

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**F.A. No.141 of 2023**

[REDACTED]

**...Appellant/Petitioner**

**Versus**

[REDACTED]

**... Respondent/Respondent**

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

For theAppellant : Mr. Rakesh Kumar Gupta, Adv.  
For the Respondent : Mr. Pradeep Kumar Deomani, Adv.

**CAV/Reserved on 12.06.2025**      **Pronounced on 19/06/2025**  
**Per Sujit Narayan Prasad, J.**

**Prayer:**

- 1.** The instant appeal under Section 19(1) of the Family Court Act, 1984 is directed against part of order/judgment dated 31.03.2023 and decree dated 12.04.2023 passed by the learned Additional Principal Judge-II, Ranchi Cum Additional Family Court, Ranchi in Original Suit No. 449 of 2016, whereby and whereunder the learned Additional Principal Judge while allowing the suit which has been preferred for dissolution of marriage, has directed the respondent-husband to pay permanent alimony to the tune of Rs. 12 lacs to the appellant-wife and if any amount

already paid to the appellant-wife that was directed to be adjusted from the amount of permanent alimony so awarded. It has further been held that this order of permanent alimony will not affect the order regarding payment of Rs. 8000/- per month to the son namely [REDACTED].

**Brief facts of the case:**

2. The brief facts of the case, as per the pleading made in the original suit, needs to be referred herein reads, which reads as under:
3. The petitioner-appellant married with respondent on 15.07.2010 according to Hindu rites and customs in presence of family members, relatives, friends of both the parties Ranchi and thereafter, the marriage was registered on 20<sup>th</sup> July 2010 at Court of Collector and Marriage Officer, Bhopal. After marriage, both the parties lived together as husband and wife and their marriage was consummated at residence of respondent-husband. Out of the said wedlock, one male child namely [REDACTED] was born on 10.11.2012. It is alleged by the appellant-wife that from the very beginning of marriage, the respondent-husband behaved very indecently and inappropriately towards the appellant-wife. It is alleged that the respondent-husband used to get drunk alcohol frequently and assault

the petitioner mercilessly. It is further alleged that respondent-husband denied access of money to the appellant-wife and he also kept her entirely out from the neighbour and friends residing at his working place city in Thane, Maharashtra and if he found the appellant talking over telephone to her parents he used to assault her.

4. It is further alleged that the father of the appellant fulfilled the demand of respondent-husband and his parents by giving them cash money, gold ornaments and house-hold appliances and also gave Rs. 1 lac to the respondent on demand for paying the *pagadi* [advance] to the Land-lord of the rented flat at Thane, Maharashtra. It is stated that the respondent also pressurized the appellant on constant basis to bring an amount of Rs. 15 lacs from the appellant's parents and also demanded an SUV car from her. When the petitioner refused to fulfill such demand, she was threatened to desert her forever. The petitioner bore all cruelties of the respondent in order to save her marriage and not to spoil her whole life. The respondent has deserted the petitioner without any reasonable and justifiable cause and just after the birth of child. She was only allowed to visit Bhopal when the child became seven months old. The respondent-husband cut all communication with the wife and her child even while the appellant was staying at the place of her in-laws. Respondent's parents advised the appellant-wife to

keep staying at Bhopal for an indefinite time-period and let their son to earn money in Mumbai. The appellant faced a lot of mental harassment by her in-laws while she was staying at Bhopal. Even in the Panchayat held at Bhopal, respondent-husband refused to take the appellant and child to respondent working place city i.e. Mumbai.

5. The respondent-husband refused all pleas of appellant-wife and her parents to accept the appellant and their child into his house-hold. It is stated that the appellant-wife had no other option but lodged online complaint against respondent to National Women Commission, New Delhi.
6. The cause of action arose on many occasions during cruelty caused by respondent against the petitioner and it is stated that lastly on 16<sup>th</sup> August 2016 when the respondent-husband clearly refused to keep and maintain petitioner, a suit being Original Suit No. 449 of 2016 has been filed praying therein for decree of divorce under Section 13 of Hindu Marriage Act by dissolving their marriage on the ground of cruelty and desertion by the respondent and his family and respondent and also prayed for to pay alimony and returning total cash and goods to the appellant.
7. The respondent-husband appeared in the suit and has filed his reply. The marriage between the parties was admitted. It is stated that after marriage, the respondent-husband took

the appellant-wife to Malaysia for Honeymoon, where she forced to spend entire money for purchasing gifts for appellant and her family members. After return from Malaysia, the behaviour of petitioner continued to deteriorate much to the detriment of the married life and used to threaten to commit suicide even on trivial issues.

8. It is further alleged that her mother and sister also started interfering in the married life of parties. It is further stated that in December, 2010 there was a quarrel between the couple on trivial issue and the appellant-wife in which she cut her hand nerve which indicates her psychopath behaviour. It is stated that the appellant returned to Mumbai in February, 2012 after attending her sister's marriage at Ranchi. The parents of the appellant-wife started directly interfering in the marriage affairs of the parties much to the chagrin of the respondent as well as his parents.
9. During that period, appellant conceived at Mumbai but due to interference of her parents coupled with her own wish, she went back to Ranchi in July-2012 as her family members and she herself categorically told husband and his parents that the birth of first child of the daughter takes place at the parental house of the daughter. A male child was born to the petitioner on 10.11.2012. After hearing this news respondent-husband visited his wife and the new born

child at Ranchi on 14.11.2012 from Bhopal and expressed his desire to take them back to Bhopal within a month but it is stated that the appellant-wife and his family members rejected such offer of the respondent saying that the child may not be safe at Bhopal as child might get infected. She arrived Bhopal on 25<sup>th</sup> June, 2013 along with the child but appellant-wife constantly fought with the father and mother of respondent-husband even to the extent of abusing them using filthy remarks.

**10.** On the request of the parents of the respondent, a meeting was held on 19<sup>th</sup> July, 2013 at Bhopal in which, the appellant/wife agreed not to repeat unruly, abusive, psychopath behaviour in front of anybody but shortly thereafter, she again continued the same behaviour. In the said meeting appellant-wife admitted the concept of "single mother" citing her intention to desert the respondent-husband and his family members of married life as well as love of the kid. Since 10.09.2013, the appellant has never joined the respondent or his parents to lead matrimonial life and has also kept the child throughout with her. In March, 2015 respondent came to know that his wife has lodged a complaint against him before National Commission for Women on 22<sup>nd</sup> August, 2014. A proceeding for reconciliation of the dispute between the parties was initiated at Bhopal Women's Police Station on 27.04.2015 at the

instance of the father of respondent but in spite of notices issued for reconciliation, the appellant did not attend the same which shows her negative attitude towards reconciliation. Respondent and his parents took many steps to settle the dispute and to reconcile the matter but it could not be and on one day all of a sudden a notice to the respondent was served at Bhopal which showed that petitioner had filed a matrimonial suit for divorce.

**11.** Thus, it is evident that the above factual aspect that the appellant-wife has filed application for dissolution of marriage, which was allowed on contest. The issue of permanent alimony was also raised, which was considered by the learned Family Court and direction was passed upon the respondent-husband to pay permanent alimony to the tune of Rs. 12 lacs to the appellant-wife and if any amount already paid to the appellant-wife that was directed to be adjusted from the amount of permanent alimony so awarded. It has further been held that this order of permanent alimony will not affect the order regarding payment of Rs. 8000/- per month to the son namely [REDACTED].

**12.** The appellant-wife being aggrieved with the quantum of permanent alimony approached this Court by filing the instant appeal.

**Submission of learned counsel for the appellant-wife**

**13.** Following grounds have been taken in assailing the quantum of permanent alimony assessed and fixed for the appellant-wife and son, who is suffering from “Autism”.

**14.** It has been submitted that it is very strange that permanent alimony has been decided only to the tune of Rs. 12 lacs, which is equivalent to total maintenance/expenses of the appellant till March, 2023, without considering the income of the respondent-husband and without taking into consideration the fact that the son is suffering from “Autism”. Further, the appellant is mother of an Autistics Child and it is settled that the “Autism” is a life-long development disorder, which requires special medical treatment and care but these aspect of the matter has not been considered by learned family court while passing the impugned judgment.

**15.** Further, the learned family court did not consider the fact that the respondent-father did not take any responsibility or any contribution towards taking care of son, who is suffering from “Autism”.

**16.** Submission has been made that the child has to undergo several training and occupational therapy for the past five years, which is continuing process and is presently undergoing training at Deepshikha [Institute for Mentally

Challenged and Differently –abled Children]. Further, child has also to undergo speech therapy to ameliorate his condition, which requires sound financial support.

**17.** It is admitted fact that the repercussions of “Autism” are on social and economic aspects for parent [herein mother only] and child. The everyday struggle of a parent with an autistic child is beyond comprehension and for such social stigma and exclusion from the mainstream society, both mother and child are facing financial and emotional upheavals as mother does not have any source of income and even she cannot get herself engaged leaving her son at home. But while determining the quantum of maintenance, these aspects of the matter has also not been considered by the learned family court.

**18.** The allegation of the respondent-husband that the appellant-wife is earning is totally a false statement and even no proof of her employment has ever been placed by the respondent-husband and by means of her father she is somehow managing the medical expenses and sustenance of her son.

**19.** It has further been submitted that even in the year 2019 parents of the appellant-wife has died and now there is no one in the family to support them.

**20.** Learned counsel for the appellant-wife has further submitted that it is a case where not only the respondent-husband has deserted his wife but also deserted his son, who is suffering from “Autism”. Though in course of mediation at JHALSA, Ranchi and before this Court, which has been recorded in order dated 7<sup>th</sup> May, 2025 at paragraph 6, the respondent-husband has expressed his wish of taking care of his son stating that he has all compassion for his son and is duty bound to discharge his duty as a father towards his son, particularly in a case where the son is suffering from “Autism”. But the respondent-husband even at no stage of proceeding has filed any petition or shown his desire for custody of his child, which shows his malevolent intention and gross inhuman behavior towards his son and wife.

**21.** Further submission has been made that desertion of wife is one thing but herein in the instant case, the father has deserted his autistic child, which is not only a moral failure on his part, being a biological parent, but it is the legal duty of biological parent being father to take care of his son.

**22.** Learned counsel for the appellant-wife has submitted that cost of monthly maintenance of the child is about Rs. 53,000/- per month, which includes occupational training, speech therapy, Deepshikha School Fee, medicine per month, special diet including treatment, personal tuition etc.

**23.** Learned counsel for the appellant-wife has further submitted that since the son of the appellant is suffering from “Autism” as such even if she desires to get a job she cannot leave her son to engage her for a job and now she is 40 years old, therefore also it is quite impossible to get a good job for sustenance of herself and son.

**24.** Submission has been made that divorced mother with an autistic child is a unique set of challenge for which besides emotional and social challenges the big challenge is financial resources as on the one hand, huge amount is required to incur on the welfare of child i.e., on his medical, occupational training, speech therapy, schooling, medicine, special diet etc. and on the other the mother has to remain all around his son for taking care of such child and as such mother cannot think of doing any full-time job keeping aside the responsibility of an autistic child.

**25.** But the learned family court neither considered the financial constraints or emotional quotient and physical exhaustion of the appellant-wife and without taking into consideration the fact that the respondent-husband is doing good job and appellant-wife is entitled maintenance that is reflective of the standard of living she enjoyed during the marriage and which reasonably secures her future and also son, who is suffering from “Autism” requires maintenance as per status

of his biological father, has fixed the permanent alimony, which requires enhancement.

**26.** Learned counsel for the appellant-wife has submitted that the learned family court has taken into consideration the statement of respondent-responder that when he was in job in J.P Morgan Company, he was getting salary of Rs. 12,25,000/-per annum i.e. about Rs. 1 lac per month but he had lost his job and as per his evidence on the date of deposition, respondent-husband was not in job, therefore, such meager amount has been assessed as permanent alimony considering the husband to be jobless, but now as per the affidavit filed on behalf of petitioner on the direction of this Court, the respondent-husband is at present working in JP Morgan Company having monthly home salary of Rs. 2,31,294/- [after deductions of Provident Fund, Professional Tax and Income Tax etc.]. So far immovable property is concerned, it has been stated in the affidavit that he has joint ancestral property situated at Bhopal and Patna and the respondent-husband had one flat in Mumbai.

**27.** Learned counsel for the appellant-wife based upon the aforesaid ground has submitted that the impugned order passed by the learned family court, so far quantum of maintenance is concerned, requires interference on the grounds as agitated above.

**Submission on behalf of respondent-husband:**

**28.** While on the other hand, learned counsel appearing for the respondent-husband has submitted that there is no error in the impugned order passed by the learned family court so far it relates to the quantum of permanent alimony. Submission has been made that even the said amount is not based upon the cogent evidence, as finding has been recorded by the learned family court that no evidence has been adduced by the wife with respect to Streedhan or the salary which the respondent-husband was getting at the time of permanent alimony. It has been contended that the wife is also an educated lady and self-sufficient to get job for the purpose of her sustenance and sustenance of her son. Therefore, whatever order has been passed by the learned family court needs no interference by this Court.

**Analysis:**

**29.** We have heard learned counsel for the parties and gone through the pleading available on record as also the finding recorded by learned Single Judge.

**30.** This Court before proceeding further needs to refer herein that the a suit for decree of divorce under Section 13 of the Hindu Marriage Act, 1955 was filed by the plaintiff-wife against her husband, which was registered as Original Suit No. 449 of 2016. The fact of permanent alimony had not

been mentioned in the original petition of the petitioner rather it was incorporated in the petition on 23.02.2017 by amendment vide order dated 21.02.2017.

**31.** It further requires to mention herein, as per the finding recorded in Original Suit No. 449 of 2016, one maintenance case being O.M. Case No. 189 of 2016 [REDACTED] [REDACTED] was also filed by the wife, in which the husband was directed to pay monthly maintenance allowance of Rs. 10,000/- per month to the petitioner-wife and Rs.8000/- per month to the son.

**32.** The learned family court, after appreciating the evidence adduced by the parties, has ordered for decree of divorce. So far as the issue of alimony is concerned, it has been ordered that an amount of Rs. 12 lacs is fixed as permanent alimony for the appellant-[REDACTED] and the order of permanent alimony, as ordered in O.M. No. 189 of 2016 will not affect the order regarding payment of Rs. 8,000/- per month to the son namely [REDACTED].

**33.** For ready reference, the issue of determination of permanent alimony, as discussed in the impugned order is quoted as under:

**Determination of Permanent Alimony (Other relief):**

*In the instant case, the petitioner has also claimed that she should be granted permanent alimony besides the decree of divorce in her favour. **The fact of permanent alimony had not been mentioned in the original petition of the***

***petitioner rather it was incorporated in the petition on 23.02.2017 by amendment vide order dated 21.02.2017.***

*By this amendment, it has been incorporated in the original petition that respondent has a house in Saket Nagar, Bhopal worth Rs. 1.5 crore, he is getting salary more than Rs. 1.5 lacs per month, the fact of giving gold jewellery worth Rs. 7 lacs, clothes, dresses, Sari etc worth Rs. 95,000/-, T.V, Freeze, Furniture etc worth Rs. 70,000/- and utensils worth Rs. 10 lacs. However, no evidence oral or documentary relating to the house of the respondent at Bhopal, any document of the salary of respondent has been brought on the record by the petitioner. The value of jewellery in original petition has been mentioned as Rs. 3.5 lacs while in the amendment petition it has been mentioned as Rs. 7 lacs which is contradictory in itself and has not been proved by cogent and reliable evidence, similarly the fact of other items has also not been proved by cogent and reliable evidence. However, in the instant case, to avoid further litigation between the parties regarding claim of permanent alimony by the petitioner, this fact is considered on the basis of judgement passed by the Principal Judge, Family Court, Ranchi in **O.M Case No-189/2016** [REDACTED] **and other Versus** [REDACTED] [REDACTED] **which has been marked as Exhibit-3. From Exhibit-3, it is clear that Opposite Party** [REDACTED] **has been given direction to pay monthly maintenance allowance of Rs. 10,000/- per month to petitioner** [REDACTED] **and Rs. 8,000/- per month to her son** [REDACTED]. After going through the original petition, written-statement and evidence of parties on the record, I find that **respondent is software engineer having B.E Degree in Electronics and Communications** and last time, **when he was in job in J.P Morgan Company, he was getting salary of Rs. 12,25,000/-per annum i.e. about Rs. 1 lac per month but he had lost his job and as per his evidence on the date of deposition, respondent was not in job.** On the other hand, **petitioner is also qualified lady having M.A in English and also having knowledge of Computer. Thus, having taken into consideration the qualifications of both the parties and order of Principal***

**Judge, Family Court, Ranchi in O. M Case No-189/2016, an amount of Rs. 12 lacs is fixed as permanent alimony for the petitioner** [REDACTED] *However, if any amount has already been paid by the respondent to the petitioner, it will be adjusted while paying permanent alimony to the petitioner by respondent. This order of permanent alimony will not affect the order regarding payment of Rs. 8,000/- per month to the son namely* [REDACTED] [REDACTED]. Accordingly, the aspect of permanent alimony also stands disposed off, as discussed above.

*Thus under the facts, circumstances of the case and observation as made above, it is hereby ordered*

**ORDER**

*that present Original Suit No- 449 of 2016 be and the same is allowed. A decree of divorce is granted to the petitioner by dissolving the marriage solemnized between the parties on 15.07.2010 under Sec.13(1)(ia)(ib) of the Hindu Marriage Act, 1955. The respondent is also directed to pay permanent alimony of Rs. 12 lacs to the petitioner. Let a decree be prepared accordingly within stipulated statutory period.”*

**[Emphasis supplied]**

**34.** This Court further needs to refer herein the evidence adduced by the parties, as mentioned in the impugned order which is mentioned hereunder as:

**35. PW- 1** [REDACTED], the appellant-wife herein, has stated in her evidence that her marriage with respondent was solemnized on 15.07.2010 according to Hindu Rites and Rituals in presence of relatives and family members of both the parties and the said marriage got registered on 20.07.2010 at Collector/ Marriage Officer, Bhopal (M.P.), The provisional marriage certificate has been given mark-X.

After marriage, respondent promised to keep her with him at his work place as he used to reside in different places in connection with his service. Respondent physically and mentally tortured petitioner during two years of her marriage. Her father had given T.V., Freeze, Double Beds etc. and also ATM Card for purchasing other household articles on demand of respondent, inspite of that respondent used to demand money, motorcycle, car etc from time to time. When demand was not fulfilled, he used to threaten her after taking liquor and assaulted her. He used to misbehave with her without any reason and restriction has been made upon her from going outside the house. She was kept in house and house was locked from the outside. He used to quarrel with petitioner even for expenses of vegetable and Kirana goods and didn't leave any money to her. He even didn't get introduced with his friends and he didn't allow to meet his friends. Prior to the marriage, respondent demanded Rs. 1 lac for pagadi to take rented house and this amount was transferred to his bank account by her father. The copy of amount of bank transfer has been given mark X/1 and Ext. 2. During her stay at Mumbai, she told him for a job according to her qualification but he didn't allow and told her to leave such wish of her job.

- 36.** Due to chance, she got occasion for the first time of freelance writing/editing. It was not contract based job. She made all

her efforts to adjust but respondent didn't improve in his attitude. Whenever she tried to talk with respondent, he and his parents misbehaved her and her parents. So, she narrated all about this incident to his Dadaji and Fufaji at Patna and requested them to interfere, respondent and his parents never talked directly to her and ultimately all efforts failed. So, she made a complaint to National Commission for Women. He didn't make any reply of notice send by Bhopal Police. The complaint, letter dated 21.08.2014 has been given mark X/3 and X/4 for identification. During that period, she conceived and due to fear of life of child, she came to Ranchi and on 10.11.2012 she gave birth to a son at Ranchi, photocopy of birth certificate of the child has been given mark X/5 for identification. Respondent and his family members never loved her and her child. He has also no feeling about his responsibility towards her and her child to keep them happy. Due to physical and mental torture by respondent against her and taking care the fear of life of his child, she has filed this divorce case as she is not in position to pass her natural life. In the cross-examination, this witness has admitted that many telephonic conversations took place with respondent in between 15th May 2010 to 15th July 2010. The respondent has assured that he will keep her at his working place where he is in job and he also assured that he never took liquor or cigarette. She has

admitted that after marriage a reception party was organized and they shifted on rented house and after three days they went to Malaysia for Honeymoon and returned Mumbai after seven days. They lived together for two years in Mumbai and they used to pay Rs. 10,000/- as house rent. Her father was Professor of Mathematics in Doranda College. She has also admitted that she has completed M.A in English from Ranchi University. Respondent always misbehaved her when she used to talk to her parents. In Para-52, she has admitted that she did not compromise the case which she had filed before National Commission of Women because she was thinking that her grand-father was trying to cut off her relations with the respondent. She has denied that she has made false allegation against [REDACTED], as she wants divorce.

**37. P.W-2 Ram Chhabila** has stated in his evidence that he is the father of petitioner. Respondent is his Damad (son-in-law). The marriage of his daughter with respondent was solemnized on 15.07.2010 at Milan Palace, Ranchi according to rites and customs in presence of family members and relatives. The marriage was registered on 20.07.2010 at Bhopal in his presence and in presence of his wife. This witness has stated almost same version which has been given by petitioner in her evidence. He has also stated that his daughter has been tortured physically and mentally in many ways. After the marriage, respondent continued

making pressure upon his daughter for getting cash and car. Respondent was habitual drinker of consuming alcohol and after taking drink, he tortured his daughter physically and mentally and he also used to abuse to him and his wife on telephone. He also restricted the conversation of his daughter from relatives and also stopped her going outside of the house. He also tried to improve the relationship of petitioner and respondent but the behaviour of respondent was cruel and abusive towards his daughter. He requested from parents of respondent for improving his behaviour but they imposed baseless allegations upon his daughter. He had sent his daughter to Ranchi during her pregnancy so that he could save himself from the financial burden of his wife and children. He sent his daughter for the purpose of deserting her so that he could pass his life on his own sweet-will. His daughter is unemployed and he is taking care all the family members including her daughter by his pension. A son born of his daughter on 10.11.2012 but respondent never took any financial responsibility and never showed any love and affection. Respondent is a software engineer and his salary is more than 1.5 lacs. He has many other sources of income at Bhopal and Patna. A Panchayat was also held to settle the dispute at Bhopal. It was also directed in Panchayat that respondent will bring his daughter to Mumbai from Bhopal and after a month, he never fulfilled

his promise. He never talked to his daughter and never met to his son. Respondent and his parents directed his daughter to go to Ranchi and always tortured her, so he was forced to call her daughter at Ranchi. He always tried to restore the relationship of his daughter with respondent and also tried to convince the parents of respondent but he failed. His daughter has also made a on-line complaint to National Women Commission. After complaint, the grandfather and Fufa of respondent came to Ranchi for making pressure on his daughter, so that, she could take back her complaint from Women Commission. The copy of the complaint has already been given mark X/3 & X/4 for identification. Respondent used to return house late night after consuming liquor, he tortured her daughter physically and mentally. His daughter informed about torturing to them on telephone. The normal life of his daughter become impossible due to physical and mental torture of respondent to the petitioner and also due to habitual drinker and a person of bad character and the life of his daughter and grand-son was in fear. For this reason her daughter has filed this divorce case and he has also consented for this. In the cross-examination, this witness has admitted that his daughter and respondent lived together for about two years. They lived in Mumbai and sometime he also went to Bhopal. No complaint was made to Woman Commission or any other

forum prior to the birth of child. In Para-37 he has denied that his daughter did not go to the Mahila Police Station, Bhopal in connection with her complaint, when she was called by police. He has no knowledge that respondent has filed a complaint to the counseling center of Police Station on 04.09.2013 regarding torturing by his wife. He has no knowledge whether respondent had given a complaint to the S.P Bhopal but his daughter did not appear before the S.P. even after notice. In Para-43, he has admitted that prior to the Panchayat at Bhopal, they have written a letter to Rajiv Prasad for keeping his daughter in well manner. In Para-50, he has admitted that in the marriage of his younger daughter only Rajiv Prasad participated in marriage in the year-2011. Rajiv Prasad has stayed only for one day. In Para-51, he has admitted that he had received treatment in Bangalore for one month at that time, Rajiv had also come to meet him. His daughter had also reached Bangalore from Bhopal and she had stayed there for ten days and again returned to Mumbai. In the beginning, he has been fulfilling the demand of money of his Damad. He has denied that the O.P.W-1 R.C Prasad has stated in his evidence that he is father of respondent and petitioner is his daughter-in-law. The marriage of respondent with the petitioner was solemnized on 15.07.2010 according to Hindu Rites and Customs. At the time of marriage, his Damad was working in

a Private Company. After marriage, his son had taken his wife to Malaysia on Honeymoon on instruction of family member of petitioner. After returning from the Honeymoon, his son followed all matrimonial duty and obligation and tried to keep his wife in Mumbai but she did not stay in Mumbai. Thereafter, his daughter-in-law lived in Bhopal along with them, they gave all respect to their daughter-in-law and kept her as daughter, gave all comforts of life to her but behaviour of his daughter-in-law was not good towards his son and against him and his wife. His daughter-in-law is of high temper, she became aggressive on each matter and she quarreled, used filthy languages against him and his wife. However, they faced all the behaviour of daughter-in-law as they were thinking that her behaviour will change but she did not change. The behaviour of daughter was abnormal due to which his son and they were afraid. Whenever, his son went to the office, she called him repeatedly for harassing him out of ill-mentality. She also did not open the door of the house, when his son returned to the house. His son was also told to bring the food from hotel as she does not know to prepare food. She used to open house only when his son brought food from hotel. He and his son were not familiar from the petitioner and their family prior to the marriage. The marriage was fixed on the information given on Bharat Matrimony and on information

given on telephone, at that time, the parents of petitioner told her that she is straight forward girl which was completely wrong. The real character of his daughter-in-law came into light only after some days of their marriage, when she started quarreling with his son and started threatening them to commit suicide by cutting her nerves or jumping from the roof of the flat and threatening to implicate them in a false case. She used to go to her Maiké without any information and consent to the respondent and his family members. They made every effort to keep petitioner but they failed. Out of the said wedlock, one son born on 10th November, 2012 at Ranchi. They did not show Pota to him and his wife, saying that they have no right on the boy and their Nana Nani has every right on the Pota. His son tried to bring his wife to Mumbai from Bhubal but whenever his daughter-in-law heard about going to Mumbai she became abnormal and started to quarrel and making disturbance in the house. She remained busy every time on telephone demanded any dowry from the petitioner. She has not mentioned this fact anywhere before filing this case. Petitioner used to torture respondent physically and mentally by demanding money by the petitioner and in case of non-fulfillment of demand, she tortured the respondent so-much due to which he remained in tension at his work-place and lastly he lost his job. Respondent always used to

tell the petitioner to do job but she used to utter that teaching job or on-line writing is not as per her standard. She wants to be a Collector or to get a job on higher post. Petitioner is highly qualified and expert in computer so she is getting Rs. 20,000/- per month. Petitioner left his house on her own sweet-will before first delivery, saying that it will take place in her *Maike* as per rites and rituals and at present she has been living her *Maike* at Ranchi. They took every effort to improve the behaviour of daughter in law/ petitioner but instead of improvement, her aggression and anger increased day-by-day and for this reason she filed a false case against respondent to extort money and to torture him physically and mentally. The Respondent and his family members were ready to keep his wife and child but she went to her *maike* alongwith the child. In the cross-examination, he has admitted that the marriage was solemnized through Bharat Matrimony. His son is B.E. in Electronics & Communication and at present he is in job in a private company. After marriage his son had gone to Malaysia with his wife on Honeymoon trip about eighty thousand was expended on his Honeymoon trip and it was borne by his son. After marriage, his son took a flat in Mumbai after paying *pagadi* of Rs. 1 Lac. The amount of *pagadi* was paid by parents of petitioner in the bank account of his son without demand, saying that his daughter will not reside in

a small flat. He doesn't remember exact time when his son joined J.P. Margan Company after losing his job. He has denied that he had dropped Sushmita/petitioner to Mumbai to help respondent/ [REDACTED] when he had lost his job. He doesn't remember whether he had dropped Sushmita to Mumbai during her Six month pregnancy. In Para-41, he has stated that his son had gone Ranchi only once to bring his child after 4 to 6 months of his birth. [REDACTED] had gone to Bhopal along with her child after 2-3 months of his birth and she stayed at Bhopal for 2-3 Months. His son used to come to Bhopal from Mumbai to meet his son and wife as per his leave from the company. He has denied that his son is drinker of liquor and he has concealed this fact. He has denied that he wants to keep his daughter in-law at Bhopal by confining her and he didn't allow his son to meet his daughter in-law. He has denied that they tortured daughter in-law and didn't provide her food and clothes. He has denied that they have made false allegation against his daughter in law that she used to threaten to cut her nerve and also threaten to jump from the roof of the house and she wants to go to Mumbai. He has denied that his son didn't want to bring his wife to Mumbai and for this reason he canceled her tickets thrice. He has denied that it is wrong to say that his daughter in law had no account and for this reason her parents credited Rs 1 lac in bank account of his

son. He has denied that Rs 1 lac was paid to the bank account of his son on demanding this money. He has denied that his son snatched ATM card of his wife and purchased goods according to his wish. He has denied that petitioner is unemployed and has no job. He has denied that all the statement mentioned in the affidavit is false and fabricated and he has made false allegation against his daughter-in-law. He has also denied that he wants divorce from the beginning of his son with petitioner, so that, he could perform his second marriage.

**38. O.P.W. 2** [REDACTED] i.e. Respondent himself, has stated in his evidence that his marriage with petitioner was solemnized on 15.07.2010 according to Hindu Rites & Customs. He was in job in a Private Company.

**39.** After marriage, he along with his wife went to Malaysia for Honeymoon, after returning from Malaysia he fulfilled all his matrimonial obligations to keep his wife. He kept his wife at Bhopal and his family members gave full respect to his wife. He also took care all the comforts of his wife but behaviour of his wife with him and his family members was not good. She was so aggressive in nature and she used to become aggressive on every trivial matter and started quarreling with him and his family members. She also used filthy languages against him and his parents. They were thinking that the behaviour of his wife will change but it could not happen, she

was of abnormal behaviour, due to her act, his whole family remained frightened. When he went to his office, his wife made telephone to harass him and also cried. She also did not open the door when he returned from the office. She did not prepare food for him. She used to tell to bring food from outside and then she used to open the door. He and his family members were not familiar to the petitioner. The marriage of the parties were fixed through Bharat Matrimony Website, and at that time it was narrated by parents of the petitioner that she is very straight forward girl. After marriage, she used to threaten to commit suicide by cutting her nerves or by jumping from the floor of the flat and for this reason his whole family remained frightened. His wife used to go to her Maikhe according to her wish and at present she has been living in her Maikhe. Out of the said wedlock, a son was born on 10<sup>th</sup> November, 2012 at Ranchi. They told the petitioner that he has no right on the child. It is the son of her and there is right of her Nana-Nani. They did not show the son to him. She used to talk on telephone on most of the time and on asking, she misbehaved with him. She forbade him from talking his parents in his presence. He tried to bring his wife and even filed an application to the counseling Center of the Mahila Police Station. He also reserved ticket for Mumbai thrice but his wife after quarreling with him went to Bangalore to his brother and she went to Ranchi

without informing them. They never demanded dowry from petitioner and his parents and her allegation against the respondent regarding demand of dowry is totally false. It is totally false to say that they have given Rs. 5 lacs for purchasing of gold jewelry and clothes. They have transferred only one lac rupees in his bank-account saying to change the flat in Mumbai and for visiting in Malaysia for Honeymoon. The money was transferred to his account because at that time his wife was having not having any bank-account. All the house hold articles were bought by his money and petitioner purchased articles by her ATM for herself. He always tortured her physically and mentally due to which he lost his job. Whenever the respondent told her for job of teaching or for on-line writing, she told him that such job are not according to his standard as she wants to become Collector. Petitioner is highly qualified girl and computer expert and she has capacity to earn Rs. 20,000/- per month. He and his parents were ready to keep the petitioner with them but the petitioner refused to come and went her Maik. Petitioner has no cause of action to file this instant suit. She has filed this suit only to torture the respondent physically and mentally. In the cross-examination, this witness has admitted that when the family members of both the parties become ready for their marriage he has also given his consent happily. He has admitted that

he worked in System Global Solution for six years. At that time of marriage, he was having salary of Rs.5,60,000/- per annum. When he left the job his salary was 6,50,000/- per annum and when he joined Cognizant Company his salary become Rs. 8,25,000/- per annum. When he joined J.P Morgan Company his salary was Rs. 9,75,000/-. He was ousted from the company and at that time his earning was Rs. 12,25,000/- per annum. At present, he is trying to search job. After returning from Malaysia they lived for a week at Bhopal and at that time the behaviour of his wife was normal. They returned Mumbai after a week and he came to know that his wife has psychological problem and she tried to cut her nerves. At that time, he did not inform to the police and only inform to the family members. In Para-33, he has denied that at the time going for his office, he used to lock the house from outside and did not allow his wife to meet any person. He has admitted that at the time his marriage and reception none of his friends had participated in the functions. He called with friends at dinner to meet his wife at his flat. He got introduced his wife with Pramod and Ashish and both were his room-mate. At present, he is living in Mumbai. He has denied that he has demanded Rs. 1,00,000/- for pagadi for taking flat from the father of the petitioner. He has denied that his father transferred Rs. 1,00,000/- to his bank-account on his

demand. The rent of flat at Thane was Rs. 12 to 12.5 thousand per month and its pagadi (Security Money) was Rs. 60 to 65 thousand. He has admitted that his son born at Ranchi and he had met his son in the Hospital but he did not remember the name of the Hospital. After meeting with child, he stayed two to three days in the house of the petitioner and thereafter returned to Mumbai. In Para-46, he has admitted that he had sent his wife to her Maik by flight when she was having pregnancy of 5 to 6 months. He does not consume liquor. He has denied that due to his habit of taking liquor and not taking care properly to the petitioner, he had sent her to her Maik at Ranchi. A Panchayati was also held regarding the dispute between them. He has denied that he refused to bring his wife and child to Mumbai. He has denied that he had kept his wife and told to his parents and wants to enjoy in Mumbai. His wife had brought his child only once in the court and at that time he was weeping very much and he was appearing mentally disturbed. He has denied that due to his torturing, his wife had filed an application to the Woman Commission Delhi. In Para-57, he has admitted that at present he is not ready to keep his wife with him. He has denied that he was not having any affection with his wife and child, so, he wanted to keep her separately. He has denied that he does not want to keep his wife and child with him as his child is mentally disturbed.

He has stated that he could not get treated his child because the child is not with him. At present, he is paying rent of Rs. 13,000/- in Mumbai but the rent agreement is in the name of his friend and he cannot deposit it. He has denied that he never tried to bring his wife. He has denied that at present he is doing job and his monthly income is Rs. 1.5 lacs.

**40.** The matter has been heard on several occasions.

**41.** On 16<sup>th</sup> April, 2025, it has been taken note of by this Court that the appellant-wife has filed supplementary affidavit dated 17.01.2025, wherein it has been stated that the appellant-wife has made application under Right to Information Act in the Income Tax Department, since the respondent is assessee, and the disclosure has been given by the Central Public Information Officer-cum-Income Tax Officer showing the gross total income of the respondent-husband amounting to Rs.27,74,330/- for the financial year 2022-2023. It has been submitted that the respondent has misled the Court by giving wrong information and as such a document has been placed on record regarding the financial viability of the present respondent. Upon this, learned counsel for the respondent-husband sought for time to file reply to the supplementary. For ready reference, order dated **16<sup>th</sup> April, 2025** is quoted as under:.

*“1.A supplementary affidavit has been filed. Mr. Sabyasanchi learned counsel appearing for the appellant, in absence of the*

*learned counsel on record Mr. Rakesh Kumar Gupta, has submitted that on instruction he may be allowed to argue.*

*2. The appellant is present in the Court and she has submitted that she has no objection if Mr. Sabyasanchi will address the Court on its own merit.*

*3. Mr. Sabyasanchi, learned counsel has argued the matter and has submitted by referring to the impugned judgment wherein only mere amount of rupees twelve lacs as permanent alimony has been awarded to the appellant and that amount has been reached by the learned family judge by accepting the plea of the respondent-husband that he is not in job. It has further been submitted that the appellant has made application under Right to Information Act in the Income Tax Department, since the respondent is assessee, and the disclosure has been given by the Central Public Information Officer-cum-Income Tax Officer showing the gross total income of the present respondent amounting to Rs.27,74,330/- for the financial year 2022-2023.*

*4. It has been submitted that the respondent has mislead the Court by giving wrong information and as such a document has been placed on record regarding the financial viability of the present respondent. Further, it has been submitted that even the maintenance amount, awarded to the son who is suffering from intellectual disability to the extent of 75 per cent, is also not sufficient. It has also been submitted that even the mother, in order to take care of the special child, is not in a position to do any job.*

*5. Mr. Pradeep Kumar Deomani, learned counsel appearing for the respondent has submitted that he may be allowed to respond to the supplementary affidavit. 6. List this case on 24.04.2025 within the list of top first five cases.*

**42.** Pursuant thereto, a supplementary affidavit dated 21.04.2025 has been filed by the respondent-husband wherein it has been stated that he is not financially viable so as to enhance the amount of alimony and tried to impress

upon the Court that the wife is financially strong since she has inherited movable and immovable property from her father and further the wife is working as Guest Faculty in a University at Ranchi.

**43.** The matter was taken up on 24<sup>th</sup> April, 2025. This Court showing concern over the future of the child aged 11-12 years, who is suffering from intellectual disability to the extent of 75%, as per assessment made by the duly constituted Medical Board, and dispute regarding income and ancestral property of the respondent-husband, directed the respondent-husband to file affidavit showing income and property including ancestral and also directed for physical presence of both the parties. For ready reference order dated **24<sup>th</sup> April, 2025** is being quoted as under:

*“1.In pursuance to the order dated 16th April, 2025, the response to supplementary affidavit has been filed.*

*2. It appears from the statement made in the response to the supplementary affidavit that the respondent got the liberty to establish that he is not financially viable so as to enhance the amount of alimony for the purpose of taking care of wife and child, who is suffering from Autism.*

*3. Learned counsel for the respondent-husband has also tried to demonstrate that wife is financially strong since she has inherited movable and immovable property from her father.*

*4. **Learned counsel for the respondent-husband has also impress upon the Court that the wife is working** and from Para-G and Anexure-A of the affidavit dated 21.04.2025 it is evident that the wife is working **as Guest Faculty.** However, even accepting the fact that the wife is*

***working as guest faculty but that cannot be said to be regular engagement.***

***5. This Court is mainly concerned with the future of the child, having the age of about 11-12 years, who is suffering from intellectual disability to the extent of 75 per cent, as per the assessment made by the duly constituted Medical Board, as per Disability Act, 2016.***

*6. The learned Family Court, vide order dated 22.10.2020, has directed to pay maintenance of Rs. 8,000 per month to the child, when the child was about 8 to 9 years old.*

*7. The sole consideration of this Court is as to how the child, who is suffering from intellectual disability, will be maintained in such a meagre amount of Rs. 8,000/-.*

*8. In addition thereof, the maintenance amount has been awarded to be paid in favour of wife to the tune of Rs. 12 Lakhs as permanent alimony with some condition as available in the impugned judgment.*

*9. What has been argued by the learned counsel appears to be not proper since the affidavit filed on behalf of the respondent shows the details of the property which the wife has inherited from the father.*

*10. Even accepting the fact that the property either movable or immovable has been inherited by the wife, it does not mean that the accountability and responsibility of husband towards his wife and the child, who is suffering from Autism, will be waived out.*

*11. This Court, taking into consideration the aforesaid is of the view that the details of the income and property (including ancestral property) of the respondent-husband is required to be perused before passing necessary order.*

*12. It is made clear that after filing of the affidavit, this Court in order to verify the genuineness, may call upon the report from the concerned competent authority.*

*13. So far as the issue of making payment of the maintenance, as directed to be paid to the wife and the child, if it is being paid, let the details also be filed along with the details of the arrears thereof.*

*14. It has been submitted by the appellant-wife that her husband has never made any effort towards the child, even being the child is his son.*

*15. This Court, on consideration of the child, is of the view that the physical appearance of the respondent-husband is required on the next date, since the same will also be counted as an effort for mental improvement of the child, who is suffering from Autism.*

*16. The wife is also directed to appear physically in Court along with the child.*

*17. Let this matter be listed on 7th May, 2025 as the first case.”*

**44.** In terms of order dated 24<sup>th</sup> April, 2025, both husband and wife appeared in person before the Court on 7<sup>th</sup> May, 2025. In the Court itself the counter affidavit was filed on behalf of respondent-husband stating therein that the proposal which has been given by the appellant to pay tune of Rs.3.00 Crore as permanent alimony is beyond the financial viability of the respondent-husband, however he has stated that he is a salaried person working in IT sector, and he is ready to make payment as per his own earning i.e, salary. He has further submitted that he has all compassion for his son and is duty bound to discharge his duty as a father towards his son who is suffering from “Autism”. He has further submitted that the amount which is to be paid by way of maintenance to the appellant-wife, there is only balance amount i.e, Rs.5,45,000/- (Rs. Five Lakh Forty Five Thousand).

- 45.** On the other hand, learned counsel for the appellant-wife has submitted that the amount as proposed by the appellant-wife as permanent alimony to the tune of Rs.3.00 Crore cannot be said to be unreasonable taking into consideration the age of the appellant-wife i.e, 40 years and more particularly the son, aged about 11 years, who is suffering from “Autism” i.e., intellectually challenged. The appellant-wife has stated that she has no spare time for earning her livelihood since she has to take care of her son and in doing so whole day and night is consumed. Appellant-wife has pointed out about the ancestral property at Bhopal, which the appellant shown to have no knowledge.
- 46.** This Court, in order to come to the appropriate finding on the issue of rationality and reasonableness, directed to file details the property including the ancestral property of the respondent husband at his native place as also in the city of Bhopal.
- 47.** Upon this, learned counsel for the respondent-husband has sought for four weeks’ time to file affidavit giving the details of the ancestral property. So far as the issue of the balance amount i.e., Rs.5,45,000/- to be paid to the appellant-wife is concerned, the respondent-husband has undertaken before this Court to pay a sum of Rs.2,00,000/- within a period of four weeks, which will be transmitted in the Bank Account

of the appellant-wife. For ready reference, order dated 7<sup>th</sup> May, 2025 is quoted as under:

1. Reference is made to the order dated 24.04.2025, which reads as under:-

*“1. In pursuance to the order dated 16th April, 2025, the response to supplementary affidavit has been filed.*

*2. It appears from the statement made in the response to the supplementary affidavit that the respondent got the liberty to establish that he is not financially viable so as to enhance the amount of alimony for the purpose of taking care of wife and child, who is suffering from Autism.*

*3. Learned counsel for the respondent-husband has also tried to demonstrate that wife is financially strong since she has inherited movable and immovable property from her father.*

*4. Learned counsel for the respondent-husband has also impress upon the Court that the wife is working and from Para-G and Annexure-A of the affidavit dated 21.04.2025 it is evident that the wife is working as Guest Faculty. However, even accepting the fact that the wife is working as guest faculty but that cannot be said to be regular engagement.*

*5. This Court is mainly concerned with the future of the child, having the age of about 11-12 years, who is suffering from intellectual disability to the extent of 75 per cent, as per the assessment made by the duly constituted Medical Board, as per Disability Act, 2016.*

*6. The learned Family Court, vide order dated 22.10.2020, has directed to pay maintenance of Rs. 8,000 per month to the child, when the child was about 8 to 9 years old.*

*7. The sole consideration of this Court is as to how the child, who is suffering from intellectual disability, will be maintained in such a meagre amount of Rs. 8,000/-.*

*8. In addition thereof, the maintenance amount has been awarded to be paid in favour of wife to the tune of Rs. 12 Lakhs as permanent alimony with some condition as available in the impugned judgment.*

9. What has been argued by the learned counsel appears to be not proper since the affidavit filed on behalf of the respondent shows the details of the property which the wife has inherited from the father.

10. Even accepting the fact that the property either movable or immovable has been inherited by the wife, it does not mean that the accountability and responsibility of husband towards his wife and the child, who is suffering from Autism, will be waived out.

11. This Court, taking into consideration the aforesaid is of the view that the details of the income and property (including ancestral property) of the respondent-husband is required to be perused before passing necessary order.

12. It is made clear that after filing of the affidavit, this Court in order to verify the genuineness, may call upon the report from the concerned competent authority.

13. So far as the issue of making payment of the maintenance, as directed to be paid to the wife and the child, if it is being paid, let the details also be filed along with the details of the arrears thereof.

14. It has been submitted by the appellant-wife that her husband has never made any effort towards the child, even being the child is his son.

15. This Court, on consideration of the child, is of the view that the physical appearance of the respondent-husband is required on the next date, since the same will also be counted as an effort for mental improvement of the child, who is suffering from Autism.

16. The wife is also directed to appear physically in Court along with the child.

17. Let this matter be listed on 7th May, 2025 as the first case.”

2. In terms of the said order, both the parties i.e, appellant-wife and respondent-husband are physically present in the Court today.

3. Mr. Pradeep Kumar Deomani, learned counsel for the respondent-husband has sought for leave of this Court to accept the counter affidavit which was to be filed in pursuance of the order dated 24.04.2025.

4. *It has been submitted that the respondent, since resides in Mumbai and has come to Ranchi yesterday only, as such, affidavit although was ready but could not be filed. The copy of the same has been received by the learned counsel for the appellant. Accordingly, the counter affidavit is taken on record.*

5. *Learned counsel for the appellant has submitted that whatever proposal is being made on behalf of the appellant i.e., tune of Rs.3.00 Crore is beyond the financial viability of the respondent husband.*

6. *The respondent-husband has submitted that he has all compassion for his son and is duty bound to discharge his duty as a father towards his son, particularly, in a case where the son is suffering from Autism i.e., intellectually challenged. He has further stated that he is making payment of the maintenance amount regularly towards his son, so far as the maintenance amount decided by the learned Family Court to be given to the wife and the son is concerned. However, the amount which is to be paid by way of maintenance to the appellant-wife, there is some balance amount i.e, Rs.5,45,000/- (Rs. Five Lakh Forty Five Thousand) as per the tabular chart reproduced at paragraph No.11 of the said affidavit.*

7. *Learned counsel for the appellant has submitted that the amount which has been proposed by the appellant-wife i.e., Rs.3.00 Crore cannot be said to be unreasonable amount taking into consideration the age of the appellant-wife i.e, 42 years and more particularly the son, aged about 11 years, who is suffering from Autism i.e., intellectually challenged.*

8. *The appellant-wife has stated that she has no spare time for earning her livelihood since she has to take care of her son and in doing so whole day and night is consumed. Therefore, the proposal of Rs.3.00 Crore, in view of the aforesaid fact, cannot be said to be unjust and unreasonable.*

9. ***The respondent-husband has stated that he is ready to make payment as per his own earning i.e, salary, since he is working in Information Technology Sector in a Private Company posted now at Mumbai.***

10. In response to that, the appellant-wife has stated that the husband is having the ancestral property in his native place as also in the City of Bhopal.

11. In response to that the respondent husband has stated that he is not aware about any ancestral property in his native place or at the city of Bhopal.

12. However, the appellant-wife has stated that the respondent-husband since is the father and as such he is duty bound to take care of his son, who is intellectually challenged.

13. It is the co-accountability of both the parties i.e., wife and husband and therefore, the husband cannot be allowed to escape the responsibility of discharging his duty as a father towards his son.

14. This Court, in order to come to the appropriate finding on the issue of rationality and reasonableness, is of the view that the details of the property including the ancestral property of the respondent husband at his native place as also in the city of Bhopal is required to be brought on record, since, there is no reference to that effect in the counter affidavit save and except the details of his salary and the property jointly purchased by him and his father.

15. Learned counsel for the respondent-husband has sought for four weeks' time to file an affidavit giving the details of the ancestral property as stated to be available in the native place and the city of Bhopal.

**16. So far as the issue of the balance amount i.e., Rs.5,45,000/- to be paid to the appellant-wife is concerned, the respondent-husband has undertaken before this Court to pay a sum of Rs.2,00,000/- within a period of four weeks, which will be transmitted in the Bank Account of the appellant-wife.**

**17. So far as the remaining arrear amount i.e, Rs.3,45,000/- is concerned, the same will be paid on month to month basis i.e., Rs.45,000/- without any interruption. After the arrear is cleared, the respondent-husband will continue to pay the maintenance amount as awarded by the learned Family Court i.e, Rs.8,000/- per month to the son.**

*18. As prayed for by the learned counsel for the respondent-husband, four weeks' time is allowed so that the appropriate affidavit showing the details of the ancestral property is filed.*

*19. Accordingly, list this case on 12th June, 2025 as a first case."*

**48.** Pursuant thereto, supplementary affidavit has been filed on behalf of respondent-husband on 09.06.2025, wherein he has stated that currently he is employed with JP Morgan Service India in Mumbai as an Associate and his current take home salary is Rs. 2,31,294/- per month. It has further been stated that he along with his father jointly purchased a one-room flat at Silocon Park, Malad, Mumbai on a total consideration of Rs. 39,90,000/-. He has further stated in the affidavit that he has joint ancestral property at Bhopal and Patna.

**49.** So far total outstanding amount for permanent alimony towards appellant-wife is concerned, out of that total Rs.5,45,000/- he has paid sum of Rs.2,00,000/- in six instalments from 30.05.2025 to 04.06.2025, photocopy of bank statement has been annexed as Annexure F to the affidavit.

**50.** It is evident from the aforesaid orders that the Court while interacting with the appellant-wife has also watched the activities of the child, who is 11 years old suffering from "Autism", who is being taken care of by his mother, the appellant herein or maternal uncle. The condition of the son has been observed to be serious.

**51.** Learned counsel for the appellant has submitted that the amount of permanent alimony so far it relates to the appellant-wife and her son is concerned, as per the affidavits filed by the parties and finding recorded by this Court in the order dated 24<sup>th</sup> April, 2025 and 7<sup>th</sup> May, 2025, and the submissions made by the parties, it is a meager amount.

**52.** It has been contended that although the appellant is a dedicated lady and she on earlier occasion has tried to get engagement but due to compelling situation of taking care of her son, who is suffering from “Autism”, she could not be able to get the job. It has been contended that right from the very beginning i.e., from the birth of the child itself, the respondent-husband has even not met one time with the son. Huge amount of expenditure is being incurred in the treatment of the son of the appellant as also on the fee of schools, which has specifically been earmarked for such child, who are suffering from “Autism”.

**53.** Learned counsel for the appellant, based upon the aforesaid ground has submitted that Rs. 12 lacs by way of permanent alimony is a very meager amount so far as subsistence of the present appellant and her son who is suffering from “Autism” is concerned for whom amount of Rs. 8000 per month is also a very meager amount for his sustenance as also his medical care. Therefore, it is quite impossible for her

to sustain herself and take care of her, who is suffering from “Autism”.

**54.** It has been contended by the respondent-husband that he is engaged in JP Morgan Company having monthly take home salary of Rs. 2,31,294/- [after deductions of Provident Fund, Professional Tax and Income Tax etc.]. So far immovable property is concerned, it has been stated in the affidavit that they have joint ancestral property situated at Bhopal and Patna and the respondent-husband had one flat in Mumbai.

**55.** Learned counsel for the appellant-wife has submitted that the learned family court did not consider these aspects of the matter and considered that at present the respondent-husband has lost his job and even did not consider the health issues of the child who is suffering from “Autism”, who requires month to month medical expenses and for that the appellant is not in a position to get her engaged for livelihood, and passed the order of permanent alimony, which is a very meager amount.

**56.** Learned counsel for the appellant-wife has further submitted that the question which has been raised that the appellant-wife can get a job since she is eligible to earn her livelihood by getting a good job which itself suggest that at the moment the appellant-wife is not having her independent source of income. So far as the capability/eligibility of the appellant-

wife in getting a job is concerned, the same is quite impossible in view of the fact that the son is suffering from “Autism” and mother is to take care all around i.e., 24X7 and in such situation it is quite impossible for the appellant-wife to leave her alone for the purpose of engagement.

**57.** Learned counsel for the respondent-husband has contended that the wife is also an educated lady and self-sufficient to get job for the purpose of her sustenance and sustenance of her son. Furthermore, the respondent-husband has paid the permanent alimony as directed by this court and only few amount has been left to be paid, which shall be paid.

**58.** This Court in the aforesaid backdrop requires to consider as to: “*Whether in the facts and circumstances of the present case, the alimony which has been granted by way of permanent alimony in exercise of power conferred under Section 25 of the Hindu Marriage Act, 1955, both in favour of appellant-wife and the son to the tune of Rs. 12 lacs to the appellant-wife and if any amount already paid to the appellant-wife that was directed to be adjusted from the amount of permanent alimony so awarded and further payment of Rs. 8000/- per month to the son namely [REDACTED] [REDACTED] who is suffering from “Autism”, is commensurate to the needs and means of the respondents-husband?*”

**59.** 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 6\* \* \* 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 sub-section (1), it may, at the instance of either party, vary, modify or rescind any such order in such manner as the court may deem just.*

*(3) If the court is satisfied that the party in whose favour an order has been made under this section has 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].”*

**60.** 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 of 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 live of husband or wife, if having no sufficient source of income.

**61.** The Hon'ble Apex Court has also considered the intent of Section 25 of Hindu Marriage Act in catena of Judgments. At the cost of repetition, it would be apt to refer section 25 of Hindu marriage Act, 1955, which reads as under:

**25. Permanent alimony and maintenance.**—(1) Any court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall [70](#)[\* \* \*] pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent's own income and other property, if any, the income and other property of the applicant [, the conduct of the parties and other circumstances of the case], it may seem to the court to be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent.

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

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

**62.** Thus, from the aforesaid it is evident 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 or maintenance. 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. Thus, a power is conferred on the Matrimonial Court to grant permanent alimony and 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 in 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 Subsection (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.

**63.** 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.”*

**64.** We may note here that an amendment has been brought to Sub-section (3) of Section 25 of the Hindu Marriage Act by the Act No. 68 of 1976 with effect from 27<sup>th</sup> May 1996. 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 amendment 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, it is established that the wife has not remained chaste after the decree of maintenance is passed under Sub-section (1) of Section 25.

**65.** 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.*

**66.** 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.*

**67.** 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.*

**68.** Recently, the Hon'ble Apex Court in the case of **Rakhi Sadhukhan Vs. Raja Sadhukhan**[2025 SCC OnLine SC1259] has enhanced the amount of alimony subject to increase of alimony on every two years.

**69.** This Court has considered the factual aspect of the said case and on perusal of the fact, referred therein, it is evident that 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; allow 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.

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

**71.** 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.

**72.** The appellant-wife contends that the amount of Rs. 20,000/- per month, which the High Court made final, was originally awarded as interim maintenance. She submits 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.

**73.** 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.

**74.** 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.

**75.** 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 that the son's right to inheritance remains unaffected, and any claim to ancestral or other property may be pursued in accordance with law.

**76.** 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.”*

**77.** Adverting to the facts of the present case wherein the appellant-wife aged about 40 years is having with a son taken from the wedlock of the appellant-wife and respondent-husband, aged about 11 years, suffering from “Autism”. The fact of son suffering from “Autism” has been admitted by the respondent-husband and he submitted before this Court that he is also keen to take care of his son

who is suffering from “Autism”, as recorded in order dated 7<sup>th</sup> May, 2025 at paragraph 6.

**78.** It is further evident that the respondent-husband has also agreed to make payment, as he is a salaried person working in JP Morgan at Mumbai, and he is ready to make payment as per his own earning i.e, salary. The respondent-husband has stated on oath in affidavit dated 06.05.2025 that he is currently working in JP Morgan Company at Mumbai having monthly home salary of Rs. 2,31,294/- [after deductions of Provident Fund, Professional Tax and Income Tax etc.]. Salary slip of the respondent-husband for the month of April, 2025 has been annexed with the said affidavit dated 06.05.2025. It has been stated that the respondent-husband and his father has jointly purchased one room flat measuring 410 square feet situated at Silcon Park, Malad (West), Mumbai, having equal shares in the same for a total consideration of Rs. 39,90,000/-.

**79.** Thus, it is evident from the affidavit filed on behalf of respondent-husband that he is getting monthly home take salary, after all deductions including provident fund, to the tune of Rs. 2,31,294/- per month besides having flat at Mumbai. It further appears that the respondent-husband has also sufficient landed property of his own share. Reference of educational status of appellant-wife and property of appellant-wife has also been mentioned.

**80.** There is no dispute, what has been argued on behalf of respondent-husband that the affidavit ought to have been filed on behalf of appellant-wife showing the source of income as also the argument has been advanced that the appellant-wife is eligible to get a job for the purpose of her livelihood.

**81.** This Court, however, is of the view that it is not fit to be accepted and it is not practically possible for a mother to engage herself in a permanent job whose son is suffering from “Autism”, who requires special attention all the times. Further, it is the respondent-wife, who has preferred appeal questioning the quantum of permanent alimony for both the appellant-wife and son, who is suffering from “Autism” on the ground of assessment and determination done by the learned family court said to be a meager amount.

**82.** So far as filing of the affidavit on behalf of the appellant-wife is concerned, the same will not be required in the facts of the present case where the respondent-husband has admitted that he is keen to take care of his son who is suffering from “Autism” and the quantum of permanent alimony to the tune of 12 lacs as has been assessed and determined by the family judge has not been challenged by him on the aforesaid ground of eligibility to get a good job by the appellant-wife for the purpose of her sustainability. If that be so then the respondent-husband ought to have filed appeal

or suit but that has not been done; meaning thereby the issue which is being raised that the appellant-wife can get a job for her sustenance and sustenance of her son, who is suffering from “Autism”, cannot be allowed to be agitated at this stage without challenging the aforesaid finding recorded by learned family court.

**83.** The question of self-sufficiency so far as the appellant-wife is concerned, in the backdrop of the fact that the son is suffering from “Autism”, it is quite impossible for her to do job reason being that being the mother whose son is suffering from “Autism” is to take all around that is 24X7 since the mother can better take care of the son, who is suffering from such nature of ailment. The father has also not disputed aforesaid fact of suffering of his son from “Autism” and nobody can dispute it rather the father has stated that he is keen to take care of his son but merely saying that he is serious to take care of his son is not sufficient rather for taking care the physical presence, either of the mother or father, is required in addition to the monetary support to meet out the medical expenses and special school/training, who is suffering from “Autism” is required.

**84.** It also cannot be disputed that “Autism” is an incurable disease rather intensity of the same can be lowered but for that also, huge expenditure, on regular basis, is required by

getting better treatment before the doctor having expertise in this filed, consultation with the psychologist/speech therapy/physiotherapy etc. for improvement and in addition thereto, the special schooling which has got specialty and which has got expertise in dealing with such children.

- 85.** All these things are to be taken care of if the child is suffering from “Autism” is to be cured for which large sum of monetary support is required.
- 86.** The fact of suffering from “Autism” is not in dispute and as such it also cannot be disputed that the ground as has been taken that mother can earn her own independent income, is not sustainable and if that will be accepted then the future of the son, who is suffering from “Autism”, will be bleak and the son will never be freed from clutches of the said disability.
- 87.** There is no single treatment for “Autism”, as it is a spectrum disorder with diverse needs. However, a variety of therapies and interventions can significantly improve a person’s quality of life and help manage symptoms. These may broadly be categorized into behavioral, developmental, educational, social-relational, pharmacological, psychological and complementary approaches. It requires Speech and language therapy; after attaining appropriate age focusing on improving motor skills, sensory processing and independence in daily living activities; educational and

school-based therapy; medications and nutritional therapy; family therapy. It is seen that there is no cure for “Autism”, however, with the help of therapy there may be significant improvements in their communication, social skill and overall quality of life through appropriate therapies and support.

**88.** This Court has considered the factual aspect of the judgment rendered in the case of ***Rakhi Sadhukhan Vs. Raja Sadhukhan (supra)*** wherein the Hon’ble Apex Court by taking into consideration the monthly income of the husband to be Rs. 1,64,039/- has modified the order passed by the High Court 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 in order to meet out the effect of inflation. The son, who has attained the age of 26 years and as such no order was passed for permanent alimony in his favour.

**89.** This Court considering the factual aspect of the present case is of the view that the facts of the present case is on better footing to that of the case of ***Rakhi Sadhukhan Vs. Raja Sadhukhan (supra)*** for the following reasons:

**I.** In the present case, the respondent-husband is working in JP Morgan Company, a multi-national company, having monthly home salary of Rs. 2,31,294/- [after deductions of Provident Fund,

Professional Tax and Income Tax etc.] whereas the respondent-husband in *Rakhi Sadhukhan Vs. Raja Sadhukhan case*, was having net monthly income of Rs. 1,64,039/-.

**II.**The appellant-wife, who is aged about 40 years having no source of income and has to get herself engaged in son all time i.e. 24X7, aged about 11 years, who is suffering from “Autism” whereas in the case of *Rakhi Sadhukhan Vs. Raja Sadhukhan*, the son is aged about 24 years. The appellant-wife, even she wishes to get a job, it is quite impossible for her to get herself engage in job leaving her son for longer period who is suffering from “Autism”.

**III.**The son is aged about 11 years suffering from “Autism” and requires special attention and care.

**IV.**In the said case i.e., ***Rakhi Sadhukhan Vs. Raja Sadhukhan (supra)*** the respondent-husband after divorce has got married whereas in the instant case, the liability of the husband is not like that and in Mumbai he has own accommodation to live besides other immovable property situated at Bhopal and Patna.

**90.** In the aforesaid case i.e. ***Rakhi Sadhukhan Vs. Raja Sadhukhan (supra)*** the Hon’ble Apex Court by taking into consideration the monthly income of the husband to be Rs.

1,64,039/- has modified the order passed by the High Court 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 in order to meet out the effect of inflation.

**91.** This Court applying the aforesaid observation and direction of Hon'ble Apex Court in the facts of the present case, is of the view that herein also, enhancement in permanent alimony of both the appellant-wife and son is required, in view of the fact that the monthly income of the respondent-husband is Rs. 2,31,294/- [after deductions of Provident Fund, Professional Tax and Income Tax etc.].

**92.** Furthermore, this Court also took note of the fact that since the respondent-husband has shown his inability to pay a lump-sum amount as permanent alimony to the wife, by taking the ground that he is ready to make payment as per his own earning i.e, salary, since he is working in JP Morgan, a multi-national company, now posted at Mumbai and statement to that effect has been recorded by this Court in order dated 7<sup>th</sup> May, 2025, relevant paragraph of which is quoted as under:

*“8. The appellant-wife has stated that she has no spare time for earning her livelihood since she has to take care of her son and in doing so whole day and night is consumed. Therefore, the proposal of Rs.3.00 Crore, in view of the aforesaid fact, cannot be said to be unjust and unreasonable.*

*9. The respondent-husband has stated that he is ready to make payment as per his own earning i.e, salary, since he is*

*working in Information Technology Sector in a Private Company posted now at Mumbai.”*

- 93.** Therefore, this Court is of the view that monthly alimony would be just and proper, as per law laid down in the case of ***RakhiSadhukhan Vs. Raja Sadhukhan (supra)***, for the reason that it is the respondent-husband who has submitted that he is a salaried person having monthly take home salary of Rs. 2,31,294/- [after deductions of Provident Fund, Professional Tax and Income Tax etc.] and shown his inability to pay lump-sum amount; and further he has expressed his willingness of taking care of his son stating that he has all compassion for his son and is duty bound to discharge his duty as a father towards his son, particularly in a case where the son is suffering from “Autism”, as recorded by this Court in order dated 7<sup>th</sup> May, 2025 at paragraph 6; as also for the peculiar circumstance of the case wherein desertion has been made not only of the wife but also of the son, who is suffering from ‘Autism’, which requires occupational training, speech therapy, Special Schooling, medicine, special diet including treatment, personal tuition etc. on month to month basis.
- 94.** Therefore, this Court is of the considered view permanent alimony is required to be ordered to be paid on month-to-month basis.
- 95.** For the reasons aforesaid, this Court thought it proper that a sum of Rs. 50,000/- [fifty thousand] per month would be

just, fair and reasonable, for sustenance of the appellant-wife, who has no other source of income rather has to engage herself in taking care of the son who is suffering from “Autism” and born out of wedlock of respondent-husband and appellant-wife herein. Further, a sum of Rs. 40,000/- per month would be proper to ensure financial stability of the son, and for livelihood, sustenance, treatment and study. Both the permanent alimony awarded to the appellant-wife and son would be subject to enhancement of 5% on every two years, taking into consideration the inflation etc.

**96.** This Court, with the aforesaid enhancement in the amount of permanent alimony, as indicated hereinabove modifies the order/judgment dated 31.03.2023 and decree passed on 12.04.2023 passed by the learned Additional Principal Judge-II, Ranchi Cum Additional Family Court, Ranchi in Original Suit No. 449 of 2016, to the extent that the permanent alimony granted to the appellant-wife would be Rs. 50,000/- [fifty thousand] per month and permanent alimony for the son shall be a sum of Rs. 40,000/- per month, subject to 5 % enhancement after every two years, from the month of July, 2025.

**97.** This Court taking note of the fact that in the financial year 2021-22 and 2022-23 respectively, the respondent-husband has net annual income of Rs. 18.51 lacs and 21.00 lacks respectively, i.e., more than 1.5 lacs per months, as per the

affidavit furnished by the appellant-wife dated 21.04.2025 on the basis RTI informant, this court holds that the aforesaid enhanced permanent alimony is in addition to the arrear which has been undertaken to be paid by the respondent-husband as has been recorded in paragraphs 11 and 12 of order dated 7<sup>th</sup> May, 2025.

**98.** The amount, as has been directed to be paid, shall be paid by the respondent-husband in the bank account of the appellant-wife already available with him on or before 10<sup>th</sup> of every month regularly.

**99.** This Court, considering the conduct of the respondent-husband that earlier also the respondent-husband has defaulted in making payment of aforesaid amounts in favour of appellant-wife, grants liberty to the appellant-wife that if the amount would not be paid by 10<sup>th</sup> of each month then the appellant-wife will be at liberty to communicate by way of an application containing the details of the bank accounts regarding such discontinuation of alimony to the employer along with copy of this order for disbursement of the said amount directly in her bank account.

**100.** If in such situation the employer will receive information of non-disbursement of the amount, as directed above, the amount of permanent alimony granted to the appellant-wife to the tune of Rs. 50,000/- [fifty thousand] per month and

permanent alimony for the son to the tune of Rs. 40,000/- per month, subject to 5 % enhancement after every two years, from the month of July, 2025, shall directly be transmitted to the account of the appellant-wife.

**101.** This Court hopes and trusts that in such circumstances the employer will respond positively.

**102.** This Court further hope and trust that the respondent-husband will not invite such situation and will abide by the direction so passed by this Court for permanent alimony in favour of appellant-wife and her son, who is suffering from “Autism”, and also keeping the fact into consideration that he has shown his keen interest in taking care of his son who is suffering from “Autism” and further welfare of the son depends upon the sustenance of the wife, who is taking care of the son and not the respondent-husband, who rather is working in JP Morgan Company at Mumbai.

**103.** Since, it is a special case as such considering the welfare of the child who is suffering from “Autism”, this Court in addition to the aforesaid liberty also reserves liberty to the appellant-wife that in case of non-compliance of the aforesaid order, she can file appropriate application before the competent court.

**104.** With the aforesaid modification in the order passed by the learned family court; and the directions and

observations, as made hereinabove, the instant appeal stands allowed.

**I agree**

**(Sujit Narayan Prasad, J.)**

**(Rajesh Kumar, J.)**

**(Rajesh Kumar, J.)**

*Alankar/A.F.R.*