

TITLE: Rajnesh v. Neha (2020)

SITE

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CITATION

AIR 2021 SC 569; AIRONLINE 2020 SC 915; (2021) 2 SCC 324 | Supreme Court of India | 2020

CASE

Rajnesh v. Neha

FACTS

Criminal appeal from interim-maintenance proceedings under Section 125 CrPC. The wife and minor son obtained Family Court interim maintenance (affirmed by the Bombay High Court, Nagpur Bench). The husband challenged liability and capacity to pay; arrears and enforcement difficulties persisted for years. Against that backdrop, the Supreme Court both decided the appeal and issued nationwide guidelines on maintenance practice.

LEGAL ISSUES

How should courts decide interim and final maintenance when multiple statutes (Section 125 CrPC, HMA, HAMA, DV Act) overlap? What disclosure, quantum criteria, date-of-award rule, and enforcement tools apply nationwide?

LAW / PROVISIONS

Section 125 CrPC (maintenance); Hindu Marriage Act; Hindu Adoptions and Maintenance Act; Protection of Women from Domestic Violence Act, 2005; Article 142 directions for uniform affidavits; enforcement via S.128 CrPC / applicable civil execution provisions as directed.

HOLDING

The Court affirmed the Family Court / High Court interim-maintenance orders for wife and son and directed clearance of arrears. In Part B guidelines (Article 142), it

inequitable double recovery; (ii) mandatory Affidavit of Disclosure of Assets and Liabilities (model enclosures) in maintenance proceedings nationwide, including pending matters; (iii) criteria for quantum (status, needs, paying capacity, standard of living, etc.); (iv) maintenance ordinarily from the date of application; (v) timely decision of interim applications (endeavour within about 4-6 months after disclosure affidavits) and effective enforcement of maintenance orders.

KEY TAKEAWAYS

1. Maintenance can be claimed under more than one statute ? but prior awards must be disclosed and adjusted; double benefit is inequitable.
2. Both sides must file the Affidavit of Disclosure of Assets and Liabilities (model formats annexed to the judgment).
3. Interim maintenance should be decided promptly after disclosure ? not turned into a mini-trial by endless adjournments.
4. Maintenance is ordinarily awarded from the date of the application, not only from the date of the final order.
5. Enforcement is part of the remedy ? courts directed effective execution pathways for unpaid maintenance.

SIGNIFICANCE

Rajnish v. Neha is the leading practice judgment for maintenance litigation across Family Courts / Magistrates in India. It is cited daily on disclosure affidavits, overlapping 125/DV/HMA claims, arrears from the application date, and enforcement.

PRIMARY SOURCE

<https://indiankanoon.org/doc/117541087/>

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