



FACULTY OF JURIDICAL SCIENCES

COURSE:

Semester

SUBJECT:

SUBJECT CODE:

NAME OF FACULTY:

Lecture-1



LECTURE 1: Alteration of Maintenance

Alteration of the amount due to change in circumstances

The amount of maintenance to be paid can be decided by the court or by an agreement between the parties.

Maintenance is paid to provide aids for the basic needs of everyday life in case a person does not have the source or ability to provide for themselves.

[Section 25](#) of the act states that the amount of maintenance may be altered with the change in circumstances.

But, the section is vague. It does not say on what changes in circumstances can the alteration be sought and how the alteration can be done.

In the case of *Binda Prasad Singh v. Mundrika Devi*, the High Court of Patna observed that there was no set procedure mentioned in [Section 25](#) as to how the amount can be altered.

The court stated that:

- The amount of maintenance is fixed either by an agreement or by way of a decree.
- The only way to alter an agreement is by way of another agreement, and the decree can be altered by amendment of degree.
- So, another suit must be filed for altering the amount of maintenance and a new decree that supersedes the older one must be granted if the court thinks fit.

SELF-TEST QUESTIONS

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

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