

**HIGH COURT OF TRIPURA
AGARTALA**

Mat. App. 20 of 2024

Shri Ranabir Datta

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

Versus

Smt. Rekha Saha

.....**Respondent(s)**

For the Appellant(s) : Mr. Abhijit Sengupta, Advocate.

For the Respondent(s) : Mr. Swarup Pandit, Advocate.
Mr. Samar Das, Advocate.

Date of hearing & delivery
of judgment and order : 28.5.2025

Whether fit for reporting : Yes/No.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Judgment & Order (Oral)

[T. Amarnath Goud. J.]

Heard Mr. A. Sengupta, learned counsel appearing for the appellant-husband and Mr. S. Das, learned counsel appearing for the respondent-wife.

[2] The present appeal being Mat. App. 20 of 2024 is filed under Section 19 (1) of The Family Courts Act, 1984 read with Section 28 of the Hindu Marriage Act, challenging the judgment dated 17.02.2024, passed by the learned Additional Judge,

Family Court, West Tripura, Agartala, in T.S. (DIV) 300 of 2021, whereby, learned Additional Judge, Family Court, West Tripura, Agartala dismissed the divorce petition filed by the petitioner.

[3] It is the case of the appellant that as petitioner he filed an application under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act, for a decree of divorce on the ground of cruelty and desertion before the learned Judge, Family Court, West Tripura, Agartala. The respondent wife contested the suit by filing written statement wherein she denied all the allegations brought forth by the appellant bringing some allegations against the appellant and his mother. Learned Court below by the impugned Judgment dated 17.02.2024, in T.S (Div) 300 of 2021 dismissed the suit filed by the appellant on the ground that the appellant failed to prove the cruelty and desertion against the respondent-wife. Being aggrieved, the appellant herein has preferred the instant appeal seeking the following reliefs:

- i. Admit the appeal;
- ii. Call for records;
- iii. Issue notice upon the respondent; and
- iv. After hearing the parties set-aside the Judgment dated 17.02.2024 passed by the Ld. Additional Judge, Family Court, West Tripura, Agartala, in T.S.(DIV) 300 of 2021, and thereafter, pass judgment dissolving the marriage between the appellant and the respondent by a decree of divorce on the ground of cruelty and desertion, and pass any order/orders as to give for fair ends of justice.....”

[4] It is contended on behalf of the appellant that he is unemployed but, on the other hand, the respondent-wife is a

government employee. In November, 2019, the respondent-wife without any information to the appellant, left the house and since then she did not return to her matrimonial home to lead conjugal life with the appellant. It is further contended that the appellant tried his best to return the respondent-wife back but failed and on 22.01.2020, she suddenly came to the house of the appellant along with some of her relatives and took away all her belongings including the Stridhan articles. Mr. A. Sen Gupta, learned counsel for the appellant submits that reconciliation process was initiated to reconstruct the matrimonial tie but ultimately same has failed. He, therefore, urges this Court to grant decree of divorce to the appellant setting aside the impugned order dated 17.02.2024 passed by the learned Additional Judge, Family Court, West Tripura, Agartala, in T.S.(DIV) 300 of 2021.

[5] On the other hand, Mr. S. Das, learned counsel appearing for the respondent-wife opposes the contention made on behalf of the appellant. He submits that the appellant and his mother compelled her to leave the matrimonial house and as a result, she took shelter in the parental house.

[6] Heard learned counsel appearing for the parties. Perused the record.

[7] It is seen from record that the appellant herein preferred an application under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act, for a decree of divorce on the ground of cruelty and desertion before the learned Court below and the respondent-wife contested the suit by filing written statement wherein she denied all the assertion of appellant except the marriage. But, the respondent-wife made counter allegations by filing the said written statement that the appellant and his mother on almost every day used to torture her mentally and forced her to leave the matrimonial house. It is further brought to the notice of this Court that the appellant and the respondent are living separately since November, 2019 and the initiatives taken for reconstructing their conjugal life, have also been failed.

[8] It is also seen from record that, as per order of this Court dated 02.04.2025, the matter was referred to the concerned authority for 'mediation' but, the same remains unsettled as reflected in the mediation report dated 16.05.2025. It is also brought to the notice of this Court that the respondent-wife is self-dependent as she is a government employee.

[9] Hence, in view of the above discussion, this Court feels that at this stage, there is no scope of re-union of the parties and to construct the matrimonial tie between them would be a futile exercise. However, considering all the facts and

circumstances of the case, this Court is of the opinion that ends of justice would be met if the appellant pays a sum of Rs.4,00,000/- as permanent alimony regarding the financial support that the wife will receive after the divorce or separation. Accordingly, as agreed by both the parties, this Court awards permanent alimony of Rs.4,00,000/- (rupees four lakhs) to the respondent-wife which will be paid by the appellant-husband. The entire amount of Rs.4,00,000/- along with all other arrears of maintenance, if any, shall be paid by the appellant-husband on the first day of every month in four equal monthly instalments w.e.f. 01.6.2025 onwards to the respondent-wife. Resultantly, the marriage between the parties is dissolved and the decree of divorce is granted in favour of the appellant husband.

With the above observations and directions, the instant appeal is allowed to the extent as indicated above and accordingly, the same is disposed of. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

B. PALIT, J

T. AMARNATH GOUD, J