

NON-REPORTABLE

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

**CIVIL APPEAL NO(S). OF 2025
(ARISING OUT OF SLP (C) NOS.19120-19121 OF 2023)**

PANKAJ SHUKLA ...APPELLANT(S)

VERSUS

DEEPAK CHATURVEDI ...RESPONDENT(S)

J U D G M E N T

VIKRAM NATH, J.

1. Leave granted.
2. The present appeals arise out of the impugned judgment and order dated 27th March 2023 in D.B. Civil Misc. Appeal Nos. 1605/2019 and 1604/2019 passed by the High Court of Rajasthan at Jodhpur. The appellant-wife is before us challenging the concurrent findings of the courts below, whereby the Family Court allowed the respondent-husband's petition for divorce, which the High Court has upheld by the impugned order.
3. The facts giving rise to the present case, briefly, are as follows:
 - 3.1. The parties were married on 18th April 2008 according to Hindu rites and rituals.

- 3.2. The respondent-husband alleges that the appellant-wife left her matrimonial home on 22nd December 2008 as she wished to study for the judicial services examination but later started her practice as an advocate.
- 3.3. On 21st December 2012, the respondent-husband filed a petition under Sections 13(1)(a) and 13(1)(b) of the Hindu Marriage Act, 1955¹ before the Family Court, seeking a decree of divorce on the grounds of cruelty and desertion. He pleaded that the marriage was never consummated and that the appellant-wife refused to join him at Pali as she wanted to prepare for the judicial services examination. Thereafter, she began her law practice and never returned. It was also alleged that she had concealed her actual date of birth before marriage, and that he came to know later that she was about two and a half years older than him.
- 3.4. In 2016, the appellant-wife filed a petition under Section 9 of the HMA, being Civil Misc. Case No.185/2016, seeking restitution of conjugal rights and pleading that she was ready and willing to cohabit with the respondent-husband.
- 3.5. The Family Court, *vide* its common order and decree dated 4th May 2019, allowed the husband's petition for

¹ Hereinafter, "HMA".

divorce and dismissed the wife's petition for restitution of conjugal rights.

3.6. The appellant-wife thereafter preferred D.B. Civil Misc. Appeals Nos. 1605/2019 and 1604/2019 before the High Court of Rajasthan at Jodhpur.

3.7. The High Court, *vide* the impugned order, has observed that it is an admitted fact that the appellant-wife left her matrimonial home shortly after the wedding and moved to her paternal home in Chippa Barod, District Baran to prepare for the judicial services examination. Further, the appellant-wife failed to show any efforts to resume co-habitation. The fact that she filed a restitution of conjugal rights petition under Section 9 of the HMA, four years after the respondent-husband filed the divorce petition, lacked bona fides. The fact of separation was thus found to be proved. It was further noted that in pursuing her professional career, the appellant-wife even contested and won the elections for the Bar Council Association of Chippa Badod City. In view of these observations, the High Court dismissed both her appeals.

3.8. Aggrieved by the said order, the appellant-wife has approached this Court.

4. We have heard learned counsel for both parties and perused the record.

5. As far as the question of divorce is concerned, we find that both the Family Court and the High Court have rightly granted the decree upon a correct appreciation of the facts and evidence on record. The parties have admittedly been living separately since 22nd December 2008, nearly seventeen years now. The Family Court made efforts to bring about an amicable settlement between the parties, but the same did not succeed. It is therefore evident that no matrimonial bond remains between them and that neither party has any real intention to restore the relationship. The respondent-husband has, in fact, remarried on 3rd May 2023. In such circumstances, it would serve no purpose to perpetuate a legal relationship when the matrimonial ties have long ceased to exist in substance. We are, therefore, not inclined to interfere with the decree of divorce granted.
6. At the same time, the respondent-husband continues to bear a duty to provide alimony to the appellant-wife so as to maintain her financial stability and reasonably secure her future. During the proceedings before the Family Court, the appellant-wife had moved an application under Section 24 of the HMA, seeking interim maintenance, which was not granted. Therefore, we find it appropriate to fix a reasonable amount as permanent alimony. In view of the same,

the respondent-husband has filed an affidavit of income and assets before this Court.

7. The respondent-husband claims to be self-employed and registered as a Class-C contractor with the Nagar Nigam, Pali, and is the sole proprietor of Khetlaji Constructions. The appellant-wife is a practicing advocate, as established from the record.
8. Considering the financial standing of both parties, their respective means, the long period of separation, and the respondent-husband's capacity, we deem it appropriate that a one-time lump-sum payment be made to the appellant-wife by way of permanent alimony. Having regard to the standard of living of the parties and other attendant circumstances, we find the amount of ₹50,00,000/- (Rupees Fifty Lakhs only) to be just, fair, and reasonable as a one-time settlement.
9. The respondent-husband is directed to pay the aforesaid amount of ₹50,00,000/- (Rupees Fifty Lakhs only) to the appellant-wife within three months from the date of this order.
10. The appellant-wife shall furnish her bank details to enable the transfer of the said amount.
11. The appeals are accordingly disposed of in the above terms. The decree of divorce granted by the Family Court and affirmed by the High Court is upheld. It is, however, directed that the respondent-husband shall

pay the amount of permanent alimony as directed above.

12. Pending applications, if any, stand disposed of.

.....J.
[VIKRAM NATH]

.....J.
[SANDEEP MEHTA]

NEW DELHI
NOVEMBER 13, 2025