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Maintenance Cannot Be Diluted: Supreme Court Draws the Line on Salary Deductions

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PUBLISHED 20 April 2026

The Supreme Court's decision in *Deepa Joshi v. Gaurav Joshi*[1] (2026) marks a significant reaffirmation of the principles governing maintenance under matrimonial law. The judgment clarifies the treatment of financial deductions, particularly loan repayments, in determining maintenance and reinforces the doctrine that a spouse's right to live with dignity cannot be compromised by the financial structuring of the earning partner. This article critically analyses the ruling, its legal reasoning, and its broader implications.

Introduction

The law of maintenance occupies a central position in matrimonial jurisprudence, functioning as a critical safeguard against economic vulnerability arising from marital breakdown. In India, courts have consistently emphasized that maintenance is not a matter of charity but a legal right grounded in the principle of ensuring dignity and social justice. However, the determination of maintenance often raises complex questions, particularly in assessing the true financial capacity of the earning spouse.

One such recurring issue concerns the extent to which salary deductions especially those arising from loan repayments and asset creation should influence the computation of maintenance. This question becomes increasingly significant in modern financial contexts, where structured liabilities and credit-based lifestyles may obscure actual disposable income.

The Supreme Court's decision in *Deepa Joshi v. Gaurav Joshi* (2026) engages directly with this dilemma. By scrutinizing the legitimacy of financial deductions and reaffirming the primacy of the husband's obligation to maintain his spouse, the Court resolves the dispute at hand and contributes to the evolving framework of maintenance jurisprudence. The judgment thus is an important intervention in aligning financial realities with the normative goal of ensuring a dignified standard of living for the dependent spouse.

Factual Background

The dispute in arises out of a short-lived matrimonial relationship marked by allegations of neglect and cruelty. The parties were married in May 2023 in accordance with Hindu rites and customs. Soon after the marriage, the relationship deteriorated, with the appellant-wife alleging that she was subjected to both physical and mental harassment within the matrimonial home.

Within a year of the marriage, the appellant was compelled to leave the matrimonial residence and return to her parental home. Since her separation, she has had no independent source of income and has remained financially dependent. In these circumstances, she initiated maintenance proceedings under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a monthly maintenance of ?50,000.

The matter was initially adjudicated by the Family Court, which proceeded ex parte due to the respondent-husband's non-appearance. By its order dated 25th February 2025, the Family Court awarded maintenance of ?8,000 per month, primarily relying on the respondent's salary structure and the deductions reflected therein. Dissatisfied with the quantum, the appellant preferred a revision before the High Court of Uttarakhand.

The High Court partly allowed the revision and enhanced the maintenance to ?15,000 per month, while retaining the date of commencement as the date of application. However, the appellant contended that the enhanced amount remained inadequate in light of the respondent's actual earning capacity and her own financial dependency. Consequently, she approached the Supreme Court seeking further enhancement of maintenance.

Legal Issues

The case raised the following key issues:

1. Whether deductions from the husband's salary especially loan repayments should be considered while determining maintenance.
2. What constitutes "fair and reasonable" maintenance.
3. The extent to which the husband's financial obligations can dilute his statutory duty.

Judicial Reasoning

The Supreme Court's reasoning rests on a calibrated application of settled maintenance principles, combined with a clear rejection of income dilution through financial structuring.

At the outset, the Court reaffirmed the settled position that maintenance is intended to prevent destitution and secure a life of dignity for the dependent spouse. Drawing from established precedents, *Shamima Farooqui v. Shahid Khan*[2] (2015), which highlights that maintenance must not be illusory but sufficient to enable a life of dignity. Further, in *Rajnesh v. Neha*[3] (2021), the Court had clarified that maintenance must be fair, reasonable, and proportionate to the financial capacity of the husband and the status of the parties.

The core issue, however, lay in the treatment of deductions from the respondent's salary. The Court drew a crucial distinction between unavoidable expenses and voluntary financial commitments. It held that loan repayments particularly those resulting in asset creation are capital in nature and cannot be treated as essential expenditures for the purpose of determining maintenance. Such deductions, being discretionary, cannot take precedence over the statutory obligation to maintain one's spouse.

In doing so, the Court effectively rejected the approach adopted by the lower courts, which had accorded significant weight to these deductions while assessing the respondent's disposable income. The judgment makes it clear that the real earning capacity of the husband must be assessed in substance, not reduced artificially through financial liabilities undertaken at his discretion.

At the same time, the Court retained a balanced approach by acknowledging that maintenance should not become punitive or impose a disproportionate burden. The determination must reflect a judicious equilibrium between the wife's needs and the husband's capacity.

Applying this framework, and taking into account the respondent's gross monthly income of ?1,15,670 and the appellant's lack of independent means, the Court concluded that the amount awarded by the High Court remained inadequate. It accordingly enhanced the maintenance to ?25,000 per month, holding the figure to be just, reasonable, and aligned with the objective of ensuring dignified sustenance.

Critical Analysis

The decision in *Deepa Joshi v. Gaurav Joshi* (2026) represents a doctrinally sound yet normatively significant intervention in maintenance jurisprudence. While the judgment reinforces established principles, its true value lies in refining the methodology for assessing financial capacity.

A. Corrective Approach to Income Assessment

The Court's rejection of loan-based deductions as a basis for reducing maintenance is a decisive step toward preventing income distortion. By classifying asset-generating repayments as capital investments rather than essential expenses, the Court closes a commonly exploited gap in maintenance litigation. This approach ensures that the determination of maintenance reflects real economic capacity, rather than a strategically reduced net income.

However, the judgment stops short of articulating a structured test to distinguish between legitimate liabilities and voluntary financial commitments. In the absence of clear guidelines, the risk of inconsistent application across lower courts remains.

B. Reinforcement of the "Dignity Standard"

A notable strength of the judgment is its implicit reaffirmation of the "dignity standard" in maintenance law. Moving beyond mere subsistence, the Court aligns maintenance with a standard of living commensurate with the marital status of the parties. This reflects a progressive shift from survival-based reasoning to a rights-based approach grounded in dignity.

That said, the Court does not concretely define what constitutes "dignified living" in quantifiable terms. The absence of measurable benchmarks leaves the concept open-ended and heavily dependent on judicial discretion.

C. Balancing Without Overreach

Unlike some earlier rulings that lean heavily in favour of the claimant spouse, the Court in this case consciously avoids a one-sided approach. It reiterates that maintenance should not become punitive or impose an excessive burden on the husband. This balanced framing enhances the legitimacy of the ruling and prevents it from being perceived as economically disproportionate.

Yet, this balancing exercise remains largely intuitive rather than formula-driven. The lack of a structured balancing framework may limit predictability in future cases.

D. Continuity Over Innovation

From a doctrinal standpoint, the judgment is more clarificatory than far-reaching. It builds upon precedents such as *Rajnesh v. Neha* and *Shamima Farooqui v. Shahid Khan* without significantly expanding the legal framework. While this ensures stability and consistency, it also represents a missed opportunity to introduce clearer computational standards or uniform guidelines for maintenance determination.

E. Implications for Future Litigation

The ruling is likely to have a tangible impact on maintenance disputes by:

- Discouraging reliance on financial structuring to evade liability
- Encouraging courts to examine gross income over engineered net income
- Strengthening the evidentiary burden on parties to disclose genuine financial capacity

At the same time, the continued reliance on judicial discretion suggests that outcomes may still vary significantly depending on the forum and factual matrix.

Conclusion

In sum, the judgment strikes a careful balance between fairness, realism, and doctrinal consistency. Its greatest contribution lies in reaffirming that maintenance liability cannot be diluted through voluntary financial commitments. However, its reluctance to evolve a more structured framework for quantification leaves unresolved challenges in achieving uniformity and predictability in maintenance jurisprudence.

For more details, write to us at: contact@indialaw.in

1. 2026 INSC 370 and arising out of CRL. APPEAL. @ SLP (CRL.) No.15662/2025 ??
2. (2015) 5 SCC 705 ??
3. (2021) 2 SCC 324 ??

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