

# **ANALYSING MAINTENANCE AND ALIMONY OF CHILDREN AND SPOUSE UNDER MODERN HINDU LAW**

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## **ABSTRACT:**

A child's life is profoundly affected by their social position, which is influenced by whether or not they are born into a legally recognized family. When there is a biological connection between two people, Hindu law does not treat the kid as if it were born out of wedlock in this study, we explore the topic of spousal support under the Hindu Marriage Act. Permanent alimony and maintenance after a 180-day divorce is basically a product of legislation, as is the idea of maintenance pendente lite, which seeks to put the woman back in the same position of comfort and lifestyle as she had throughout the marriage. The plan's objective is to provide help and comfort to the husband, the kids, and the grandparents. The Court has absolute discretion over the amount of maintenance. In addition to its protection under the law, the right to maintenance is an integral aspect of fundamental human dignity. Indirectly, Article 125 of the Criminal Procedure Code serves to safeguard individuals' most fundamental rights.

**Keywords:** Illegitimate Child, Hindu Marriage Act, Personal Laws, Property Rights and Hindu Law.

## **INTRODUCTION**

It is widely agreed that Hindu law is the world's oldest and most prolific legal tradition. It has existed throughout the ages. Roughly 6000 years have passed since its creation. The Hindu legal system was developed not to eradicate wrongdoing from society but rather to provide a path to redemption for those who want to pursue it. The original purpose of Hindu law was to meet the needs of the populace. The idea was first conceived with the general populace in mind.

According to Section 3 of the Hindu Adoption and Maintenance Act of 1956, "maintenance" means the following: All individuals receiving maintenance must have their basic needs met, including I food, clothes, shelter, transportation, education, and medical care; and in the event of an unmarried daughter, the reasonable costs associated with a wedding. The word alimony is synonymous with maintenance in Indian marital law.

It's accurate to say that these words are interchangeable. Alimony in the Western legal sense is synonymous with pendente lite rules, although this is not the case under Indian marriage law. Black's Law Dictionary provides the following definition of "Alimony" based on precedent cases: Alimony, which derives from the Latin word for "subsistence," refers to the financial assistance that a former husband provides to his ex-wife after their divorce.

The right to maintenance originates in the idea of the undivided family, in which the head of the family has the unqualified obligation to provide for and care for any member of the family who is unable to provide for himself or herself and who cannot afford the bare essentials of life. To make self-sufficiency for such a person conceivable, the notion of maintenance as a whole was established. The obligation of a person to provide for the material and emotional needs of dependent relatives is known as maintenance.

The word "maintenance" in Indian law refers to the provision of material support, such as money or property, to a spouse, minor children, or elderly person. It's an indicator of fairness and the result of the human need to care for one's dependents, including one's spouse, offspring, and parents, when those people are unable to do it for themselves. The weaker members of society, as well as the rest of society, have made maintenance a top concern. When someone, while having the resources to do so, fails to provide for his dependents, those dependents may be obliged to turn to the state for aid, or they may be tempted to choose a career path that is reviled or forbidden by society since it goes against the interest of that society.

Although having a concubine's offspring considered an illegitimate kid, prior to the Hindu Marriage Act of 1955, a Hindu was free to marry many women and raise their children as one big happy family. All of these children had the legal right to sue their father for division and separate ownership of their allocable portion of the joint family property or the coparcenary property.

## LITERATURE REVIEW

**Jasmine kaur (2019)** The topic of Maintenance in Hindu Law is the focus of this study. It's meant to help out the wife, kids, and grandparents. The Court has complete discretion over the amount of any maintenance award. Providing for one's own maintenance is essential to a person's well-being and is thus not limited to the protections of the law. Indirectly, Section 125 of the Criminal Procedure Code serves to safeguard individuals' most fundamental rights. Also, the clause is reflective of the constitutional mandate and guarantees a level of love for its residents. All of them are consistent with the principles of Article 21 of the Constitution.

**Dr. Prativa panda (2016)** The Hindu female maintenance laws in India may be broken down into two distinct categories. The first variety plans for support payments after a divorce or other marital remedy, such as the declaration of nullity of the marriage. During the second form of marriage, support is provided for both partners. Article 15(3) and Article 39 of the Indian Constitution are also relevant here. It's a barometer of fairness and the logical conclusion of a man's obligation to provide for his family when they can't do it for themselves. The purpose of maintenance is to protect mothers and children from moral decline and economic hardship. Maintenance to a husband may be sought under Section 25 of the Hindu Marriage Act (1955), while maintenance to a wife, parent, or child can be sought under Section 125 of the Criminal Procedure Code (CrPC) and the Hindu Adoption and Maintenance Act (1956). This document makes an effort to define the parameters of alimony and maintenance payments for a wife, widow, or dependant under the Hindu Adoption and Maintenance Act of 1956.

**Jai shankar ojha et.al (2018)** The status of a child, whether it is a legitimate or an illegitimate birth, has far-reaching consequences in all social systems across the world. There is a true and ill-conceived order of youth in both modern society and the original culture. There has always been a societal stigma attached to a child who isn't going to be raised by a married couple. The illegitimate offspring never enjoyed the same social advancement as their more genuine counterparts. From the public's point of view, the ill-conceived children were always separated into a separate group. They were kept apart not simply by the public but also by the law. Ill-conceived children do not have the same legal protections as biological children. Legally, there is no equality between a natural child's right to an inheritance and an artificially created children. All the world's faiths shared a firm social guilt for doing anything wrong. 1 According to the Oxford English Dictionary, "(Of a baby) conceived of guardians not properly married to each other" is the definition of wrongness. It's inappropriate because it indicates that a child whose parents aren't married would be seen as illegitimate. Both having sexual relations outside of one's marriage and having them before marriage are seen as morally reprehensible by all societies. Children raised in an abusive home are also brought up to break the law.

**Dr. Anil kumar singh(2018)** Until the Hindu Marriage Act was passed in 1955, polygamy was legal at will. Marriage was a ritual that every Hindu was expected to conduct in order to produce a son who maintains his blood line, however it was a highly unusual habit among Hindus to marry more than one bride. It became illegal for Hindus to remarry while their current spouse was still alive with the passage of the Hindu Marriage Act in 1955. When one spouse dies before the other, the marriage is considered null and invalid, and any children born of the union are considered illegitimate. Unwed pregnancies were invalidated and the resulting children were denied any legal protections that would have applied in a normal situation. As a result, numerous laws include measures meant to remedy the unfair treatment of such children.

**Dr. Vandana (2017)** To marry off a kid is to violate their human rights in a serious way. While it undermines the potential for healthy growth in both sexes, it has far-reaching consequences for girls. Marrying a child creates a vicious cycle of inequality since it is both the cause and effect of gender violence. Premature sexual activity, pregnancies, low birth weight babies, stunted growth, infections, death of the newborn and mother, lack of access to school and jobs, etc. are all unintended effects of this human rights violation. The conflicting provisions of several laws that, on the one hand, allow for criminal repercussions and, on the other hand, maintain the legitimacy of child marriage create a legislative muddle. The court rulings are not dissimilar in their outlook, and they rely heavily on the idea of *factum valet* that gives legal standing to child marriages by giving precedence to the teachings of Hindu scriptures and personal law..

## ALIMONY AND MAINTONANCO

### Traditional Law

According to traditional Hindu law, a husband has an individual and binding obligation to provide for his wife. Since the wife's first obligation is to her husband, she has no right to separate residence and maintenance unless there is a good reason for doing so, such as the husband's infidelity. Although the traditional Hindu law did

not recognize divorce, it did recognize the trail of another in some cases. In such cases, a spotless woman who had been abandoned was nevertheless entitled to support. If he didn't bring her back, he faced a penalty of "yielding a third of his money to her# when however, the spouse is so poor that depriving a third part of his fortune would be terribly awful he should be compelled to offer her suitable maintenance\*." Sven, whose wife had been unfaithful, received maintenance despite being very undernourished. A husband is not required to provide to support a wife who chooses to live away from him for legitimate reasons. If she broke her obligation by living away from him, she did not lose her claim to maintenance, but it was put on hold until she returned to him and volunteered to live with him again.

in English law, a Hindu Law woman retains her own identity after marriage and may sign legal documents including as marriage contracts and property agreements. \* Here, the issue is whether or not Hindu wife adheres to the idea of "agency of necessity," which was the norm in English law until 1970. To clarify: may a Hindu wife impose a stipulation on her husband to ensure that she always has access to the basics? According to conventional wisdom, the husband is solely responsible for any debt incurred by the family. In contemporary law, the right of the wife to bind her husband originates from the India Contract Act of 1872, which is a provision in favor of women of laboring classes like washerwomen, cow-keepers, toddy drivers, oil254 merchants, etc. Whether her husband gives her permission to do so explicitly or implicitly, a wife may legally enter into contracts on his behalf to secure basic necessities.

When necessary, law gives her the ability to mm Even if they are no longer living together, he still has a responsibility to provide maintenance, which is where the obligation comes from. The strength of the assumption is, however, lower than it was in England. By the principles of ancient Hindu Law, a man might legally marry again provided his first wife met specific criteria, such as being barren or exclusively having daughters, and she would not be entitled to support unless she could provide such criteria.

Penalties for breaking this regulation were established in ancient Hindu law. But, as long as the husband was willing to keep his first wife around, she had no legal right to leave his house and could pursue no legal action against him. the wife's right to live apart and seek support based on the husband's seeming unfairness to the. prior wife, as any amount of constituted an unkindness of the husband, not equivalent to cruelty or quarrels between the husband and the wife. As a result, the Right to Separate for Hindu Married Women has been rescinded. The Hindu Adoptions and Maintenance Act of 1956 supersedes and replaces the provisions of the Act. In place of the grounds provided by the now-defunct Act of 1946, Section 18 of the Act of 1956 now serves that purpose. The husband's decision to convert to another faith did not affect the wife's right to maintenance or cause the marriage to end.

In 1866, the first legislative measure which allowed a Hindu convert to acquire a divorce of marriage under certain conditions, the. Indian Convert's Marriage Dissolution Act#, was enacted to encourage Hindu converts to Christianity. In cases where the husband filed for divorce, the wife would be entitled to support under Section 28 of the aforementioned Act. The ex-allowance wives ended with the transfer of property. It's intriguing that a convert woman might get temporary alimony and suit money, but a convert husband's wife was the only one eligible for permanent

alimony. In other words, a former Hindu wife who afterwards converted to Christianity would not be eligible for alimony. It's possible that the underlying factor is that the wife's conversion nullified her maintenance claim against the husband while the husband's conversion did not.

the Hindu customary law permitted divorce on as liberal grounds as any law could afford to a sizable portion of the population. Therefore, there were two legal systems in effect. one that applied to those of the upper caste, and second, a sizable body of practices that did the same for those of the lower caste. Given the widespread social impact of customary divorce#, it is troubling that no regulations governing the support of wives or children ever evolved in east Panchayats. It is noteworthy to note that in cases when the Panchayat pounced on a divorce and rendered a guilty decision, the guilty party was required to pay an amount of money, established by the Panchayat. This was true regardless of whether the spouse against whom the verdict was pronounced was the husband or the woman. Why haven't regulations been established to safeguard the family unit? Why wasn't the ex-husband responsible for supporting his ex-wife and kids after the divorce? Was it because of their poverty, their mutual lack of knowledge, or the societal structure at the time? "But unfortunately, no details are available," Rajkumari Agarwal says. "First, because customary divorce prevails only in the lower strata of society, which is very poor; and, for financial reasons or due to their less developed legal sense, they hardly ever take a divorce to a regular Court; and, consequently, there are very few reported cases available on the subject; second, in all these decisions only a verdict of guilty or no guilty is pronounced, and there is no examination of the evidence." Were the children from the first marriage provided for in any way, including custody, support, and education?

### **Modern Law**

In 1955, divorce was legalized for all Hindus via the Hindu Marriage Act Sections 24 and 25 of the Act of 1955 included provisions for temporary alimony, reimbursement for legal fees, and maintenance following divorce. The Indian legislature adopted the English matrimonial law in force at the time, passing the Marital Causes Act. The Act of 1955 incorporates the fundamental ideas of modern English law on the issue, with some minor adjustments. Yet, surprisingly, Act of 1955 was years ahead of modern English law in that it allowed either party to file for alimony and maintenance. On the foundation of equality of sexes, husband and wife were legally treated as equal in England and Wales for the first time in 1970.

Joint Committee members, debating the bill, said that women are not required to pay alimony anywhere else and are now in no position to do so because of their socioeconomic status. One member, Lakhanpal, said, "aside from being sensational it would, I was of the view that a woman should be obliged to pay maintenance to the husband only if he is physically incapable." One lawmaker went so far as to argue that "all tenets of justice and decency" require the woman to foot the bill for her husband's medical care if he files for divorce due to the wife's insanity. Despite the Joint Committee's recommendation, the Legislature gave husbands and wives equal access to the courts in pursuit of spousal support and maintenance. This is despite the fact that, in the three decades since the Act of 1955 went into effect, very few cases have resulted in alimony being awarded to the husband.

### **MAINTENANCE OF CHILDREN**

The rules regarding the care of minors under Hindu law have always been unusual. Parents have a moral obligation to provide for their children. They risk being charged with manslaughter if they allow them to starve to death for lack of food and medical attention. Any youngsters judged to be in need were the parish's responsibility. As a consequence of the parish's rejection to be burdened by them, the concept of the parent's obligation to maintain his kid emerged. The Poor Relief Act of 1601 was subsequently passed as a direct result of this event. The Act mandated that parents and grandparents give support for their disadvantaged offspring at a rate set by Justices in Sessions or pay a penalty of 84.2 pounds sterling per month. Justices at Petty Sessions were given the authority to issue maintenance orders by the Act of 1601 in 1819. Up until the middle of the eighteenth century, a father's obligation to provide for his children could be enforced only by taking legal action via the local Poor Law Authority's suit justices. The common law premise of the oneness of the husband and wife would allow the Authority to seek reimbursement from the husband for the amount it increased. The Poor Law Amendment Act, 1834 provided that the aid granted to a wife or to children below sixteen was to be "regarded as being given to the husband of such wife or father of such child or children, as the case may be". The same "agency of necessity" premise was therefore applied to the situation of children as well; nevertheless, the kid did not have any agency of need in and of itself.

#### **NTER-SPOUSAL MAINTENANCE ON WOMAN**

##### **A. Maintenance Pendente Lite**

Maintenance throughout the pendency of proceedings and suit: money to enable her to prosecute or defend the divorce libel was permitted by the English ecclesiastical courts from the day of the return of the citation if the marriage had been proven or accepted. While the wife's appeal of her conviction is pending, she may get a financial allowance. When a couple divorced in the legislative branch, the husband was often ordered to pay alimony to the woman so that she could afford legal representation. This was a practice that had its origins in ecclesiastical divorces. The temporary alimony issue was raised by an auxiliary petition known as a "allegation of capacities," in which the requisite averments of the wife's wants and the husband's means were made, and the husband was forced to answer it under oath. It is possible that the action will be stayed if the defendant fails to comply with the court's direction.

Now Maintenance awaiting litigation is addressed under Section 22 of the Matrimonial Cases Act of 1973. Unlike Hindu law, English law has no mechanism for covering court-related costs. Customarily in England, the husband deposits a sum of money with the court, and the woman receives a little monthly stipend. In 1970, a statute that required the adulterer to foot the bill for 9 separate legal actions was repealed. To either spouse who does not have sufficient independent income to provide for his or her support, the court may award interim maintenance and expenses of the proceedings# under section 24 of the Hindu Marriage Act#. However, the court must consider both the petitioner's and respondent's income before making such an award. In other words, a wife's receipt of maintenance under Section 18 of the Hindu Adoptions and Maintenance Act is not a precluding factor in her pursuit of relief under Section 24. An further issue is whether or not the wife's claim under the Hindu Adoptions and Maintenance Act is prohibited by the principles of *judicata* if she does

not apply for maintenance throughout the pendency of the action or if her application is rejected.

The wife did not file for interim maintenance during the proceeding for judicial separation, nor did she file for maintenance under section 25 after the decree for Judicial separation was passed\*. Instead, she filed a suit for maintenance under the applicable provisions of the Hindu Adoptions and Maintenance Act#, requesting payment of maintenance back to the date before the filing of the petition for judicial separation. The husband argued in the High Court that the wife's right to maintenance under section 24# is time-barred by res judicata since she has not filed a claim under that provision. Moreover, it was argued that the Hindu Marriage Act is a self-contained statute, and that section 25 of the Act confers upon her the exclusive right to maintenance after the judgment. All of these arguments were shot down by Mehta# J.#, who ruled that the provision under the Hindu Marriage Act, as a specific law, only controls and enlarges upon the general right of maintenance of the wife 13 and does not in any way abrogate the same. As a corollary, the second question, "whether the wife may seek support by suit if the application under section 24 is rejected," will likewise be answered affirmatively\*.

## **B. Permanent Alimony and Maintenance**

Permanent spousal support and maintenance orders after a 180-day divorce are mostly a product of legislation. After a divorce a vinculo, the woman was not entitled to permanent alimony under ecclesiastical law. But with this in mind. The parliamentary rule is crucial. Before the Private Act method was done away with in 1857, a woman who obtained a divorce via the Private Act of Parliament was entitled to support payments from the government. The Matrimonial Causes Act of 1857, the first piece of legislation to legally recognize a judicial divorce, also gave the Divorce Court the authority to require the husband to pay the wife "such gross sum of money" or "such yearly s m of money" for any duration not exceeding her own life. Sir J.P. Wilde ruled in *v. Usher* that a husband's ability to pay maintenance to his wife should be shown by the husband's ability to pledge sufficient assets to cover her complete maintenance needs. Yet if he didn't have enough assets, his wife wouldn't get a dime from his paychecks. 189 190 After that, in 1866, the Matrimonial Causes Act was enacted, which gave the court the authority to compel the husband to pay the wife weekly or monthly alimony for as long as both parties were alive.

*Medley v. Medley*, however, the Court of Appeal found that the remedies of secured payment under the Act of 1857 'and unsecured payment under the Act of 1866 were alternative by reading the Preamble into the 191 19? provision#. As a result, a wife had no recourse under the Act of 1866 if her husband had some property but not enough to secure a reasonable amount of maintenance, or if he was absent or undesirable in other respects. The situation was clarified by the Matrimonial 194 Causes Act\* 1907, which stated that the court should have the authority to make concurrent orders for secured maintenance and maintenance by way of 195 periodical payment in favor of the same person. The court has the authority to order monthly payments to one spouse for maintenance under Section 23(1)(a) of the Matrimonial Cases Act, 1973. The right to maintenance upon a divorce is codified in Section 25 of the Hindu Marriage /et 1955. It acknowledges the husband and wife's equal right to support themselves. The amount owed from one spouse to the other may be awarded in a lump sum or in the form of monthly or other recurring payments as the court sees

fit. Such payments under Section 197 may only be made for as long as the applicant is alive. Where there has been a material change in circumstances involving any party, the court has the discretion to vary\* amend or revoke any such order. If the person in whose favor the order was issued afterwards marries or is shown to be unchaste, the decree may be revoked, modified, or amended.

### **C. Governing considerations**

A claimant "has no independent income adequate for her or his maintenance and the required expenditures of proceeding," which is the sole relevant element set out under Section 24. Nonetheless, the court has broad authority to decide whether or not to provide the claimant financial support. The claimant is requesting interim maintenance since she is unable to provide for herself financially. Free income is emphasized. Maintenance may be claimed regardless of whether the claimant owns moveable or immovable property and whether or not the property generates revenue. Nonetheless, rental revenue from the property will be included towards the cost of upkeep. The wife's potential to receive an inheritance is not a valid reason to deny her maintenance. The court must grant maintenance by recording a finding of income of the respondent and not rely on conjectures; therefore, the wife must state explicitly in her application that she does not have any independent income. the act of putting something aside the fact that the woman is being supported by her parents or relatives does not relieve the husband of his obligation under section 24 since "independent" appears to indicate money which she is generating independently of the other spouse or any other person.

### **MAINTENANCE UNDER HINDU LAW**

Until the Hindu Adoption and Maintenance Act of 1956, the law No gift nor bequest may be used by a Hindu to nullify his widow's entitlement to support. In the same way that one cannot transfer the right to receive future maintenance payments, one cannot transfer the right to receive maintenance in the present. A decree's execution does not allow for the attachment of future rights. Arrears of upkeep, however, might result in attachment.

Adoption and Support of Hindu Children Act of 1956 On December 21, 1956, this law was officially implemented. There are a total of 30 parts, with sections 18 through 28 dealing specifically with upkeep. It updated and standardized the law. When it comes to matters of maintenance among Hindus, the provisions of this legislation take precedence over any other laws or customs. Support for the wife is addressed in Section 18, while support for minor children and their parents is addressed in Section 20. Dependent support is addressed under Section 22. Support payments are addressed under Section 23.

- **Persons Entitled to Be Maintained**

Reimbursement for Spouse's Support For as long as she lives, a woman is entitled to financial support from her husband. As a result, a Hindu spouse has an obligation under law to provide for his family's support. According to the ruling in Naranbhai v. Mahadeo, the spouse is responsible for meeting this statutory requirement regardless of whether or not he has any assets.



While her husband is still alive, the wife does not qualify as a dependent under Section 21, and neither she nor any family of her husband's may claim to be supporting her without access to his property. *Bouramma v. Siddappa Jivappa Patarad* decided that this privilege cannot be waived by a postnuptial arrangement to live apart.

If the couple has divorced, the woman cannot seek spousal support under this provision. She may seek help under 25 of the HMA. The husband is legally obligated to provide for and keep his wife in her own home. In the event of the husband's desertion, cruelty, virulence, leprosy, concubinage, another wife of the husband, or any other justifiable reason, the wife is entitled to support. Two situations are listed in subsection (3) of Section 18 that negate a Hindu Wife's right to a separate place of abode and support.

**The items in question are:**

1. Unchastity
2. Apostacy

A woman loses her claim to maintenance if she either lives apart from her husband for no good reason or lives apart as the consequence of a compromise and does not seek maintenance. Both of these pretexts are products of court decisions. The court has recently acknowledged the case of *Surjit Singh v. Gurdev Singh*, holding that a wife's adulterous lifestyle is not a sufficient reason to deny her intrim support, especially if she is unable to provide by herself.

• **Widowed daughter-in-law**

It was decided in the case of *Rani Bai v. Yadu Nandan Ram* that a woman has the right to support from her husband if she is married; from her son or daughter if she is a parent; from her father or another if she is a child; and from the estate of her husband or her father-in-law if she is a widow. According to Section 19 of the Act, a father-in-law has an ethical duty to support his son's widow. If a widowed daughter-in-law cannot provide for herself from her own earnings or other property, cannot obtain maintenance from the estate of her husband, father, mother, son, or daughters, and her father-in-law does not have any coparcenary property in his possession of which she has not obtained a share, then she is entitled to maintenance from her father-in-law under section 19. The obligation to support a daughter-in-law ends under certain circumstances that are spelled forth in subsection of Section 19.

The following terms apply: -

- When the father-in-law's ability to support himself from his son's coparcenary property is eliminated after his passing;
- When the widowed son-in-law inherited a portion of the coparcenary estate;
- In the event that the son-in-law remarries;
- If and when she converts to a different faith.

According to *Kanailal v. Pushparani Pramanik*, heard by the Calcutta High Court, parties subject to Mitakshara law are the only ones to whom section 19 applies. The Madras High Court has ruled that if a spouse is presumed dead after seven years of nondisclosure, the daughter-in-law must be supported by her father-in-law.

- **Aged infirm parents and the children**

Under Section 20 of the Act, the topic of supporting elderly or disabled parents, legal or otherwise, is addressed. A Hindu is required to provide for his or her children, whether biological or adopted, as well as his or her elderly parents, throughout his or her lifetime, per section 20(1). A person's responsibility to support an elderly or disabled parent or a daughter who has not married is addressed in subsection 20(3). As long as the individual is unable to provide for his or her basic needs via earned income and other assets, the duty will continue. For as long as they are minors, children, whether legitimate or illegitimate, have the right to receive support from their parents.

- **Dependents of the deceased**

The deceased's dependents are entitled to financial support from the deceased's heirs, as stated in Section 22 of the Act. The risk to the company is low. It covers all they own, including what they inherit. The surviving spouse or child of a person who died before December 21, 1956, is eligible for benefits under this subsection. Those who stand to inherit a piece of the estate would be held accountable in direct proportion to the amount of that inheritance. If a dependent person receives a share or portion of an asset whose value decreases below the amount that would be awarded as maintenance if the responsibility to contribute were enforced, then the dependent person is not obligated to pay to the maintenance of others under Section 22. We must now ask: who are the dependents? "Dependents" are defined under Section 21 of the Act. The following individuals are considered to be dependents of a male or female Hindu according to section 21:

- the father,
- the mother
- the widow,
- the minor legitimate son,
- the minor illegitimate son,
- the minor legitimate unmarried daughter,
- the minor illegitimate unmarried daughter,
- the widowed daughter,
- the son's widow
- the grandson's widow

- the son's unmarried daughter,
- the grandson's unmarried daughter,
- son's minor son.

## **CONCLUSION**

Maintenance payments are a standard of fairness in society. My last views on marital turmoil after separation A man has a moral obligation to provide for and care for his wife, elderly parents, children, and other close relatives as long as they are unable to do so on their own. On October 14, 1980, husband's testimony concluded in the maintenance pendent lite application; therefore, we can say that unless relief in the main petition is granted# no permanent maintenance can be granted under section 25. In other words, husband led evidence in the maintenance pendent lite application; thus, we can say that unless relief in the main petition is granted# no permanent maintenance can be granted under section 25.

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