

How to Fight



and Reduce Maintenance

under CrPC 125 and DV Act

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How To Fight And Reduce Maintenance Under Crpc 125

Nitish Banka (Advocate)



How To Fight And Reduce Maintenance Under Crpc 125:

Pay or Fight? The Truth About Maintenance Laws in India Nitish Banka (Advocate),2025-09-19 Pay or Fight is a practical and insightful book by Advocate Nitish Banka that guides readers through the complex legal landscape of maintenance cases in India Whether you re facing a maintenance claim under Section 125 CrPC DV Act or HMA this book helps you understand your legal rights and options The central theme revolves around a crucial dilemma many face should you pay and settle the matter or fight it legally based on the facts and circumstances of your case Drawing from years of courtroom experience Nitish Banka explains legal strategies common pitfalls and the mindset required to handle such cases effectively With easy to understand language real life examples and practical advice Pay or Fight empowers individuals especially men wrongly burdened with excessive or unfair maintenance demands to make informed strategic decisions This book is a must read for anyone involved in a maintenance dispute seeking clarity and confidence in their legal journey

Divorcing Traditions Katherine Lemons,2019-03-15 Divorcing Traditions is an ethnography of Islamic legal expertise and practices in India a secular state in which Muslims are a significant minority and where Islamic judgments are not legally binding Katherine Lemons argues that an analysis of divorce in accordance with Islamic strictures is critical to the understanding of Indian secularism Lemons analyzes four marital dispute adjudication forums run by Muslim jurists or lay Muslims to show that religious law does not muddle the categories of religion and law but generates them Drawing on ethnographic and archival research conducted in these four institutions NGO run women s arbitration centers mahila panchayats sharia courts dar ul qazas a Muslim jurist s authoritative legal opinions fatwas and the practice of what a Muslim legal expert mufti calls spiritual healing Divorcing Traditions shows how secularism is an ongoing project that seeks to establish and maintain an appropriate relationship between religion and politics A secular state is always secularizing And yet as Lemons demonstrates the state is not the only arbiter of the relationship between religion and law religious legal forums help to constitute the categories of private and public religious and secular upon which secularism relies In the end because Muslim legal expertise and practice are central to the Indian legal system and because Muslim divorce s contested legal status marks a crisis of the secular distinction between religion and law Muslim divorce argues Lemons is a key site for understanding Indian secularism

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 - An Analysis Dr. E. Ajitha,2025-05-16 The demographic trends of the Indian population have necessitated concerted action by the legislature and the executive on the policy front to be prepared as a nation to manage the consequences of a growing aged population The situation of increasing aged population is increasingly a grave concern to the administration as lifestyle and family dynamics change Till a couple of decades back the joint family system was a safety net that provided security and care to the elderly But in recent decades with the breakdown of the joint family system the elderly are left without support Therefore the responsibility of the state towards the elderly population is heightened To address this concern of ensuring the

physical psychological and medical needs of senior citizens the first elder law of India The Maintenance and Welfare of Parents and Senior Citizens Act 2007 was enacted The objective of the Act is to ensure the maintenance and welfare needs of the senior citizens and parents are provided for by the family This book analyses the Act in totality and also throws light on the international initiatives which facilitated the national policy in this regard It also looks at the personal laws with regard to maintenance and welfare of parents and senior citizens The lacuna in the Act are also highlighted The Maintenance and Welfare of Parents and Senior Citizens Amendment Bill 2019 was introduced in the parliament in 2019 but it is still pending The Bill attempts to address some of the issues in the Act of 2007 The Bill expands the concept of children to include stepchildren adoptive children children in law and legal guardians of minor children According to the Act of 2007 children may be ordered by Maintenance Tribunals to pay their parents a maximum of Rs 10 000 in maintenance each month This upper limit on the maintenance cost is eliminated by the Bill The Act allows older persons to challenge the Maintenance Tribunal s rulings The Bill permits family members and children to appeal Tribunal rulings as well According to the Bill the Tribunal may issue a warrant to collect the unpaid sum if the children or family members disregard maintenance orders If the fine is not paid there is the potential for a one month jail sentence or until the money is paid The Bill outlines regulations for both private senior care facilities and organizations that offer in home care services The ceiling on maintenance fee is eliminated under the Bill When determining the amount of maintenance the Tribunals must take into account i the parent s or senior citizen s level of living and income and ii the children s For abandonment of senior citizen or parent the punishment is enhanced Punishable with imprisonment between three and six months or a fine of up to Rs 10 000 or both Even as the amendment Bill is yet to come into force the tribunals and courts have been trying cases pertaining to the Act of 2007 albeit without much clarity in certain sections Section 16 is one such section where different high courts have taken different views Whereas the Bombay High Court following the Paramjit Saroya case AIR 2014 PUNJAB AND HARYANA 121 has allowed appeal by children permissible under section 16 in *Ridhi and Another v Prathiba and Others* 2024 SCC Online Bombay 1690 recently the Division Bench Karnataka High Court in *K Lokesh v The Bangalore District Maintenance M Tamil Selvan and Another v District Collector and others* 2024 SCC Online Mad 7377 But in *Urmila Dixit v Sunil Sharan Dixit* Civil Appeal No 10927 of 2024 the Supreme Court reversed its order in *Sudesh Chikara s case* and has held that tribunals are empowered to not only render the transfer deed void but also to order the possession back to the parents even if the stipulation under Section 23 is not fulfilled in order to reinstate the rights of the parents and senior citizens The Court further stated that the Act is a beneficial legislation meant to lend a helping hand to elders who are left alone due to withering of joint family system and that its provisions should be interpreted liberally and not in the strict sense to protect their rights The Supreme court has in the case of *Dr Ashwani Kumar versus Union of India and Others* PIL No 193 2016 2019 2 SCC 636 pointing at the poor implementation of the Elder Act emphasized the importance of execution of the Act effectively in order to guarantee that

older citizens statutory and fundamental rights such as the right to shelter healthcare and dignity are fulfilled The Supreme Court underlined the necessity of ongoing and recurring oversight to guarantee the successful execution of the Elder Act 2007 and support the advancement of senior persons well being Therefore it is imperative that the amendment Bill that has been pending for years is updated to meet the evolving social dynamics and enacted to ensure objective of the elder care law is attained in letter and spirit

Adjudicating Family Law in Muslim Courts Elisa Giunchi, 2013-12-04 While there are many books on Islamic family law the literature on its enforcement is scarce This book focuses on how Islamic family law is interpreted and applied by judges in a range of Muslim countries Sunni and Shi'a as well as Arab and non Arab It thereby aids the understanding of shari'a law in practice in a number of different cultural and political settings It shows how the existence of differing views of what shari'a is as well as the presence of a vast body of legal material which judges can refer to make it possible for courts to interpret Islamic law in creative and innovative ways

Adjudication in Religious Family Laws Gopika Solanki, 2011-04-25 This book argues that the shared adjudication model in which the state splits its adjudicative authority with religious groups and other societal sources in the regulation of marriage can potentially balance cultural rights and gender equality In this model the civic and religious sources of legal authority construct transmit and communicate heterogeneous notions of the conjugal family gender relations and religious membership within the interstices of state and society In so doing they fracture the homogenized religious identities grounded in hierarchical gender relations within the conjugal family The shared adjudication model facilitates diversity as it allows the construction of hybrid religious identities creates fissures in ossified group boundaries and provides institutional spaces for ongoing intersocietal dialogue This pluralized legal sphere governed by ideologically diverse legal actors can thus increase gender equality and individual and collective legal mobilization by women effects institutional change

Issues in Women's Rights K M Baharul Islam, 2014-04-25 A key challenge facing the overall women's rights scenario in any remote region like Northeast India is availability of trained lawyers in local courts to assist the aggrieved women to fight their rights violation cases or otherwise guard their interests in a dispute Such legal services embracing both individual access to justice and public interest law transcending individual needs contribute to the rule of law good governance human rights empowerment of the poor and poverty alleviation The women's rights lawyers need special training and set of professional tools for forging the future of legal services and legal systems In order to address this gap a special training workshop was organized by PFI Foundation Guwahati in February 2012 This resource book is an outcome of that exercise It may be used as a Women's Rights Lawyers Handbook or a manual which is readily available for adoption by law schools to conduct similar programs and also act as a ready reckoner for the lawyers police officers administrators corporate human resource managers and chief executives of organizations The contents of the resource book contains training materials used at the training workshop individual research studies by the authors and a compilation of some important reference documents from different sources The book

mainly covers issues like social security legislations free legal aid constitutional remedies marriage laws separation divorce maintenance offences of dowry violence against women rights at work place sexual harassment at work place Vishaka Guidelines etc *Feminist Advocacy, Family Law and Violence against Women* Mahnaz Akhmi,Yakın Ertürk,Ann Elizabeth Mayer,2018-10-03 Around the world discriminatory legislation prevents women from accessing their human rights It can affect almost every aspect of a woman s life including the right to choose a partner inherit property hold a job and obtain child custody Often referred to as family law these laws have contributed to discrimination and to the justification of gender based violence globally This book demonstrates how women across the world are contributing to legal reform helping to shape non discriminatory policies and to counter current legal and social justifications for gender based violence The book takes case studies from Brazil India Iran Lebanon Nigeria Palestine Senegal and Turkey using them to demonstrate in each case the varied history of family law and the wide variety of issues impacting women s equality in legislation Interviews with prominent women s rights activists in three additional countries are also included giving personal accounts of the successes and failures of past reform efforts Overall the book provides a complex global picture of current trends and strategies in the fight for a more egalitarian society These findings come at a critical moment for change Across the globe family law issues are contentious We are simultaneously witnessing an increased demand for women s equality and the resurgence of fundamentalist forces that impede reform invoking rules rooted in tradition culture and interpretations of religious texts The outcome of these disputes has enormous ramifications for women s roles in the family and society This book tackles these complexities head on and will interest activists practitioners students and scholars working on women s rights and gender based violence **Islam** Sehba Waheed,2006 *National Commission for Men* Dr. Nitya Prakash,2025-05-31 National Commission for Men Silent Scars is a groundbreaking narrative that tears through the silence surrounding one of India s most overlooked realities men as victims of crime abuse and systemic bias In a nation that rightly champions women s empowerment this book dares to ask Who speaks for the man falsely accused The father denied custody The husband driven to suicide With unwavering empathy and raw honesty Dr Nitya Prakash author reformist and truth teller documents real life stories of Indian men who suffered in silence From dowry law misuse to domestic violence against men from high profile alimony battles to heartbreaking suicides the book draws upon court cases suicides media expos s and even personal experiences Each chapter is not just a story it s a plea for balance empathy and legal reform This book is not anti women It is pro justice It is about recognition without retaliation equity without exclusion And above all it is about giving voice to those who ve been silenced for far too long If we fail to acknowledge these silent scars today tomorrow s headlines may carry the name of someone you know your brother your colleague your son This isn t just a book This is a beginning **The Gold Chain of Desperation** Chintan Bhagat,2025-07-22 What happens when sitting judge of court asks men to beg borrow steal to pay alimony to ex wife In the heart of India marked by a sandstone pillar declaring the nation s geographic center lies

Vishrampur It is a city of citrus and embers of wide tree lined avenues that give way to tangled lanes humming with relentless life Like any city it is a living thing its veins coursing with the stories of its people And like any living thing it is bound by chains There are the visible chains of commerce and traffic that choke the roads at dusk and the invisible chains of history that tether its modern pulse to an ancient past But deeper still are the chains worn by its inhabitants They are forged not of metal but of duty and desperation of love and law of memory and misfortune They are the debts that bind a son to his family the court orders that tether a man to a woman he no longer knows the grief that links a widow to the ghost of her husband and the shame that shackles a family to the crime of one of its own

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