

2025 LiveLaw (SC) 660

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
VIKRAM NATH; J., SANDEEP MEHTA; J.
MAY 29, 2025

CIVIL APPEAL NO. 10209 OF 2024
RAKHI SADHUKHAN *versus* RAJA SADHUKHAN

CONTEMPT PETITION (C) NO. 857 OF 2024 IN CIVIL APPEAL NO. 10209 OF 2024
RAKHI SADHUKHAN *versus* RAJA SADHUKHAN

Code of Criminal Procedure, 1973; Section 125 - Order for maintenance of wives, children and parents- Question of enhancement of permanent alimony awarded to unmarried wife as per Standard of living wife enjoyed during the marriage – Held, appellant-wife who is unmarried and is living independently, is entitled to a level of maintenance that is reflective of the standard of living she enjoyed during marriage and which reasonably secures her future - High Court noted Respondent-husband's income, financial disclosures and past earnings establish that he is in a position to pay higher amount and enhanced the maintenance amount to Rs. 50,000/- per month, subject to a 5% increase every two years to ensure financial stability for appellant-wife - Appeal was allowed. (Paras 7 - 9)

For Appellant(s): Mr. Ashutosh Dubey, AOR Mrs. Rajshri Dubey, Adv. Mr. Abhishek Chauhan, Adv. Mr. Amit P Shahi, Adv. Mr. Anjan Datta, Adv. Mr. Rahul Sethi, Adv. Mr. Gaurav Yadav, Adv. Mr. Sumant A Khan, Adv. Mr. Manish Dhingra, Adv. Mr. Rajendra Anbhule, Adv. Mr. H B Dubey, Adv. Mrs. Sona Khan, Adv. Mr. Manish Bhandari, Adv. Mr. Amit Kumar, Adv. Ms. Trikha Chanda, Adv. Ms. Chanda Trikha, Adv.

For Respondent(s): Mr. Rashid N. Azam, AOR Mr. Nirmal Singh Shekhawat, Adv. Mr. Rahul Yadav, Adv. Mr. Rinny Abraham, Adv. Mr. Anil Kumar Yadav, Adv. Mr. Danish Saifi, Adv.

J U D G M E N T

VIKRAM NATH, J.

1. The present appeal arises out of the order dated 25.06.2019 passed by the High Court of Calcutta in FA No. 92 of 2019 (FAT No. 122 of 2015), whereby the Division Bench allowed the respondent-husband's appeal and granted a decree of divorce, awarding permanent alimony of Rs. 20,000/- per month to the appellant-wife, with an increase of 5% every three years.

2. The facts relevant to the present appeal are as follows:

2.1 The appellant-wife and respondent-husband were married on 18.06.1997.

2.2 A son was born to them on 05.08.1998.

2.3 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.

2.4 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.

2.5 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.

2.6 The appellant-wife then instituted Misc. Case No. 116 of 2010 under Section 125 of the Code of Criminal Procedure, 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.

2.7 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.

2.8 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.

2.9 The High Court, by order dated 14.05.2015, directed the respondent-husband to pay interim maintenance of Rs. 15,000/- per month.

2.10 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.

2.11 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:

- (i) redeem the mortgage on the flat where the appellant-wife was residing and transfer the title deed to her name by 31.08.2019;
- (ii) allow the appellant-wife and their son to continue residing in the said flat; and
- (iii) 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. Aggrieved by the quantum of alimony awarded, the appellant-wife is before this Court. We have heard learned counsel for the parties.

3. This Court, *vide* order dated 20.02.2023, issued notice confined to the question of enhancement of permanent alimony awarded to the appellant-wife.

4. By interim order dated 07.11.2023, this Court, noting the absence of representation on behalf of the respondenthusband 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.

5. 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.

6. 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.

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.

10. The contempt petition to be disposed of accordingly.

11. Pending application(s), if any, shall stand disposed of.