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Maintenance of a Hindu Wife

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ABSTRACT: The key explanation behind the maintenance idea is to see that if one of the partners is not financially independent, the other partner supports him/her in order to make another person's life viable. The spouse who is financially dependent on the other spouse either request a remedy for maintenance in the event of divorce or in the event that both spouses are not living together. So that they will retain their lives as though they were living together.

KEYWORDS: Hindu Wife, Maintenance, Hindu Marriage Act, Divorce Act.

I. INTRODUCTION

During the pending process for divorce or separation, temporary maintenance is provided by the court to accommodate the petitioner's immediate needs.

Under Section 24 of the Hindu Marriage Act, 1955, relief can be given to any partner, husband or wife if the court is convinced that the claimant does not have an individual income appropriate for his or her support and the requisite costs of the proceedings pending under the Act.

Under Section 125(1) CrPC, temporary maintenance can also be asserted by the wife during the ongoing proceedings pertaining to the monthly maintenance payment pursuant to Section 125(1) CrPC.

In addition, Section 36 of the Special Marriage Act, 1954 further allows for the wife to claim the husband's expenses if it occurs to the district court that she may not have ample separate revenue for her support and required procedural expenses under Chapters V or VI of that Act.

Moreover, either Parsi's wife or husband is allowed to claim costs under the Parsi Marriage and Divorce Act, 1936, if the proceeding is pending under the Act. Section 39 of the Act, which is exactly the same as the provisions rendered under that form by Section 36 of the Special Marriage Act. Also, under Section 36 of Divorce Act, 1869 which extends to people professing Christian faith, a wife is entitled to costs of continuing under the Act and maintenance while the suit is pending.

Many of these clauses state that the order for temporary repairs must be disposed of within sixty days of the respondent's notice being served.

The maintenance shall be paid from the date of registration of the case until the date on which the complaint is dismissed. Its primary aim is to satisfy the petitioner's urgent needs. It is the money charged by an individual who is



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financially independent and on which the other individual is financially dependent. This sum covers all the costs of the proceeding and all charges in the process of the proceeding. Under Hindu Law, maintenance

The spouse who is financially dependent on the other spouse either request a remedy for maintenance in the event of divorce or in the event that both spouses are not living together. So that they will retain their lives as though they were living together. The management is done by the party on which the other person relies. The sum of upkeep depends on the individual's earnings and the necessities needed by another person and the necessities that a rational man requires to maintain a reasonable existence.

Section 24 of the Hindu Marriage Act addresses the maintenance that may be required by a wife/husband for interim maintenance. Both husband and wife can apply for interim maintenance under the Hindu Marriage Act and Parsi Marriage Act only. Among other rules, only the wife may claim the Temporary maintenance. The wife can file a motion for Temporary Maintenance under Section 36 of the Divorce Act. The definition of permanent maintenance is dealt with in Section 25 of the Hindu Marriage Act as the sum that a person has to pay to another person as maintenance in gross amount or annually or weekly, as directed by the court. According to the Hindu Adoption and Maintenance Act, the person entitled to receive maintenance is a woman, widow daughter, infant, elderly parents, etc. and the person entitled to receive maintenance is, according to Muslim Law, a wife, small children, parents, another person under the prohibited degrees.[1]

Under Muslim rule, after the time of iddat, previous divorced women do not have the right to demand maintenance and obtain the sum of more only. But the verdict was issued by the husband's family in the Shah Bano after his death case, enabling divorced women to get maintenance on fair basis and from their husband.

Maintenance of Wife under Hindu and Muslim Law: Comparison

A Hindu woman has more rights than women who are Muslim. The Hindu wife is entitled to get the maintenance number from her husband before she dies or he dies, according to Section 18(1) of the Hindu Adoption and Maintenance Act, 1956. Under Section 125 of the Code of Criminal Procedure, only Hindu married women are either divorced or divorced by their husband and are entitled to obtain maintenance if they have not remarried any other individual. A married woman who, without the permission of the wife, refuses to live with her husband because her husband is responsible for desertion or cruelty or suffering from leprosy or responsible for bigamy or converting his religion may demand a special allowance under this Act.[2]

However, under Muslim law, divorced women do not have the right to seek maintenance after the time of iddat and only obtain the sum of meher and after the Muslim Women (Protection of Rights on Divorce) Act, 1986, under Section 125 of the Code of Criminal Procedure, the Muslim Woman does not claim maintenance.

II.DISCUSSION

The management is done by the party on which the other person relies. The sum of maintenance depends on the individual's earnings and the needs required by another citizen and the necessities needed by a reasonable man to maintain a reasonable existence.



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According to the Hindu Adoption and Maintenance Act, the person entitled to receive maintenance is a woman, widow daughter, infant, elderly parents, etc. and the person entitled to receive maintenance is, according to Muslim Law, a wife, small children, parents, another person within the prohibited degrees. This maintenance shall be paid from the date of registration of the case until the date on which the complaint is dismissed. Its primary aim is to satisfy the petitioner's urgent needs. It is the money charged by an individual who is financially independent and on which the other individual is financially dependent. This sum covers all the costs of the proceeding and all charges in the process of the proceeding.[3]

Under Hindu Law, maintenance

The spouse who is financially dependent on the other spouse either request a remedy for maintenance in the event of divorce or in the event that both spouses are not living together. So that they will retain their lives as though they were living together. The management is done by the party on which the other person relies. The sum of upkeep depends on the individual's earnings and the necessities needed by another person and the necessities that a rational man requires to maintain a reasonable existence.[4]

Section 24 of the Hindu Marriage Act addresses the maintenance that may be required by a wife/husband for interim maintenance.

Maintenance to 'previous wife'

A Muslim husband who contracts another union or takes a lover is responsible for paying the former wife's upkeep, who also has the right to live independently, which is payable on the other marriage date. Regardless of faith, by promising to take back the wife and hold her, Begum Subanu v. A.M., the husband will not absolve his guilt. Abdul Gafoor¹,

Maintenance to second wife

The husband who masks the presence of his earlier marriage when marrying the second wife is entitled to provide the second wife with maintenance. The second wife, Badshah v. Urmila Badshah Godse, is to be considered as a lawfully wedded wife for maintenance purposes (2014)

III. CONCLUSION

Both husband and wife can apply for interim maintenance under the Hindu Marriage Act and Parsi Marriage Act only. Among other rules, only the wife may claim the Temporary maintenance. The wife can file a motion for Temporary Maintenance under Section 36 of the Divorce Act. The definition of permanent maintenance is dealt with in Section 25 of the Hindu Marriage Act as the sum that a person has to pay to another person as maintenance in gross amount or annually or weekly, as directed by the court.

The key explanation behind the maintenance idea is to see that if one of the partners is not financially independent, the other partner supports him/her in order to make another person's life viable. The spouse who is financially dependent on the other spouse either request a remedy for maintenance in the event of divorce or in the event that

¹2 SCC 285, (1987).



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both spouses are not living together. So that they will retain their lives as though they were living together. ut after the judgement of the case, The government enacted The Muslim Women (Protection of Rights on Divorce) Act, 1986. In this Act, divorced women do not have the right to claim maintenance after the period of iddat and gets the amount of meher only. Finally, all the case which are pending in court related to Muslim women and their right to Maintenance under Section 125 of Code of Criminal Procedure were disposed of.

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