

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

CIVIL APPEAL NO. _____ OF 2026
(Arising out of SLP (C) NO. 5220 OF 2024)

ANAMIKA JAIN

... APPELLANT

VERSUS

DR. ATUL JAIN

... RESPONDENT

ORDER

Leave granted.

1. The present appeal has been filed by the appellant – wife, aggrieved by the judgment dated 29.08.2018 passed by the High Court of Judicature at Madhya Pradesh, Principal Seat at Jabalpur¹, in First Appeal No. 156 of 2016, whereby the High Court dismissed the appeal filed by the appellant – wife against the judgment dated 30.11.2015 passed by the First Additional Principal Judge, Family Court, Bhopal² in Civil Suit No. 985-A/2012 insofar as it related to the grant of permanent alimony of Rs.15,000/- per month.

2. The record of proceedings discloses that the matter was initially referred to the Mediation Centre attached to the Principal Bench of the Madhya Pradesh

1 Hereinafter referred to as “the High Court”

2 Hereinafter referred to as “the Family Court”

High Court at Jabalpur. However, the mediation ended in failure. Thereafter, the parties pursued their respective remedies before this Court.

3. We have heard the learned counsel appearing on behalf of the appellant – wife as well as the learned counsel appearing on behalf of the respondent – husband.

4. The undisputed facts are that the marriage between the parties was solemnized on 13.11.1994 according to Hindu rites and rituals. Out of the said wedlock, a male child was born on 22.11.1997. Owing to matrimonial disputes that arose between them, the parties started living separately since 2011. Subsequently, the respondent – husband filed an application under Section 13 of the Hindu Marriage Act, 1955, seeking dissolution of marriage by a decree of divorce. After considering the pleadings, oral and documentary evidence, the Family Court passed a decree of divorce and in addition thereto, awarded permanent alimony of Rs. 15,000/- per month along with a lump sum amount of Rs. 50,000/- to the appellant – wife. Being dissatisfied with the quantum of maintenance awarded, the appellant – wife preferred First Appeal No. 156 of 2016 before the High Court seeking enhancement. The High Court dismissed the appeal by the impugned judgment dated 29.08.2018. Aggrieved thereby, the appellant – wife is before this Court.

5. The learned counsel appearing for the appellant – wife submits that the respondent – husband is a doctor by profession and earns approximately Rs.1,60,000/- per month. It is further submitted that before the Family Court, the respondent had admitted that he was also engaged in private practice and was receiving rental income, which material aspects were not duly considered by the High Court. It is also urged that the respondent has remarried, is leading an affluent lifestyle, and is financially capable of paying enhanced maintenance. Consequently, the permanent alimony of Rs. 15,000/- per month is grossly inadequate and requires enhancement.

6. *Per contra*, the learned counsel appearing for the respondent – husband submits that the appellant – wife is a highly qualified woman and is capable of maintaining herself. It is contended that the respondent is bearing the educational expenses of their son and has been regular in paying maintenance of Rs.15,000/- per month to the appellant – wife. It is further submitted that the respondent's second marriage has also broken down and that he is not financially in a position to pay more than Rs. 15,000/- per month. Therefore, according to the respondent, no case for enhancement is made out and the High Court was justified in dismissing the appeal.

7. In reply, the learned counsel for the appellant – wife denied the respondent's claim that he has been maintaining the son or bearing his educational expenses. It is further submitted that during the mediation

proceedings, the respondent – husband had agreed to pay Rs. 30,000/- per month towards permanent alimony, but subsequently resiled from the said stand in his counter affidavit by citing untenable reasons for denying enhancement.

8. We have considered the rival submissions and perused the materials placed on record, including the pay certificate of the respondent - husband.

9. Admittedly, the appellant – wife has not challenged the decree of divorce. The challenge before this Court is confined solely to the quantum of permanent alimony of Rs. 15,000/- per month awarded by the Family Court, as affirmed by the High Court, which, according to her, is inadequate.

10. Marriage, as an institution in our society, is founded on emotional bonding, companionship, and mutual support, which cannot be evaluated in purely monetary terms. A woman often enters matrimony with legitimate aspirations of a stable and dignified life. When such a marriage breaks down, the obligation of the husband to ensure that the wife is able to live with dignity does not come to an end merely on the ground that she is educated or has parental support. Post-divorce, the wife is entitled to live a life consistent with the standard of living she was accustomed to during the subsistence of the marriage.

11. In this context, reference may be made to the decision of this Court in ***Bhuwan Mohan Singh v. Meena and others***³, wherein, while dealing with proceedings under Section 125 Cr.P.C, it was observed as under:

“2... The concept of sustenance does not necessarily mean to lead the life of an animal, feel like an unperson to be thrown away from grace and roam for her basic maintenance somewhere else. She is entitled in law to lead a life in the similar manner as she would have lived in the house of her husband. That is where the status and strata come into play, and that is where the obligations of the husband, in case of a wife, become a prominent one. In a proceeding of this nature, the husband cannot take subterfuges to deprive her of the benefit of living with dignity. Regard being had to the solemn pledge at the time of marriage and also in consonance with the statutory law that governs the field, it is the obligation of the husband to see that the wife does not become a destitute, a beggar. A situation is not to be maladroitly created whereunder she is compelled to resign to her fate and think of life “dust unto dust”. It is totally impermissible. In fact, it is the sacrosanct duty to render the financial support even if the husband is required to earn money with physical labour, if he is able bodied. There is no escape route unless there is an order from the Court that the wife is not entitled to get maintenance from the husband on any legally permissible grounds.”

11.1. In ***Rajnish v. Neha and another***⁴, this Court comprehensively examined the principles governing maintenance of wife, children and parents, and framed authoritative guidelines under Article 142 of the Constitution. The following observations are apposite:

“77. The objective of granting interim / permanent alimony is to ensure that the dependant spouse is not reduced to destitution or vagrancy on account of the failure of the marriage, and not as a punishment to the other spouse. There is no straitjacket formula for fixing the quantum of maintenance to be awarded.

3 (2015) 6 SCC 353

4 (2021) 2 SCC 324

78. The factors which would weigh with the Court *inter alia* are the status of the parties; reasonable needs of the wife and dependent children; whether the applicant is educated and professionally qualified; whether the applicant has any independent source of income; whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home; whether the applicant was employed prior to her marriage; whether she was working during the subsistence of the marriage; whether the wife was required to sacrifice her employment opportunities for nurturing the family, child rearing, and looking after adult members of the family; reasonable costs of litigation for a non-working wife⁵.

79. In *Manish Jain v. Akanksha Jain*⁶, this Court held that the financial position of the parents of the applicant-wife, would not be material while determining the quantum of maintenance. An order of interim maintenance is conditional on the circumstance that the wife or husband who makes a claim has no independent income, sufficient for her or his support. It is no answer to a claim of maintenance that the wife is educated and could support herself. The court must take into consideration the status of the parties and the capacity of the spouse to pay for her or his support. Maintenance is dependent upon factual situations; the Court should mould the claim for maintenance based on various factors brought before it.

80. On the other hand, the financial capacity of the husband, his actual income, reasonable expenses for his own maintenance, and dependant family members whom he is obliged to maintain under the law, liabilities if any, would be required to be taken into consideration, to arrive at the appropriate quantum of maintenance to be paid. The Court must have due regard to the standard of living of the husband, as well as the spiralling inflation rates and high costs of living. The plea of the husband that he does not possess any source of income *ipso facto* does not absolve him of his moral duty to maintain his wife if he is able bodied and has educational qualifications.”

“90. The Courts have held that if the wife is earning, it cannot operate as a bar from being awarded maintenance by the husband. The Courts have provided guidance on this issue in the following judgments:

90.1. In *Shailji v. Khobbanna*⁷, this Court held that merely because the wife is capable of earning, it would not be a sufficient ground to reduce the

5 Refer to *Jasbir Kaur Sehgal v. District Judge, Dehradun*, (1997) 7 SCC 7 ; Refer to *Vinny Parmvir Parmar v. Parmvir Parmar* (2011) 13 SCC 112 : (2012) 3 SCC (Civ) 290

6 (2017) 15 SCC 801 : (2018) 2 SCC (Civ) 712

7 (2014) 16 SCC 715 : (2015) 3 SCC (Civ) 753: (2015) 3 SCC (Cri) 589

maintenance awarded by the Family Court. The Court has to determine whether the income of the wife is sufficient to enable her to maintain herself, in accordance with the lifestyle of her husband in the matrimonial home⁸. Sustenance does not mean, and cannot be allowed to mean mere survival⁹.”

12. In the present case, the material on record indicates that the respondent – husband has sufficient earning capacity and financial means to pay more than Rs. 15,000/- per month towards permanent alimony. Considering the present cost of living, the impact of inflation over the past decade, and the overall circumstances of the parties, we are of the view that the amount awarded by the Family Court, as affirmed by the High Court, is inadequate and warrants enhancement.

13. During the course of proceedings, this Court directed the learned counsel appearing for the respective parties to get instructions with regard to enhancement of permanent alimony to Rs. 30,000/- per month and passed over the matter. Upon receiving instructions, the learned counsel for both sides have fairly agreed to such enhancement.

14. In view of the above, the permanent alimony payable to the appellant – wife is enhanced from Rs. 15,000/- per month to Rs. 30,000/- per month, which shall be payable by the respondent – husband from the date of filing of the special leave petition before this Court, i.e., 02.07.2021.

8 Chaturbhuj v. Sita Bai (2008) 2 SCC 316 : (2008) 1 SCC (Civ) 547 : (2008) 1 SCC (Cri) 356

9 Vipul Lakhanpal v. Pooja Sharma 2015 SCC OnLine HP 1252 : 2015 Cri LJ 3451

15. Accordingly, the judgment of the Family Court as affirmed by the High Court, stands modified to the aforesaid extent. The respondent – husband is directed to pay the revised permanent alimony of Rs. 30,000/- per month by 5th of every succeeding month, commencing from 05.02.2026. The arrears of enhanced maintenance for the period from July, 2021 to January, 2026, amounting to Rs. 8,10,000/- (Rs. 15000/- x 54 months), shall be paid either in one lump sum or in instalments over a period of four years. In the event of payment by instalments, not less than one-third of the arrears shall be paid through equated quarterly instalments.

16. With the aforesaid modification and directions, the appeal stands allowed. There shall be no order as to costs.

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

.....J.
[S.V.N. BHATTI]

.....J.
[R. MAHADEVAN]

**NEW DELHI;
JANUARY 28, 2026**

ITEM NO.15

COURT NO.9

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 5220/2024

[Arising out of impugned final judgment and order dated 29-08-2018 in FA No. 156/2016 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

ANAMIKA JAIN

PETITIONER(S)

VERSUS

DR. ATUL JAIN

RESPONDENT(S)

[MEDIATION REPORT RECEIVED]

(IA No. 89286/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 89287/2021 - EXEMPTION FROM FILING O.T. IA No. 48833/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 28-01-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.V.N. BHATTI
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) Mr. Alok Tripathi, AOR

For Respondent(s) Mrs. Ruchika Gohil, Adv.
Mr. Anurag Gohil, Adv.
Mr. Sarad Kumar Singhania, AOR

UPON hearing the counsel the court made the following

O R D E R

1. Leave granted.
2. The appeal stands allowed in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

(Nidhi Mathur)
Court Master (NSH)

(Geeta Ahuja)
Assistant Registrar-cum-PS

(Signed Order is placed on the file)