



Equality, Justice and Harmony

We fight for Equality among gender, Justice to all and Family Harmony

How to Short Circuit Maintenance Cases for Early Disposal?

There are two interesting provisions in almost every maintenance law of India that, if properly invoked would result in a huge relief to the Respondent-Husband

- a. Provision of Interim maintenance allowance, during the pendency of the Main case
- b. Provision of disposing the Main case in a fixed amount of time

As is well known to all of us, the unscrupulous women, her gang and her team of ill-educated and ill-informed advocates would love to **take advantage of the first provision** but **second provision is something that they hate to invoke**. Getting a case closed early, hits them at their recurring livelihood!!!

Protection of Women from Domestic Violence, 2005

1. U/S 23(1), in any proceeding before him under this Act, **the Magistrate may pass such interim order as he deems just and proper.**
2. U/S 12(5), **the Magistrate shall endeavor to dispose of every application made U/S 12(1) within a period of sixty days from the date of its first hearing.**

Section 125 Code of Criminal Procedure, 1973

1. U/S 125(1)(d), the second proviso says, "Provided further that **the Magistrate may**, during the pendency of the proceeding regarding monthly allowance for the maintenance under this Sub-Section, **order such person to make a monthly allowance for the interim maintenance of his wife** or such child, father or mother, and the expenses of such proceeding which the Magistrate considers reasonable, and to pay the same to such person as the Magistrate may from time to time direct".
2. U/S 125(1)(d), the third proviso says, "Provided also that **an application for the monthly allowance for the interim maintenance and expenses of proceeding under the second proviso shall, as far as possible, be disposed of within sixty days from the date of the service of notice of the application to such person.**"

Sample petitions are available on MyNation.net

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