

News

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The wife's maintenance was originally set at ₹10,000 in 2012, when the husband's earnings were lower, but the court permitted it to be increased to ₹14,000.

According to a recent ruling by the Delhi High Court, a husband's increased income and growing living expenses are significant considerations when determining how much maintenance he should give his divorced wife.

The Court noted this when evaluating a petition brought by an elderly woman contesting a family court ruling that rejected her request for her divorced husband to increase the amount of support she was entitled to.

According to Justice **Swarana Kanta** Sharma, considerations including the husband's pay increase and the growing cost of living call for an increase in maintenance.

The Court stated that there had been a "clear change in circumstances warranting enhancement of the amount of maintenance" due to the increase in his income and the notable rise in the cost of living.

The husband was a senior citizen and had now retired, but the court stressed that a balance needed to be reached so the widow could live with dignity. The Court determined that a slight increase in maintenance would balance the equation.

However, this Court is cognizant of the respondent-husband's advanced age and his reliance on his meager post-retirement assets. However, as the lawfully married wife, the petitioner is also entitled to a reasonable sum that would allow her to live a dignified life. Therefore, a little increase in maintenance would fairly balance the conflicting interests of both parties, taking into account the respondent's old age and financial situation, the Court said.

In 1990, the couple tied the knot. Since 1992, the wife had been living apart. She stated that she had left her married home because the husband and his family had harassed her physically and psychologically over demands for payment.

The pair stayed married after their 2011 divorce petition was denied. A family court in 2012 ordered the husband to pay the wife ₹10,000 a month in maintenance.

She requested in 2018 that this maintenance fee be increased to ₹30,000. In addition to mentioning medical expenses, she also mentioned that her husband's pay had gone up following a promotion and the application of the 7th Pay Commission's recommendations.

The husband remained on extended for a further two years even though he had formally retired in 2017. The wife went on to say that although her father had previously provided her with a significant amount of support, he had passed away in 2017, leaving her in need of additional money to cover her medical bills.

She petitioned the High Court for redress after the family court rejected her request to increase maintenance in 2024.

When rejecting the wife's request, the High Court determined that the family court had failed to consider the husband's pay increase.

What has been totally forgotten is that in 2012, the respondent's net income was estimated to be just ₹28,705/-, and the petitioner was granted ₹10,000/-in maintenance based on this amount. On the other hand, the respondent's admitted pension is now ₹40,068/-per month, which is a definite rise, and no reductions were allowed from this sum, the Court noted.

The removal of the wife's name from the husband's Central Government Health Scheme (CGHS) card also caused the Court to express disapproval.

The Court noted, **"It is extremely troubling that the respondent had her name removed from his CGHS card, even though the petitioner and respondent are still legally married and have been ruled to be entitled to maintenance by the courts."**

The Court determined that a valued entitlement resulting from the wife's marriage to her husband is her inclusion under his CGHS. In order for her to receive medical care at government hospitals, it instructed the spouse to make sure her name was added back.

"A CGHS/DGHS card is a precious right that results from the marriage and cannot be taken away only because the wife goes to a government hospital for treatment.

The card grants access to a number of additional services, such as emergency medical help and specialized consultations, which are crucial as people age.

Therefore, the Court said, "it is expected that the respondent will make sure that the petitioner's name is restored on his CGHS card."

As a result, the wife's appeal was granted by the court, which ordered that the support be increased from ₹10,000 to ₹14,000 per month.

The Court ruled that the petitioner was entitled to maintenance from the respondent at the enhanced amount of ₹14,000/-per month, which would be paid starting on the date the current revision petition was filed.

The wife was represented by advocate KS Negi, Nikhil Rajput, Pranav Jagati, and Piyush Negi.

On behalf of the husband, advocate Shaharyar Ali showed up.

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