

MAINTENANCE CANNOT BE CLAIMED TWICE

The Delhi High Court has given a judgment that a woman could not claim maintenance twice from her husband under the different provisions of law.

Justice S N Dhingra said that if a woman living separate from her husband had already filed a suit claiming maintenance and after adjudication, maintenance has been determined by a competent court under Section 125 of the Criminal Procedure Code, she does not have a right to claim additional maintenance under another Act.

The Delhi High Court said that, “The Court of metropolitan magistrate under the Domestic Violence Act has the power to grant maintenance and monetary relief on an interim basis in a fast track manner only in those cases where a woman has not exercised her right of claiming maintenance, either under civil court or under section 125 of CrPc. If the woman has already moved the court and her right of maintenance has been adjudicated by a competent civil court for any enhancement of maintenance already granted, she will have to move the same court. She cannot approach the trial court under Domestic Violence Act by way of an application of interim or final nature to grant additional maintenance.”