



FACULTY OF JURIDICAL SCIENCES

COURSE:

Semester

SUBJECT:

SUBJECT CODE:

NAME OF FACULTY:

Lecture-1



LECTURE 1: Quantum of Maintenance

Amount of Maintenance

There is no fixed amount for maintenance that shall be paid. It is at the discretion of the court to determine the amount of maintenance.

[Section 23](#) of the act states that while deciding the amount of maintenance to be awarded to a wife, children, or old and infirm parents – the court must do so considering the following:

- Status of parties and their current position;
- The claims of the parties within reasonable limits;
- If the claimant living separately have justified grounds in doing do;
- All sources of income of the claimant and the value of their property;
- The number of people that are entitled to be maintained.

[Section 23\(3\)](#) further simplifies the process of deciding the amount of maintenance payable to other dependents. It says that the amount of payment to be made should be with regard to:

- The net value of the deceased's property after clearing off all his debts;
- Will of the deceased if any;
- Degree of the relationship between the daimant and the deceased and their past relationship;
- What the dependents want within reasonable limits;
- All sources of income of the dependent and the total value of all their properties;
- The number of dependents that can be entitled to maintenance.

SELF-TEST QUESTIONS

| S.NO | Question | Option (a) | Option (b) |
|------|----------|------------|------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |

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