

IN THE HIGH COURT OF JHARKHAND AT RANCHI

F.A. No.36 of 2024

Indu Kumari, aged about 36 years, wife of Pramod Kumar Barnwal, daughter of Ravindra Nath Modi, Permanent R/o 83/8, Government Colony, PO I.E. Gomia, PS I.E.L. District Bokaro, at present R/o village Banpura, PO: Palaunjia (Birni), PS Rajdhanwar, District Giridih.
..... Appellant

Versus

Pramod Kumar Barnwal, son of Mahadev Lal Barnwal, aged about 45 years, R/o 83/8, Government Colony, PO I.E. Gomia, PS I.E. L., District Bokaro. Respondent

**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE ARUN KUMAR RAI**

For the Appellant(s) :Mr. Lukesh Kumar, Advocate
For the Respondent(s) : Mr. Aditya Banerjee, Advocate

CAV ON: 12.12.2025**Per Sujit Narayan Prasad, J.****PRONOUNCED ON:08.01.2026**

1. The instant appeal has been filed on behalf of the appellant under Section 19(1) of the Family Courts Act, 1984 against the order/judgment dated 22.01.2024 [decree signed on 27.01.2024] passed by the learned Additional Principal Judge, Bermo at Tenughat, in Original Suit No. 490 of 2022, whereby and whereunder, the said Suit filed by the respondent-husband under the provisions of Section 13(1)(i-a) of Hindu Marriage Act, 1955 was allowed holding that marriage of the petitioner Pramod Kumar Barnwal with the respondent Indu Kumari (Appellant herein) solemnized on 18.4.2012 is hereby dissolved.
2. The brief facts of the case, which required to be enumerated, needs to be referred as under:
3. The marriage between the parties was solemnized on 18.04.2012 at village Banpura, Giridihas per Hindu rites and rituals. Following the marriage, the parties established their matrimonial residence at 83/8 Government

Colony, I.E.L. Gomia, Bokaro and out of their wedlock, a female child namely Prakriti Modi was born. Further case of the petitioner [respondent-husband] is that after few months of marriage respondent [appellant-wife] started to pressurize the petitioner to live separate from his parents to which petitioner was not agreed then respondent started to quarrel with petitioner and also started to misbehave with his parents.

4. Once respondent has locked herself in a room after giving several threatening to the petitioner. Respondent is an ill-tempered lady and his cruel behaviour increased day to day even then petitioner tried to convince the respondent not to do so and perform her marital obligations, petitioner also used to hand over his salary to respondent for expense as per her will but her behaviour remained unchanged as such respondent tortured the petitioner and his family members mentally and physically. Respondent also used to go outside her matrimonial house without information or consent of petitioner and his family members and whenever petitioner asked respondent not to do so she started to quarrel with petitioner and also started to destroy household articles.
5. It has been alleged that Respondent also used to talk with another person on mobile for long time and whenever petitioner objected, she used to quarrel with petitioner as such petitioner became depressed due to cruel nature and attitude of respondent who clearly stated to petitioner that she does not want to live with him.
6. Finally, on 18.07.2019 respondent /wife left her matrimonial house along with the child Prakriti Modi and since then she is living in her 'Mayke". Petitioner (respondent/husband herein) and his family members tried to

settle the matter for which several times petitioner went to Mayke of respondent for "Biday" but respondent always refused to come back with petitioner and she is leading her life as per her own will.

7. It has been stated that after every effort of taking "Biday" of respondent (appellant herein), petitioner (respondent husband herein) filed a case u/s 9 of Hindu Marriage Act for restitution of his conjugal rights vide Original Title (Mat.) Suit No. 32/2022 in which respondent appeared and before Mediation Center respondent has clearly stated that she doesn't want to live with petitioner, she does not want to take any compensation and will lead her life as per her will, then the Court has passed order on the said case on 05.07.2022. Petitioner (respondent herein) has no hope of coming back of respondent in matrimonial house hence, this case for 'Divorce' has been filed.
8. Notice was issued to the respondent who appeared on 3.11.2022 but after giving sufficient opportunity, she has failed to file her written statement hence vide order dated 27.2.2023 she has been debarred from filing written statement.
9. Thereafter, altogether five issues have been framed by the learned Family Judge which are as follows:
 - (i) Is this suit maintainable in its present form?
 - (ii) Whether the petitioner has valid cause of action for the suit?
 - (iii) Whether the respondent (wife) subjected the petitioner (husband) to cruelty after marriage and the husband(petitioner) is entitled to get

the decree of dissolution of marriage on the basis of section 13(1)(i-a) of Hindu Marriage Act, 1955?

- (iv) Whether the respondent (wife) deserted petitioner (her husband) since last two years prior to filing of the suit and petitioner is entitled to get a Decree of dissolution of marriage on the basis of Sections 13(1)(i-b) of the Hindu Marriage Act, 1955?
- (v) Whether the petitioner is entitled to get the relief as prayed for?

10. The evidence has been laid on behalf of the respondent-husband. Thereafter, the judgment dated 22.1.2024 has been passed by the learned Additional Principal Judge, Additional Family Court, Bermo at Tenughat allowing the Suit by holding that the marriage between the petitioner, namely, Pramod Kumar Barnwal, (respondent herein) with the respondent Indu Kumari, (appellant herein), solemnized on 18.4.2012 is hereby dissolved under the provisions of section 13(1) (i-b) of the Hindu Marriage Act, 1955 and, thereafter, there shall be no relationship of husband and wife in between the parties and the decree was signed on 27.1.2024.

11. The appellant-wife being aggrieved and dissatisfied with the impugned judgment dated 22.1.2024 [decree signed on 27.1.2024] passed in Original Suit No. 490 of 2022 has filed present First Appeal under Section 19(1) of the Family Courts Act, 1984.

Arguments advanced on behalf of the respondent/appellant-wife:

12. The learned counsel for the respondent-appellant has raised the following points:

- (i) It has been contended on behalf of the appellant that the learned Court below has committed a grave error of law and fact in passing the impugned Judgment and decree as the learned court did not appreciate the factual matrix that she could not file Written Statement due to her female child who was alone and the opposite party has been torturing the appellant and her entire family for one reason or the other.
- (ii) The learned court below has failed to take into consideration that she has not been given opportunity of hearing and the opposite party has been doing cruel behavior with the entire family members of the appellant. The Opposite party used to quarrel every time with her, she has been beaten by him.
- (iii) The Learned Court below has failed to take into consideration that a C.P. Case no. 117/2023 filed by the appellant before the learned court below at Giridih for cruelty committed upon her in connection with demand of dowry is still pending in the court below.
- (iv) The appellant has no independent source of income and she is entirely dependent upon her father for her livelihood. Further the appellant has also filed a case for grant of maintenance which is still pending before the learned court below.
- (v) The ground of desertion which has been accepted by the learned court below is absolutely perverse, illegal and without any evidence. It is not the case that the appellant has deserted the respondent, rather the respondent has driven the appellant from her matrimonial house for demand of dowry

and for which, the appellant has instituted a C.P. case against the opposite party no. 2 which is still pending before learned court below.

(vi) The Learned Court below has proceeded in such a fashion that the present Suit has to be allowed which will appear from the entire record of the case itself as the O.S. No. 490/2022 has been filed u/s 13(1)(i-a) of Hindu Marriage Act but the learned court below has passed order in the present case u/s 13(1)(i-b) of Hindu marriage Act and the order passed is perverse and illegal.

Arguments advanced on behalf of the petitioner/respondent-husband:

13. *Per contra*, Mr. Aditya Banerjee, the learned counsel appearing on behalf of the respondent-husband, while defending the impugned judgment, has submitted that there is no error in the impugned judgment. The learned counsel has raised the following points:

- (i) The learned Family Judge has considered the issue of desertion and having come to the conclusion that the petitioner-husband (respondent herein) has succeeded to make out a case for decree of divorce against the respondent/wife (appellant herein) on the ground of desertion, has allowed the petition.
- (ii) It has been submitted that the appellant-wife used to pressurize the respondent to live separate from his parents to which he was not agreed then she started to quarrel with him and also started to misbehave with parents of the respondent.
- (iii) It has further been contended that the appellant-wife is an ill-tempered lady and her cruel behaviour increased day to day even then the

respondent-husband tried to convince the appellant not to do so and perform her marital obligations, he also used to hand over his salary to the appellant-wife for expense as per her will but her behaviour remained unchanged.

- (iv) Finally, on 18.07.2019 respondent left her matrimonial house along with the child Prakriti Modi and since then she is living in her 'Mayke'. After every effort of taking "Bida'i" of the appellant-wife, the respondent-husband filed a case u/s 9 of Hindu Marriage Act for restitution of his conjugal rights vide Original Title (Mat.) Suit No. 32/2022 in which she appeared and before Mediation Center she has clearly stated that she doesn't want to live with the respondent and she doesn't want to take any compensation and will lead her life as per her will, then the Court has passed order on the said case on 05.07.2022. Petitioner has no hope of coming back of respondent in matrimonial house hence, the case for 'Divorce' has been filed.
- (v) It has further been stated that the said order dated 05.07.2022 has been appended herein by way of filing an affidavit by respondent husband as Annexure-A.
- (vi) It has further been contended that the respondent-husband has been acquitted in the criminal proceedings being C.P. Case No. 117 of 2023 which was lodged on a complaint made by the appellant for the offences under sections 323 and 498A of Indian Penal Code and the order passed in the said case has been appended herein by way of filing affidavit as annexure -B.

(vii) Learned counsel, based upon the aforesaid grounds, has submitted that since the factum of desertion has been sufficiently established, based upon which the decree of divorce has been granted, as such, no interference is required in the order impugned.

Analysis:

14. This Court has heard the learned counsel for the parties and gone through the findings recorded by the learned Family Judge in the impugned judgment.

15. The case has been heard at length. The admitted fact herein is that the suit for divorce has been filed on the ground of cruelty, i.e., by filing an application under Sections 13(1)(i-a) of the Hindu Marriage Act, 1955 and, accordingly, issues have been framed by the learned Family Court wherein primarily issue nos.III and IV pertain to cruelty and desertion.

16. The evidence has been laid on behalf of respondent-husband and altogether three witnesses have been examined. Out of three witnesses, the most relevant witness is PW-1 who is the opposite party/respondent-husband himself. His evidence is referred herein under:

(i) PW-1 Pramod Kumar Barnwal (opposite party/respondent-husband himself) in his examination-in-chief submitted the he has filed certified copy of Mediation Report vide letter No. 262/22 in O.S. Case No. 32/2022 which is exhibited as Ext. P-1/PW1 and certified copy of order sheet of O.S. Case No. 32/2022 from dated 21.01.2022 to 05.07.2022 are marked as Ext. P-2/PW1 and also certified copy of Plaintiff of O.S. No. 32/2022 which is marked-X for identification.

During cross-examination this witness has stated that he has filed this case for 'Divorce' from his wife Indu Kumari and prior to this case he has also filed a case for 'Bidai" against his wife. This witness further stated that in the 'Bidai' case the appellant has clearly stated during mediation as mentioned in Mediation Report that she is not ready to go to her 'sasural" and since then four years has been elapsed hence, he is not ready to keep the appellant because he has lost confidence in his wife. It is further stated that this witness has a daughter who is presently living with her mother. This witness further stated that after marriage since 2019 everything was alright between the spouse but again stated that appellant doesn't want to live with his parents in Gomia. It is further stated that after filing of divorce case by him the appellant-wife has filed maintenance case against this witness. This witness has no knowledge about the person from whom she used to talk on mobile. This witness denied the suggestion that his parents used to torture the appellant-wife that's why she doesn't want to live in Gomia. This witness also denied that whenever his brothers visit his house, they also used to torture his wife and the respondent remains mum. This witness has no knowledge that his wife has filed a Dowry torture case vide C.P. Case No. 117/23 against them.

(ii) PW-2, namely, Sunaina Devi(mother of the petitioner/respondent).She has deposed in the same line as deposed by PW-1. During cross-examination this witness has stated that Indu Kumari has filed maintenance case against them. This witness further stated that prior to this case respondent has filed a case for 'Bidai" but she has no detail knowledge about that case. This witness has denied that they have ousted the appellant from her matrimonial house due to non-fulfillment of their dowry demand.

This witness also says that her daughter-in-law does not want to live with them hence she is not ready to keep the appellant.

(iii) PW-3, neighbor of the respondent-husband, in his examination-in-chief has fully supported the pleadings of the plaintiff and has deposed similarly like PW-1 and PW-2. During cross-examination this witness has stated that he knows the respondent-husband since 1995 whose marriage was solemnized about 10-11 years ago. This witness is just next-door neighbour of the respondent. He has further deposed that the respondent has a daughter from the wedlock who is presently aged about 08 years and is living with her mother. Respondent is living with his parents and his brothers seldom used to visit his house. This witness further stated that the appellant-wife is living in her 'Mayke' since last four years and since then she never visited her matrimonial house. On 28.12.2021 respondent had gone for "Bidaai" of the appellant. This witness has no knowledge about the cases pending between the parties. This witness further stated that Indu Kumari has filed a case for Dowry torture against her husband and his family members. This witness further stated that the respondent has told him that the appellant doesn't want to live with him. This witness denied the suggestion that after marriage the respondent and his family members used to torture Indu Kumari and on non-fulfillment of their demand, they have ousted the appellant-wife from her matrimonial house.

17. The learned Family Judge after taking into consideration the entire evidence as well as certified copy of Mediation Report vide letter No. 262/22 in O.S. Case No. 32/2022 which is exhibited as Ext. P-1/PW1 and certified copy of order sheet of O.S. Case No. 32/2022 from dated

21.01.2022 to 05.07.2022 are marked as Ext. P-2/PW1 and also certified copy of Plaintiff of O.S. No. 32/2022 which is marked-X for identification, has decided the suit vide order dated 22.01.2024 by holding that the marriage between the petitioner, namely, Pramod Kumar Barnwal, (respondent herein) with the respondent Indu Kumari, (appellant herein), solemnized on 18.4.2012 is hereby dissolved under the provisions of section 13(1) (i-b) of the Hindu Marriage Act, 1955. For ready reference the relevant paragraphs of the said order/judgment are being quoted as under:

"For point of determination No (IV) :-It has been alleged that respondent is living separately from the petitioner since 18.07.2019 without any reason. Though it has been admitted by the petitioner in the year 2023 C.P. case no. 117/23 for dowry torture was filed by the respondent against him but, on perusal of exhibit 2 (Mediation report pertaining to OS. case no. 32/22, u/s-09 of H.M. Act,) it transpires that the respondent has stated during mediation that she does not want to live with the petitioner and wants to live independent life. It was also agreed by the respondent that she will not have any claim against present petitioner and their daughter will continue to live with the respondent. Furthermore, in the instant case neither written reply has been filed by the respondent nor any witness has been produced on her behalf. The dowry torture case has been filed by the respondent after the filing of the instant case. During cross-examination of the witnesses nothing material has been extracted which can cast doubt on the petitioner's version. Therefore, petitioner is able to show that respondent is living separately from the petitioner since 18.07.2019 without any valid reason.

order

5. The suit be and the same is decreed the marriage of the Petitioner Pramod Kumar Barnwal with the respondent Indu Kumari solemnized on 18.04.2012 is hereby dissolved under the provision of Section 13(1)(i-b) of Hindu Marriage Act, from the date of this judgment and henceforth there will be no relationship of husband and wife between the petitioner and the respondent."

18. Thus, from the aforesaid factual aspect it is evident that there is following admitted facts available in the instant case:

- (i) The marriage between the parties was solemnized on 18.04.2012 at village Banpura, Giridih as per Hindu rites and rituals and out of their wedlock, a female child namely Prakriti Modi was born.
- (ii) On 18.07.2019 respondent /wife left her matrimonial house along with the child Prakriti Modi and since then she is living in her 'Maiyke'.
- (iii) Respondent/husband filed a case u/s 9 of Hindu Marriage Act for restitution of his conjugal rights vide Original Title (Mat.) Suit No. 32/2022.
- (iv) In the said Suit i.e. Original Title (Mat.) Suit No. 32/2022 settlement has been arrived on 23.05.2022 between the appellant/wife and respondent husband wherein appellant wife had clearly stated that she doesn't want to live with petitioner (respondent husband), and she does not want to take any compensation and will lead her life as per her will. Thereafter, the Court has passed order on the said case on 05.07.2022.

- (v) Based upon the aforesaid fact the respondent/husband has preferred suit for dissolution of his marriage under Section 13(1)(i-a) of the Hindu Marriage Act 1955.
- (vi) In the said suit, notice was issued to the respondent (appellant wife herein) who appeared on 3.11.2022 but after giving sufficient opportunity, she has failed to file her written statement hence vide order dated 27.2.2023 she has been debarred from filing written statement.
- (vii) Thereafter issues have been framed by the learned Family court and while negating the claim of the cruelty, the learned Family Court has allowed the said suit vide order dated 22.01.2024 on the basis of willful desertion of the appellant/wife.
- (viii) The learned Family Court while allowing the said suit has also taken into consideration the certified copy of Mediation Report vide letter No. 262/22 in O.S. Case No. 32/2022 which is exhibited as Ext. P-1/PW1 and certified copy of order sheet of O.S. Case No. 32/2022 from dated 21.01.2022 to 05.07.2022 are marked as Ext. P-2/PW1 and also certified copy of Plaintiff of O.S. No. 32/2022 which is marked-X for identification.
- (ix) Further From perusal of the entire averment made by the appellant/wife either before this Court or before the learned Family Court, it is evident that the validity of the settlement dated 23.05.2022 arrived between the parties in O.S. Case No. 32/2022, has never been challenged by the appellant wife.

(x) Further, the respondent-husband has been acquitted in the criminal proceedings being C.P. Case No. 117 of 2023 which was lodged on a complaint made by the appellant/wife for the offences under sections 323 and 498A of Indian Penal Code and the order dated 23.09.2025 passed in the said case has been appended herein by way of filing affidavit as annexure -B.

19. Thus, from aforesaid admitted fact it is evident that appellant/wife on 18.07.2019 left her matrimonial house along with the child Prakriti Modi and since, then she is living in her paternal house. Further from settlement dated 23.05.2022 in Original (Mat.) Suit No. 32/2022 respondent appeared and before Mediation Center respondent has clearly taken the stand that she doesn't want to live with petitioner (respondent husband) and she does not want to take any compensation and will lead her life as per her will, then the learned Court has passed order on the said case on dated 05.07.2022. Consequently, the suit for 'Divorce' has been filed by the respondent husband which has been decreed in favour of the respondent/husband. Further the respondent husband has also been acquitted in the said complaint case No. 117 of 2023, wherein the Court concerned has made the observation that the complainant has failed to adduce any evidence in support of her case and as such no material is available for framing of charge against the accused namely Pramod Kumar Varnwal (respondent husband herein).

20. In the aforesaid circumstances and the admitted facts which has been mentioned and referred in the preceding paragraphs, it is the considered view of this Court that now the marital relation between the parties has

become "dead wood marriage" and marital relation has become lifeless and without emotional or practical value.

21. It is settled proposition of law that when a marriage is deemed a dead wood situation, Courts may consider it a valid reason to grant a divorce, recognizing that forcing a couple to remain in such a relationship only prolongs their suffering and no purpose will be served in sailing the dead wood.
22. The Hon'ble Apex Court in the case of ***Durga Prasanna Tripathy v. Arundhati Tripathy, (2005) 7 SCC 353***, while taking into consideration the long period of separation of husband and wife has observed, which reads as under:

"28. The facts and circumstances in the above three cases disclose that reunion is impossible. The case on hand is one such. It is not in dispute that the appellant and the respondent are living away for the last 14 years. It is also true that a good part of the lives of both the parties has been consumed in this litigation. As observed by this Court, the end is not in sight. The assertion of the wife through her learned counsel at the time of hearing appears to be impractical. It is also a matter of record that dislike for each other was burning hot.

29. Before parting with this case, we think it necessary to say the following:

Marriages are made in heaven. Both parties have crossed the point of no return. A workable solution is certainly not possible. Parties cannot at this stage reconcile themselves and live together forgetting their past as a bad dream. We, therefore, have no other option except to allow the appeal and set aside the judgment of the High Court and affirming the order of the Family Court granting decree for divorce. --

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23. The Hon'ble Apex Court in the case of ***Sujata Uday Patil v. Uday Madhukar Patil, 2007 (3) PLR 521*** has observed as under:

24. "Matrimonial disputes have to be decided by courts in a pragmatic manner keeping in view the ground realities. For this purpose a host of factors have to be taken into consideration and the most important being whether the marriage can be saved and the husband and wife can live together happily and maintain a proper atmosphere at home for the upbringing of their offsprings. Thus the court has to decide in the fact and circumstances of each case and it is not possible to lay down any fixed standards or even guidelines."

25. This Court, taking into consideration the aforesaid settled position of law and also the admitted facts particularly the statement of the appellant/wife in the settlement dated 23.05.2022 in Original Title (Mat.) Suit No. 32/2022, wherein she had clearly stated that she doesn't want to live with petitioner/respondent-husband), she does not want to take any compensation and will lead her life as per her will and there is no possibility to live together, is of the view that the judgment passed on 22.01.2024 by learned Additional Principal Judge, Additional Family Court Bokaro whereby and whereunder the Original Suit No. 490 of 2022 filed by the petitioner-husband (respondent herein) for a decree of divorce has been allowed, needs no interference by this Court. Therefore, the judgment passed on 22.01.2024 by learned Additional Principal Judge, Additional Family Court Bokaro in Original Suit No. 490 of 2022 is hereby affirmed.

26. This Court is now proceeding to consider the quantum of amount per month which can be said to be just and proper for the maintenance and welfare of the daughter, for her study and other miscellaneous expenditure which a female child requires.

27. Learned counsel for the appellant/wife has submitted that one minor female child taken birth from the wedlock is living with the appellant-

wife and, therefore, order for providing adequate maintenance for the minor daughter may be passed.

28. Learned counsel for the respondent/husband has submitted that respondent has willingness to make payment for the maintenance of the female child. It has further been submitted that the respondent is ready to provide financial support to the daughter, but has prayed that such support may kindly be considered in light of respondent's actual financial conditions.

29. At this juncture, it needs to refer herein that from perusal of order dated 04.12.2025, it is evident that respondent has shown willingness to make payment of Rs. 1000/month for the maintenance of the female child but on the said date when this Court shown its concern about the meager amount then the learned counsel for the respondent / husband had sought one week's time to obtain further instruction from respondent/husband, thereafter matter was adjourned to be listed on 12th December 2025. For ready reference the order dated 04.12.2025 is being quoted as under:

1. *An affidavit has been filed showing the willingness to make payment of Rs. 1,000/- per month for the maintenance of the female child.*
2. *This Court fails to understand the rationale behind showing willingness to make payment of only Rs. 1,000/- per month for the maintenance of the child, particularly the female child.*
3. *Mr. Atanu Banerjee, learned counsel appearing for the respondent, however, has sought one week's time to obtain further instructions from the respondent-husband. As such, the matter is adjourned to be listed on 12th December, 2025.*
4. *This Court makes it clear that, depending upon the affidavit filed as directed above, further necessary order shall be passed.*

30. In pursuance of the order dated 04.12.2025 an affidavit was filed by the respondent/husband wherein it has been stated that since respondent is typist by profession and his daily earning is Rs-300/day and his parents are old and suffering with various ailments as such he is capable to pay Rs-2000/month for maintenance of his girl Child. For ready reference the relevant paragraphs of the aforesaid affidavit are being quoted as under:

“4. That the respondent does the work of Hindi Typing. The respondent sits in the rented room near the Old Advocates' Association Building at Tenughat.

5. That the respondent gives rent of Ra. 500/- every month to the Bar Association, Bermo. The room rent is Rs. 1,000/- per month. However, Rs. 500/- per month is adjusted from the security deposit given by the respondent. The respondent also gives Rs. 500/- per month for electricity and generator convenience to the Bar Association Bermo.

6. That the average daily earning of the respondent is about Rs. 300/- working days.

7. That the parents of the respondent reside with the respondent. The father of the respondent is about 78 years old. He is medication for diabetes and blood pressure. The mother of the respondent is about 72 years old.

8. That the respondent resides in Gomia with his parents .

9. That the respondent would give Rs. 2000/-per month to his daughter.”

31. This Court, taking into consideration the fact that in the case of dissolution of marriage in between the husband and the wife, the interest of the child born out of the wedlock is also the subject matter for consideration, because why will the child suffer due to the effect of dissolution of marriage. Therefore, the question of welfare of kids, herein the female child, is also required to be considered.

32. The aforesaid aspect of the matter is also necessary to be looked into by this Court since the age of the female child is about 10 years only. There cannot be any separation from the daughter, rather, the respondent-father is duty bound to maintain his daughter and respondent father is willing to do so.

33. From the affidavit which has been filed in pursuant to the order dated 04.12.2025 it is evident that respondent is typist and he is earning rupees 300 only per day and he has also responsibility of his old parents but at the same time he has duty to maintain his daughter and to discharge his accountability so as to bring his daughter to a responsible position in the society.

34. We all know that a kid, particularly a female child, is in requirement of financial means for her study, upbringing, higher studies and solemnization of marriage.

35. Hence, this Court, thought it proper that in the aforesaid circumstances a sum of Rs. 7000/- (seven thousand) per month would be just, fair and reasonable, for maintenance of the female child.

36. The awarded amount will be enhanced to the extent of 5% after every two years.

37. The said amount will be deposited in the account of the appellant (mother of the daughter/female child) till attaining the majority of the daughter and, thereafter, the amount to be paid to the daughter will be deposited directly in the account of the daughter which shall be opened by her mother after the daughter attains majority.

38. It is made clear that whatever cost will be incurred in the solemnization of marriage of the daughter/female child will be borne by the father/respondent.
39. Further needs to refer herein that in case any of the order will not be adhered to by the respondent, the appellant will be at liberty to make appropriate application.
40. With these observations and directions, the instant appeal is disposed of.
41. Pending interlocutory application, if any, also stands disposed of.

(Sujit Narayan Prasad, J.)

I Agree

(Arun Kumar Rai, J.)

(Arun Kumar Rai, J.)

Jharkhand High Court

Date:08/01/2026

KNR/AFR

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