

(i) BNSS, 2023, Section 144 — Maintenance — Object and purpose — Provision is intended to prevent destitution; a wife is not required to establish absolute inability to survive before claiming maintenance — Maintenance must not be illusory and should enable the wife to live with dignity — Must be fair, reasonable and commensurate with the status of the parties and the financial capacity of the husband.

Relied on *Chaturbhuj v. Sita Bai*, (2008) 2 SCC 316; *Shamima Farooqui v. Shahid Khan*, (2015) 5 SCC 705; *Rajnish v. Neha*, (2020-4)200 PLR 793 (SC). [Paras 11, 14]

(ii) BNSS, 2023, Section 144 — Maintenance — Loan repayments and voluntary deductions — Cannot dilute maintenance obligation — Deductions arising out of financial commitments such as loan repayments, particularly where they contribute towards creation of assets, cannot be placed on the same footing as necessary expenditure so as to substantially reduce the liability of maintenance — Such repayments partake the character of capital investment and cannot be equated with essential or unavoidable expenditure — Being voluntary in nature, they cannot be accorded precedence over the statutory and legally enforceable obligation of maintenance — Liability to maintain a spouse is a primary obligation and cannot be subordinated to such financial arrangements. [Paras 13, 15]

(iii) BNSS, 2023, Section 144 — Maintenance — Quantum — Enhancement on facts — Respondent-husband employed as Manager with Canara Bank drawing gross monthly income of Rs.1,15,670/- — Courts below had placed undue reliance on deductions including loan repayments for asset acquisition — Appellant-wife having no independent source of income and residing separately shortly after marriage — Family Court awarded Rs.8,000/- per month; High Court enhanced to Rs.15,000/- per month — Held, Rs.25,000/- per month would be just, fair and reasonable — Arrears to be cleared within three months; maintenance payable on or before 7th of each calendar month. [Paras 15, 16, 17, 18]

Cases Referred to :

1. (2008) 2 SCC 316, *Chaturbhuj v. Sita Bai* — Maintenance provision intended to prevent destitution; wife not required to establish absolute inability to survive. (Para 11)
2. (2015) 5 SCC 705, *Shamima Farooqui v. Shahid Khan* — Maintenance must not be illusory; should enable the wife to live with dignity. (Para 11)
3. (2020-4)200 PLR 793 (SC), *Rajnish v. Neha* — Maintenance must be fair, reasonable and commensurate with the status of parties and financial capacity of the husband. (Para 11)

Mr. Rajesh Pathak, Mr. Sumit Srivaastava and Mr. Ishank Gupta, for the appellant. Ms. Harsimran Kaur Rai, Mr. Harpuneet Singh Rai and Ms. Shipra Yadav, for the respondent.

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