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# Shared Custody Does Not Dilute Maintenance Obligations: Delhi High Court

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## Introduction

In a significant ruling on maintenance and child custody, the Delhi High Court has clarified that a husband's obligation to maintain his wife and minor child does not get diluted merely because the parents have a shared custody of their children. The judgment reinforces a settled but often misunderstood principle of family law that maintenance is a statutory right rooted in dignity and dependency, not a negotiable liability dependent on custodial arrangements. As shared custody becomes increasingly common in matrimonial disputes, the decision provides much needed clarity.

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## Background

The case arose from matrimonial proceedings where the Family Court granted interim maintenance to the wife and one minor child living with her. The couple had two children after separation, one child resided with the father and the other with the mother, resulting in a shared custody arrangement. Aggrieved by the maintenance order, the husband approached the Delhi High Court, arguing that since he was bearing the expenses of the child in his custody, his liability to pay maintenance to the wife and the other child should be reduced or proportionately split. According to him, shared custody necessarily implied shared and consequently diminished maintenance responsibility.

## Judgment And Legal Reasoning

The Delhi High Court, rejected the husband's plea and categorically held that maintenance obligations cannot be mechanically apportioned on the basis of custody alone. While the Court acknowledged that the husband was incurring expenses for the child in his care, it held that such responsibility does not absolve him of his duty to maintain the wife and the child dependent on her. After considering the financial circumstances of the parties and the custodial arrangement, the Court upheld the principle of continued support and directed the husband to pay consolidated interim maintenance of ?17,500 per month to the wife and the child residing with her.

**The Court's reasoning is firmly rooted in established maintenance jurisprudence:**

The Court reaffirmed settled principles of maintenance law, holding that maintenance under Section 125 CrPC is a statutory duty meant to prevent destitution and ensure dignity, not a negotiable or discretionary benefit. It clearly distinguished custody from maintenance, emphasising that while custody governs physical care, maintenance addresses financial dependency and the two cannot be conflated. The Court further held that shared custody does not imply equal financial capacity or justify mechanical division of maintenance, which must instead be based on earning capacity, resources, and actual dependency. Importantly, a child's right to maintenance was recognised as independent and critical, surviving irrespective of custodial arrangements. The Court highlighted that maintenance must be determined through a holistic assessment of circumstances, with custody being only one of several relevant factors.

## Implications Of The Ruling

The judgment has important implications for maintenance disputes under family law. It prevents the misuse of shared custody as a ground to reduce or avoid maintenance and makes it clear that financial responsibility cannot be decided by custody arrangements alone. The Court reaffirmed that maintenance must be based on need and financial capacity, not on custodial arithmetic. The ruling also offers clear guidance to Family Courts dealing with shared parenting arrangements and promotes consistency in decision-making. Most importantly, it strengthens the financial protection of dependent spouses, and confirms that

children's right to financial support cannot be compromised by parental disputes or divided custody.

## Author's View

In recent years, shared custody has often been used to argue for reduced maintenance, treating a welfare law as if it were a financial calculation. The Delhi High Court rightly pushes back against this approach by reaffirming that the true purpose of maintenance law is to protect spouses and children from financial hardship. By recognising shared parenting without allowing it to weaken legal duties, the Court strikes a fair balance. The judgment ensures that modern custody arrangements do not dilute long-standing legal safeguards meant to protect dependent spouses and children.

## Conclusion

The Delhi High Court's ruling sends a clear message: Maintenance remains a legal right rooted in fairness, dignity, and social justice. As family structures continue to change, this judgment is a reminder that maintenance law exists to provide protection not to be divided through convenient calculations or private arrangements.

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**Reference:**

https://delhihighcourt.nic.in/app/showFileJudgment/SKS05012026CRLR4092024_182345.pdf

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