

Rajnish v. Neha

Supreme court of India

(2021) 2 SCC 324

Facts of the Case

The dispute arose between Rajnish and his wife Neha regarding maintenance for the wife

And their minor child . Rajnish and Neha were married in 2010 and had a son in 2011. Due

to matrimonial dispute ,Neha left the matrimonial home in 2013 and started living with her parents .

In 2014 ,she filed an application under section 125 of code of criminal Procedure, 1973, seeking maintenance for herself and her minor son. Rajnish opposed the claim, stating that he was unemployed, had no sufficient source of income, and that Neha was well educated and capable of maintaining herself. Neha, however, alleged that Rajnish had concealed his true income and assets, including investments in businesses and real estate, and had also retained her stridhan. The Family Court granted maintenance, which was challenged before the High Court and later before the Supreme Court. During the proceedings, the Supreme Court noticed inconsistencies in maintenance orders passed by different courts across India. Consequently, the Court not only decided the dispute between the parties but also laid down comprehensive guidelines regarding maintenance, disclosure of assets and liabilities, and enforcement of maintenance orders.

Issues Involved

1 Whether a wife and child are entitled to maintenance when neglected by the husband/father.

2 How courts should determine the quantum of maintenance.

3 Whether maintenance can be claimed simultaneously under Section 125 CrPC (now Section 144 BNSS) and the Domestic Violence Act, 2005.

4 How duplication and conflicting maintenance orders can be avoided.

5 What factors should be considered while assessing the financial capacity of the parties.

Arguments of the Wife (Neha)

.Financial Dependency: She had no independent source of income and was entirely dependent on her parents to support herself and her minor son.

.Child Maintenance: The son was schooling and growing, requiring regular funds for education, healthcare, and daily upbringing.

.Concealment of Income: The husband was intentionally hiding his true income, vast real estate investments, and active business interests to evade maintenance.

.Stridhan Retention: The husband and his family illegally retained her Stridhan (personal wedding gifts/jewelry), depriving her of her rightful assets.

Standard of Living: She and her son were legally entitled to live with the same lifestyle and comfort that the husband enjoyed.

Arguments of the Husband (Rajnish)

Lack of Income: He was currently unemployed, owned no immovable property, and suffered a business failure, leaving him with no means to pay.

Wife's Earning Capacity: Neha held a post-graduate qualification (Master's degree) and was fully capable of securing a job to support herself.

Voluntary Desertion: The wife left the matrimonial home voluntarily without any justifiable reason, forfeiting her right to maintenance.

False Financial Claims: The wife's claims regarding his hidden wealth, properties, and luxurious lifestyle were fabricated and groundless.

(Scribd)

(Principle of Law)

The right to maintenance is a measure of social justice. A wife and children who are unable to maintain themselves are legally entitled to financial support from the husband/father. Proceedings under Section 125 CrPC (now Section 144 BNSS) and the

Protection of Women from Domestic Violence Act, 2005 are complementary remedies, and courts must coordinate relief to prevent overlapping awards while ensuring adequate maintenance.

Important Observations

1. Maintenance laws should be interpreted liberally to achieve social welfare objectives.
2. A woman does not lose her right to maintenance merely because she is educated.
3. Children's welfare remains the paramount consideration.
4. Courts should avoid contradictory maintenance orders.
5. Financial disclosure by both parties promotes transparency and fairness.

Conclusion

Maintenance provisions under Section 125 CrPC (now Section 144 BNSS) and the Protection of Women from Domestic Violence Act, 2005 play a vital role in safeguarding the financial security of wives and children. While Section 144 BNSS provides a quick and effective remedy against neglect, the Domestic Violence Act offers broader protection, including monetary and residential relief. The Supreme Court in *Rajesh v. Neha* clarified the relationship between these remedies and established guidelines for determining maintenance. Together, these provisions strengthen the social justice framework of Indian family law by ensuring that wives and children are not left without financial support.