

Hindu Adoption



&



Maintenance

Act, 1956

Part - 2

By Anoop Upadhyay



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①
The Hindu Marriage Act, 1955
हिन्दू विवाह अधिनियम, 1955

गलत-जाबत
Maintenance

The Hindu Succession Act, 1956
(हिन्दू उत्तराधिकार अधिनियम, 1956)

Hindu Law

②
The Hindu Minority & Guardianship Act, 1956
(हिन्दू अप्राप्तवयता और संरक्षकता अधिनियम, 1956)

③
The Hindu Adoption & Maintenance Act, 1956
(हिंदू दत्तक तथा भरण-पोषण अधिनियम, 1956)

Part I
Part II

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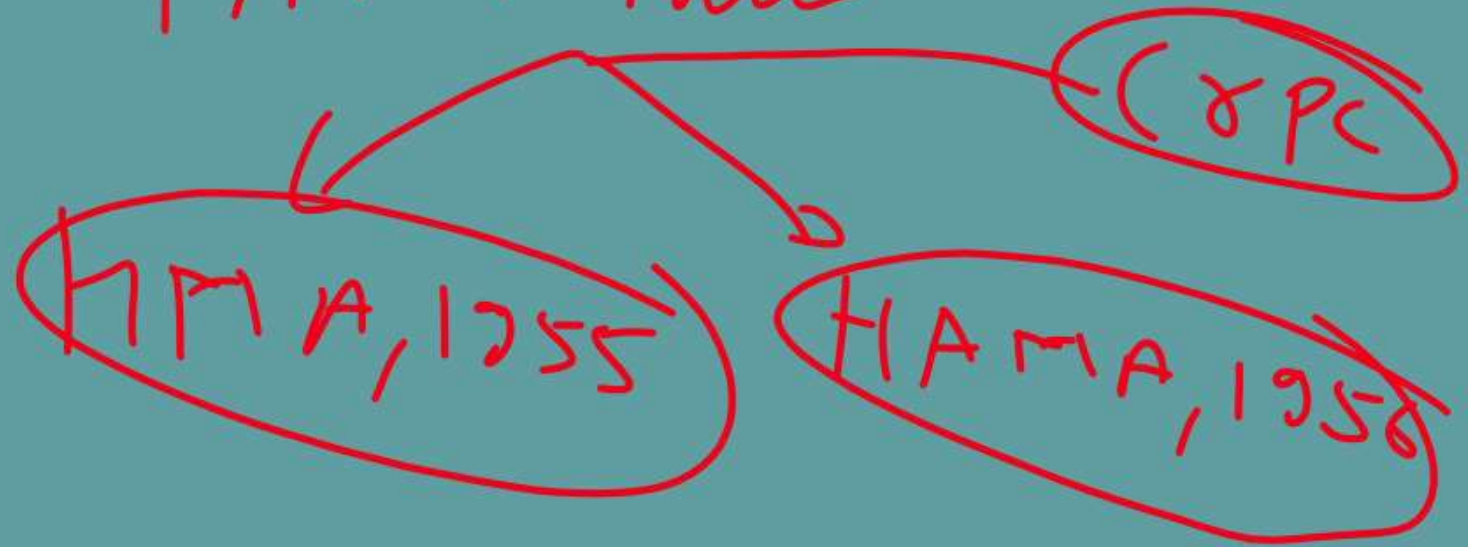
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Maintenance under Hindu Law



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Range		
Ch. No.	Chapter Name	Section
1.	Preliminary (प्रारम्भिक)	1-4
2.	Adoption (दत्तक)	5-17
3.	Maintenance (भरण-पोषण)	18-28
4.	Repeal & Savings (निरसन और व्यावृत्तियाँ)	29-30

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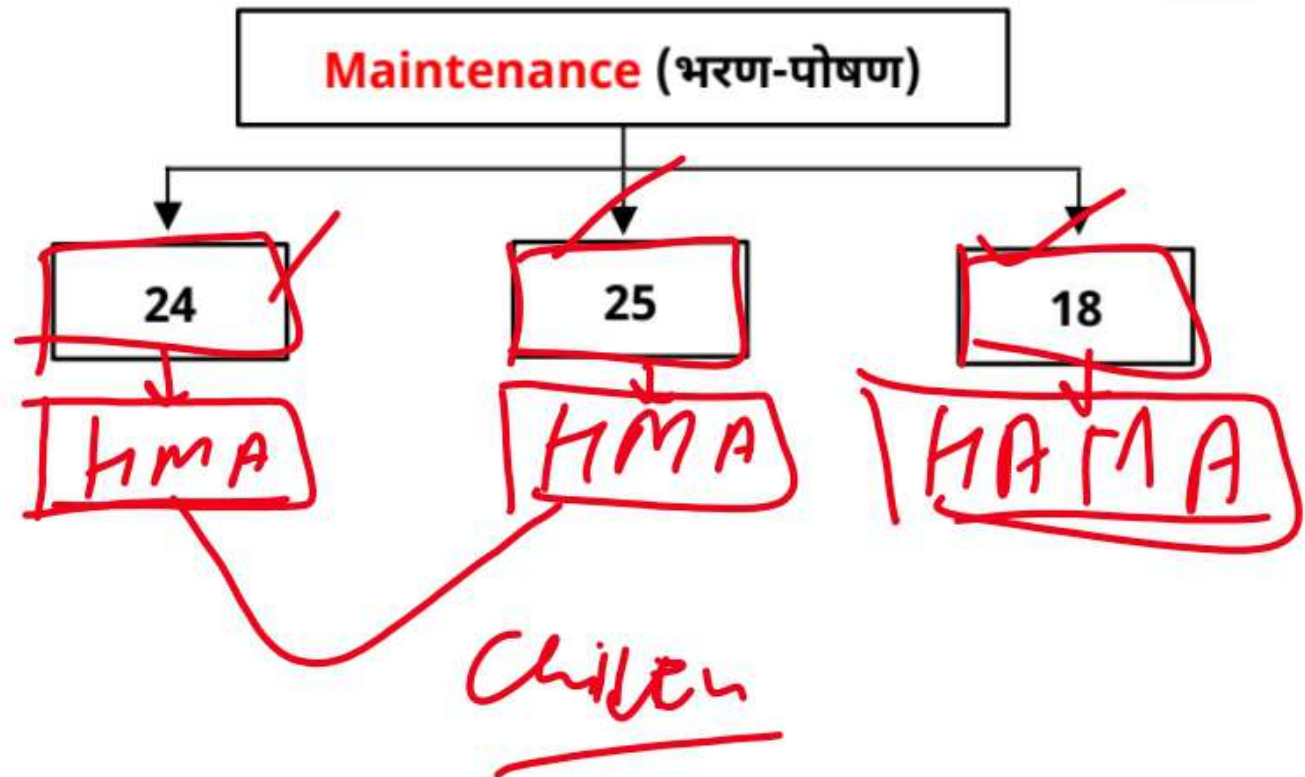


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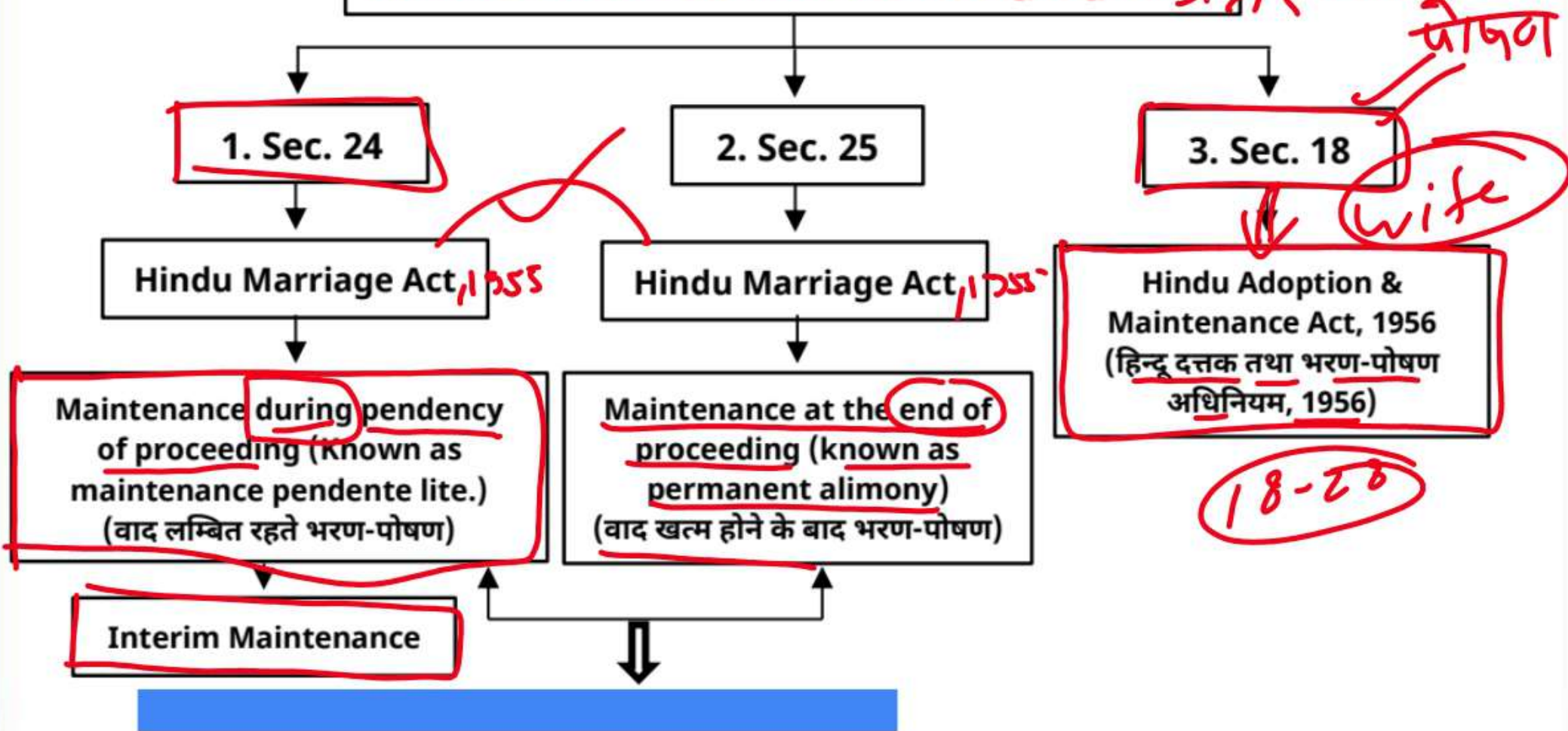
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Maintenance under Hindu Law (हिन्दू कानून के अन्तर्गत भरण-पोषण)



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- ✓ Under section 24 & 25 Husband or wife both can get maintenance.
- ✓ Weaker person can get maintenance.

हस्ताक्षर

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Sec. 18

Maintenance during subsistence of marriage
only wife can get maintenance.

(केवल पत्नी को भरण-पोषण मिलेगा)

A Hindu wife shall be entitled to be maintained
by her husband during her life time.

(हिन्दू पत्नी अपने जीवनकाल में अपने पति से भरण-पोषण
पाने का हकदार होगी)

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Sec. 24 :- Maintenance Pendent lite (वाद लम्बित रहते भरण-पोषण)



Object (उद्देश्य) :- To enable financially weak party to cover cost of litigation and enable him or her maintenance during such pendency.

वित्तीय रूप से कमजोर पक्ष को वाद की लागत को कवर करने में सक्षम बनाना और वाद के लम्बित रहने के दौरान भरण-पोषण देना

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MMA ✓
Divorce

During pendency of proceeding

कार्यवाही के लंबित रहने के दौरान

(Matters covered under section 9 10, 11, 12, 13).

(धारा 9, 10, 11, 12, 13 के अंतर्गत आने वाले मामले)।



✓ **Maintenance given by Court to Husband or wife who has no independent income.**

न्यायालय द्वारा पति या पत्नी को भरण-पोषण दिया जाता है जिसकी कोई स्वतंत्र आय नहीं है।

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✓ Court will order respondent to pay **Petitioner** the expenses of proceeding.

न्यायालय प्रतिवादी को याचिकाकर्ता को कार्यवाही के खर्च का भुगतान करने का आदेश देगी।

✓ Court also order to pay maintenance monthly during proceeding.

न्यायालय ने कार्यवाही के दौरान भरण-पोषण मासिक भुगतान करने का भी आदेश दिया।

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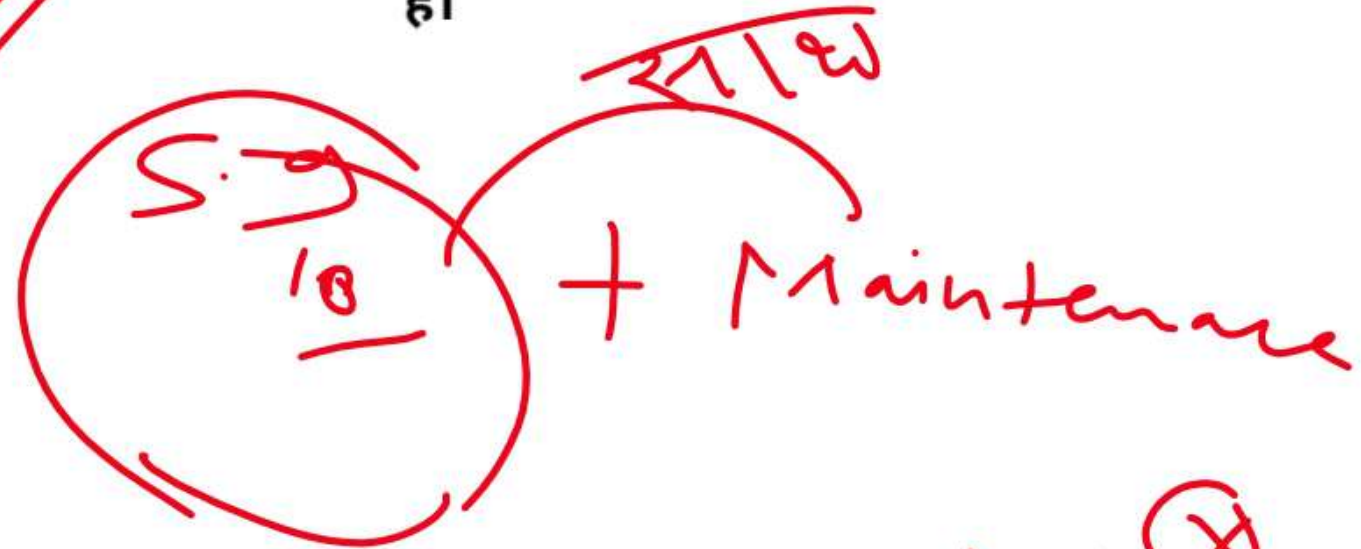


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V.V. Imp.

No Independent application can be filled under section 24.

धारा 24 के तहत कोई स्वतंत्र आवेदन नहीं भरा जा सकता है।



Separate → only for Maint.

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Grounds (आधार)

Maintenance to husband or wife is given on the basis of that either of them has no independent source of income.

पति या पत्नी को भरण-पोषण इस आधार पर दिया जाता है कि दोनों में से किसी के पास आय का कोई स्वतंत्र स्रोत नहीं है।

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(ध्यान रखने की जगह)

Consideration :- At the time of deciding maintenance, income of petitioner & respondent should be taken into consideration.

भरण-पोषण तय करते समय याचिकाकर्ता और प्रतिवादी की आय को ध्यान में रखा जाना चाहिए।

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Payment for proceeding expenses by husband or wife.

पति या पत्नी द्वारा कार्यवाही व्यय के लिए भुगतान।



The Application shall be disposed off within 60 days from the date of notice

नोटिस की तारीख से 60 दिनों के भीतर आवेदन का निपटान किया जाएगा

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Sec. 24 :-

Conclusion - while deciding the question of maintenance during pendency of proceeding i.e. maintenance pendant lite the only issue to be considered is whether the claimant is in a position to maintain himself or herself

निष्कर्ष - कार्यवाही के लम्बित रहने के दौरान भरण-पोषण के प्रश्न का निर्णय करते समय अर्थात् maintenance pendant lite पर विचार किया जाने वाला एकमात्र मुद्दा यह है कि क्या दावेदार स्वयं को भरण-पोषण बनाए रखने की स्थिति में है या नहीं

24

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or not in a position to maintain himself or herself.

या खुद को भरण-पोषण की स्थिति में नहीं है।



In short the financial capacity is to be checked.
संक्षेप में वित्तीय क्षमता की जाँच की जाती है।

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Sir

Case : Chitra Lekha V/s Ranjit Rai, (1977)



here

In this case it has been held that the object behind section 24 is to provide financial assistance to the indigent spouse to maintain herself or himself and also to have sufficient funds to defend or carry on the litigation.

इस मामले में यह माना गया है कि धारा 24 के पीछे का उद्देश्य निर्धन पति या पत्नी को अपना भरण-पोषण करने के लिए वित्तीय सहायता प्रदान करना है और साथ ही प्रतिरक्षा या वाद को आगे बढ़ाने के लिए पर्याप्त धन होना है।

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Sec. 25 :-

Permanent alimony & maintenance
(स्थायी निर्वाहिका और भरण-पोषण)

On application made to the court by (husband or wife) for the purpose [application with respect to (sec. 9 to 13)]

(पति या पत्नी द्वारा इस प्रयोजन के लिए किए गये आवेदन पर)

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Time when the court orders such maintenance
or time when application is to be made

वह समय जब न्यायालय ऐसे भरण-पोषण का आदेश देता है या
वह समय जब आवेदन किया जाना है

①

At the time of passing
of decree
(डिक्री पारित करते समय)

②

Any subsequent time
(any time after passing
decree)
[उसके प्रश्नात किसी भी समय]

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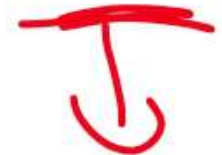


Maintenance paid by respondent up to the life of the applicant.

प्रत्यर्थी द्वारा भरण-पोषण का आवेदक या आवेदिका के जीवन काल तक दिया जाएगा।

Consideration to be kept in mind by court while granting maintenance -

भरण-पोष का आदेश देते समय न्यायालय द्वारा निम्न बातों को ध्यान में रखा जाएगा।



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Living standards

1. Respondent's income and property
प्रत्यर्थी की आय और सम्पति

2. Applicant's income & Property
आवेदक या आवेदिका की आय और सम्पति

3. Conduct of the parties
पक्षकारों का आचरण

4. other circumstances of case
मामलों की अन्य परिस्थितियों

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Sec. 25(2) :- Variance, modification & recession of maintenance order by court.

न्यायालय द्वारा भरण-पोषण आदेश में फेरफार, उपान्तरित और विखण्डित करना



✓ 1.

On the change in the circumstances of either party
पक्षकारों में से किसी की भी परिस्थितियों में तब्दीली

✓ 2.

Sec. 25(3) :- Either Party has remarried
(पुनर्विवाह)

[If wife] --- **Unchaste** (अप्रतिव्रता)

[If husband] --- **Adultery**

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Mains

* **Quantum of Maintenance :-**

Q

Sec. 24 and 25 does not provide any fix rule of deciding Quantum of maintenance.

Sec. 24 और 25 भरण-पोषण की मात्रा तय करने का कोई निश्चित नियम प्रदान नहीं करते हैं।



Amount of maintenance depends on -
भरण-पोषण की मात्रा निम्न पर निर्भर करती है -

(i) Means and conduct of spouses

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~~(ii)~~ **Duration of marriage**
विवाह की अवधि

~~(iii)~~ **education**
शिक्षा

~~(iv)~~ **support of children**
बच्चों का समर्थन

~~(v)~~ **spouses earning capacity**
जीवनसाथी की कमाई की क्षमता

~~(vi)~~ **other reasonable ground**
अन्य उचित आधार

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1. In a suit for dissolution of marriage both maintenance pendent lite & permanent alimony can be granted.

2

विवाह - विच्छेद के वाद में वाद लम्बित रहते भरण-पोषण और स्थायी निर्वाहिक दोनों दिये जा सकते हैं।

[APJS]

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2. Interim Maintenance claimed by husband or wife during pendency of matrimonial proceedings is called as maintenance pendant lite.

वैवाहिक कार्यवाही के लंबित रहने के दौरान पति या पत्नी द्वारा दावा किए गए अंतरिम भरण-पोषण को भरण-पोषण पेंडेंट लाइट कहा जाता है।

[HPJS]

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3. ✓

Remedies under section 24 of the Hindu marriage Act, 1955 and section 125 of CrPC are independent of each other.

हिंदू विवाह अधिनियम, 1955 की धारा 24 और CrPC की धारा 125 के तहत उपचार एक दूसरे से स्वतंत्र हैं।

[HPHJS]

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4.

A divorced Hindu wife can claim maintenance under Hindu Marriage Act & CrPC

एक तलाकशुदा हिंदू पत्नी हिंदू विवाह अधिनियम और सीआरपीसी के तहत भरण-पोषण का दावा कर सकती है

[UJS]

HMA + CrPC =
Maint.
↓
Both allowed.

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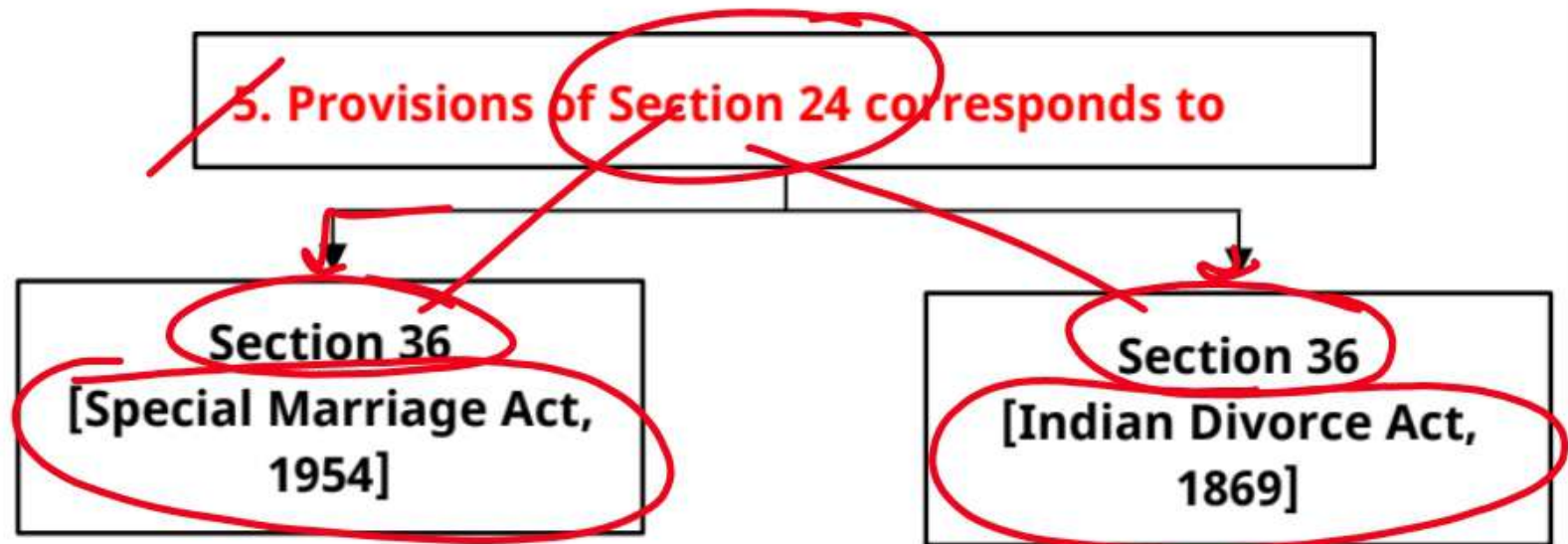


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6. Alimony (निर्वाहिक) under sec. 25 can be ordered by -

①
Civil court
(X)

②
(Any court) exercising
(jurisdiction) under Hindu
Marriage Act, 1955
(हिन्दू विवाह अधिनियम, 1955
के अन्दर अधिकारित का प्रयोग
कर रहा कोई भी न्यायालय)

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HMA, 1955

Sec. 26 - Custody of children (अपत्नों की अभिरक्षा)

Sec. 26 amended by the Hindu Marriage (Amendment) Act, 1964.

Later on Proviso to section 26 inserted by the Marriage Laws (Amendment) Act, 2001.

1964 → Amend to S. 26

2001 → Proviso - insert.

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Case :- Payal Agrawal V/s Deepak Garg

1. The application can be made in any matrimonial proceedings under the Act.

अधिनियम के अन्तर्गत किसी भी वैवाहिक कार्यवाही में आवेदन किया जा सकता है।

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2.

The court may pass following orders during the pendency of matrimonial proceedings or after passing of decree granting matrimonial relief-

वैवाहिक कार्यवाही के लंबित होने के दौरान या वैवाहिक अनुतोष की डिक्री पारित होने के बाद न्यायालय निम्न आदेश दे सकते हैं-

Of Minor children (अप्राप्तव्य बालकों का)

- (i) Custody (अभिरक्षा)
- (ii) Maintenance (भरण-पोषण)
- (iii) Education (शिक्षा)

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HMA

Sec. 13 - Paramount
Consideration of child

3. The Court are guided by the principle of 'welfare of the child'.

न्यायालय 'बच्चों के कल्याण' के सिद्धांत से निर्देशित है।

4. Such orders can be Varied, revoked or suspended from time to time even after termination of matrimonial proceeding.

इन आदेशों को समय - समय पर वैवाहिक कार्यवाहियों की समाप्ति के बाद भी प्रतिसंहत, निलंबित या फेरफार किया जा सकेगा।

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4.26

imp.
P.S.

Wishes of child need to be taken into consideration.

बच्चे की इच्छाओं को ध्यान में रखा जाना चाहिए।

Application for custody of child must be disposed off within 60 days from the date of service of notice on the respondent.

प्रत्यर्थी पर सूचना की तामील की तारीख से 60 दिन के भीतर अपत्यों की अभिरक्षा के लिए आवेदन का निपटारा किया जाएगा।

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Sec. 27 :- Disposal of property (सम्पत्ति का व्ययन)

* Section 27 of the act is attracted only when the property presented at or about the time of marriage is alleged to belong jointly to both the spouses.

[MPHJS]

imp * Section 27 allows the court to divide property presented to them jointly at the marriage between the spouses.

[DHJS]

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Object (उद्देश्य)



To save the wife from romming to different courts for settling property disputes which are integral part of matrimonial conflict problems.

Relief under section 27 is ancillary to the main proceeding no order under section 27 can be passed if the relief in the main proceeding is denied.

अनुबन्धीय

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MIN
Main Processing X
+
Sec. 27
↑
map.

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90 days

Section 28 :-

* Limitation of filling an appeal :-

✓ Every appeal from decree or orders shall be preferred with effect from 23rd December, 2003 within a period of 90 days from the date of decree or orders.

[UJS 2009]

No appeal :- on the subject of costs only
(केवल खर्च के विषय में कोई अपील नहीं होगा)

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During the pendency of appeal against the decree of divorce the parties are not competent to contract another marriage and their incapacity to do so is absolute.

[Bihar, UJS]

Dec → Divorce
↓
प्राप्ति

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Case - Sushma Pramod tak sande V/s Pramod Ramji, Tak Sande (2009)



Appeal against the decree of divorce by mutual consent is maintainable.

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Sec. 28A :- Enforcement (प्रवर्तन)

Decrees

Order

Inserted by Marriage Laws (Amendment) Act,
1976.

Pre

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MAMA, 1956

Chapter 3 : Maintenance (भरण-पोषण)



Sec. 18-28

18

Definition of maintenance - Sec. 3(b)

भरण-पोषण की परिभाषा

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Sec. 3 (b) **"maintenance"** includes
(भरण पोषण' के अन्तर्गत) —

(i) **in all cases,** provision for food, clothing, residence, education and medical attendance and treatment;

सब दशाओं में भोजन, वस्त्र, आवास, शिक्षा और चिकित्सीय परिचर्या और इलाज के लिए उपबन्ध आता है;

(ii) in the case of an (unmarried daughter, also the (reasonable) expenses of and incident to her marriage.

अविवाहिता पुत्री की दशा में उसके विवाह के युक्तियुक्त और प्रासंगिक व्यय भी आते हैं;

शु शादी के खर्च

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HAMA, 1956

Persons who are entitled to Maintenance
व्यक्ति जो भरण-पोषण के लिए हकदार है -

Wife (पत्नी)
[Sec. 18]

Widowed
daughter in
-law
[Sec. 19]

Children &
Aged
Parents
अपत्य और वृद्ध
जनकों
[Sec.20]

Dependents
of deceased
मृतक के आश्रित
[Sec. 21 &
22]

HAMA
HAMA
CPD

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Section - 18

केवल पत्नी

Section - 18(1)

Right

A Hindu wife shall be entitled to be maintained by her husband during her lifetime

एक हिंदू पत्नी अपने जीवनकाल के दौरान अपने पति द्वारा भरण-पोषण की हकदार होगी

Section - 18(2)

It lays down the grounds on which a wife can claim separate residence from her husband without forfeiting her right to maintenance

यह उन आधारों को निर्धारित करता है जिन पर एक पत्नी अपने भरण-पोषण के अधिकार को खोए बिना अपने पति से अलग निवास का दावा कर सकती है

Section - 18(3)

पति प्यार

When wife not entitled to claim maintenance or separate residence

जब पत्नी भरण-पोषण या अलग निवास का दावा करने की हकदार नहीं है

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अलग निवास

Section - 18(2) Grounds of separate residence for wife

S. - 18
(2)(a)

Desertion
अभित्यजन

S. - 18
(2)(b)

Cruelty
क्रूरता

S. - 18
(2)(c)

Virulent
leprosy
उग्र कुष्ठ

* Omitted now - by
personal laws
(amendment) Act, 2019

S. - 18
(2)(d)

Another
wife
living
अन्य पत्नी
जीवित

S. - 18
(2)(e)

Keeping
concubine
उपपत्नी
रखता है।

S. - 18
(2)(f)

Ceased
to be a
Hindu
हिन्दू नहीं
रह गया है।

S. - 18
(2)(g)

Other
Justified
reasons
अन्य
न्योयोचित
कारण

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Sec. 18(3) :- when wife not entitled to claim maintenance or separate residence (पत्नी भरण पोषण या पृथक रहने के दावा करने का हकदार नहीं है, जब -)

2 Grounds

①
When wife ceases to be a Hindu
जब पत्नी हिन्दू न रहे

Conversion

②
When she is unchaste and guilty of persistent adulterous conduct
जब वह अपवित्र है और लगातार व्यभिचारी आचरण की दोषी है

Case : Bhagwan kaur v/s Bose

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Maintenance of wife/ पत्नी का भरण - पोषण

Wife can get maintenance under (पत्नी को भरण - पोषण मिल सकता है)-

① 1.Hindu Marriage Act, 1955

② 2.CrPC, 1973

③ 3.Hindu Adoption & Maintenance Act, 1956

Sec. 24

Sec. 25

Sec. 125

Sec. 18

Maintenance pendent lite

Payment of permanent alimony & maintenance

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2. CrPC, 1973 :-

Sec. 125 :- Maintenance of wife who is unable to maintain herself.

पत्नी का भरण - पोषण जो स्वयं का भरण पोषण करने में असमर्थ है



Wife will be entitled to maintenance from her husband if husband has sufficient means but he neglects or refuses to do so.

पत्नी अपने पति से भरण पोषण की हकदार होगी यदि पति के पास पर्याप्त साधन है लेकिन वह ऐसा करने से उपेक्षा करता है या मना करता है।



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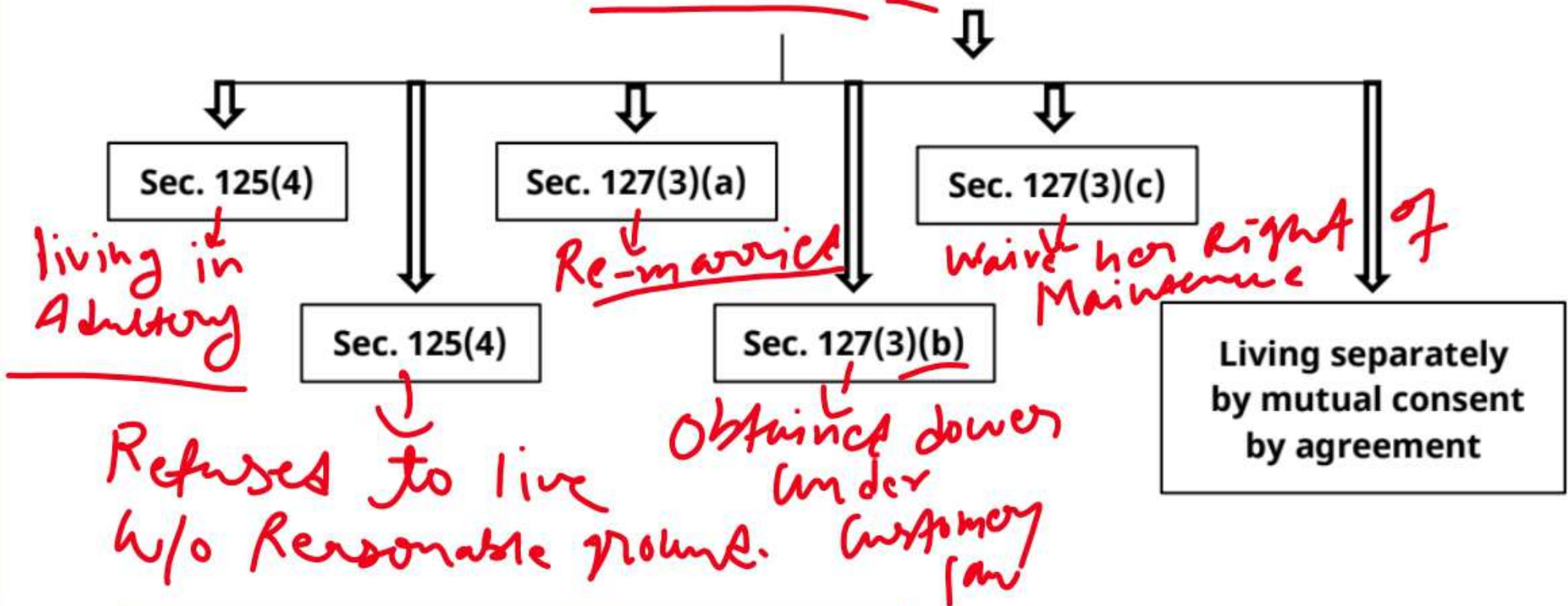
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In following cases wife will not be entitled to claim maintenance – if she is



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3. Hindu Adoption & Maintenance Act, 1956
section 18 :- It entitles a Hindu wife to claim
maintenance from her husband for her lifetime.

In following cases wife will not be entitled to claim
maintenance –

If she is

Sec. 18(3)

2 grounds

Living separately
without any
justification

Living separately

She forfeits her claim
for maintenance under
such agreement.

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**19. Maintenance of widowed daughter-in-law (विधवा पुत्र-
वधु का भरण-पोषण) —**

**(1) A Hindu wife, shall be entitled to be maintained
after the death of her husband by her father-in-law:**

कोई हिन्दू पत्नी, अपने पति की मृत्यु के पश्चात् अपने श्वसुर से भरण-
पोषण प्राप्त करने की हकदार होगी :

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Provided and to the extent that

- she is unable to maintain herself out of her own earnings or other property or,
- where she has no property of her own, is unable to obtain maintenance—

परन्तु यह तब जब कि और विस्तार तक जहां तक कि

- वह स्वयं अपने अर्जन से या अन्य सम्पत्ति से अपना भरण-पोषण करने में असमर्थ होया
- उस दशा में जहां उसके पास अपनी स्वयं की कोई भी सम्पत्ति नहीं है वह निम्नलिखित में किसी से अपना भरण-पोषण अभिप्राप्त करने में असमर्थ हो-

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(a) from the estate of her husband or her father or mother, or

अपने पति या अपने पिता या माता की सम्पदा से, या

(b) from her son or daughter, if any, or his or her estate.

अपने पुत्र या पुत्री से, यदि कोई हो, या उसकी सम्पदा से ।

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See. 20. Maintenance of children and aged parents (अपत्यों और वृद्धजनकों का भरण-पोषण) —

(1) A Hindu is bound, during his or her life-time, to maintain his or her legitimate or illegitimate children and his or her aged or infirm parents.

कोई हिन्दू अपने जीवनकाल के दौरान अपने धर्मज या अधर्मज अपत्यों और वृद्ध या शिथिलांग जनकों का भरण-पोषण करने के लिए आबद्ध है।

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(2) A legitimate or illegitimate child may claim maintenance from his or her father or mother so long as the child is a minor.

जब तक कि कोई धर्मज या अधर्मज अपत्य अप्राप्तवय रहे वह अपने पिता या माता से भरण-पोषण पाने के लिए दावा कर सकेगा।

माता पिता

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- (3) The obligation of a person to maintain his or her aged or infirm parent or a daughter who is unmarried extends in so far as the parent or the unmarried daughter, as the case may be, is unable to maintain himself or herself out of his or her own earnings or other property.

किसी व्यक्ति को अपने वृद्ध या शिथिलांग जनकों का या किसी पुत्री का, जो अविवाहिता हो, भरण-पोषण करने की बाध्यता का विस्तार वहां तक होगा जहां तक कि जनक या अविवाहिता पुत्री, यथास्थिति, स्वयं अपने उपार्जनो या अन्य सम्पत्ति से अपना भरण-पोषण करने में असमर्थ हो ।



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Explanation.—In this section “parent” includes a childless step-mother.

इस धारा में "जनक" के अन्तर्गत निःसंतान सौतेली माता भी आती है।

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21. Dependants defined (आश्रितों की परिभाषा) —

परिभाषित

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22. Maintenance of dependants (आश्रितों का भरण-पोषण)—

(1) the heirs of a deceased Hindu are bound to maintain the dependants of the deceased out of the estate inherited by them from the deceased.

मृत हिन्दू के वारिस मृतक से विरासत में प्राप्त सम्पदा से मृतक के आश्रितों का भरण-पोषण करने के लिए आबद्ध है।

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(2) Where a dependant has not obtained, by testamentary or intestate succession, any share in the estate of a Hindu dying after the commencement of this Act, the dependant shall be entitled, subject to the provisions of this Act, to maintenance from those who take the estate.

जहां कि किसी आश्रित ने इस अधिनियम के प्रारम्भ के पश्चात् मृत हिन्दू कि सम्पदा में कोई अंश वसीयती या निर्वसीयती उत्तराधिकारी द्वारा अभिप्राप्त नहीं किया है वहां इस अधिनियम के उपबन्धों के अधधीन यह है कि वह आश्रित उन व्यक्तियों से भरण-पोषण प्राप्त करने का हकदार होगा जो उस सम्पदा को लेते हैं।

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(3) The liability of each of the persons who takes the estate shall be in proportion to the value of the share or part of the estate taken by him or her.

जो व्यक्ति सम्पदा लेते हैं उनमें से हर एक का दायित्व अपने द्वारा ली गई सम्पदा के अंश या भाग के मूल्य के अनुपात में होगा ।



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- (4) Notwithstanding anything contained in sub-section (2) or sub-section (3), no person who is himself or herself a dependant shall be liable to contribute to the maintenance of others, if he or she has obtained a share or part the value of which is, or would, if the liability to contribute were enforced, become less than what would be awarded to him or her by way of maintenance under this Act.

उपधारा (2) या उपधारा (3) में किसी बात के अन्तर्विष्ट होते हुए भी, कोई व्यक्ति, जो स्वयं एक आश्रित है, अन्यो के भरण-पोषण के लिए अभिदाय करने का दायी न होगा, यदि जो अंश या भाग उसे अभिप्राप्त हुआ हो उसका मूल्य, उससे जो उसे भरण-पोषण के रूप में उस अधिनियम के अधीन अधिनिर्णीत हो, कम हो या कम हो जाएगा यदि अभिदाय करने के दायित्व का प्रवर्तन किया जाए।

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23. Amount of maintenance (भरण-पोषण की रकम) —

- (1) It shall be in the discretion of the court to determine whether any, and if so what, maintenance shall be awarded under the provisions of this Act, and in doing so the court shall have due regard to the considerations set out in sub-section (2) or sub-section (3), as the case may be, so far as they are applicable.

इस बात को अवधारित करना न्यायालय के विवेकाधिकार में होगा कि क्या कोई भरण-पोषण इस अधिनियम के उपबन्धों के अधीन दिलवाया जाए और यदि दिलवाया जाए तो, कितना और ऐसा करने में न्यायालय, यथास्थिति, उप-धारा (2) या उपधारा (3) में उपवर्णित बातों को, जहां तक कि वे लागू हैं सम्यक् रूप में ध्यान में रखेगा।

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- (2) In determining the amount of maintenance, if any, to be awarded to a wife, children or aged or infirm parents under this Act, regard shall be had to—
पत्नी, अपत्यां, वृद्ध या शिथिलांग जनकों को यदि कोई भरण-पोषण रकम इस अधिनियम के अधीन दी जानी हो तो उसका अवधारण करने में निम्नलिखित बातों को ध्यान में रखा जाएगा-
- (a) the position and status of the parties;
पक्षकारों की स्थिति और प्रतिस्थिति को;
 - (b) the reasonable wants of the claimant;
दावेदार की युक्तियुक्त आवश्यकताओं को;

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- (c) if the claimant is living separately, whether the claimant is justified in doing so;
यदि दावेदार पृथक्तः निवास कर रहा है तो इस बात को कि क्या दावेदार का ऐसा करना न्यायोचित है;
- (d) 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;
दावेदार की सम्पत्ति के मूल्य को, और ऐसी सम्पत्ति से या दावेदार के निजी उपार्जनो से या किसी अन्य स्रोत से व्युत्पन्न किसी आय को;

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(e) the number of persons entitled to maintenance under this Act.

इस अधिनियम के अधीन भरण-पोषण के हकदार व्यक्तियों की संख्या को।

(3) In determining the amount of maintenance, if any, to be awarded to a dependent under this Act, regard shall be had to—

इस अधिनियम के अधीन किसी आश्रित को यदि कोई भरण-पोषण की रकम दी जानी है, तो उस रकम के अवधारण में निम्नलिखित बातों को ध्यान में रखा जाएगा- संदाय का उपबन्ध करने के -

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- (a) the net value of the estate of the deceased after providing for the payment of his debts;
मृतक के ऋणों के पश्चात् उसकी सम्पदा के शुद्ध मूल्य को;
- (b) the provision, if any, made under a will of the deceased in respect of the dependant;
मृतक की विल के अधीन उस आश्रित के बारे में किए गए उपबन्ध को, यदि कोई हो;
- (c) the degree of relationship between the two;
दोनों के बीच के नातेदारी की डिग्रियों को;
- (d) the reasonable wants of the dependant;
उस आश्रित की युक्तियुक्त आवश्यकताओं को;

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- (e) the past relations between the dependant and the deceased;
उस आश्रित और मृतक के बीच के भूतपूर्व सम्बन्धों को;
- (f) the value of the property of the dependant and any income derived from such property; or from his or her earnings or from any other source;
उस आश्रित की सम्पत्ति के मूल्य को और ऐसी सम्पत्ति से, या उस आश्रित के निजी उपार्जन से या किसी अन्य स्रोत से व्युत्पन्न किसी आय को;
- (g) the number of dependants entitled to maintenance under this Act.
इस अधिनियम के अधीन भरण-पोषण के हकदार आश्रितों की संख्या को ।

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24. Claimant to maintenance should be a Hindu (भरण-पोषण के दावेदार को हिन्दू होना चाहिए) —

No person shall be entitled to claim maintenance under this Chapter if he or she has ceased to be a Hindu by conversion to another religion.

कोई भी व्यक्ति यदि वह किसी अन्य धर्म में संपरिवर्तित होने के कारण हिन्दू न रह गया हो तो इस अध्याय के अधीन भरण-पोषण का दावा करने का हकदार न होगा ।



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25. Amount of maintenance may be altered on change of circumstances (परिस्थितियों में तब्दीली होने पर भरण-पोषण की रकम में परिवर्तन किया जा सकेगा) —

The amount of maintenance, whether fixed by a decree of court or by agreement, either before or after the commencement of this Act, may be altered subsequently if there is a material change in the circumstances justifying such alteration.

पोषण की रकम में परिवर्तन करना न्यायोचित हो तो भरण-पोषण की रकम, चाहे वह इस अधिनियम के प्रारम्भ के पूर्व या पश्चात् न्यायालय की डिक्री द्वारा या करार द्वारा निश्चित की गई हो, तत्पश्चात् परिवर्तित की जा सकेगी।

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26. Debts to have priority (ऋणों को पूर्विकता दी जाएगी) —

Subject to the provisions contained in section 27 debts of every description contracted or payable by the deceased shall have priority over the claims of his dependants for maintenance under this Act.

धारा 27 में अन्तर्विष्ट उपबन्धों के अधीन यह है कि मृतक द्वारा हर प्रकार के संविदाकृत या संदेय ऋणों को उसके अपने आश्रितों के इस अधिनियम के अधीन भरण-पोषण के दावों पर पूर्विकता दी जाएगी।

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27. Maintenance when to be a charge (भरण-पोषण कब भार होगा)

A dependant's claim for maintenance under this Act shall not be a charge on the estate of the deceased or any portion thereof



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28. Effect of transfer of property on right to maintenance (जहां कि आश्रित को किसी सम्पदा में से भरण) —

Where a dependant has a right to receive maintenance out of an estate and such estate or any part thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of the right.

पोषण प्राप्त करने का अधिकार है और ऐसी सम्पदा या उसका कोई भाग अन्तरित किया जाता है तो यदि अन्तरिती को उस अधिकार की सूचना है या यदि वह अन्तरण आनुग्रहिक है तो भरण-पोषण प्राप्त करने के अधिकार का प्रवर्तन अन्तरिती के विरुद्ध



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CHAPTER IV REPEALS AND SAVINGS

29. [Repeals.] (निरसित) — Rep. by the Repealing and Amending Act, 1960 (58 of 1960), s. 2 and the First Schedule (w.e.f. 26-11-1960).

निरसन और संशोधन अधिनियम, 1960 (1960 का 58) की धारा 2 और अनुसूची 1 द्वारा निरसित ।



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30. Savings (व्यावृत्तियां) — Nothing contained in this Act shall affect any adoption made before the commencement of this Act, and the validity and effect of any such adoption shall be determined as if this Act had not been passed.

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Akanksha Gupta	Utkarsh Jain	Trapiti Jain	Kundan Kachhiwaha	Sanjeet Chourasia	Amber Shrivastava	Kumari Preeti	Paras Chaudhary	Jodinder Jangra	Arunima Chauhan	Ritiz Arora	Jasmeet Kaur	Ratnapriya Shrivastava	Sarfaraz Khan	Swapnil Verma	Pravesh Kabra
GJS (RANK-1)	GJS (RANK-7)	GJS (RANK-8)	GJS (RANK-11)	GJS (RANK-12)	GJS (RANK-13)	GJS (RANK-16)	GJS (RANK-37)	GJS (RANK-54)	HCS(JB) RANK-43	HCS(JB) RANK-50	HCS(JB) RANK-73	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22
Aditya Rajeshbhai Gor	Meghaben	Prahlad kumar	Mayuri Jain	Pankti Soni	Kirti Sharma	Shipra Soyai	Divyakant Pandya	Kaushar Banu	Prince Garg	Jaspreet Kaur	Saru Goyal	Shweta Arya	Avani Vyas	Shweta Yadav	
MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22	MPCJ 2021-22
Shivangni Bhatt	Satinder Pannu	Prachi Gunwan	Swati Bhargava	Drutika Upadhyay	Kajal Nayak	Yinay Sharma	Abhay Pratap Singh	Manvendra Singh	Preeti Rathore	Priya Chauhan	Aika Soni	Vaishali Chauhan	Hiteshi Sharma	Vikas Thakur	

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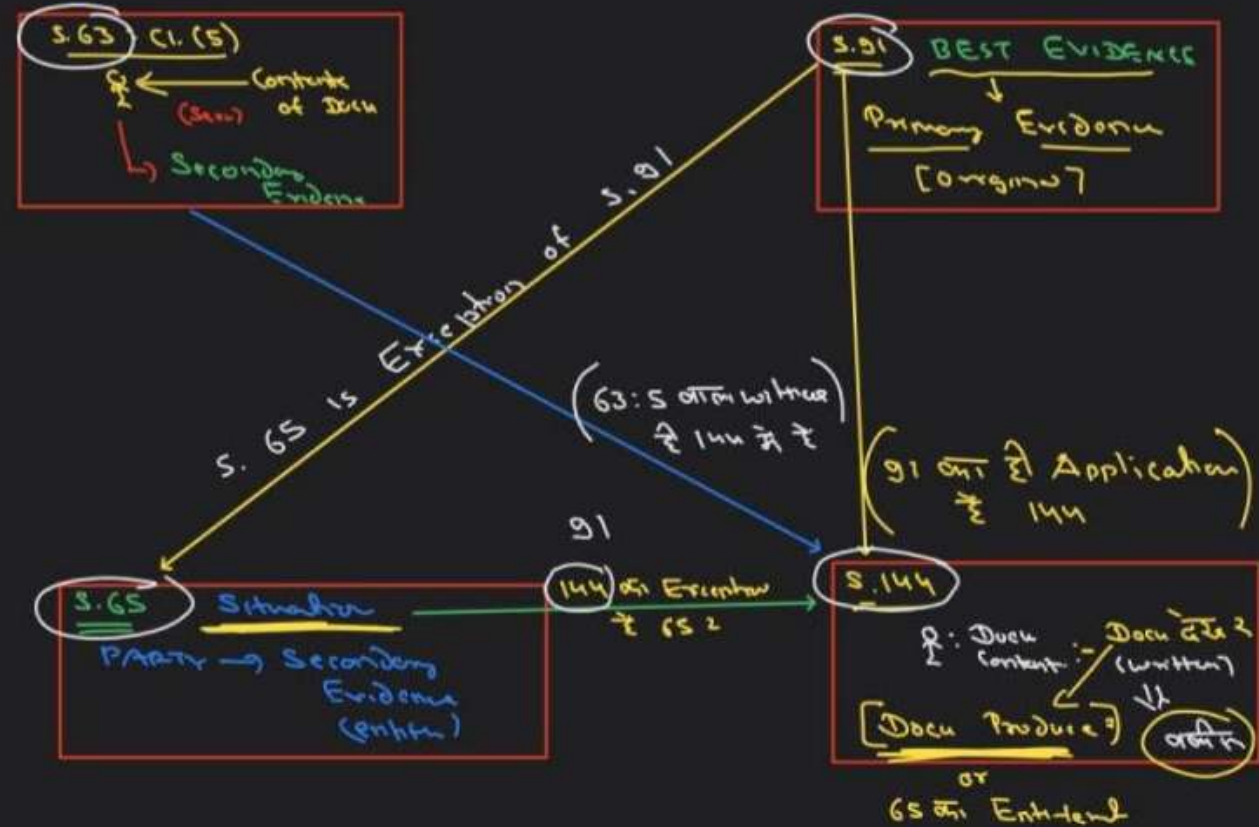


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