



CRITICAL ANALYSIS OF SECTION 25 OF THE HINDU MARRIAGE ACT, 1955

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ABSTRACT

The essay examines the transformative process of Permanent Alimony under Section 25 of the Hindu Marriage Act, 1955, that has evolved through the ages from a sacramental duty to become an essential part of post-marital financial compensation. It highlights the expansion of the judiciary, including the connection of jurisdiction to matrimonial decrees, the ability to claim maintenance at any time in or after proceedings, and expansive meanings of 'any decree' which safeguard those in void marriages. Quantum determination has come to focus on structured elements such as incomes of parties, refined conduct judgments, lifestyle benchmarking to avoid penury after a divorce, inflation adjustments and compensation for the homemaking sacrifices. As much as gender-neutral terms empower reliant husbands in modern contexts, the adaptability of orders in subsections (2) and (3) responds to changes in life. Yet the clauses that regulate chastity are prone to moral encroachment criticism. This discussion suggests some reforms, such as prescriptive rules, elimination of old-fashioned moral provisions, presumptive entitlements to uncompensated work, and time-bound implementation to guarantee conformity. Finally, such improvements make Section 25 a proactive safeguard of financial independence in the changing social environment in India.

Keywords: Permanent Alimony, Section 25 HMA, Judicial Discretion, Gender Neutrality, Chastity Clause.

INTRODUCTION

Marriage as an institution under Hindu law has undergone a radical overhaul; it is no longer just a spiritual union but a legally binding contract that can be dissolved under statutory provisions. The key to such a change lies in the concept of Permanent Alimony and

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Maintenance, established in Section 25 of the Hindu Marriage Act (HMA), 1955.¹ This is the legislative effort to strike a compromise between the long-established sacramental imperatives of marriage and the current reality of economic dependence on a spouse after separation.

The section 25 (1) reads as: Any Court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent's own income and other property, if any, the income and other property of the applicant, the conduct of the parties and other circumstances of the case, it may seem to the Court to be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent.²

THE ORIGINS OF THE LAW

In the past, marriage was regarded as a Sanskara (sacrament) under the Shastric Hindu Law as an eternal, indissoluble union, even by death.³ In this context, the husband's duty to care for his wife was not just a legal but also a religious one. According to ancient literature, a husband was obligated to care for his wife regardless of his disposition, as she was regarded as his Ardhangini.⁴

In the contemporary world, even in the context of sacramental social practices, the legal nature of alimony has evolved into a monetary continuation of the marital duty.⁵ Alimony is a Latin word derived from 'alimonia', meaning sustenance.⁶ It is based on the idea that the end of a marital relationship does not immediately dissolve the economic duty established by the marriage. It acknowledges that in a marriage, parties are likely to make compromises, including withdrawal from the workforce to manage a household, which results in a long-term economic

¹ § 25, Hindu Marriage Act, 1955, No. 25, Acts of Parliament, 1955 (India).

² § 25(1), Hindu Marriage Act, 1955, No. 25, Acts of Parliament, 1955 (India).

³ Derrett, J. Duncan M., *The Concept of Marriage in Hindu Law*, 21 Bull. Sch. Oriental & African Stud. 684 (1958).

⁴ Derrett, J. Duncan M., *The Maintenance of Wives under Hindu Law*, 5 J. Indian L. Inst. 359 (1963).

⁵ Rawat, Krishna, *Maintenance under Hindu Law*, 4 Int'l J.L. Mgmt. & Human. 2610 (2021), https://heinonline.org/HOL/Page?public=true&handle=hein.journals/ijlmhs12&div=251&start_page=2610&collection=journals&set_as_cursor=4&men_tab=srchresults.

⁶ *Etymonline*, <https://www.etymonline.com/word/alimony> (last visited Mar. 21, 2026).

imbalance. As such, alimony is a compensatory measure for career-opportunity costs and marital contributions.⁷

THE OBJECTIVE OF SECTION 25

Section 25 is aimed at promoting social justice and avoiding the unfair gender disparity of poverty. A significant proportion of women, in the Indian socio-economic context, continue to be financially dependent on husbands. When marriage is dissolved by a decree of divorce, judicial separation, or nullity, such women are in danger of instant impoverishment.⁸ Section 25 gives the court the power to direct the respondent to maintain and support the applicant by paying her a gross sum or a monthly payment. The fundamental ideology is rehabilitative.⁹

COHERENCE OF SECTIONS 24 AND 25

The Hindu Marriage Act involves two kinds of financial assistance, both of which have a unique purpose to fulfil during separation proceedings.

Section 24 (Maintenance Pendente Lite): This is intended to give interim maintenance to meet everyday living costs and legal expenses in the pendency of the suit. It is intended to ensure that an individual is not deprived of the litigation process due to insufficient funds.¹⁰

Section 25 (Permanent Alimony): This provides long-term or permanent monetary support after the legal proceedings are over.

Whereas Section 24 is a lifeboat to overcome the storm of litigation, Section 25 is the shore on which the spouse can restructure his life. The legislative purpose of Section 25 is to secure a right to a dignified life, as guaranteed by Article 21 of the Constitution of India.¹¹ The courts have always maintained that maintenance is not a bounty or a matter of charity but a basic right of a spouse who is not in a position to support themselves.¹²

⁷ Jain, M.P., *Matrimonial Law in India*, 4 J. Indian L. Inst. 71 (1962), <https://www.jstor.org/stable/43949675>.

⁸ Pani, K. Chakra, *A Critical Analysis of the Trend of Judicial Interpretations of Sections 24 and 25 of the Hindu Marriage Act, 1955*, 3 Legal Lock J. 70 (2024).

⁹ Diwan, Paras, *The Hindu Marriage Act, 1955*, 6 Int'l & Comp. L.Q. 263 (1957), <https://www.jstor.org/stable/755668>.

¹⁰ § 24, Hindu Marriage Act, 1955, No. 25, Acts of Parliament, 1955 (India).

¹¹ India Const. art. 21.

¹² *Financial Support Delayed Is Dignity Denied: Delhi HC Stresses Timely Maintenance Is a Legal Right, Not Charity*, LawBeat (Mar. 20, 2026), <https://lawbeat.in/news-updates/financial-support-delayed-is-dignity-denied-delhi-hc-stresses-timely-maintenance-is-a-legal-right-not-charity-1500417>.

STATUTORY FRAMEWORK OF SECTION 25 HMA

Section 25 of the Hindu Marriage Act (HMA), 1955 has a functional efficacy that lies in the statutory wording. Although the part looks simple, each word has been the centre of interpretative litigation, especially regarding the extent to which it must be achieved to elicit the court's power to award permanent alimony.

The Jurisdictional Gateway: ‘any court exercising jurisdiction.’

Section 25(1) begins by indicating that an order be made to maintain at the time of passing a decree any court which has jurisdiction under this Act. This generalised expression ensures that the authority to award alimony is not limited to a given court, but is available to any court of matrimonial jurisdiction that has the power to award alimony, whether a District court or a Family court, as provided under the Family Courts Act, 1984.¹³

This jurisdictional requirement suggests that the right to alimony is secondary to the primary matrimonial process. Section 25 cannot be invoked by any of the parties as a stand-alone and independent suit without an accompanying petition for a matrimonial decree of divorce or judicial separation.¹⁴ The right of the court to award alimony is dependent on its right to terminate the marital status of the parties.¹⁵

‘At the Time of Passing of any Decree or after the same.’ The timing of alimony payments is often a contentious issue. The law provides two windows:

- **Contemporaneous:** When the final decree is passed.
- **Subsequent:** At any time following the granting of the decree.

This latter provision is an essential safety net. It acknowledges that a spouse might not need financial assistance at the time of divorce, perhaps because he or she is temporarily employed, but may want to experience a change of circumstances several years later (e.g., illness or loss of livelihood). The criterion states that the right to claim alimony does not die away merely

¹³ Hindu Marriage Act, 1955, ch. V, § 25, https://devgan.in/hma/chapter_05.php#s25.

¹⁴ Rameshchandra Rampratapji Daga v. Rameshwari, (2005) 2 S.C.C. 188.

¹⁵ *Spouse Can't Be Directed to Pay Permanent Alimony Without a Formal Application Under S. 25 of Hindu Marriage Act: MP High Court*, SCC Online (Apr. 3, 2025), <https://www.scconline.com/blog/post/2025/04/03/spouse-cant-be-directed-to-pay-permanent-alimony-without-a-formal-application-under-s-25-of-hindu-marriage-act-mp-high-court-scc-times/>.

because it was not asserted at the first trial.¹⁶ Nevertheless, subsequent is not indefinite and shall be elaborated under Section 25(3).

The Void Marriage dilemma: ‘Any Decree’ Controversy

In the past, there was a significant legal dispute over the meaning of the passing of ‘Any Decree.’ When a marriage had been pronounced void ab initio according to Section 11 due to bigamy or degrees of relationship forbidden by law, conservative interpretations held that there was no marriage in the eyes of the law.¹⁷ Therefore, without marriage, there would neither be a decree of divorce nor a right to alimony.

This reasoning frequently stranded women of void marriages in complete financial abandonment. However, in recent jurisprudence, the Court held that a decree of nullity is broad enough to qualify as the term ‘Any Decree’.¹⁸ It does not matter whether the marriage is dissolved by Divorce or one which has not existed at all by Nullity; the court is nevertheless passing a decree under the Act.¹⁹ The Court held that the law may not be so cold as to close its eyes to years of domestic service performed in a union which the statute afterwards declares null and void. This ensures that a partner cannot avoid financial responsibility by simply asserting a technical defect in the marital union.²⁰ This understanding of any Decree is strengthened by Article 15(3) of the Constitution, which permits the State to make special provisions regarding women and children.²¹

DETERMINING THE QUANTUM OF PERMANENT ALIMONY

The determination of alimony under Section 25 is not a cold subtraction mathematical task; it is rather an exercise of judicial discretion that is directed by equity principles.

Financial Status: The first standard applied when calculating alimony is the income and other property of the two parties. In the landmark decision in *Rajnish v Neha* (2020), the Supreme Court has directed the filing of a complete Affidavit of assets and liabilities in all maintenance

¹⁶ Chand Dhawan v. Jawaharlal Dhawan, (1993) 3 S.C.C. 406.

¹⁷ § 11, Hindu Marriage Act, 1955, No. 25, Acts of Parliament, 1955 (India).

¹⁸ Sukhdev Singh v. Sukhbir Kaur, 2025 S.C.C. OnLine 234.

¹⁹ *Sukhdev Singh v. Sukhbir Kaur: Maintenance in a Void Hindu Marriage*, Supreme Ct. Observer

²⁰ *Spouse of Void Marriage Under S. 11 of HMA Entitled to Permanent Alimony/Maintenance Under S. 25: SC*, SCC Online (Feb. 19, 2025), <https://www.sconline.com/blog/post/2025/02/19/spouse-of-void-marriage-under-s-11-of-hma-entitled-to-permanent-alimony-maintenance-under-s-25-sc/>.

²¹ India Const. art. 15, cl. 3.

proceedings to curb the rampant practice of spouses suppressing their true income.²² This affidavit not only demands the disclosure of salary but also investments, digital assets, and credit card statements.²³ Courts also consider the concept of imputed income, which is when a spouse is highly qualified but, by choice, voluntarily does not work so as not to have to pay alimony; they may impute income based on their educational qualifications.²⁴

The Behaviour of the Parties: Section 25 directly refers to the conduct of the parties as an element. In the past, it was employed to punish husbands and wives who committed moral wrongs. This, however, has been refined by modern jurisprudence. Although adultery or abandonment on the part of the applicant may cause a decrease in the quantum, it seldom causes an outright denial of alimony since the right to sustenance is considered a fundamental human right.²⁵ However, the most controversial is the Conduct Clause of Section 25(3), permitting rescission of an alimony order on the ground that the recipient has failed to keep chaste. In recent times, courts have understood the term conduct to refer to financial conduct.²⁶ An example is where a spouse has embezzled marital property or committed litigation misconduct, the court can remedy the situation by increasing or decreasing the amount of alimony.

Standard of Living: The biggest change in Section 25 is the shift from the concept of subsistence to that of status. The Supreme Court, in the case of *Rakhi Sadhukhan v. Raja Sadhukhan*, has clarified that maintenance does not imply bare survival or animal existence.²⁷ Under the Lifestyle benchmarking principle, mere earning by a wife does not disentitle her from maintenance; the crucial question is whether her income is sufficient to enable her to maintain the same standard of living that she enjoyed in her matrimonial home.²⁸ If the couple had travelled abroad and lived in luxury, the alimony should be based on that, provided the respondent can afford it. The court examines the parties' social status to ensure that the divorce does not result in a traumatic reduction in the dependent spouse's quality of life.

Inflation and Career Sacrifices: Recent jurisprudence incorporates economic justice, whereby the inflation and loss of job opportunities are considered in determinations of alimony.

²² *Rajnish v. Neha*, (2021) 2 S.C.C. 324.

²³ Kuwad, Siddhant, *Maintenance From Date of Application: A Landmark Reform*.

²⁴ Rai, Sharika & Prabhu, Santhosh, *Beyond Dependency: Rethinking Alimony for New-Age Indian Marriages*, 5 Int'l J.L. Just. & Juris.

²⁵ *Amar Kanta Sen v. Sovana Sen*, A.I.R. 1960 Cal. 438.

²⁶ *The Pitfalls of Discretion: Scrutinising Maintenance under Section 25 of the Hindu Marriage Act*, Law & Other Things (Jan. 2026).

²⁷ *Rakhi Sadhukhan v. Raja Sadhukhan*, Civ. App. No. 10209/2024 (India Sup. Ct. May 29, 2025).

²⁸ *Shailja v. Khobanna*, (2018) 12 S.C.C. 199.

The Court in *Rakhi Sadhukhan v Raja Sadhukhan* increased permanent alimony of ₹20,000 to ₹50,000 per month and ordered such increases to be automatically increased by 5 per cent in two intervals to maintain the lifestyle of the dependent spouse without subjecting him or her to the ordeal of repeated litigation.²⁹ This provision indicates the awareness of courts about the rising cost of living and adhering to long-term financial stability over static awards.³⁰

Similarly, the case of *Parvin Kumar Jain v Anju Jain* gave more prominence to holistic equity, where 5 crores was awarded as one-time alimony based on the career sacrifices of the wife, including homemaking and child-rearing, which caused her to lose labour market opportunities and her earning capacity.³¹ Domestic contributions have been put into consideration in courts as part of the framework of reasonable wants, and standard of living, along with the income of parties, their qualifications and future needs.³²

GENDER-NEUTRALITY AND THE DEVELOPMENT OF THE SOCIAL NORMS.

In India, although matrimonial laws often hold a protectionist approach towards women, Section 25 of the Hindu Marriage Act (HMA), 1955, is a rare, explicitly gender-neutral provision. The legislature recognised in 1955 that financial dependency was a functional fact of a domestic unit rather than an innate biological characteristic by referring to the wife or the husband.

The Husband as the Applicant: The inclusion of the husband as a candidate for permanent alimony was a groundbreaking development at the time.³³ However, the equity of this indifference is regulated by rigid justice in the judicial system. The court made it clear that a husband cannot assert alimony as a right merely because his wife earns more. He has to demonstrate his inability to support himself.³⁴ Husband's alimony clause is frequently claimed when the husband has incurred some permanent physical or mental disability during the marriage, or when the husband has made the career choice to become a stay-at-home dad, thus enabling the wife to climb the career ladder.³⁵

²⁹ *Rakhi Sadhukhan v. Raja Sadhukhan*, Civ. App. No. 10209/2024 (India Sup. Ct. May 29, 2025).

³⁰ *Legal Eagle Blog*, <https://legaleagleweb.com/newsdetail.aspx?newsid=8267> (last visited Mar. 22, 2026).

³¹ *Parvin Kumar Jain v. Anju Jain* 2024 (India Sup. Ct. Dec. 10, 2024).

³² *Bom HC Holds Working Wife Entitled to Maintenance*, SCC Online (June 30, 2025).

³³ *Rameshchandra Rampratapji Daga v. Rameshwari*, (2005) 2 S.C.C. 188.

³⁴ *Yashpal Singh Thaukar v. Smt. Anjana Rajput*, A.I.R. 2001 M.P. 67.

³⁵ *Nivya V.M. v. Shivaparsad M.K.*, 2017 (2) K.L.T. 803.

An End of Subsistence into Continuity of Living: One of the most important trends is the abandonment of the ‘bread-and-water’ approach to maintenance. Traditionally, alimony was viewed as a means of deterring vagrancy. Nowadays, it is considered an instrument of living continuity.³⁶ This implies that if a husband (or wife) is accustomed to a high-class lifestyle throughout the marriage, alimony must be sufficient to maintain that lifestyle after the divorce. The concept of maintenance is now viewed as the right to the same degree of dignity and comfort that existed during the marriage.³⁷

ALIMONY VARIATION, ALIMONY MODIFICATION, AND ALIMONY RESCISSION.

Sections 25(2) and 25(3) were included by the legislature as essential safety valves so that an order of maintenance is fair in the long term, the court can reset the financial assistance or discontinue it in response to any change in the underlying socio-economic reality.³⁸

Section 25(2): The Change of Circumstance Rule: The court is empowered by section 25(2) to vary, to change and to rescind any order on the request of either of the parties.

The section reads: If the Court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1), it may, at the instance of either party, vary, modify or rescind any such order in such manner as the Court may deem fit.³⁹ The first prerequisite is a change in the situation. The most common reasons for the same are:

- **Income Changes:** A huge increase in the income of the respondent or an abrupt loss of a job by the applicant.⁴⁰
- **Health and Age:** Increasing medical expenses as a result of a chronic condition or old age.⁴¹

³⁶ Rakhi Sadhukhan v. Raja Sadhukhan, Civ. App. No. 10209/2024 (India Sup. Ct. May 29, 2025).

³⁷ *Divorced, Not Remarried Woman's Permanent Alimony Enhanced: Supreme Court*, SCC Online (June 12, 2025).

³⁸ Mulla, *Principles of Hindu Law* (24th ed. 2024).

³⁹ § 25(2), Hindu Marriage Act, 1955, No. 25, Acts of Parliament, 1955 (India).

⁴⁰ Kalyan Dey Chowdhury v. Rita Dey Chowdhury, (2017) 1 S.C.C. 417.

⁴¹ *Section 25(2) of HMA / Court Can Modify and Grant Maintenance Exceeding the Claimed Amount Upon Proof of Material Change in Circumstances: Orissa High Court*, SCC Online (Mar. 14, 2025), <https://www.sconline.com/blog/post/2025/03/14/court-can-modify-grant-maintenance-exceeding-claimed-amount-orissa-high-court/>.

- **Inflation:** A party may still approach the court in case the cost of living is increasing at a rate that may not be reflected by the original award.⁴²

Section 25(3): the Cessation of Alimony: Section 25(3) sets out certain grounds on which the court may revoke the order. The section reads: If the Court is satisfied that the party in whose favour an order has been made under this section has remarried or, if such party is the wife, that she has not remained chaste, or if such party is the husband, that he has had sexual intercourse with any woman outside wedlock, it may at the instance of the other party vary, modify or rescind any such order in such manner as the Court may deem fit.⁴³

The most objective basis is the applicant's remarriage. When the applicant enters a new marital relationship, the financial responsibility of the former spouse ends immediately, and the new spouse assumes maintenance responsibility.⁴⁴

However, the 'Chastity Provision' is subject to harsh constitutional examination.⁴⁵ Critics claim that training a woman that her right to financial survival depends on her sexual purity is against Article 21 of India constitution.⁴⁶ The contemporary legal opinion indicates that the State would not be interested in policing the domestic consensual life of an adult.⁴⁷ Although a spouse should not be funded by an ex-partner in the case of a stable de facto relationship. If the applicant is living in a live-in relationship and is being maintained by a new partner, the alimony can be revoked, not because the applicant is unchaste, but because the maintenance is no longer required.⁴⁸

PROPOSED REFORMS

Section 25 permits courts to grant permanent alimony under general discretion, which encourages serious policy defects.

Overreliance on Judicial Discretion: The discretion given to the courts to award what they consider to be just has no statutory guidelines, with awards made by various benches in a very

⁴² Rakhi Sadhukhan v. Raja Sadhukhan, Civ. App. No. 10209/2024 (India Sup. Ct. May 29, 2025).

⁴³ § 25(3), Hindu Marriage Act, 1955, No. 25, Acts of Parliament, 1955 (India).

⁴⁴ *Impact of Remarriage on Maintenance*, BN Legal, (last visited Mar. 22, 2026).

⁴⁵ Diwan, Paras, *Permanent Maintenance and Alimony: When Petition in a Matrimonial Cause Is Dismissed*, 37 J. Indian L. Inst. 246 (1995), <https://www.jstor.org/stable/43953231>.

⁴⁶ India Const. art. 21.

⁴⁷ Joseph Shine v. Union of India, (2018) 2 S.C.C. 189.

⁴⁸ *Post-Divorce Live-In Relationship Grounds for Rescinding Lump-Sum Alimony Under S. 25(3) Hindu Marriage Act: Madras High Court*, Supreme Today

unpredictable manner.⁴⁹ Considerations such as income and behaviour are given subjectively with no formula equivalent to CrPC Section 125, continuing to facilitate forum-shopping and appeals that overload the court system and delay justice to vulnerable spouses.⁵⁰

Lack of Gender Equality in *the Chastity Clause*: The cancellation of maintenance due to the unchastity of a wife or the adulterous relations of a husband is a patriarchal moral policing entrenched in subsection (3). This puts women under disproportionate scrutiny in contravention of Article 14 equality privacy norms, and disregards the same practices of a man.⁵¹

Enforcement Gaps in Affidavits: Self-disclosure affidavits of income changes are required to enforce awards, which are liable to fraud through underreporting or concealment. Without the compulsory audit or electronic monitoring, the lack of compliance does not lead to punishment, which leaves the dependents without a solution and frustrates the purpose of the provision.⁵²

PROPOSED LEGISLATIVE REFORMS.

To overcome the limitations of Section 25, the legislative changes should focus on consistency, fairness, and enforceability. There should be a fixed formula, like paying 25-33% of the net income of the payer, after adjustment to marital years, contribution, like unpaid domestic work, and needs of children, to put a check on judicial discretion and give predictable results. At the same time, the chastity provision of subsection (3) is to be fully removed, and cancellation should only be in cases of remarriage or voluntary cohabitation, to preserve spousal autonomy and privacy rights. A presumptive entitlement system would further entrench maintenance as a natural right of spouses economically dependent, and appreciate the traditional roles of a wife as a housekeeper. Lastly, awards that are time-limited (within six months) would make justice quicker and keep real value intact in the unpredictable economic environment. These specific amendments would help to remodel Section 25 into a strong rights-based framework that would consider modern gender norms.

⁴⁹ *The Pitfalls of Discretion: Scrutinising Maintenance under Section 25 of the Hindu Marriage Act*, Law & Other Things (Jan. 28, 2026).

⁵⁰ § 125, Code Crim. P., No. 2, Acts of Parliament, 1974 (India).

⁵¹ India Const. art. 14.

⁵² *Void Marriage, Valid Maintenance: Supreme Court Clarifies Alimony Rights Under Sections 24 and 25 of the Hindu Marriage Act*, Metalegal (Mar. 11, 2025).

CONCLUSION

In conclusion, Section 25 of the Hindu Marriage Act 1955 is a dynamic pillar of matrimonial jurisprudence, which started as a sacramental section but grew into a strong tool of economic justice and social restoration. Through the adoption of lifestyle benchmarking, career sacrifice compensation, and inflation adjustments, this provision transcends mere subsistence, safeguarding the dependent spouse's dignity under Article 21. Its gender-neutral structure, despite being revolutionary, requires immediate reforms to cut the outdated chastity provisions and to adopt formulaic rules, to be consistent instead of discretionary. Such reforms would strengthen enforcement and time-limited actions, allowing equitable alimony with modern gender equality, financial independence, and constitutional requirements. Finally, the renewed Section 25 will not only provide financial resolution but also a vision of post-marital justice, which will empower people to reconstruct without destitution.

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