IN THE HIGH COURT OF ORISSA AT CUTTACK

AFR

MATA No.05 of 2025
CNR No.ODHC01-089375-2024

Dr. Atish Kumar Pattanaik …. ***Appellant***
Mr. Susanta Kumar Dash, Senior Advocate
assisted by
Mr. Subrat Kumar Das, Advocate

-versus-

Sumita Pruseth …. ***Respondent***
Mr. Ananta Narayan Pattanayak, Advocate

CORAM:
HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI
HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

Order No. **16.11.2026**
08.

1. This Matrimonial Appeal is directed against Judgment dated 30.04.2024 rendered by learned Judge, Family Court, Bhubaneswar, in Civil Proceeding No.162 of 2016, instituted by appellant-husband under Section l3(1)(i-a) and (i-b) of the Hindu Marriage Act, 1955, granting decree of divorce by dissolving marriage between the parties and directing the appellant-husband to pay an amount of Rs.25,00,000/- (Rupees twenty-five lakhs only) towards permanent alimony to the respondent within stipulated period therein.

2. The case of the appellant-husband is that while he was working as Deputy Manager at OCL India Ltd., Rajgangpur and the

respondent was working as Software Tester at CSM Technology, CSM Complex at Bhubaneswar, marriage was solemnised between them on 26.02.2012 at Bargarh as per Hindu Rites and Customs. After marriage, the respondent came to her in-laws house at Sundargarh, but the behaviour and attitude of the respondent towards the in-laws worsened day by day and became intolerable.

3. On 02.02.2013 at the time of the marriage ceremony of the cousin sister of the appellant, the respondent left the in-laws' house. Though the appellant made fervent attempts for reunion, all went in vain. Since 2013, the appellant has been leading an isolated life being deserted by his wife. Since there was no scope for reunion, the appellant filed a suit, being registered as Civil Proceeding No.162 of 2016, under Section 13 (1) (i-a) and (i-b) of Hindu Marriage Act, 1955 before the learned Judge, Family Court, Bhubaneswar, beseeching grant of dissolution of marriage by a decree of divorce.

3.1. The learned Judge, Family Court, Bhubaneswar after conclusion of trial came to observe that both parties have levelled series of allegations of torture against each other. It is also observed that the nature of allegations and cruelty towards each other is persistent and that there is reasonable apprehension in the mind of the parties that the union will be

harmful and injurious. It would not be conducive for them to live together for the rest of their lives. Therefore, the learned Judge, Family Court is of the opinion that it is not possible for both parties to live in peace and maintain harmony at home. As such, the appellant was entitled to decree of divorce against the respondent.

3.2. Having come to such conclusion, the learned Judge, Family Court based on evidence of the P.W.1 that at the time of marriage, the appellant was serving as Assistant Manager, Quality Assurance in OCL India Ltd. and during the year, 2017 he was serving as Deputy Manager. It is also based on evidence of R.W.1 the learned trial Court returned a finding that the respondent, a Software Tester at CSM Technology, CSM Complex at Bhubaneswar "is receiving more than Rs.90,000/- per month as her salary".

4. Sri Susanta Kumar Dash, learned Senior Advocate having filed memo appearance being engaged by Sri Subrat Kumar Das, learned Advocate contended that the learned Judge, Family Court without bringing on record the definite material with respect to the income and expenditure of the appellant and assessing status of both the sides, has fixed exorbitant permanent alimony to the tune of Rs.25,00,000/- (Rupees twenty five lakhs). It is submitted that the learned Family Court, should have assessed the economic condition

of the appellant. The learned Family Court, should have called for information regarding income, assets and liability of both parties and quantified the amount of permanent alimony. He urged that since the respondent had left the matrimonial home at her sweet will and refused to join the appellant despite efforts being made. Under such situation, the learned Family Court failed to appreciate the evidence in proper prospective and directed the appellant to pay permanent alimony of Rs.25,00,000/- (Rupees twenty five lakhs). He strenuously argued that since the respondent refused to lead a conjugal life with appellant, the learned trial Court fell in grave error by directing the appellant to pay to the respondent said amount as a lump sum amount of permanent alimony. It is vociferously submitted by the learned Senior Advocate that the determination of the said amount of permanent alimony— being a wild guess unsupported by any cogent material— is perverse and illogical, with irrationality writ large on the face of it.

5. Sri Ananta Narayan Pattanayak, learned Advocate appearing for the respondent-wife, *per contra*, stemming on fact-finding by the learned Family Court, argued that the appellant has filed this appeal to protract and frustrate payment. The appellant and his family members abused the respondent and treated her with cruelty, which not only led to the breakdown of the relationship between the husband and wife, but was also calculated to destroy the cordial atmosphere in the family. The learned Advocate strongly refuted the allegations of desertion by the respondent. It is submitted that when

the respondent was subjected to cruelty, she had no other option left than to leave the matrimonial home. It is further submitted that the appellant-husband has been aptly directed to pay the permanent alimony, which does not need interdiction.

6. Having heard learned counsel for both sides, this Court is given to understand that none of the parties has questioned the decree of divorce passed by the learned Judge, Family Court, Bhubaneswar in Civil Proceeding No.162 of 2016.

6.1. It emerges from the nature of allegation and counter allegation levelled against each other that there was no intention to continue with their marital relationship and there has been irretrievable breakdown of marriage. Both the counsel for respective parties conceded that they have not questioned the decree of divorce granted under Section 13 of the Hindu Marriage Act by learned Judge, Family Court, Bhubaneswar.

7. The *lis* in the present appeal hovers round the determination of quantum of permanent alimony as awarded by learned Family Court. Demonstrably and indubitably, the said Court has not analysed and/or discussed any material or evidence on record. Nothing is brought to the notice of this Court to suggest that material relating to income, asset particulars and social and economic status of the parties have been laid before the learned trial Court to facilitate it to quantify the amount of permanent

alimony appropriately. There is no cavil for the proposition that even for undertaking guess work to assess/estimate the permanent alimony, the learned Court must refer to material on record. The estimation/determination of quantum of permanent alimony made based on assumption or presumption, being tainted with wild guess bearing no rational basis and nexus to the materials available on record, does warrant interference in appeal. The impugned judgment dated 30.04.2024 passed in the aforesaid Civil Proceeding maintains the inscrutable face of the sphinx in this regard. Cryptic, bald, unreasoned, illogical and laconic orders are frowned upon by the Court is untenable as it is arbitrary, and the determination of quantum of permanent alimony being based on surmises and conjectures.

7.1. To appreciate properly, it is worthwhile to reproduce the observation and conclusion on the issue No.iv as found place in the judgment of the learned Judge, Family Court, Bhubaneswar:

> *"Issue No.iv.*
>
> *07. No doubt, the petitioner has already made out a case of divorce by proving mental cruelty against the respondent-wife. In the case of K. Srinivas Rao Vs. D.A. Deepa reported in AIR 2013 SC 2176 and U. Shree Vs. U. Srinivas reported in AIR 2013 SC 41, it has been held that despite the fact that the husband has made out a case for divorce proving mental cruelty, the wife*

is entitled to permanent alimony for her sustenance. ***It appears from the evidence of P.W.1 that at the time of marriage, he was serving as an Assistant Manager, Quality Assurance in the OCL India Ltd. and during the year 2017 he was serving as Deputy Manager.***

On the other hand, the respondent as R.W.I has stated that she is working as Senior Test Lead at CSM Technologies Pvt. Ltd., Bhubaneswar and she is receiving more than Rs.90,000/- per month as her salary. *Considering the economic status of both the parties, their needs, potentialities, social status, age, price index at present, it would be just to fix the permanent alimony of respondent at Rs.25,00,000/- (Rupees Twenty five Lakhs only).*

This issue is decided accordingly."

7.2. It is highlighted at the Bar that the learned Family Court ought to have rendered positive finding. The words such as "appears" and "more than" used by the learned Court in the judgment leads to percolate in mind the perception that there was no material or even if material particulars were available on record, the same was ignored to be discussed. This Court finds force in the submissions of the learned counsel that the quantification of permanent alimony being made on guess work having not taken into consideration germane factors, the judgment on this issue becomes vulnerable.

7.3. Glance at the finding as extracted hereinabove, it is discernible that the conclusion arrived at by the Court to fix the permanent alimony is based on no evidence. Since the finding is recorded to the effect that the appellant was working as Assistant Manager in the OCL India Ltd. and in the year, 2017, he became Deputy Manager thereat, the income of the appellant could have been assessed by calling for particulars. Furthermore, mere stating that the respondent "is receiving more than Rs.90,000/- per month as her salary" would not be sufficient evidence for quantification of permanent alimony to be paid by the appellant.

7.4. As it emanates from the Judgment dated 30.04.2024, the learned Judge, Family Court, Bhubaneswar has completely ignored to have regard to the manner and procedure to be followed for the purpose of determination the permanent alimony. Suffice to have reference to the following observations appearing in the reported case of *Sau. Jiya Vrs. Kuldeep, (2025) 1 SCR 1398*, wherein it has been spelt out as follows:

> *"16. Now moving ahead to the contention with regard to the maintenance amount in favour of the appellant-wife, both the parties have agreed that a one-time settlement amount may be awarded to the appellant but failed to reach a consensus on the said amount due to a non-agreement on the financial position of the respondent. On the question of permanent alimony and*

relevant factors for consideration, this Court has laid out the factors in detail in Rajnesh v. Neha, (2020) 13 SCR 1093, which have been reiterated time and again in various judgments and were also detailed in the recent case of Kiran Jyot Maini v. Anish Pramod Patel, (2021) 2 SCC 324 in the following terms:

'25. A two-judge bench of this Court in Rajnesh v. Neha (supra), elaborated upon the broad criteria and the factors to be considered for determining the quantum of maintenance. This judgment lays down a comprehensive framework for determining the quantum of maintenance in matrimonial disputes, particularly focusing on permanent alimony. The primary objective is to prevent the dependent spouse from being reduced to destitution or vagrancy due to the failure of the marriage, rather than punishing the other spouse. The court emphasizes that there is no fixed formula for calculating maintenance amount; instead, it should be based on a balanced consideration of various factors. These factors include but are not limited to:

i. Status of the parties, social and financial.
ii. Reasonable needs of the wife and dependent children.
iii. Qualifications and employment status of the parties.
iv. Independent income or assets owned by the parties.
v. Maintain standard of living as in the matrimonial home.
vi. Any employment sacrifices made for family responsibilities.

vii. *Reasonable litigation costs for a non-working wife.*

viii. *Financial capacity of husband, his income, maintenance obligations, and liabilities.*

The status of the parties is a significant factor, encompassing their social standing, lifestyle, and financial background. The reasonable needs of the wife and dependent children must be assessed, including costs for food, clothing, shelter, education, and medical expenses. The applicant's educational and professional qualifications, as well as their employment history, play a crucial role in evaluating their potential for self-sufficiency. If the applicant has any independent source of income or owns property, this will also be taken into account to determine if it is sufficient to maintain the same standard of living experienced during the marriage. Additionally, the court considers whether the applicant had to sacrifice employment opportunities for family responsibilities, such as child-rearing or caring for elderly family members, which may have impacted their career prospects.

26. *Furthermore, the financial capacity of the husband is a critical factor in determining permanent alimony. The Court shall examine the husband's actual income, reasonable expenses for his own maintenance, and any dependents he is legally obligated to support. His liabilities and financial commitments are also to be considered to ensure a balanced and fair maintenance award. The court must consider the husband's standard of living and the impact of inflation and high living costs.*

Even if the husband claims to have no source of income, his ability to earn, given his education and qualifications, is to be taken into account. The courts shall ensure that the relief granted is fair, reasonable, and consistent with the standard of living to which the aggrieved party was accustomed. The court's approach should be to balance all relevant factors to avoid maintenance amounts that are either excessively high or unduly low, ensuring that the dependent spouse can live with reasonable comfort post-separation.

27. *Additionally, the judgment addresses specific scenarios such as the right of residence under the PWDV Act, the impact of the wife's income on maintenance, and the needs of minor children. Even if the wife is earning, it does not bar her from receiving maintenance; the Court should assess whether her income suffices to maintain a lifestyle considers the expenses associated with the care of minor children, including educational expenses and reasonable amounts for extracurricular activities. Serious disability or illness of a spouse, child, or dependent family member, requiring constant care and recurrent expenditure, is also a significant consideration. Key precedents cited to reach this broad framework include Manish Jain v. Akanksha Jain [(2017) 15 SCC 801], Shailja v. Khobbanna [(2018) 12 SCC 199], and Sunita Kachwaha v. Anil Kachwaha [(2014) 16 SCC 715], which reinforce these principles and provide a sound, reasonable and fair basis for determining maintenance in subsequent cases.' ***"*

7.5. In the case of *Aditi Alias Mithi Vrs. Jitesh Sharma, (2023) 14 SCR 247*, at paragraphs 8, 9 and 10, the Hon'ble Supreme Court held as follows:

> *"8. The manner in which maintenance payable under Section 24 of the Hindu Mariage Act, 1955 or Section 125 Cr.P.C. is to be assessed, was considered by this Court in its celebrated judgment in Rajnesh v. Neha and Another, (2021) 2 SCC 324. Detailed guidelines were issued. It was noticed that the terms of maintenance are decided on the basis of pleadings of parties and on the basis of some amount of guess work. It is often seen that both the parties submit scanty material and do not disclose correct details. The tendency of the wife is to exaggerate her needs, whereas the husband tends to conceal his actual income. Keeping that in view, this Court laid down the procedure to streamline grant of maintenance. The judgments of various courts were referred to and response from various State Legal Services Authorities was sought. This Court even requested the National Legal Services Authority to submit a report on the suggestions received from the State Legal Services Authorities for framing guidelines on the affidavit of disclosure of assets and liabilities to be filed by the parties. Guidelines were issued in exercise of powers under Article 136 read with Article 142 of the Constitution of India, prescribing a uniform format of Affidavit of Disclosure of Assets and Liabilities to be filed in maintenance proceedings. The judgment was delivered on 04.11.2020. The affidavit was to be submitted in all maintenance proceedings including pending proceedings The directions given are extracted as under:*

'72. Keeping in mind the need for a uniform format of Affidavit of Disclosure of Assets and Liabilities to be filed in maintenance proceedings, this Court considers it necessary to frame guidelines in exercise of our powers under Article 136 read with Article 142 of the Constitution of India:

72.1. (a) The Affidavit of Disclosure of Assets and Liabilities annexed at Enclosures I, II and III of this judgment, as may be applicable, shall be filed by the parties in all maintenance proceedings, including pending proceedings before the Family Court/District Court/Magistrate's Court concerned, as the case may be, throughout the country;

72.2. (b) The applicant making the claim for maintenance will be required to file a concise application accompanied with the Affidavit of Disclosure of Assets;

72.3. (c) The respondent must submit the reply along with the Affidavit of Disclosure within a maximum period of four weeks. The courts may not grant more than two opportunities for submission of tile Affidavit of Disclosure of Assets and Liabilities to the respondent. If the respondent delays in filing the reply with the affidavit, and seeks more than two adjournments for this purpose, the court may consider exercising the power to strike off the defence of the respondent, if the conduct is found to be wilful and contumacious in delaying the proceedings [Kaushalya v. Mukesh Jain, (2020) 17

SCC 822: 2019 SCC OnLine SC 1915] On the failure to file the affidavit within the prescribed time, the Family Court may proceed to decide the application for maintenance on the basis of the affidavit filed by the applicant and the pleadings on record;

72.4. (d) The above format may be modified by the court concerned, if the exigencies of a case require the same. It would be left to the judicial discretion of the court concerned to issue necessary directions in this regard;

72.5. (e) If apart from the information contained in the Affidavits of Disclosure, any further information is required, the court concerned may pass appropriate orders in respect thereof;

72.6. (f) If there is any dispute with respect to the declaration made in the Affidavit of Disclosure, the aggrieved party may seek permission of the court to serve interrogatories, and seek production of relevant documents from the opposite party under Order 11 CPC. On filing of the affidavit, the court may invoke the provisions of Order 10 CPC or Section 165 of the Evidence Act, 1872, if it considers it necessary to do so. The income of one party is often not within the knowledge of the other spouse. The court may invoke Section 106 of the Evidence Act, 1872, if necessary, since the income, assets and liabilities of the spouse are within the personal knowledge of the party concerned;

72.7. (g) If during the course of proceedings, there is a change in the financial status of any party, or there is a change of any relevant circumstances, or if some new information comes to light, the party may submit an amended/supplementary affidavit, which would be considered by the court at the time of final determination;

72.8. (h) The pleadings made in the applications for maintenance and replies filed should be responsible pleadings, if false statements and misrepresentations are made, the court may consider initiation of proceeding under Section 340 CrPC, and for contempt of court;

72.9. (i) In case the parties belong to the economically weaker sections ("EWS"), or are living below the poverty line ("BPL"), or are casual labourers, the requirement of filing the affidavit would be dispensed with;

72.10.(j) The Family Court/District Court/Magistrate's Court concerned must make an endeavour to decide the IA for interim maintenance by a reasoned order, within a period of four to six months at the latest, after the Affidavits of Disclosure have been filed before the court;

72.11.(k) A professional Marriage Counsellor must be made available in every Family Court.'

9. Criteria was also laid down for determining the quantum of maintenance. Guidelines were laid down regarding

maintenance to minor children in paras 91 and 92 thereof, which are extracted below:

'PERMANENT ALIMONY

91. The living expenses of the child would include expenses for food, clothing, residence, medical expenses, education of children. Extra coaching classes or any other vocational training courses to complement the basic education must be factored in, while awarding child support. Albert, it should be a reasonable amount to be awarded for extracurricular coaching classes, and not an overly extravagant amount which may be claimed.

92. Education expenses of the children must be normally borne by the father. If the wife is working and earning sufficiently, the expenses may be shared proportionately between the parties.'

10. The Formats of Affidavits required to be filed for Disclosure of Assets and Liabilities for non-agrarian deponents, agrarian deponents and the parties residing in the State of Meghalaya in terms of Enclosure-I to Enclosure-III to the aforesaid judgment, which are extracted below:

'Enclosure I

Affidavit of Assets and Liabilities
for Non-Agrarian Deponents

I _____, d/o _____ or s/o_____, aged about _____years, resident of _____, do hereby solemnly affirm and declare as under:

A. Personal Information:

1. Name

2. Age/Sex

3. *Qualifications (Educational and Professional)*
4. *Whether the Applicant is staying in the matrimonial house parental home/separate residence. Please provide the current residential address of matrimonial home or place of residence and details of ownership of residence, if owned by other family member.*
5. *Date of marriage*
6. *Date of separation*
7. *General monthly expenses of the Applicant (rent, household expenses, medical bills, transportation, etc).*

B. *Details of Legal Proceedings and Maintenance being paid*

1. *Particulars of any ongoing or past legal proceedings with respect to maintenance or child support between the Applicant and Non-Applicant.*
2. *Whether any maintenance has been awarded in any proceeding arising under the DV Act. CIPC, HMA, HAMA etc.? If yes, provide details of the quantum of maintenance awarded in the proceedings.*
3. *If so, provide particulars thereof, along with a copy of the order (s) passed.*
4. *Whether the order of maintenance passed in earlier proceedings has been complied with. If not, arrears of maintenance.*
5. *Whether my voluntary contribution towards maintenance has been made/will be made in the future? If yes, provide details of the same.*

C. *Details of dependent family members*

1. *Details of dependent family members, if any.*
   (a) *Relationship with dependants.*
   (b) *Age and sex of dependant(s):*

2. *Disclose if any independent source(s) of income of the dependants, including interest income, assets, pension, tax liability on any such income and any other relevant details.*

3. *The approximate expenses incurred on account of the dependant.*

D. *Medical details if any, of the deponent and/or dependent family members*

1 *Whether either party or child children is suffering from any physical/mental disability, or any other serious ailment. If yes, produce medical records.*

2. *Whether any dependent family member has serious disability, requiring continuous medical expenditure. If yes, produce disability certificate and approximate medical expenditure incurred on such medical treatment.*

3. *Whether either party or child children or any other dependent family member is suffering from life-threatening diseases, which would entail expensive and regular medical expenditure? If yes, provide details of the same along with summary of previous details of hospitalisation/medical expenses incurred.*

E. *Details of children of the parties*

1. *Number of children from the existing marriage/marital relationship/previous marriage.*

2. *Name and age of children.*

3. *Details of the parent who has the custody of the children.*

4. *Expenditure for maintenance of dependent children.*

   (a) *Towards food, clothing and medical expenses.*

   (b) *Towards expenses for education, and a summary of general expenses.*

(c) *Towards expenses, if any, of any extra educational, vocational or professional/ educational course, specialised training or special skills programme of dependent children.*

(d) *Details of any loan, mortgage, charge incurred or instalment plan (being paid or payable), if any, on account of any educational expenses of children.*

5. *Whether any voluntary contribution by either of the parties is being made towards these educational expenses? If yes, provide details of the same. Also provide an estimate of any additional contribution that may be required.*

6. *Whether any financial support is being provided by a third party for the educational expenses of the children?*

F. *Details of Income of the Deponent*

1. *Name of employer:*

2. *Designation:*

3. *Monthly income:*

4. *If engaged in government service, furnish latest salary certificates or current pay slips or proof of deposit in bank account, if being remitted directly by employer.*

5. *If engaged in the private sector, furnish a certificate provided by the employer stating the designation and gross monthly income of such person, and Form 16 for the relevant period of current employment.*

6. *If any perquisites, benefits, house rent allowance, travel allowance, dearness allowance or any other service benefit is being provided by the employer during the course of current employment.*

7. *Whether assessed to income tax?*

If yes, submit copies of the Income Tax Returns for the periods given below:

(i) One year prior to marriage

(ii) One year prior to separation

(iii) At the time when the application for maintenance is filed.

8. Income from other sources, such as rent, interest, shares, dividends, capital gains, FDRs, Post office deposits, mutual funds, stocks, debentures, agriculture, or business, if any, along with TDS in respect of any such income.

9. Furnish copies of bank statement of all accounts for the last 3 years.

G. Assets (movable and immovable) owned by the Deponent

1. Self-acquired property, if any:

2. Properties jointly owned by the parties after marriage:

3. Share in any ancestral property:

4. Other joint properties of the parties (accounts/investments/FDR mutual funds, stocks, debentures, etc.), their value and status of possession:

5. Status of possession of immovable property and details of rent, if leased:

6. Details of loans taken or given by the Deponent:

7. Brief description of jewellery and ornaments of parties acquired during/after manage:

8. Details of transfer deeds or transactions of alienation of properties previously owned by the applicant, executed during the subsistence of the marriage. Also provide brief reasons for such sale or transaction if any.

H. Details of Liabilities of the Deponent

1. *Loans, liabilities, mortgage, or charge outstanding against the Deponent, if any.*
2. *Details of any EMIs being paid.*
3. *Date and purpose of taking loan or incurring any such liability:*
4. *Actual amount borrowed, if any, and the amount paid up to date of filing the Affidavit:*
5. *Any other information which would be relevant to describe current liabilities of the Deponent.*

I. *Self-employed persons/Professionals/Business Persons/Entrepreneur*

1. *Brief description of nature of business/profession/ vocation/self-employed/work activity.*
2. *Whether the business/profession/self-employment is carried on as an individual, sole proprietorship concern, partnership concern, LLP, company or association of persons, HUF, joint family business or any other form? Give particulars of Applicant's share in the partnership/business/professional association/self-employment. In case of partnership, specify the share in the profit/losses of the partnership.*
3. *Net Income from the business/profession/partnership/ self-employment.*
4. *Business partnership/self-employment liabilities, if any, in case of such activity.*
5. *In case of business of company, provide brief details of last audited balance sheet to indicate profit and loss of the company in which such party is in business in the company.*
6. *In case of a partnership firm, provide details of the filings of the last Income Tax Return of partnership.*

7. *In case of self-employed individual, provide the filings of the last Income Tax Return from any such professional/business/ vocational activity.*

J. *Information provided by the Deponent with respect to the other Spouse*

1. *Educational and professional qualifications of the other spouse:*
2. *Whether spouse is earning? If so, give particulars of the occupation and income of the spouse.*
3. *If not, whether he/she is staying in his/her own accommodation, or in a rented accommodation or in accommodation provided by employer/business/ partnership?*
4. *Particulars of assets and liabilities of spouse as known to the deponent, along with any supporting documents.*

K. *Details of Applicant or the other Spouse, in case parties are Non-Resident Indians, Overseas Citizens of India, Foreign Nationals or Persons living abroad outside India*

1. *Details of Citizenship, Nationality and current place of residence, if the Applicant or other spouse is residing abroad outside India, temporarily or permanently.*
2. *Details of current employment and latest income in foreign currency of such applicant/spouse, duly supported by relevant documentation of employment and income from such foreign employer or overseas institution by way of employment letter or testimonial from foreign employer or overseas institution or latest relevant bank statement.*
3. *Details of household and other expenditure of such applicant spouse in foreign jurisdiction.*

4. *Details of tax liability of applicant/other spouse in foreign jurisdiction.*
5. *Details of income of applicant other spouse from other sources in India/foreign jurisdiction.*
6. *Details of expenses incurred or contribution made on account of spousal maintenance, child support or any other educational expenses, medical treatment of spouse or children.*
7. *Any other relevant detail of expenses or liabilities, not covered under any of the above headings and any other liabilities to any other dependent family members in India or abroad.*

Declaration

1. *I declare that I have made a full and accurate disclosure of my income, expenditure, assets and liabilities from all sources. I further declare that I have no assets, income, expenditure and liabilities other than as stated in this affidavit.*
2. *I undertake to inform this Court immediately with respect to any material change in my employment, assets, income, expenses or any other information included in this affidavit.*
3. *I understand that any false statement in this affidavit, apart from being contempt of court, may also constitute an offence under Section 199 read with Sections 191 and 193 of the Indian Penal Code punishable with imprisonment up to seven years and fine, and Section 209 of the Indian Penal Code punishable with imprisonment up to two years and fine. I have read and understood Sections 191, 193, 199 and 209 of the Indian Penal Code, 1860.*

Deponent

Verification

Verified at _____on this _____day of _____that the contents of the above affidavit are true to my personal knowledge, no part of it is false and nothing material has been concealed therefrom, whereas the contents of the above affidavit relating to the assets, income and expenditure of my spouse are based on information believed to be true on the basis of record. I further verify that the copies of the documents fi led along with the affidavit are the copies of the originals.

Deponent

Enclosure II

Details for Affidavit

for Agrarian Deponents (Krishi)

1. *Total extent of the rural land(s) owned, or the specific shareholding in the same land:*
2. *Jamabandis/Mutations to show ownership.*
3. *Location of the land owned by the party.*
4. *Nature of land : whether wet land or dry land.*
5. *Whether such land is agricultural land or non-agricultural land:*
6. *Nature of agriculture/horticulture:*
7. *Nature of crops cultivated during the year:*
8. *If rural land is not cultivable, whether the same is being used for business, leasing or other activity:*
9. *Income generated during the past 3 years from the land.*
10. *Whether any land is taken on lease/battai (or any other term used for a lease in the local area of the jurisdiction concerned where rural/agricultural land is located.)*
11. *(a) Whether owner of any livestock, such as buff aloes, cows, goats, cattle, poultry, fi shery, bee keeping,*

piggery, etc. the number thereof and income generated therefrom?

(b) *Whether engaged in dairy farming, poultry, fi sh farming or any other livestock activity.*

12. *Loans, if any obtained against the land. Furnish details of such loans.*

13. *Any other sources of income:*

14. *Liabilities, if any.*

15. *Any other relevant information:*

Declaration

1. *I declare that I have made a full and accurate disclosure of my income, expenditure, assets and liabilities from all sources. I further declare that I have no assets, income, expenditure and liabilities other than as stated in this affidavit.*

2. *I undertake to inform this Court immediately with respect to any material change in my employment, assets, income, expenses or any other information included in this affidavit.*

3. *I understand that any false statement in this affidavit, apart from being contempt of court, may constitute an offence under Section 199 read with Sections 191 and 193 of the Indian Penal Code punishable with imprisonment up to seven years and fi ne, and Section 209 of the Indian Penal Code punishable with imprisonment up to two years and fi ne. I have read and understood Sections 191, 193, 199 and 209 of the Indian Penal Code, 1860.*

Deponent

Verification

Verified at ___on this ___day of_____that the contents of the above affidavit are true to my personal knowledge, no part of it is false and nothing material has been concealed therefrom. I further verify that the copies of the documents filed along with the affidavit are the copies of the originals.

Deponent

Enclosure III

Affidavit for the State of Meghalaya

1. *Whether the woman is the youngest daughter of the family.*
2. *Whether the woman is staying with her husband in her family property.*
3. *Whether she has any maternal uncle, who plays a very important role in their family matters, which includes settlement of matrimonial disputes. The woman should also disclose her clan and her lineage.*
4. *The woman should disclose if her children have adopted the surname of her mother, inasmuch as Khasi has been defi ned as "a person who adopts the surname of his or her mother".*
5. *The woman should disclose if she gets any financial assistance from her clan or family member.*
6. *The woman should disclose if her parents are alive more, specifically, her mother, and how many siblings she has.*
7. *In event of a woman not being the youngest daughter, she has to disclose who the youngest daughter is.*
8. *The woman should disclose if she has any movable or any immovable property, self-acquired or inherited from her clan.*
9. *The woman should disclose if she is married to tribal or non-tribal.*

The above format may be modified or adapted by the court concerned, as may be considered appropriate.

Declaration

1. *I declare that I have made a full and accurate disclosure of my income, expenditure, assets and liabilities from all sources. I further declare that I have no assets, income, expenditure and liabilities other than as stated in this affidavit.*
2. *I undertake to inform this Court immediately with respect to any material change in my employment, assets, income, expenses or any other information included in this affidavit.*

3. *I understand that any false statement in this affidavit, apart from being contempt of court, may also constitute an offence under Section 199 read with Sections 191 and 193 of the Indian Penal Code punishable with imprisonment up to seven years and fine, and Section 209 of the Indian Penal Code punishable with imprisonment up to two years and fi ne. I have read and understood Sections 191, 193, 199, and 209 of the Indian Penal Code, 1860.*

Deponent

Verification

Verified at ___on this _____day of _____ that the contents of the above affidavit are true to my personal knowledge, no part of it is false and nothing material has been concealed therefrom, whereas the contents of the above affidavit relating to the assets, income and expenditure of my spouse are based on information believed to be true on the basis of record. I further verify that the copies of the documents filed along with the affidavit are the copies of the originals.

Deponent"

8. It may be pertinent to have regard to the serious concern shown in the case of *Sahoo Smruti Prava Sahoo, 2025 ILR-CUT-ONLINE 262* by this Court flagging that the learned trial Courts do not take into consideration the guidelines propounded by the Hon'ble Supreme Court of India. This Court has expressed the following view in the said reported case:

*"3. *** In the above premises, viewing what should be the consequence for non-filing of disclosure affidavits which is mandatory in nature after the decision in Rajnesh (supra), this Court considers it useful to refer to the decision in Aditi Vrs.*

Jitesh Sharma; (2023) SCC Online SC 1451, wherein the Apex Court at paragraphs-14 and 15 has held thus:

> *'14. Nothing is evident from the record or even pointed out by the learned counsel for the appellant at the time of hearing that affidavits were filed by both the parties in terms of judgment of this Court in Rajnesh's case (supra), which was directed to be communicated to all the High Courts for further circulation to all the Judicial Officers for awareness and implementation. The case in hand is not in isolation. Even after pronouncement of the aforesaid judgment, this Court is still coming across number of cases decided by the courts below fixing maintenance, either interim or final, without their being any affidavit on record filed by the parties. Apparently, the officers concerned have failed to take notice of the guidelines issued by this Court for expeditious disposal of cases involving grant of maintenance. Comprehensive guidelines were issued pertaining to overlapping jurisdiction among courts when concurrent remedies for grant of maintenance are available under the Special Marriage Act, 1954, Section 125 Code of Criminal Procedure, the Protection of Women from Domestic Violence Act, 2005, Hindu Marriage Act, 1955 and Hindu Adoptions and Maintenance Act, 1956, and Criteria for determining quantum of maintenance, date from which maintenance is to be awarded, enforcement of orders of maintenance including fixing payment of interim maintenance. As a result, the litigation which should close at the trial level is taken up to this Court and the parties are forced to litigate.*

> *15. As in the case in hand, the impugned order passed by the High Court is cryptic and is bereft of reasons. In our opinion, the same deserves to be set aside and the matter is liable to be remitted to the High Court for consideration afresh. Ordered accordingly. As the Respondent remained unrepresented, the High Court may issue notice for his appearance on the date so fixed by it.'*
>
> *4. It is also not in dispute that the judgment in Rajnesh (supra) was delivered on 04.11.2020 and the guidelines therein have been circulated to all the Courts in India for compliance, but it has not been followed in this case while passing the impugned judgment. When the principle culled out in a decision is directed to be followed mandatorily, the Court concerned is under obligation to follow such guidelines, but in this case, the learned trial Court having not followed the provisions of the guidelines issued in Rajnesh (supra), the matter is required to be remitted back for fresh disposal in accordance with law by complying the guidelines of the Rajnesh (supra)."*

9. While deciding the issue No.iv, the learned Family Court has not adhered to the method/manner/guidelines propounded in the judgement of the Hon'ble Supreme Court as referred to in *Aditi alias Mithi (supra)* and *Sau. Jia (supra)*.

10. In the above premises, though this Court upholds the decree of divorce by dissolution of marriage under the provisions of the Hindu Marriage Act, 1955, as the same remained unchallenged, cannot sustain the determination of permanent alimony and

directions issued for payment thereof. Having found fault with such finding recorded as against issue No.(iv), this Court sets aside the impugned judgment 30.04.2024 passed by the learned Judge, Family Court, Bhubaneswar in Civil Proceeding No.162/2016 so far as it fixed the quantum of permanent alimony at Rs.25,00,000/- (Rupees twenty five lakhs).

10.1. The matter is, thus, remitted to the learned Judge, Family Court, Bhubaneswar for a limited purpose for adjudication of issue No.(iv) afresh so far as it relates to determination of permanent alimony to be paid by the appellant to the respondent. The learned Judge, Family Court, Bhubaneswar is requested to compute the quantum of permanent alimony in the light of the guidelines/method/modalities enunciated in the decisions referred above and having regard to germane factors.

10.2. As conceded by the learned counsel for both the sides, to cut-short issue of notices to both the parties by the learned trial Court, it is felt apposite to direct the appellant and the respondent to appear before the learned Judge, Family Court, Bhubaneswar on or before 26.11.2026 along with copy of this order. Upon receipt of copy of this order, the learned Judge, Family Court, Bhubaneswar shall fix date(s) and proceed with the matter to adjudicate issue No.(iv).

10.3. The entire exercise shall be concluded as expeditiously as possible, preferably, within a period of two months from date of appearance of both the parties. Both the parties are directed to cooperate with the process of determination of the permanent alimony and produce relevant and related material in this respect.

11. *Ergo,* the matrimonial appeal filed by the appellant is allowed to the above extent. Pending interlocutory application(s) shall stand disposed in view of disposal of appeal, being MATA No.5 of 2025. No costs.

(Dr.Sanjeeb K Panigrahi)
Judge

(M.S. Raman)
Judge

Aswini/Bichi

Signature Not Verified
Digitally Signed
Signed by: BICHITRANANDA SAHOO
Designation: Secretary
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 17-Nov-2026 14:47:53