



FACULTY OF JURIDICAL SCIENCES

COURSE:

Semester

SUBJECT:

SUBJECT CODE:

NAME OF FACULTY:

Lecture-1



LECTURE 1: Maintenance of Wife

Maintenance of wife

The wife must be paid maintenance after divorce until she gets married again. The idea behind this is to let her live with her lifestyle and comfort that existed during her marriage, and it must be paid until she gets remarried.

There is no minimum or the maximum amount fixed for maintenance, it is to be decided by the court according to the earning capacity of the husband.

If the husband is well to do then the maintenance shall be high in order to match the rich lifestyle the wife was used to during the marriage.

If that is not the case, it must be a reasonable enough amount that can cover all her reasonable expenses.

When is the wife entitled to maintenance?

[Section 18\(2\)](#) of the Hindu Adoption and Maintenance Act provides a list stating when a wife will be entitled to maintenance. As per the Section, a wife can live separately from her husband and still have the right to claim maintenance in the following situations:

- The husband has deserted his wife by abandoning her without any reasonable cause and without seeking her consent or deliberately ignoring her wish.
- The wife has been subject to cruelty during her marriage and considers living with her husband to be endangering her life.
- If the husband is suffering from an incurable and contagious disease.
- The husband has another wife or a mistress in the same house or he lives with another wife or mistress at some other place.
- The husband has converted to some other religion or some other reasonable grounds that can justify why the wife should live separately.

Maintenance can be paid every month or in a lump sum. Even when the wife has some source of income and some property but needs some financial aid for necessary expenses such as medical expenses. It is the obligation of the husband to pay maintenance for such expenses if required.

The same was held by the Hon'ble Supreme Court in the case of *Smt. Anita Thakral v. Shri Satbir Singh Tkukral*.

In the aforementioned case, the wife had some source of income and also had an apartment in a good location but, she was unable to make enough money to cover up her medical expenses.

The court held that:

- The wife will use one of the debit cards of the husband,
- with the undertaking that she will only withdraw a reasonable amount as may be necessary for her medical expenses.

When maintenance is not to be paid to a wife?

A wife must be maintained after a divorce in order to financially support her. But, there are some exceptions to this rule.

[Section 18\(3\)](#) of the act states that a wife will not be entitled to maintenance:

- If a Hindu wife has committed adultery or has any other illicit sexual relationship with anyone else, she shall not be entitled to maintenance.
- Also, if she no longer remains a Hindu and gets converted to some other religion that does not fall under the spectrum of Hinduism.

Also, in the case of [Abbayolla M. Subba Reddy v. Padmamma](#):

- The defendant had two living wives,
- The second wife was claiming maintenance,
- A bigamous marriage is illegal under Hindu Laws,
- The validity of the marriage of the defendant with his second wife was in question.

The High Court of Andhra Pradesh held that:

- If a man has two wives, the marriage with a second wife will be *void ab initio* as Hindu laws prohibit bigamous marriage and the parties never actually become husband and wife.
- Therefore, the second wife will have no entitlement to any kind of maintenance as the marriage is *void ab initio*.

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.			
2.			

3.			
4.			
5.			

Answers: 1-(),2-(), 3-(),4-(),5-()