

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NOS. _____ OF 2025
@Special Leave Petition(C) No. 20253 of 2022

GEETA RANI

...APPELLANT

Versus

AMARDEEP

...RESPONDENT

ORDER

Leave Granted.

2. The Punjab and Haryana High Court, vide its judgement and order dated 2nd June 2022, confirmed the decree of divorce granted in favour of the Respondent-husband, as originally granted by the Family Court, Faridabad, in proceedings initiated by the latter, being “HMA No. 2341 of 2019” by judgement dated 14th December 2018. The High Court further ordered that the Respondent-Husband would pay the Appellant-wife a sum of Rs. 1 lakh as alimony. Aggrieved, she has approached this Court.

3. A brief background of the present appeal is necessary. The Appellant-wife and Respondent-husband were married on 9th November 2008. Soon thereafter, it is alleged that harassment of the former began at the hands of the latter's family. This culminated, according to the Appellant-wife, with her being turned down from her matrimonial home on 5th January 2011 after being physically assaulted. A few months thereafter began litigation *inter-se* the parties in one form or another. The Respondent-husband at first filed a petition under Section 9 of the Hindu Marriage Act 1955; the Appellant-wife thereafter filed an FIR being No. 612/2011 dated 15th November 2011 under various sections of the Indian Penal Code. Prior thereto, she also filed proceedings under the Protection of Women from Domestic Violence Act, 2005¹ dated 26th May 2011 being Complaint No. 119/2011, under Section 12 thereof.

4. The divorce proceedings, the subject matter of the present appeal, were initiated by the Respondent-husband on 25 March 2013. In its pendency, protracted and acrimonious litigation ensued between the parties. In the proceedings under the DV act, the concerned court awarded Rs.2000 per month to the Appellant-wife. On 17th September 2016, she filed a petition under Section 125 of the Code of Criminal Procedure, which eventually resulted in an order in her favour granting Rs. 6000 per month as maintenance on 5th September 2019. The order of

¹ DV Act.

Rs.2000 per month maintenance in the DV Act proceedings was also appealed against and was enhanced to Rs.5000 per month by an order dated 20th January 2018. The Additional Principal Family Judge, Faridabad, passed the judgement and decree dated 14th December 2018, dissolving the marriage *inter-se* parties in favour of the Respondent-Husband.

5. The High Court confirmed the grant of dissolution of marriage and awarded Rs. 01 Lakh alimony to the Appellant-wife.

6. This Court issued notice on 7th November 2022 limited to the quantum of alimony. We have heard the learned counsel for the parties.

7. The objective of the grant of permanent alimony is to ensure that, in a marriage that does not survive and has one of the two spouses dependent on the other, the dependent spouse is not left without any source of support. At the same time, it is clear that the grant of permanent alimony cannot be a method of punishing the spouse who is asked to pay the said amount. A judicious balance has to be struck between the interests of both parties. Nath J., writing for a co-ordinate bench of this Court in ***Parvin Kumar Jain v. Anju Jain***², while dealing with a similar case of serious allegations and protracted litigation, having travelled up to this court seeking a decree of dissolution of marriage, after having considered a host of pronouncements

² (2025) 2 SCC 227

regarding the grant of permanent alimony culled out a non-exhaustive list of factors that a court must consider in granting permanent alimony. The relevant extracts of the judgement are reproduced below for ready reference: –

“37. There cannot be strict guidelines or a fixed formula for fixing the amount of permanent maintenance. The quantum of maintenance is subjective to each case and is dependent on various circumstances and factors. The Court needs to look into factors such as income of both the parties; conduct during the subsistence of marriage; their individual social and financial status; personal expenses of each of the parties; their individual capacities and duties to maintain their dependants; the quality of life enjoyed by the wife during the subsistence of the marriage; and such other similar factors. This position was laid down by this Court in *Vinny Parmvir Parmar v. Parmvir Parmar* [(2011) 13 SCC 112 : (2012) 3 SCC (Civ) 290], and *Vishwanath Agrawal v. Sarla Vishwanath Agrawal* [(2012) 7 SCC 288 : (2012) 4 SCC (Civ) 224 : (2012) 3 SCC (Cri) 347].

38. This Court in *Rajnish v. Neha* [(2021) 2 SCC 324 : (2021) 2 SCC (Civ) 220], provided a comprehensive criterion and a list of factors to be looked into while deciding the question of permanent alimony. This judgment lays down an elaborate and comprehensive framework necessary for deciding the amount of maintenance in all matrimonial proceedings, with specific emphasis on permanent alimony. The same has been reiterated by this Court in *Kiran Jyot Maini v. Anish Pramod Patel* [(2024) 13 SCC 66 : 2024 SCC OnLine SC 1724]...

38.1. Status of the parties, social and financial.

38.2. Reasonable needs of the wife and the dependant children.

38.3. Parties' individual qualifications and employment statuses.

38.4. Independent income or assets owned by the applicant.

38.5. Standard of life enjoyed by the wife in the matrimonial home.

38.6. Any employment sacrifices made for the family responsibilities.

38.7. Reasonable litigation costs for a non-working wife.

38.8. Financial capacity of the husband, his income, maintenance obligations, and liabilities.”

8. In *Rajnish v. Neha*³ Malhotra J, writing for the Court, observed that in computing permanent alimony, the fact that the husband is not earning (as the Respondent-husband has submitted in his counter affidavit) does not absolve him of the obligation to maintain his wife. It has also been held that if the wife has been awarded maintenance in any other proceeding, she must disclose the same, and a set-off must take place.

9. Having considered the law, as aforesaid, we are of the view that the High Court's determination of permanent alimony at rupees one lakh is insufficient. As such, in the attending facts and circumstances of this case, and without interfering with the final conclusion reached by both the Family Court and the High Court regarding the grant of divorce, we enhance the permanent alimony to be paid by the Respondent-husband to the Appellant-wife by a sum of Rs.4 lakhs, bringing the total thereof to Rs. 5

³ (2021) 2 SCC 324,

Lacs. This shall be in full and final settlement of all claims. The same shall be payable in 10 equal instalments, with the final instalment being payable in the month of March 2026.

10. The effect of this order shall be that all other proceedings regarding maintenance stand subsumed by this payment.

11. The Civil Appeal is disposed of with the above directions.

Pending application(s), if any, shall stand(s) disposed of.
No order as to costs.

.....J.
(Sanjay Karol)

.....J.
(Manoj Misra)

4th April 2025
New Delhi