

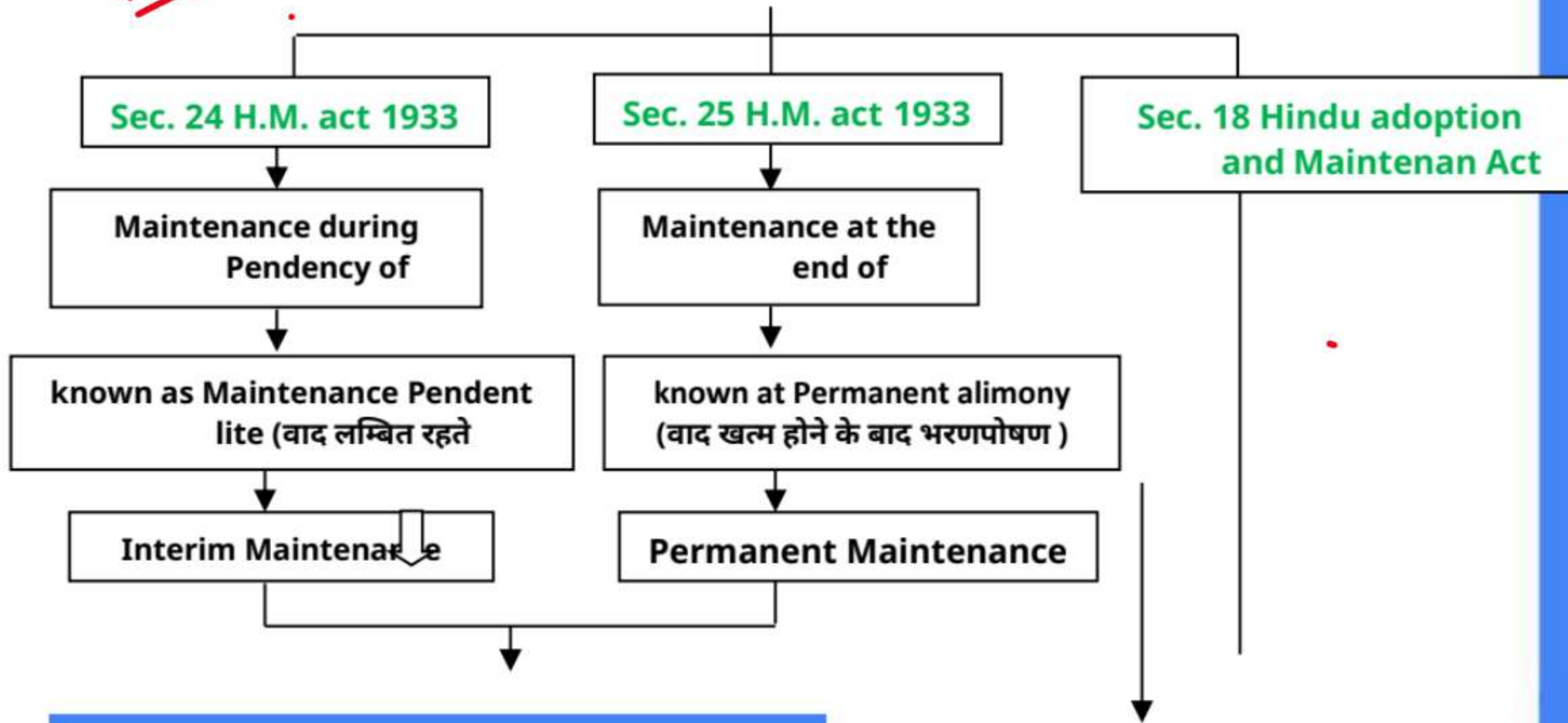


# The Hindu Marriage Act, 1955



*Handwritten note:* Maintenance

## "Maintenance under Handu Law"



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# Hindu Marriage Act, 1955

**Part - 3**

By Anoop Upadhyay

Sec. 19 - 30

+  
{ Maintenance }



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# The Hindu Marriage Act, 1955



CH 24,25 Husband and wife both can get Maintenance  
weaker Person Can get Maintenance

- Maintenance during Subsistence of Marriage (विवाह के निर्वाह के दौरान रखरखाव)
- Only wife Can get Maintenance(केवल पत्नी को मिलेगा)
- A Hindu wife Shall be entitled to be Maintenance Maintained by her Husband during her life thing (हिंदू पत्नी अपने जीवनकाल में अपने पति से भरण पोषण पाने की हकदार होगी।)

## 1.) Sec. 24 Mamkenance Pendent lite (वाद लम्बित रखते भरणपोषण)

**Object** - To enable financially weak party to Cover Cost of litigation and enable him/her Maintenance during Such pendency.

(मुकदमेबाजी की लागत को कवर करने के लिए आर्थिक रूप से कमजोर लोगों को आसानी से सक्षम करने और इस तरह के पेंडेंसी के दौरान उसे / उसके रखरखाव को सक्षम करने के लिए।)

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- \* During pendency of proceedings (Matter Covered u/s 9,10,11,12,13)  
(कार्यवाहियों के लंबित रहने के दौरान (Mallery Contred u/d 9,10,11,12,13)
- \* Maintenance given by Court to Husband or wife who has no independent Income.  
(पति या पत्नी को न्यायालय द्वारा दिया गया भरण-पोषण जिसकी कोई स्वतंत्र आय नहीं है।)
- \* Court will order to respondent to pay Petitioner the expenses of proceeding.  
(अदालत 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)
- \* No independent Application can be filed 4/3 24

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# The Hindu Marriage Act, 1955

(कोई स्वतंत्र आवेदन 4/3 24 दाखिल नहीं किया जा सकता है)

**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 उनमें से किसी के पास आय का कोई स्वतंत्र स्रोत नहीं है।)

**Consider (विचार करना) -**

- \* At the time of deciding Maintenance income of Petitioner and respondent Should be taken into Consideration  
(याचिकाकर्ता और प्रतिवादी की रखरखाव आय का निर्णय लेते समय विचार किया जाना चाहिए)

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\* Payment of forceeding expentest by Husband or wife.  
(पति या पत्नी द्वारा जबरदस्ती किए गए खर्च का भुगतान।)



The Application shall be disposed of within 60 days from the date of Notice  
(आवेदन नोटिस की तारीख से 60 दिनों के भीतर निपटाया जाएगा)

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# The Hindu Marriage Act, 1955

**Conclusion (निष्कर्ष):-** While deciding the question of Maintenance during Pendency of proceeding that is the only issue to maintenance Pendent lite be considered is whether the claimant is In a position to maintain himself or herself or not in Position to maintain himself or herself.

(पूर्ववर्ती की पेंडेंसी के दौरान भरण-पोषण के प्रश्न का निर्णय करते समय केवल रखरखाव पेंडेंट लाइट के मामले में विचार किया जाना चाहिए कि क्या दावाकर्ता खुद को बनाए रखने की स्थिति में है या खुद को बनाए रखने की स्थिति में नहीं है।)

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# The Hindu Marriage Act, 1955



Case :-

Chitrlekha us Ranjit Rai (1977)



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.

**Sec. 25 Permanent alimony & Maintenance (जीवन निर्वाहिका और भरण पोषण)**

**25(i) On Application made to the Court by husband for the purpose. Capplication W.R.T Sec. 9-13] (पति या पत्नी द्वारा इस प्रयोजन के लिए दिए गये आवेदन पर)।**

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)

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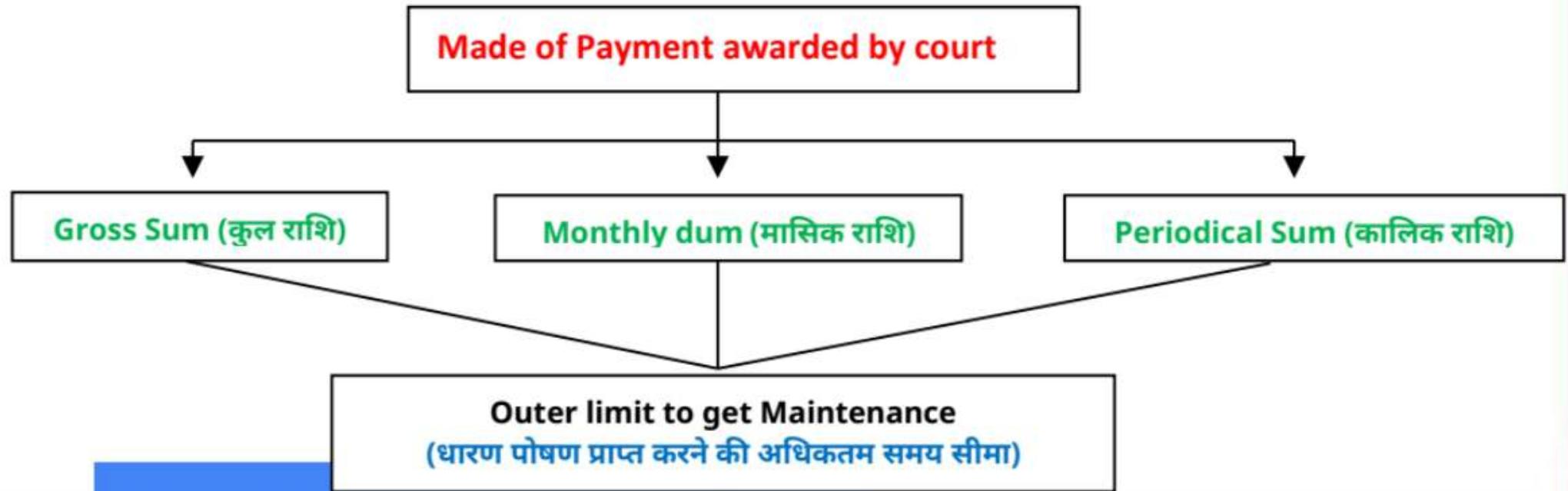




# The Hindu Marriage Act, 1955



OR  
At the time of Passing of  
decree  
(डिक्री पारिस पारित करते समय)



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\* Considerations to be kept in mind by Court while granting Maintenance.

(भरण पोषण का आदेश देते समय न्यायालय द्वारा निम्न बातों को ध्यान में रखा जाएगा) →



- 1.) Respondent's Income and property (प्रत्यर्थी की आय और संपत्ति)
- 2.) Applicants of income & property (आय और संपत्ति के आवेदक)
- 3.) Conduct of the Parties (पक्षकारों का आचरण)
- 4.) Other Circumstances of Case (मामले की अन्य परिस्थितियाँ)

Sec 25(ii) Variance, Modification & Rescission of Maintenance order by Court

(न्यायालय द्वारा भरण पोषण आदेश में फेरफार, उपांतरित अथवा विखंडित करना)



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1.) On the Change in Circumstances of either party  
(पक्षकारो मे से किसी की भी परिस्थितियों में तब्दीली)

Sec.25(iii) 2.)

- \* either party has remarried (पुनर्विवाह)
- \* If wife - unchaste (अपतिश्रता)
- \* If Husband - Adultery (व्यभिचार)

**Quantum of Maintenance**

Sec. 24 and 25 does not provide any fix rule of deciding quantum of Maintenance  
(Sec. 24 और 25 मेंटेनेंस के लिए कोई फिक्स ऑटम नहीं दिया गया है)

**Amount of Maintenance depends on :-**  
(रखरखाव की मात्रा इस पर निर्भर करती है-)

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# The Hindu Marriage Act, 1955



1. Means and Conduct of spouses (जीवनसाथी का मतलब और आचरण)
2. duration of Marriage (विवाह की अवधि)
3. Education (शिक्षा)
4. Support of Children (बच्चों का समर्थन)
5. Spouse's earning Capacity (जीवनसाथी की कमाई क्षमता)
6. other reasonable grounds (अन्य उचित आधार)

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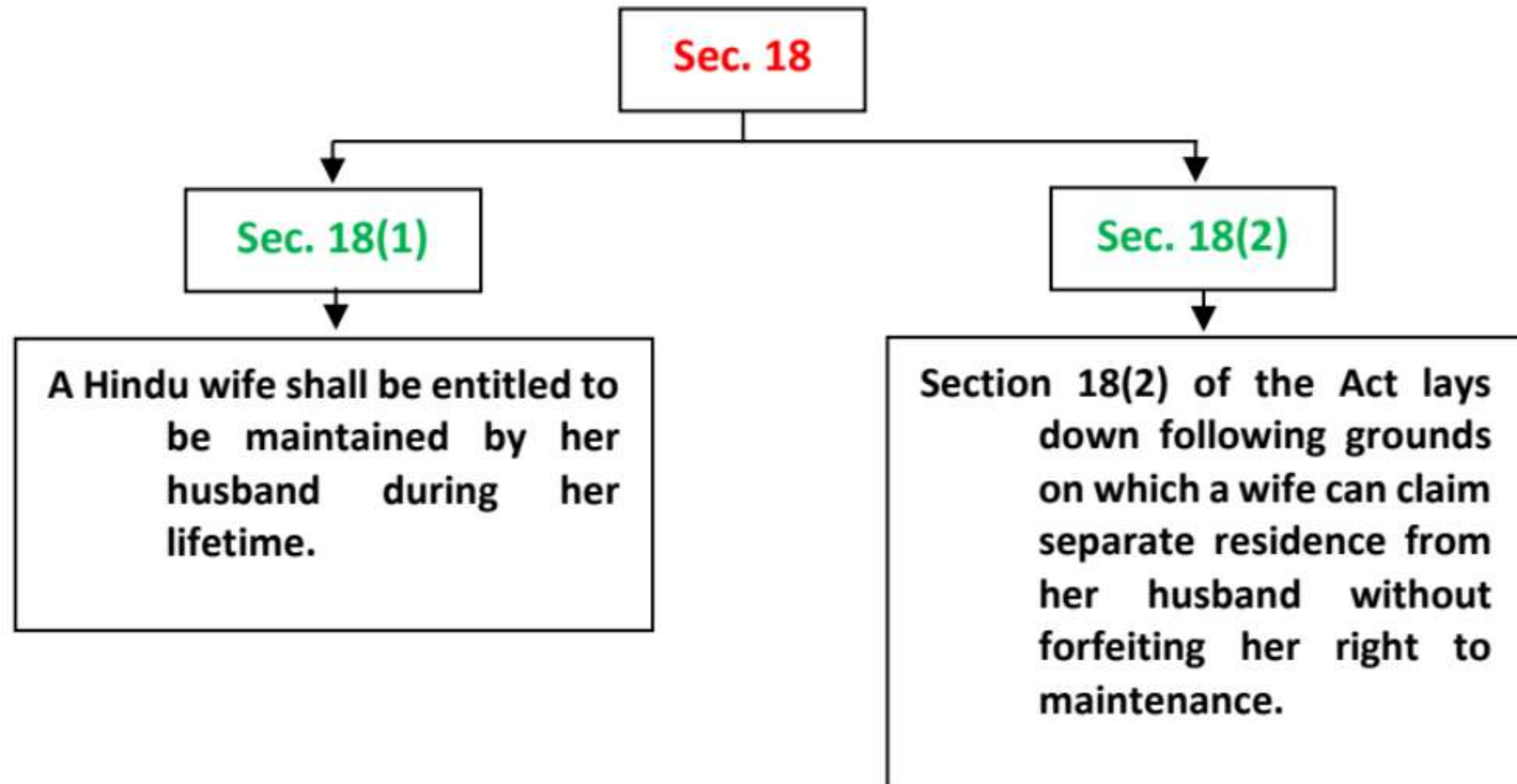


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# The Hindu Marriage Act, 1955



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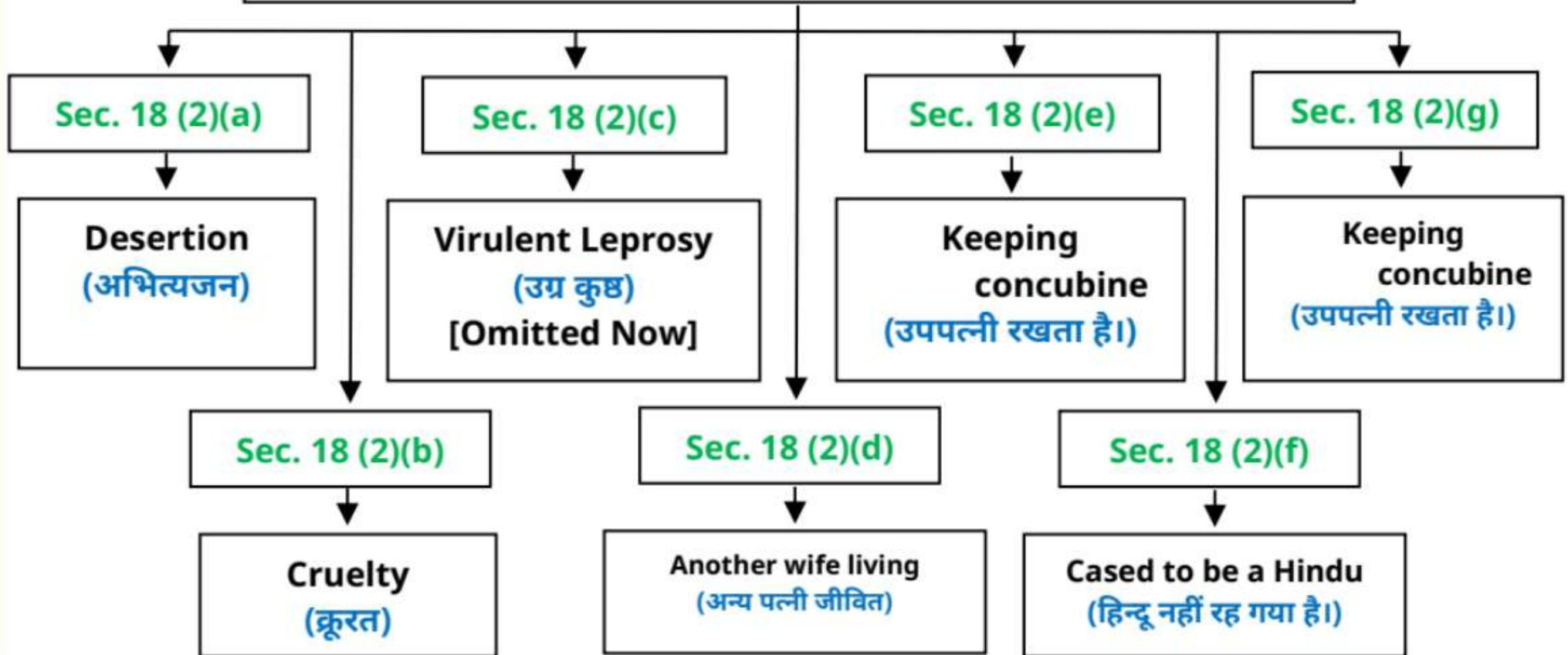
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# The Hindu Marriage Act, 1955



## Sec. 18(2) : Grounds of separate residence for wife



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# The Hindu Marriage Act, 1955



**Sec. 18: When wife not entitled to claim maintenance or separate residence**  
जब पत्नी भरण-पोषण या अलग निवास का दावा करने की हकदार नहीं है

**2 Grounds**

**When wife ceases to be a Hindu**  
(जब पत्नी हिन्दू न रहे)

**Conversion**

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

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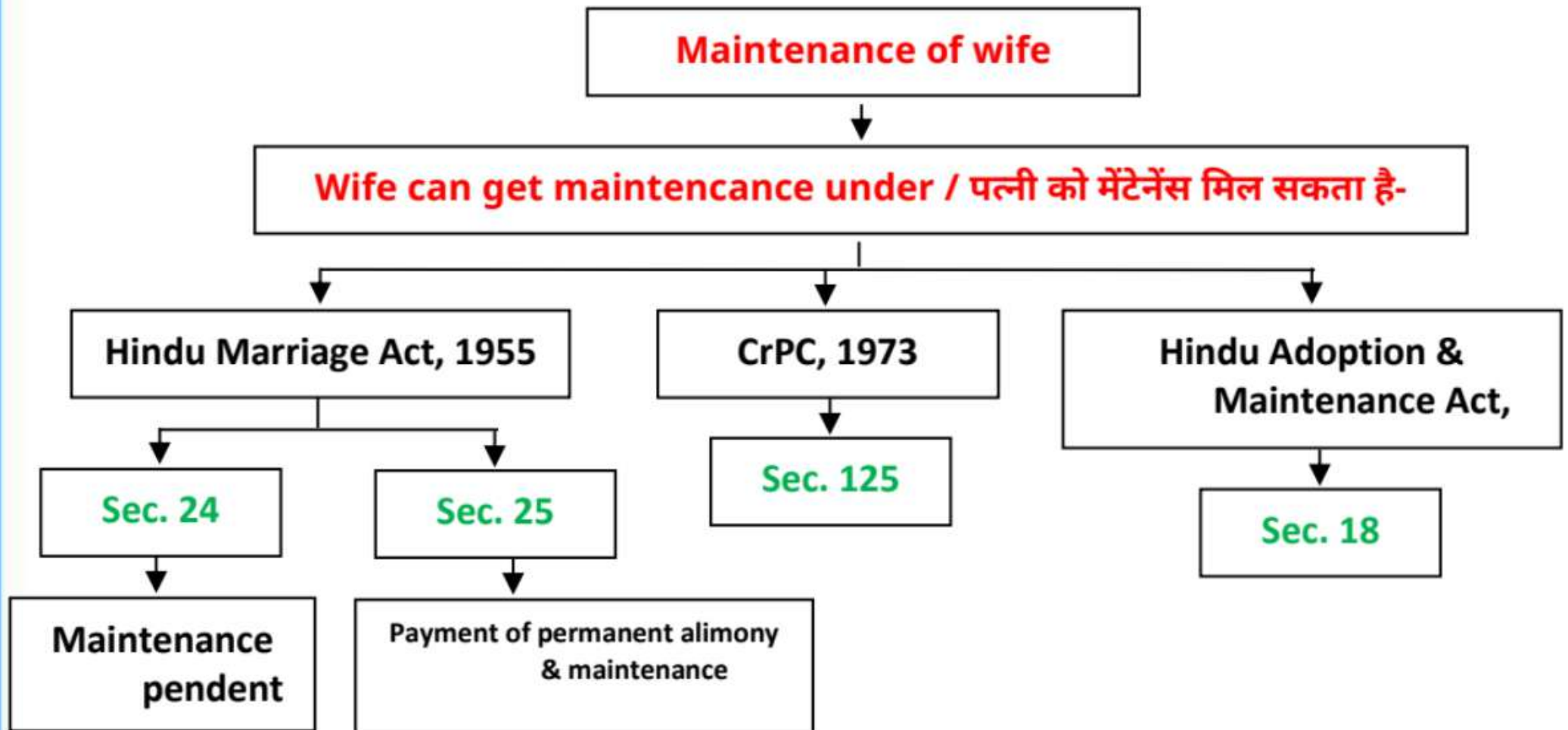
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# The Hindu Marriage Act, 1955



CrPC 1973 :-

**Section 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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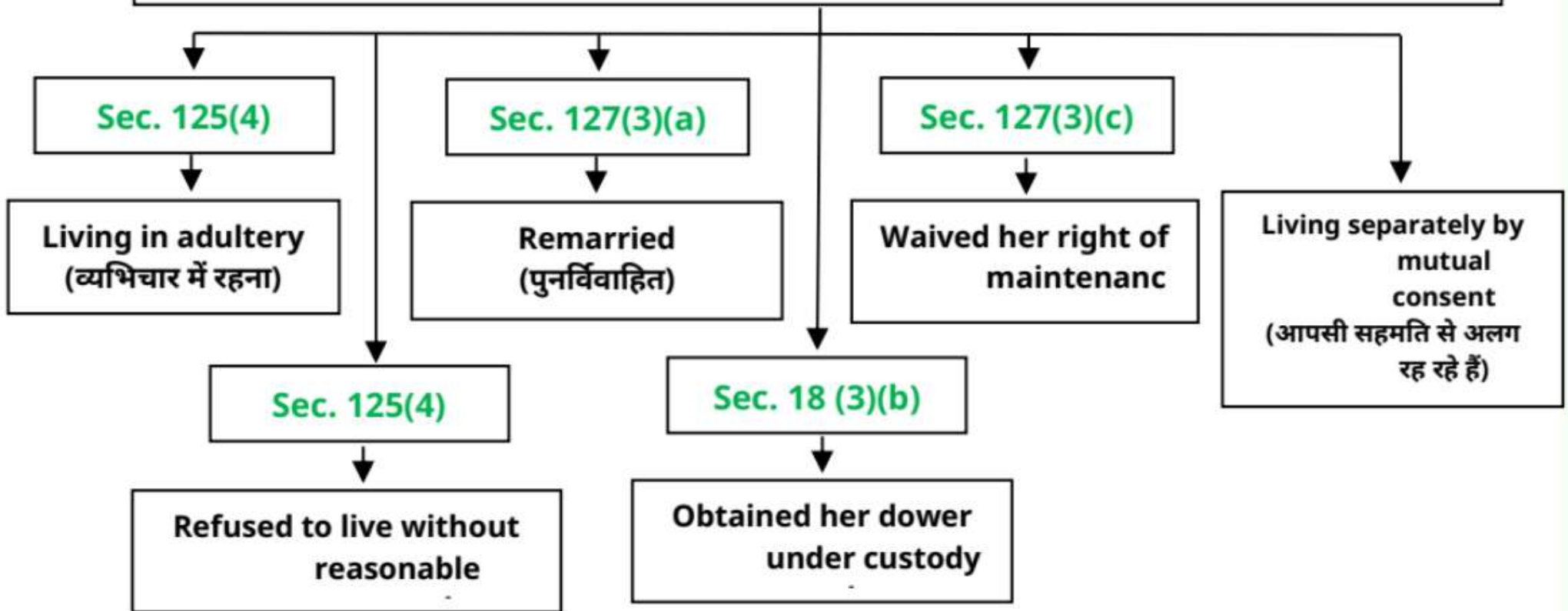
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In following cases wife will not be entitled to claim maintenance - if she is -



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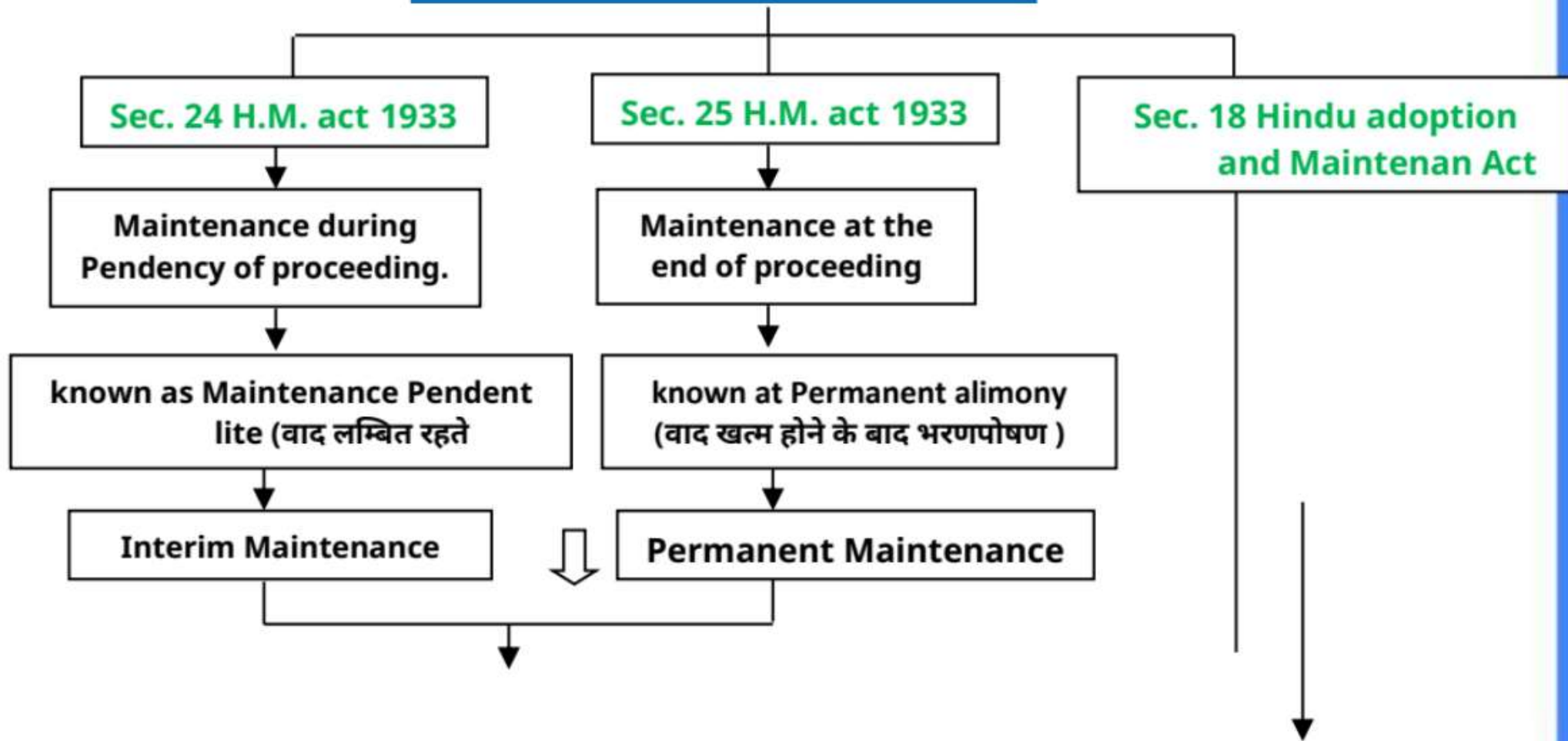
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## "Maintenance under Handu Law"



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CH 24, 25 Husband and wife both can get Maintenance weaker Person Can get Maintenance

- Maintenance during Subsistence of Marriage  
(विवाह के निर्वाह के दौरान रखरखाव)
- Only wife Can get Maintenance  
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- A Hindu wife Shall be entitled to be Maintenance Maintained by her Husband during her life thing  
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# The Hindu Marriage Act, 1955

## 1.) Sec. 24 Maintenance Pendente lite (वाद लम्बित रखते भरणपोषण)

**Object** - To enable financially weak party to Cover Cost of litigation and enable him/her Maintenance during Such pendency.

(मुकदमेबाजी की लागत को कवर करने के लिए आर्थिक रूप से कमजोर लोगों को आसानी से सक्षम करने और इस तरह के पेंडेंसी के दौरान उसे / उसके रखरखाव को सक्षम करने के लिए।)

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- \* Court will order to respondent to pay Petitioner the expenses of proceeding.  
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- \* Court also order to pay Maintenance monthly during proceeding  
(न्यायालय ने कार्यवाही के दौरान भरण-पोषण मासिक भुगतान करने का भी आदेश दिया)
- \* No independent Application can be filed 4/3 24  
(कोई स्वतंत्र आवेदन 4/3 24 दाखिल नहीं किया जा सकता है)

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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.  
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# The Hindu Marriage Act, 1955



**Consider (विचार करना) -**

- \* **At the time of deciding Maintenance income of Petitioner and respondent Should be taken into Consideration**  
(याचिकाकर्ता और प्रतिवादी की रखरखाव आय का निर्णय लेते समय विचार किया जाना चाहिए)

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- \* Payment of forceeding expentest by Husband or wife.  
(पति या पत्नी द्वारा जबरदस्ती किए गए खर्च का भुगतान।)



The Application shall be disposed of within 60 days from the date of Notice (आवेदन नोटिस की तारीख से 60 दिनों के भीतर निपटाया जाएगा)

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# The Hindu Marriage Act, 1955

**Conclusion (निष्कर्ष):-** While deciding the question of Maintenance during Pendency of proceeding that is the only in a issue to maintenance Pendent lite be considered is whether the claimant is In a position to maintain himself or herself or not in Position to maintain himself or herself.

(पूर्ववर्ती की पेंडेंसी के दौरान भरण-पोषण के प्रश्न का निर्णय करते समय केवल रखरखाव पेंडेंट लाइट के मामले में विचार किया जाना चाहिए कि क्या दावाकर्ता खुद को बनाए रखने की स्थिति में है या खुद को बनाए रखने की स्थिति में नहीं है।)

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# The Hindu Marriage Act, 1955



Case :-

Chitrlekha vs Ranjit Rai (1977)



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.

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# The Hindu Marriage Act, 1955

## Sec. 25 Permanent alimony & Maintenance (जीवन निर्वाहिका और भरण पोषण)

25(i) On Application made to the Court by husband for the purpose. Capplication W.R.T Sec. 9-13] (पति या पत्नी द्वारा इस प्रयोजन के लिए दिए गये आवेदन पर)।

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)

At the time of Passing of decree  
(डिक्री पारिस पारित करते समय)

or

Any Subsequent time  
(Any time after Passing decree)  
(उसके पश्चात किसी भी समय)

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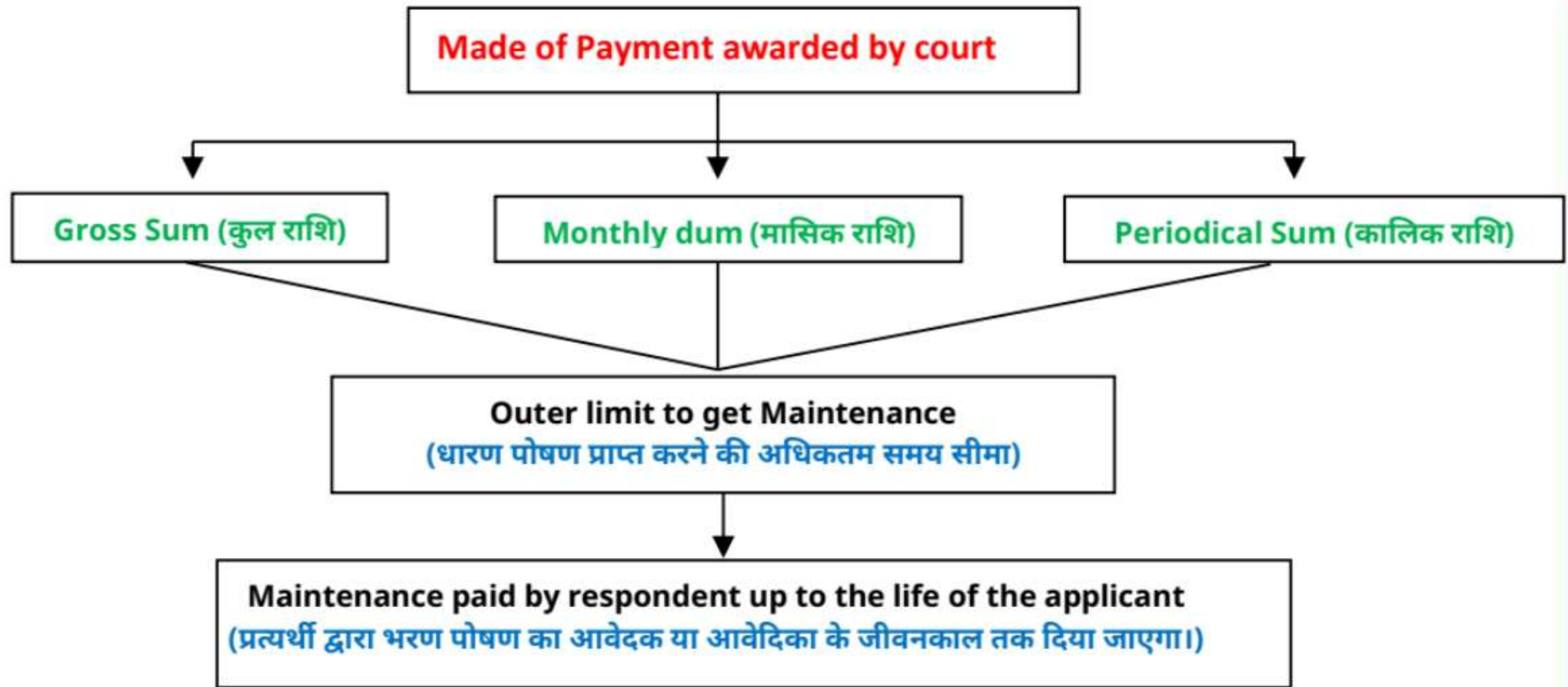


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# The Hindu Marriage Act, 1955



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# The Hindu Marriage Act, 1955

- \* Considerations to be kept in mind by Court while granting Maintenance.

(भरण पोषण का आदेश देते समय न्यायालय द्वारा निम्न बातों को ध्यान में रखा जाएगा)

→



- 1.) Respondent's Income and property (प्रत्यर्थी की आय और संपत्ति)
- 2.) Applicant's income & property (आय और संपत्ति के आवेदक)
- 3.) Conduct of the Parties (पक्षकारों का आचरण)
- 4.) Other Circumstances of Case (मामले की अन्य परिस्थितियाँ)

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# The Hindu Marriage Act, 1955



**Sec 25(ii) Variance, Medification & Recision of Maintenance order by Court**

(न्यायालय द्वारा भरण पोषण आदेश में फेरफार, उपांतरित अथवा विखंडित करना)



- 1.) **On the Change in Circumstancel of either party**  
(पक्षकारो मे से किसी की भी परिस्थितियों में तब्दीली)

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# The Hindu Marriage Act, 1955

Sec.25(iii) 2.)

- \* either party has remarried (पुनर्विवाह)
- \* If wife - unchaste (अपतिश्रता)
- \* If Husband - Adultery (व्यभिचार)

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# The Hindu Marriage Act, 1955



## Quantum of Maintenance



Sec. 24 and 25 does not provide any fix rule of deciding quantum of Maintenance  
(Sec. 24 और 25 मेंटेनेंस के लिए कोई फिक्स ऑटम नहीं दिया गया है)



Amount of Maintenance depends on :-  
(रखरखाव की मात्रा इस पर निर्भर करती है-)

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# The Hindu Marriage Act, 1955



1. Means and Conduct of spouses (जीवनसाथी का मतलब और आचरण)
2. duration of Marriage (विवाह की अवधि)
3. Education (शिक्षा)
4. Support of Children (बच्चों का समर्थन)
5. Spouse's earning Capacity (जीवनसाथी की कमाई क्षमता)
6. other reasonable grounds (अन्य उचित आधार)

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# The Hindu Marriage Act, 1955

19-30 Base Act → Analysis - Key words  
अध्याय 5  
अधिकारिता और प्रक्रिया

Sce.

19. Court to which petition shall be presented (वह न्यायालय जिसमें अर्जी उपस्थापित की जाएगी)-

Every petition under this Act shall be presented to the District Court within the local limits of whose ordinary original civil jurisdiction

इस अधिनियम के अधीन हर अर्जी उस जिला न्यायालय के समक्ष पेश की जाएगी जिसकी मामूली आरंभिक सिविल अधिकारिता की स्थानीय सीमाओं के अन्दर-

(a) D.C. (b) family court  
PSC

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# The Hindu Marriage Act, 1955



- (i) ✓ the marriage was solemnized, or  
विवाह का अनुष्ठापन हुआ था; या
- (ii) ✓ the respondent, at the time of the presentation of the petition, resides, or  
प्रत्यर्थी, अर्जी के पेश किए जाने के समय, निवास करता है; या
- (iii) ✓ the parties to the marriage last resided together, or  
विवाह के पक्षकारों ने अंतिम बार एक साथ निवास किया था; या
- (iii a) ✓ in case the wife is the petitioner, where she is residing on the date of presentation of the petition; or

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# The Hindu Marriage Act, 1955



यदि पत्नी अर्जीदार है तो जहां वह अर्जी पेश किए जाने के समय निवास कर रही है; या

S.19 (iii a)

Jurisdiction (क्षेत्राधिकार)

① Respondent's (प्रतिवादी)

Petitioner

Jurisdiction

Outside India

7/00 more  
↓  
Not heard

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# The Hindu Marriage Act, 1955

the petitioner is residing at the time of the presentation of the petition, in a case where the respondent is at that time, residing outside the territories to which this Act extends, or has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of him if he were alive.

अर्जीदार के अर्जी पेश किए जाने के समय निवास कर रहा है, यह ऐसे मामले में, जिसमें प्रत्यर्थी उस समय ऐसे राज्यक्षेत्र के बाहर निवास कर रहा है जिस पर इस अधिनियम का विस्तार है अथवा वह जीवित है या नहीं इसके बारे में सात वर्ष या उससे अधिक की कालावधि के भीतर उन्होंने कुछ नहीं सुना है, जिन्होंने उसके बारे में, यदि वह जीवित होता तो, स्वाभाविकतया सुना होता।

Respondent

Petitioner

अर्जीदार

7/07 More years

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# The Hindu Marriage Act, 1955

Sec.

20. Contents and verification of petitions. (अर्जियों की अन्तवस्तु और सत्यापन) —

(1) Every petition presented under this Act shall state as distinctly as the nature of the case permits the facts on which the claim to relief is founded and

इस धारा के अधीन उपस्थापित हर अर्जी उन तथ्यों को जिन पर अनुतोष का दावा आधारित हो इतने स्पष्ट तौर पर कथित करेगी जितना उस मामले की प्रकृति अनुज्ञात करे और

shall also state that there is no collusion between the petitioner and the other party to the marriage.

यह भी कथित करेगी कि अर्जीदार और विवाह के दूसरे पक्षकार के बीच कोई सन्धि नहीं है।

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# The Hindu Marriage Act, 1955

imp. (2)

The statements contained in every petition under this Act shall be verified by the petitioner or some other competent person AND

यह अधिनियम के अधीन दी जाने वाली हर अर्जी में अन्तर्विष्ट कथन वादपत्रों के सत्यापन के लिए अर्जीदार या अन्य सक्षम व्यक्ति द्वारा सत्यापित किए जाएंगे और

may, at the hearing, be referred to as evidence.

सुनवाई के समय साक्ष्य के रूप में ग्राह्य होंगे।

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# The Hindu Marriage Act, 1955



Sec 21

21. Application of CPC (CPC का लागू होना).—

CPC

All proceedings under this Act shall be regulated by Code of Civil Procedure, 1908.

इस अधिनियम के अधीन सब कार्यवाहियां जहां तक हो सकेगा सिविल प्रक्रिया संहिता, 1908 द्वारा विनियमित होंगी।

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# The Hindu Marriage Act, 1955

(27) Sec. 21A. Power to transfer petitions in certain cases  
(कुछ मामलों में अर्जियों को अन्तरित करने की शक्ति)

(1) Where जहां —

(a) a petition under this Act has been presented to a district court having jurisdiction by a party to a marriage

praying for a decree for judicial separation under section 10 or

for a decree of divorce under section 13 and

इस अधिनियम के अधीन कोई अर्जी अधिकारिता रखने वाले जिला न्यायालय में विवाह के किसी पक्षकार द्वारा धारा 10 के अधीन न्यायिक पृथक्करण की डिक्री के लिए या धारा 13 के अधीन विवाह-विच्छेद की डिक्री के लिए प्रार्थना करते हुए पेश की गई है; और



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# The Hindu Marriage Act, 1955

निरा

(b) **another petition** under this Act has been **presented** thereafter by the other party to the marriage praying for **Same grounds**

whether in the same district court or

in a different district court,

in the same State or in a different State,

the petitions shall be dealt with as specified in subsection (2).

वहाँ ऐसा अर्जियों के संबंध में उपधारा (2) में विनिर्दिष्ट रीति से कार्यवाही की जाएगी।

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# The Hindu Marriage Act, 1955



(2) In a case where sub-section (1) applies, ऐसे मामले में जिसे उपधारा (1) लागू होती है, —

Group Rule

(a) if the petitions are presented to the same district court,  
यदि ऐसी अर्जियां एक ही जिला न्यायालय में पेश की जाती हैं तो

↓  
\* both the petitions shall be tried and heard together by that district court;  
दोनों अर्जियों का विचारण और उनकी सुनवाई उस जिला न्यायालय द्वारा एक साथ की जाएगी

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# The Hindu Marriage Act, 1955

(b) if the petitions are presented to different district courts

यदि ऐसी अर्जियां भिन्न-भिन्न जिला न्यायालयों में पेश की जाती हैं तो

the petition presented later shall be transferred to the district court in which the earlier petition was presented and

बाद वाली पेश की गई अर्जी उस जिला न्यायालय को अन्तरित की जाएगी जिसमें पहले वाली अर्जी पेश की गई थी और

both the petitions shall be heard and disposed of together by the district court in which the earlier petition was presented.

earlier petition

①

Jain - wife \*  
D.C.

Feb - Mysore

later petition



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# The Hindu Marriage Act, 1955



दोनों अर्जियों की सुनवाई और उनका निपटारा उस जिला न्यायालय द्वारा एक साथ किया जाएगा जिसमें पहले वाली अर्जी की गई थी।

later Petition → Feb.  
earlier Petition → Jan.

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# The Hindu Marriage Act, 1955



सत्यमेव जयते

Government Of India

(3) In a case where sub-section (2) clause (b) applies, the court or Government, competent under the CPC, 1908

↓  
→ to transfer any suit or proceeding from the/district court in which the later petition has been presented to the district court in which the earlier petition is pending.

S. 10/13

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# The Hindu Marriage Act, 1955

Sec. 21B. Special provision relating to trial and disposal of petitions under the Act.

(इस अधिनियम के अधीन अर्जियों के विचारण और निपटारे से सम्बन्धित विशेष उपबन्ध) —

Section 21B

(1) The trial of a petition under this Act shall be continued from day to day until its conclusion

इस अधिनियम के अधीन अर्जी का विचारण, दिन प्रतिदिन तब तक निरन्तर चालू रहेगा जब तक कि वह समाप्त न हो जाए

||  
unless the court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

स्पष्टता

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# The Hindu Marriage Act, 1955

किन्तु उस दशा में नहीं जिसमें न्यायालय विचारण का अगले दिन से परे के लिए स्थगन उन कारणों से आवश्यक समझे जो लेखबद्ध किए जाएंगे।

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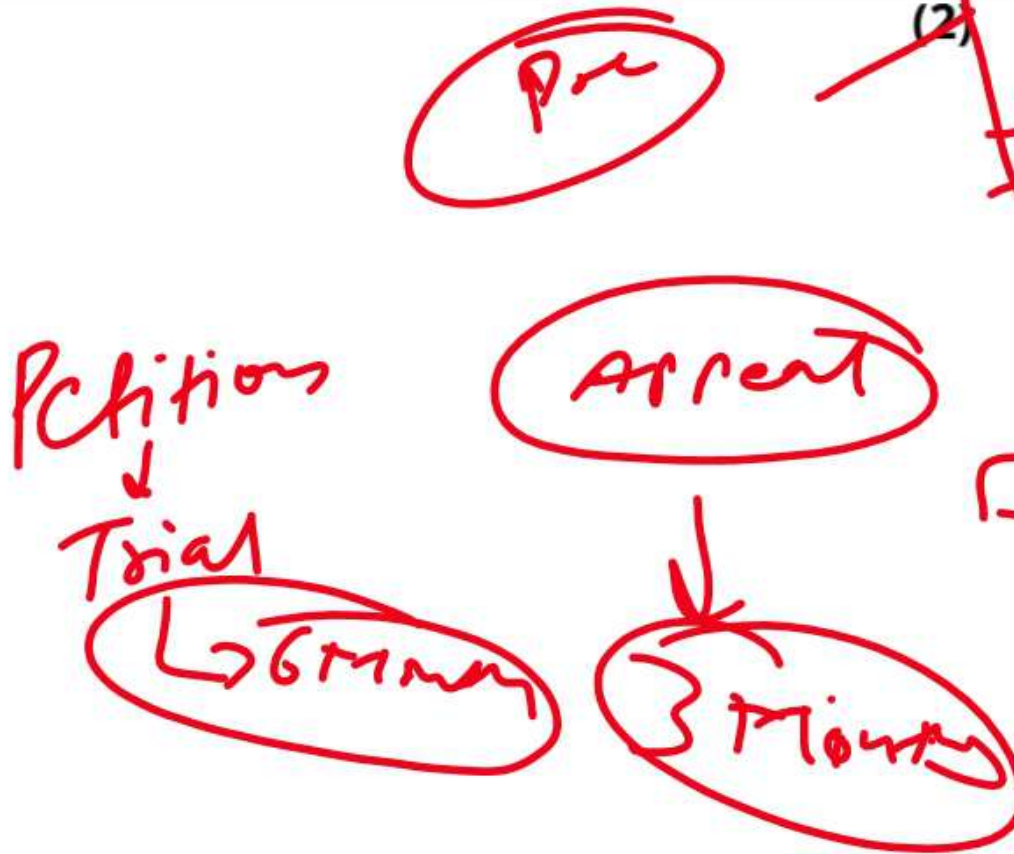
# The Hindu Marriage Act, 1955

(2) Every petition under this Act shall be tried as expeditiously as possible and

इस अधिनियम के अधीन हर अर्जी का विचारण जहां तक संभव हो शीघ्र किया जाएगा और

endeavour shall be made to conclude the trial within 6 months from the date of service of notice of the petition on the respondent.

प्रत्यर्थी पर अर्जी की सूचना की तामील होने की तारीख से छह मास के अन्दर विचारण समाप्त करने का प्रयास किया जाएगा।



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# The Hindu Marriage Act, 1955



(3) **Every appeal** shall be heard as expeditiously as possible, and हर अपील की सुनवाई जहां तक संभव हो शीघ्र की जाएगी और

endeavour shall be made to **conclude the hearing within 3 months** from the date of service of notice of appeal on the respondent.

प्रत्येक अपील की सूचना की तारीख होने की तारीख से 3 मास के अंदर सुनवाई समाप्त करने का प्रयास किया जाएगा।

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# The Hindu Marriage Act, 1955



*Stamp. Reg. fine*  
Sec. 21C. Documentary evidence  
(दस्तावेजी साक्ष्य) —

*X* No document shall be inadmissible in evidence in any proceeding on the ground that it is not duly stamped or registered.

किसी कार्यवाही में कोई दस्तावेज साक्ष्य में इस आधार पर अग्रह्य नहीं होगा कि वह सम्यक् रूप से स्टाम्पित या रजिस्ट्रीकृत नहीं है।

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# The Hindu Marriage Act, 1955

imp.

Sec- 22.

Proceedings to be in camera and may not be printed or published (कार्यवाहियों का बन्द कमरे में होना उन्हें मुद्रित या प्रकाशित न किया जाना)

✓ (1)

Every proceeding under this Act shall be conducted in camera and

इस अधिनियम के अधीन हर कार्यवाही बन्द कमरे में की जाएगी और

→ it shall not be lawful for any person to print or publish any matter in relation to any such proceeding

किसी व्यक्ति के लिए ऐसी किसी कार्यवाही के सम्बन्ध में किसी बात को मुद्रित या प्रकाशित करना विधिपूर्ण नहीं होगा

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# The Hindu Marriage Act, 1955



\* Except a judgment of the / निर्णय को  
छोड़कर

High Court (उच्च न्यायालय) or

Supreme Court (उच्चतम न्यायालय)

printed or published with the  
previous permission of the court.

न्यायालय की पूर्व अनुज्ञा से मुद्रित या प्रकाशित  
किया गया है।

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# The Hindu Marriage Act, 1955

(2) If any person prints or publishes any matter in **contravention** of the provisions

3 entries

दोसगीन

he shall be punishable with

fine Max 1000 Rs

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# The Hindu Marriage Act, 1955

## *See* . 23. Decree in proceedings (कार्यवाहियों में डिक्री) -

(1) In any proceeding under this Act if the court is satisfied that  
यदि इस अधिनियम के अधीन होने वाली किसी कार्यवाही में न्यायालय का समाधान हो जाए कि-

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# The Hindu Marriage Act, 1955

(a) any of the grounds for granting relief exists

अनुचित -

(b) where the ground of the petition is the ground specified in section 13(1) clause (i),

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# The Hindu Marriage Act, 1955

(b) when a **divorce** is sought on the ground of **mutual consent**, such consent has not been obtained by force, fraud or undue influence, and

13-15

जब विवाह विच्छेद पारस्परिक सम्मति के आधार पर चाहा गया है और ऐसी सम्मति बल, कपट या असम्यक् असर द्वारा अभिप्राप्त नहीं की गई है, और

(c) **the petition is not** presented or prosecuted in **collusion** with the respondent, and  
अर्जा प्रत्यर्थी के साथ दुस्सन्धि करके उपस्थापित या अभियोजित नहीं की जाती है, और

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(d) there has not been any unnecessary or improper delay in instituting the proceeding, and

कार्यवाही संस्थित करने में कोई अनावश्यक या अनुचित विलम्ब नहीं हुआ है, और

(e) there is no other legal ground why relief should not be granted, then, and in such a case,

अनुतोष अनुदत्त न करने के लिए कोई अन्य वैध आधार नहीं है, तो ऐसी ही दशा में

the court shall decree such relief accordingly.

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# The Hindu Marriage Act, 1955



न्यायालय तदनुसार ऐसा अनुतोष डिक्री कर देगा ।

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# The Hindu Marriage Act, 1955

(2) Before proceeding to grant any relief under this Act  
इस अधिनियम के अधीन कोई अनुतोष अनुदत्त करने के लिए अग्रसर होने के पूर्व

it shall be the duty of the court in the first instance,  
यह न्यायालय का प्रथमतः कर्तव्य होगा कि

to make every endeavour to bring about  
reconciliation between the parties  
पक्षकारों के बीच मेल-मिलाप कराने का पूर्ण प्रयास करे

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# The Hindu Marriage Act, 1955

Provided that nothing contained in this subsection shall apply to section 13(1) (ii) to (vii).

*Chart*

13(1)  
ii ————— vii

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# The Hindu Marriage Act, 1955

Reconciliation  
 मेल-मिलाप  
 15 days  
 न्यायालय

(3) For the purpose of aiding the court in bringing about such **reconciliation**,

the court may,

adjourn the proceedings for a reasonable period **MAX 15 DAYS** and

ऐसा मेल-मिलाप कराने में न्यायालय की सहायता के प्रयोजन के लिए न्यायालय, यदि पक्षकार ऐसा चाहते तो या यदि न्यायालय ऐसा करना न्यायसंगत और उचित समझे तो, कार्यवाहियों को पंद्रह दिन से अनधिक की युक्तियुक्त कालावधि के लिए स्थगित कर सकेगा

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# The Hindu Marriage Act, 1955

FIR (IPC)  
154

(4) In every case where a marriage is dissolved by a decree of divorce, the court passing the decree shall give a copy thereof free of cost to each of the parties.

ऐसे हर मामले में, जिसमें विवाह विघटन विवाह विच्छेद द्वारा होता है, डिक्री पारित करने वाला न्यायालय हर पक्षकार को उसकी प्रति मुफ्त देगा।

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# The Hindu Marriage Act, 1955

Sec-

9

23A. Relief for respondent in divorce and other proceedings

(विवाह - विच्छेद और अन्य कार्यवाहियों में प्रत्यर्थी को अनुतोष) —

In any proceeding for divorce or judicial separation or restitution of conjugal rights, the respondent may not only oppose the relief sought on the ground of petitioner's adultery, cruelty or desertion, but also make a counter-claim for any relief under this Act on that ground; and

if the petitioner's adultery, cruelty or desertion is proved, the court may give to the respondent any relief under this Act to which he or she would have been entitled if he or she had presented a petition seeking such relief on that ground.

विवाह विच्छेद या न्यायिक पृथक्करण या दाम्पत्य अधिकारों के प्रत्यास्थापन के लिए किसी कार्यवाही में प्रत्यर्थी अर्जीदार के जाकरकर्म, क्रूरता या

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# The Hindu Marriage Act, 1955



अभित्यजन के आधार पर चाहे गए अनुतोष का न केवल विरोध कर सकेगा बल्कि वह उस आधार पर इस अधिनियम के अधीन किसी अनुतोष के लिए प्रतिदावा भी कर सकेगा और यदि अर्जीदार का जारकर्म, क्रूरता या अभित्यजन साबित हो जाता है तो न्यायालय प्रत्यर्थी को इस अधिनियम के अधीन कोई ऐसा अनुतोष दे सकेगा जिसके लिए वह उस दशा में हकदार होता या होती जिसमें उसने उस आधार पर ऐसे अनुतोष की मांग करते हुए अर्जी उपस्थापित की होती।

## 24. **Maintenance pendente lite and expenses of proceedings** (वाद लम्बित रहते भरण-पोषण और कार्यवाहियों के व्यय).—

Where in any proceeding under this Act it appears to the court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay to the petitioner the expenses of the proceeding, and monthly during the proceeding such sum as, having regard to the

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# The Hindu Marriage Act, 1955

petitioner's own income and the income of the respondent, it may seem to the court to be reasonable.

जहां कि इस अधिनियम के अधीन होने वाली किसी कार्यवाही में न्यायालय को यह प्रतीत हो कि, यथास्थिति, पति या पत्नी की ऐसी कोई स्वतंत्र आय नहीं है जो उसके संभाल और कार्यवाही के आवश्यक व्ययों के लिए पर्याप्त हो वहां वह पति या पत्नी के आवेदन पर प्रत्यर्थी को यह आदेश दे सकेगा कि अर्जीदार को कार्यवाही में होने वाले व्यय तथा कार्यवाही के दौरान में प्रतिमास ऐसी राशि संदत्त करे जो अर्जीदार की अपनी आय तथा प्रत्यर्थी की आय को देखते हुए न्यायालय को युक्तियुक्त प्रतीत होती हो

**Provided that the application for the payment of the expenses of the proceeding and such monthly sum during the proceeding, shall, as far as possible, be disposed of within sixty days from the date of service of notice on the wife or the husband, as the case may be.**

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# The Hindu Marriage Act, 1955



परन्तु कार्यवाही के व्ययों और कार्यवाही के दौरान ऐसी मासिक राशि के संदाय के लिए आवेदन को यथासंभव, यथास्थिति, पत्नी या पति पर सूचना की तामील की तारीख से, साठ दिन के भीतर निपटाया जाएगा।

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# The Hindu Marriage Act, 1955



## 25. Permanent alimony and maintenance (स्थायी निर्वाहिका और भरण-पोषण).—

- (1) Any court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent's own income and other property, if any, the income and other property of the applicant [the conduct of the parties and other circumstances of the case], it may seem to the court to be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent.

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इस अधिनियम के अधीन अधिकारिता का प्रयोग कर रहा कोई भी न्यायालय, डिक्री पारित करने के समय या उसके पश्चात् किसी भी समय, यथास्थिति, पति या पत्नी, द्वारा इस प्रयोजन से किए गए आवेदन पर, यह आदेश दे सकेगा कि प्रत्यर्थी उसके भरण-पोषण और संभाल के लिए ऐसी कुल राशि या ऐसी मासिक अथवा कालिक राशि, जो प्रत्यर्थी की अपनी आय और अन्य सम्पत्ति को, यदि कोई हो आवेदक या आवेदिका की आय और अन्य सम्पत्ति को [ तथा पक्षकारों के आचरण और मामले की अन्य परिस्थितियों ] को देखते हुए न्यायालय को न्यायसंगत प्रतीत हो, आवेदक या आवेदिका के जीवन काल से अनधिक अवधि के लिए संदत्त करे और ऐसा कोई भी संदाय यदि यह करना आवश्यक हो तो, प्रत्यर्थी की स्थावर सम्पत्ति पर भार द्वारा प्रतिभूत किया जा सकेगा।

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# The Hindu Marriage Act, 1955

- (2) If the court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1), it may at the instance of either party, vary, modify or rescind any such order in such manner as the court may deem just.

यदि न्यायालय का समाधान हो जाए कि उसके उपधारा (1) के अधीन आदेश करने के पश्चात् पक्षकारों में से किसी की भी परिस्थितियों में तब्दीली हो गई है तो वह किसी भी पक्षकार की प्रेरणा पर ऐसी रीति से, जो न्यायालय को न्यायसंगत प्रतीत हो ऐसे किसी आदेश में फेरफार कर सकेगा या उसे उपान्तरित अथवा विखण्डित कर सकेगा ।

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# The Hindu Marriage Act, 1955

- (3) If the court is satisfied that the party in whose favour an order has been made under this section has re-married or, if such party is the wife, that she has not remained chaste, or, if such party is the husband, that he has had sexual intercourse with any woman outside wedlock, it may at the instance of the other party vary, modify or rescind any such order in such manner as the court may deem just.

यदि न्यायालय का समाधान हो जाए कि उस पक्षकार ने जिसके पक्ष में इस धारा के अधीन कोई आदेश किया गया है, पुनर्विवाह कर लिया है या यदि ऐसा पक्षकार पत्नी है तो वह पतिव्रता नहीं रह गई है, या यदि ऐसा पक्षकार पति है तो उसने किसी स्त्री के साथ विवाहबाह्य मैथुन किया है, तो वह दूसरे पक्षकार की प्रेरणा पर ऐसे किसी आदेश को ऐसी रीति में, जो न्यायालय न्यायसंगत समझे, परिवर्तित, उपांतरित या विखंडित कर सकेगा ।

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# The Hindu Marriage Act, 1955

## 26. Custody of children (अपत्यों की अभिरक्षा).—

In any proceeding under this Act, the court may, from time to time, pass such interim orders and make such provisions in the decree as it may deem just and proper with respect to the custody, maintenance and education of minor children, consistently with their wishes, wherever possible, and may, after the decree, upon application by petition for the purpose, make from time to time, all such orders and provisions with respect to the custody, maintenance and education of such children as might have been made by such decree or interim orders in case the proceeding for obtaining such decree were still pending, and the court may also from time to time revoke, suspend or vary any such orders and provisions previously made:

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# The Hindu Marriage Act, 1955

Provided that the application with respect to the maintenance and education of the minor children, pending the proceeding for obtaining such decree, shall, as far as possible, be disposed of within sixty days from the date of service of notice on the respondent.

परन्तु ऐसी डिक्री अभिप्राप्त करने के लिए कार्यवाही लंबित रहने तक अप्राप्तवय अपत्यों के भरण- पोषण और शिक्षा की बाबत आवेदन को यथासंभव, प्रत्यर्थी पर सूचना की तामील की तारीख से, साठ दिन के भीतर निपटाया जाएगा ।

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# The Hindu Marriage Act, 1955



## 27. Disposal of property (सम्पत्ति का व्ययन). —

In any proceeding under this Act, the court may make such provisions in the decree as it deems just and proper with respect to any property presented, at or about the time of marriage, which may belong jointly to both the husband and the wife.

इस अधिनियम के अधीन होने वाली किसी भी कार्यवाही में, न्यायालय ऐसी सम्पत्ति के बारे में, जो विवाह के अवसर पर या उनके आसपास उपहार में दी गई हो और संयुक्ततः पति और पत्नी दोनों की हो, डिक्री में ऐसे उपबन्धित कर सकेगा जिन्हें वह न्यायसंगत और उचित समझे ।

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**28. Appeals from decrees and orders (डिक्रियों और आदेशों की अपीलें).—**

(1) All decrees made by the court in any proceeding under this Act shall, subject to the provisions of sub-section (3), be appealable as decrees of the court made in the exercise of its original civil jurisdiction, and every such appeal shall lie to the court to which appeals ordinarily lie from the decisions of the court given in the exercise of its original civil jurisdiction.

इस अधिनियम के अधीन किसी कार्यवाही में न्यायालय द्वारा दी गई सभी डिक्रियां, उपधारा (3) के उपबन्धों के अधीन रहते हुए उसी प्रकार अपीलनीय होंगी जैसे उस न्यायालय द्वारा अपनी आरम्भिक सिविल अधिकारिता के प्रयोग में दी गई डिक्री अपीलनीय होती है और ऐसी हर अपील उस न्यायालय में होगी जिसमें उस न्यायालय द्वारा अपनी आरम्भिक सिविल अधिकारिता के प्रयोग में किए गए विनिश्चयों की अपीलें सामान्यतः होती हैं।

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# The Hindu Marriage Act, 1955

- (2) Orders made by the court in any proceeding under this Act under section 25 or section 26 shall, subject to the provisions of sub-section (3), be appealable if they are not interim orders, and every such appeal shall lie to the court to which appeals ordinarily lie from the decisions of the court given in exercise of its original civil jurisdiction.

धारा 25 या धारा 26 के अधीन किसी कार्यवाही में न्यायालय द्वारा किए गए आदेश उपधारा (3) के उपबन्धों के अधीन रहते हुए, तभी अपीलनीय होंगे जब वे अन्तरिम आदेश न हों और ऐसी हर अपील उस न्यायालय में होगी जिसमें उस न्यायालय द्वारा अपनी आरम्भिक सिविल अधिकारिता के प्रयोग में किए गए विनिश्चयों की अपीलें सामान्यतः होती हैं।

- (3) There shall be no appeal under this section on the subject of costs only.

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# The Hindu Marriage Act, 1955



केवल खर्चे के विषय में कोई अपील इस धारा के अधीन नहीं होगी।

- (4) Every appeal under this section shall be preferred within a period of ninety days from the date of the decree or order.

इस धारा के अधीन हर अपील डिक्री या आदेश की तारीख से नब्बे दिन की कालावधि के अन्दर की जाएगी ।]

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# The Hindu Marriage Act, 1955



## 28A. Enforcement of decrees and orders (डिक्रियों और आदेशों का प्रवर्तन). —

All decrees and orders made by the court in any proceeding under this Act shall be enforced in the like manner as the decrees and orders of the court made in the exercise of its original civil jurisdiction for the time being in force.

इस अधिनियम के अधीन किसी कार्यवाही में न्यायालय द्वारा दी गई सभी डिक्रियों और आदेशों का प्रवर्तन उसी प्रकार किया जाएगा जिस प्रकार उस न्यायालय द्वारा अपनी आरंभिक सिविल अधिकारिता के प्रयोग में दी गई डिक्रियों और आदेशों का तत्समय प्रवर्तन किया जाता है।

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# The Hindu Marriage Act, 1955



अध्याय 6

## SAVINGS AND REPEALS (व्यावृत्तियाँ और निरसन)

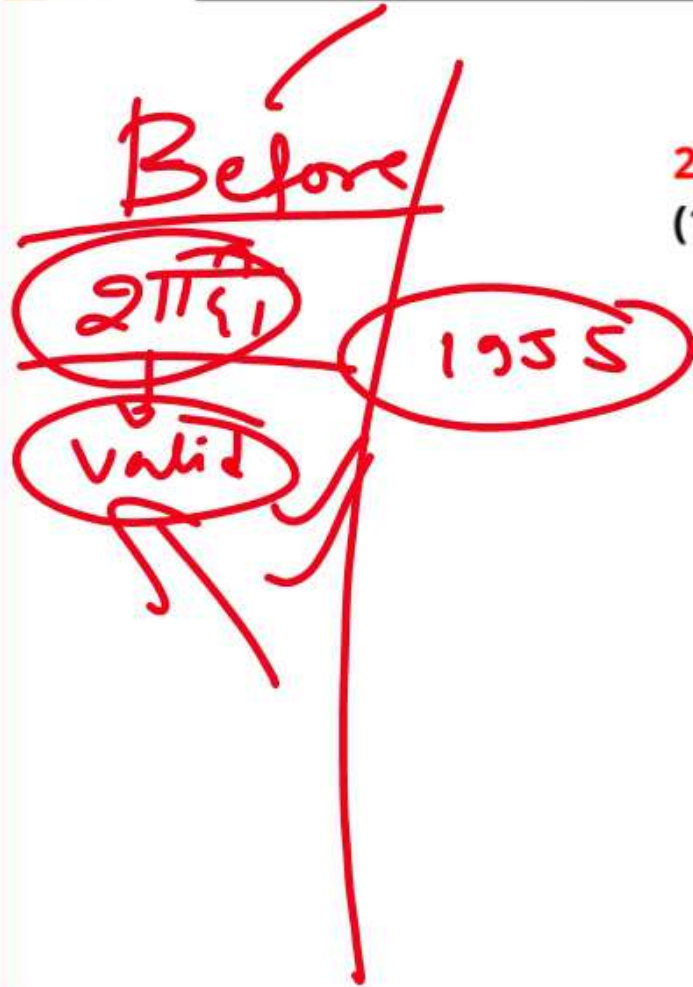
29. **Savings (व्यावृत्तियाँ) —**

(1) **A marriage solemnized between Hindus before the commencement of this Act, which is otherwise valid,** इस अधिनियम के प्रारंभ के पूर्व हिन्दुओं के बीच, अनुष्ठापित ऐसा विवाह, जो अन्यथा विधिमान्य हो

**shall not be deemed to be invalid or ever to have been invalid by reason only of the fact that the parties thereto belonged to the**

(केवल इस तथ्य के कारण अविधिमान्य या कभी अविधिमान्य रहा हुआ न समझा जाएगा कि उसके पक्षकार)

- ✓ **same gotra (एक ही गोत्र) or**
- ✓ **pravara (प्रवर) or**
- **different religions (विभिन्न धर्मों),**



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# The Hindu Marriage Act, 1955



- castes (जातियों) or
- sub-divisions of the same caste (एक ही जाति की विभिन्न उपजातियों)

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# The Hindu Marriage Act, 1955

HM 1955

(2) Nothing contained in this Act shall be deemed to affect any right

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recognised by custom (रूढ़ि से मान्यता प्राप्त) or

conferred by any special enactment to obtain the dissolution of a Hindu marriage

किसी विशेष अधिनियमिति द्वारा प्रदत्त जो किसी हिन्दू विवाह का वह विघटन अभिप्राप्त करने का अधिकार हो।

whether solemnized before or after the commencement of this Act.

इस अधिनियम के प्रारंभ के चाहे पूर्व अनुष्ठापित हुआ हो चाहे पश्चात्

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# The Hindu Marriage Act, 1955

Hindu Act, 1955  
H - M  
S.M. Act  
No effect

(4) Nothing contained in this Act shall be deemed to affect the provisions contained in the Special Marriage Act, 1954.

इस अधिनियम में अंतर्विष्ट कोई भी बात विशेष विवाह अधिनियम, 1954 में अंतर्विष्ट किसी ऐसे उपबन्ध पर प्रभाव न डालेगी

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Sec 30 : Repeal

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# Hindu Marriage Act, 1955

By Anoop Upadhyay



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