

**HIGH COURT OF TRIPURA
AGARTALA
MAT. APP. NO.13 OF 2024**

Sri Tanmoy Singha,
S/o Late Naresh Chandra Singha,
Resident of Dukli Netaji Palli,
P.S. East Agartala,
District- West Tripura.

.....**Husband Appellant(s)**

Versus

Smt. Jhuma Sarkar Singha,
W/o, Sri Tanmoy Singha,
D/o-Mr. Nirmal Chandra Sarkar,
Resident of Ramnagar Road No.9,
P.S. -West Agartala,
District-West Tripura.

.....**wife-Respondent(s)**

For the Appellant(s)	: Mr. Ashutosh De, Advocate.
For the Respondent(s)	: Mr. P. Roy Barman, Sr. Advocate. Mr. Samarjit Bhattacharjee, Advocate. Mr. Dipjyoti Paul, Advocate. Mr. K. Nath, Advocate.
Date of hearing	: 23.04.2025
Date of delivery of Judgment & Order	: 30/04/2025
Whether fit for reporting : NO.	

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT
J U D G M E N T & O R D E R**

T. AMARNATH GOUD(J)

This present appeal has been filed against the Judgment and Decree dated 06.01.2024 passed by the learned Court of the Additional District Judge, Family Court, Agartala, West, wherein the

learned Court ordered that the petition for dissolution of marriage between the petitioner, Sri Tanmoy Singha, and the respondent, Smt. Jhuma Sarkar Singha, is not allowed, and accordingly, the suit was dismissed.

2. The brief facts of this case are that the appellant-husband, a graduate teacher currently posted at Madhuban (Dukli) H.S. School, entered into marriage with the respondent-wife on 02.06.2006 as per Hindu rites and customs. The marriage was arranged by the guardians of both parties and attended by numerous relatives and guests. They have one son, Mrinmoy Singha, born on 23.04.2010, who is currently studying in Sri Krishna Mission School. Following their marriage, the couple initially resided in Palatana, Udaipur, but later moved to the father-in-law's house at Ramnagar to facilitate easier commuting for the husband to his workplace in Dukli. In 2012, the husband met with a road traffic accident and sustained multiple injuries, including permanent disability. He underwent prolonged treatment, including physiotherapy and neurological care, and required financial and logistical support for daily activities and commuting to work. The appellant alleged that after the accident, his relationship with the respondent-wife deteriorated. He stated that he was subjected to mental and physical distress and was eventually asked to leave the

residence at Ramnagar in 2020. Subsequently, he began residing at his elder brother's house. The appellant claimed that the compensation awarded to him by the Motor Accident Claims Tribunal was withdrawn by the respondent. He also alleged that the respondent refused to cohabit with him and maintained a relationship with another individual. The respondent-wife denied all such allegations and contested the claims made by the appellant. The learned Court below did not allow the suit for dissolution of marriage between the petitioner-husband and the respondent-wife. Aggrieved thereby, the appellant-husband has filed this appeal seeking to set aside the impugned Judgment and Decree dated 06.01.2024 passed in T.S. (Divorce) 522 of 2021.

3. Heard Mr. A. De, learned counsel appearing for the appellant-husband, as well as Mr. Samarjit Bhattacharjee, learned counsel appearing for the respondent-wife.

4. In terms of the order dated 22.04.2025, both parties are personally present before this Court today. The appellant-husband submits that they have been living separately for the last four years and, as such, there is no emotional connection between them. Their conjugal relationship has irretrievably broken down, and it is not possible for him to live together again with the respondent, as during the time of his accident when he was

bedridden, his wife, along with his mother-in-law, treated him very badly, physically assaulted him, and even pushed him down the stairs while he was immobile due to the accident. With such trauma in the relationship, it is impossible for him to resume conjugal life with the respondent. He also alleged that the respondent-wife had an illicit relationship with another man in his presence. The appellant-husband further submits that he receives a salary of about Rs.47,000/- per month, from which a loan amount is also being deducted.

5. On the other hand, the respondent-wife stated that she wants to resume conjugal life with the appellant and denied the allegations made by the appellant-husband. The respondent-wife also stated that the appellant is paying her monthly maintenance of Rs.12,000/-.

6. Mr. De, learned counsel appearing for the appellant-husband, submits that the appellant-husband has taken a loan for constructing a house, and as a result, Rs.22,280/- is deducted from his salary every month for loan recovery. Mr. De, learned counsel further submits that the respondent-wife siphoned off the awarded amount of Rs.8,86,000/- granted to the appellant-husband by the Motor Accident Claims Tribunal without his knowledge or acknowledgment. The appellant has also taken

another loan for his treatment. The learned counsel further stated that the appellant is ready to take custody of the child and maintain him. He has also sold two kanis of land for the purpose of his treatment.

7. On the other hand, Mr. Bhattacharjee, learned counsel appearing for the respondent-wife, submits that the child is living with the respondent and is studying in Class 12, and the maintenance provided by the appellant-husband is not sufficient.

8. Heard and perused the record.

9. On consideration of the pleadings and materials on record, and in light of the arguments advanced by both the parties and their respective learned counsels, this Court is of the view that the marriage has broken down irretrievably. The parties have been living separately for over four years. The efforts of this Court to counsel and mediation also failed. By force, they cannot be ordered to live together as against the will and wish of other party. The allegations of abuse, mental and physical cruelty during the period of the appellant's disability, if true, are grave. Although denied by the respondent, the overall situation suggests the absence of mutual trust, respect, and companionship essential to a matrimonial bond.

10. In light of the above and in the interest of justice, this Court deems it proper to allow the appeal. The impugned Judgment and decree dated 06.01.2024 in T.S. (Divorce) 522 of 2021 passed by the learned Addl. District Judge, Family Court, Agartala, West Tripura is hereby set aside. The marriage between the appellant and the respondent stands dissolved by decree of divorce.

11. The appellant shall continue to pay the maintenance amount of Rs.12,000/- per month to the respondent and their son as directed by the Court below. This arrangement of maintenance is made until the retirement of the husband. Thereafter, either party may approach the appropriate court for modification of the maintenance amount, if advised.

12. As a sequel, stay if any stands vacated. Pending application(s), if any, also stand closed.

B. PALIT, J

T. AMARNATH GOUD, J