



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

**CIVIL APPEAL NO.....OF 2025
(ARISING OUT OF SLP(CIVIL) NO. 25584 OF 2024)**

BHAGYASHREE BISI **...APPELLANT(S)**

VERSUS

ANIMESH PADHEE **...RESPONDENT(S)**

J U D G M E N T

VIKRAM NATH, J.

1. Leave granted.
2. The present appeal arises out of the impugned order dated 8th August 2024 passed by the High Court of Orissa at Cuttack in *MATA No.279 of 2023*, whereby the High Court affirmed the decree of divorce granted by the Family Court.
3. The facts giving rise to the present appeal, in brief, are as follows:
 - 3.1. The appellant-wife and the respondent-husband were married on 14th December 2014 at Sambalpur, Odisha.
 - 3.2. At the time of marriage, the appellant-wife was employed with Infosys and was residing in the United States of America. In February 2017, she returned to India and thereafter commenced cohabitation with the respondent-

husband in Bangalore, India. Differences subsequently arose between the parties.

3.3. In the year 2021, the appellant-wife was deputed by her employer to the United States and accordingly she travelled abroad.

3.4. On 9th May 2022, the respondent-husband instituted *C.P. Case No.65 of 2022* before the Family Court, Sambalpur under Section 13 of the Hindu Marriage Act, 1955 seeking dissolution of marriage on the ground of desertion. It was averred that the appellant-wife had left the matrimonial home during the intervening night of 24th–25th January 2020 and had not returned thereafter, thereby deserting the respondent for a continuous period exceeding two years.

3.5. The appellant-wife contested the said proceedings, asserting that she had left the matrimonial home on 19th January 2020 to visit her brother due to an allegedly hostile environment created by the respondent, including demands for money. She further stated that on 20th January 2020, she had transferred a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the respondent-husband's account, and denied having deserted the respondent-husband.

3.6. The Family Court, by judgment and order dated 5th August 2023, allowed the petition filed by the respondent-

husband and dissolved the marriage by granting a decree of divorce on the ground of desertion.

3.7. Aggrieved thereby, the appellant-wife preferred an appeal before the High Court in *MATA No.279 of 2023*.

3.8. The High Court, by the impugned order, dismissed the appeal and affirmed the findings of the Family Court as well as the decree of divorce.

3.9. Aggrieved by the aforesaid order, the appellant-wife is before this Court.

4. We have heard Mr. Nikhil Goel, learned senior counsel appearing for the appellant-wife, and Mr. Rajiv Kumar Choudhry, learned counsel appearing for the respondent-husband.

5. During the course of hearing, learned senior counsel for the appellant-wife submitted that the appellant-wife is agreeable to a decree of divorce by mutual consent. However, it was contended that the decree ought not to be founded on the ground of desertion, as according to the appellant-wife, she had not abandoned the respondent-husband and had left India on account of her professional obligations, while remaining open to communication.

6. Learned counsel appearing for the respondent-husband fairly stated that the respondent-husband is also agreeable to the marriage being dissolved by mutual consent, and has no objection to the exercise of this Court's powers

under Article 142 of the Constitution of India, instead of sustaining the decree on the ground of desertion.

7. It is evident from the record that the parties have been living separately for a considerable length of time. Efforts at reconciliation have not yielded any positive outcome, and both parties have expressed their unequivocal desire to bring the marital relationship to an end. In the circumstances, the marriage has irretrievably broken down, and there remains no scope for restoration of the matrimonial bond.
8. Having regard to the above, and in order to do complete justice between the parties, the decree on the ground of desertion is set aside. As agreed we deem it appropriate to dissolve the marriage by exercising our powers under Article 142 of the Constitution of India on the consent of the parties.
9. The issue of permanent alimony also arises for consideration. Both the parties are working and earning well for themselves. In order to bring finality to all claims arising out of the matrimonial relationship, it would be appropriate to settle the same by way of a one-time lump-sum payment as a token.
10. Taking into account the overall facts and circumstances of the case, including the financial status of the parties, who are both working professionals, and other attendant factors, we are of the view that a sum of Rs. 25 lakhs would constitute a just and reasonable amount towards full and final settlement, including permanent alimony to be paid

within two months. The amount may be deposited with the Registry of this Court within the time allowed above. The appellant-wife would be entitled to withdraw the same.

11. The Registry shall draw up a decree of divorce upon receipt of proof of payment of the aforesaid amount.
12. Upon compliance with the above, any pending civil or criminal proceedings between the parties arising out of the matrimonial dispute shall stand closed.
13. The appeal is disposed of in the above terms.
14. Pending applications, if any, shall also stand disposed of.

.....**J.**
[VIKRAM NATH]

.....**J.**
[SANDEEP MEHTA]

NEW DELHI
DECEMBER 18, 2025