



FACULTY OF JURIDICAL SCIENCES

COURSE:

Semester

SUBJECT:

SUBJECT CODE:

NAME OF FACULTY:

Lecture-1



LECTURE 1: The Muslim Women Act, 1986

Amount of maintenance

The amount of the maintenance shall be purely the discretion of the Court. In determining the amount of the maintenance the court shall have due regard to the following considerations, namely,

1. the position and status of the parties;
2. the reasonable wants of the claimant;
3. if the claimant is living separately, whether the claimant is justified in doing so;
4. the value of the claimant's property and any income derived from such property, or from the claimant's own earnings or from any other source;
5. Any other relevant fact and circumstance.

Judgments & Citations: Maintenance Of Wife & Children

- Shamima Farooqui Vs. Shahid Khan, Criminal Appeal Nos.564-565 OF 2015, Judgment Dated: 06.04.2015, Bench: Dipak Mishra & Prafulla C Pant, JJ, Supreme Court Of India :Wife's right to receive maintenance under section-125 Code of Criminal Procedure, 1973, is an absolute right, irrespective of religion: Muslim women are equally entitled for maintenance under Section-125 Cr.P.C.- Upholding a wife's right to receive maintenance, the division bench of Dipak Misra and P.C. Pant, JJ., held that a wife's right to receive maintenance under Section 125 of the Code of criminal Procedure, 1973, is an absolute right, unless disqualified. The Court reiterated that grant of maintenance to a wife is a measure of social justice and a husband is under obligation to maintain his wife. He cannot be permitted to plead his inability to do the same due to financial constraint, as long as he is able-bodied and capable of earning.

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.			
2.			
3.			
4.			
5.			

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