusal to have Intercourse for considerable period without there being any physical incapacity or valid reason may amount to mental cruelty..

(xiii) Unilateral decision of either husband or wife after marriage not to have child from the marriage may amount to



cruelty.

(xiv) Where there has been a long period of continuous separation, it may fairly be concluded that the matrimonial bond is beyond repair. The marriage becomes a fiction though supported by a legal tie. By refusing to sever that tie, the law in such cases, does not serve the sanctity of marriage; on the contrary, it shows scant regard for the feelings and emotions of the parties. In such like situations, it may lead to mental cruelty..."

17. This Court, vide order dated 12.12.2024 had directed both the parties to file their assets and liabilities statement since the appellant has admitted that both sides are living separately since 1998 and appellant is ready for one time settlement for a sum of Rs. 30 lakhs and in pursuance to the direction of this Court both the appellant and respondent have filed their assets and liabilities statements.

18. In view of forgoing discussion, we conclude that respondent-husband has made out ground for grant of decree of dissolution of marriage on the ground as



mentioned in Section 13(1) of the Hindu Marriage Act, 1955."

19. Considering the totality of circumstances, in our considered view, learned Family Court has rightly passed a decree of dissolution of marriage between the parties and we see no reason as to why, the findings as given by the learned trial Court should not be upheld. The point of determination is answered accordingly.

20. Before we part with this order, it is apposite to state here that while granting the decree of divorce, without assessing the assets and liabilities of the parties, learned Family court has awarded Rs. 2,00,000/-(Two Lakhs) to the respondent-wife towards Permanent Alimony as neither appellant nor respondent has filed their assets and liabilities statement in the required format nor it was required by the learned Principal Judge, Family Court while granting permanent alimony of Rs. 2 lakhs in favour of the appellant-wife.

21. Here it is useful to refer to Section 25 of the 1955 Act, which reads thus:

"Section 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 appellant 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."

22. In the light of the language used in Section 25 of the 1955 Act, it is clear that claim under Section 25 of the Act has to be made on an application furnishing all details regarding his or her own income or other property. Further an opportunity has to be given to the other side to put forth his/her defence.



23. 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; period of marriage and such other similar factors. The grant of permanent alimony should be directed after assessing the social, financial status of both the parties and also after appreciating the burden of liabilities incurred either on husband or wife in light of Hon'ble Supreme Court decision in the case of *Rajnesh vs. Neha* reported in *(2021) 2 SCC 324* read with *Aditi @ Mithi vs. Jitesh Sharma* reported in *(2023) SCC OnLine SC 1451* read with *Pravin Kumar Jain vs. Anju Jain* reported in *2024 SCC OnLine SC 3678*.

24. Be that as it may, Section 25 of the 1955 Act itself envisages that the wife can initiate proceedings for grant of permanent alimony even after the decree of



divorce. Therefore, the court does not become *functus officio* with the passing of the decree and continues to have jurisdiction to award alimony even thereafter.

25. Accordingly, we deem it fit and proper to remand the matter back to the learned Principal Judge, Family Court, Sitamarhi only with regard to decide the quantum of permanent alimony. The Court below is expected to direct the appellant-wife and respondent-husband to file details regarding their assets and liabilities in light of Hon'ble Supreme Court decision in the case of ***Rajnesh vs. Neha*** reported in ***(2021) 2 SCC 324*** read with ***Aditi @ Mithi vs. Jitesh Sharma*** reported in ***(2023) SCC OnLine SC 1451*** read with ***Pravin Kumar Jain vs. Anju Jain*** reported in ***2024 SCC OnLine SC 3678*** and after analyzing their assets and liabilities, pass appropriate order with regard to the permanent alimony within a period of three months from the date of passing of the judgment. Both parties are directed to co-operate in expeditious disposal of the above matter. In case of non-appearance of either party, proper order shall be passed in accordance with law.

26. In view of the above discussions, M.A. No. 97



of 2016 is hereby disposed of.

27. Pending I.A(s), if any, stand disposed of.

(S. B. Pd. Singh, J)

(P. B. Bajanthri, J)

Shageer/-

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CAV DATE	26/06/2025
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