



FAMILY LAW

The Minor Husband Maintenance Ruling

AUTHOR Aditya Suryavanshi

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Legal Background

The case revolves around provisions under Section 125 of the Criminal Procedure Code (Cr.P.C.), which mandates maintenance for legally wedded wives and minor children when neglected by the husband/father with sufficient means. The Family Court and High Court adjudicate such claims, balancing obligations and capacities of parties. The question of whether maintenance can be claimed from a minor husband who had attained majority post-filing arises here.

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Case Summary

Abhishek Singh Yadav (the revisionist) married on 10th July 2016 at about 13 years of age. The wife and minor daughter filed applications under Section 125 Cr.P.C. seeking monthly maintenance allowance, which the Family Court allowed, directing Rs. 5,000/- per month for the wife and Rs. 4,000/- for the daughter from the date of application in 2019. The revisionist challenged the order in criminal revision jurisdiction under Sections 397/401 Cr.P.C., contending that being a minor at the time of the application filing, no maintenance case was maintainable against him and the amount awarded was excessive.

Issues for Consideration

1. Whether maintenance proceedings under Section 125 Cr.P.C. are maintainable against a minor husband.
2. Whether remarriage refusal by the wife without sufficient cause disentitles her maintenance.
3. Adequacy and reasonableness of the maintenance amount awarded by the trial court.
4. Applicability of the Family Court Act and procedural propriety.

Judicial Reasoning

The High Court reviewed the Family Court Act provisions and Chapter IX of Cr.P.C., observing that no bar exists for a minor's wife to initiate proceedings, nor for recovery actions against a minor husband. The revisionist's date of birth established majority age attainment on 1st January 2021. Prior to majority, maintenance liability did not legally arise, but subsequently, it did.

On evidence, the Court noted credible findings of cruelty and harassment by the revisionist toward the wife. Hence, the wife's refusal to cohabit was justified. Regarding income, the revisionist was dependent on the joint Hindu family income, with reasonable monthly earnings estimated at Rs. 18,000/- considering labor capacity.

Applying Supreme Court precedents from the caselaw *Rajesh vs. Neha* [1] and others, the maintenance awarded must be reasonable, commensurate to income, and fair. The Court found the total Rs.9,000/- per month as excessive relative to assessed income (25% guideline). Thus, the allowance was modified to Rs. 2,500/- to the wife and Rs. 2,000/- to the minor daughter which amounts to 25% [2] of the income, effective from the date the husband attained majority.

Significance

The judgment clarifies that maintenance claims under Section 125 Cr.P.C. can be sustained even when filed during minority if the husband attains majority subsequently. It balances protection for vulnerable spouses and children with fair assessment of obligations based on actual earning capacity. It rejects technical hurdles based solely on minority.

Conclusion

The Allahabad High Court partly allowed the revision, reducing the maintenance amounts but affirming the legal obligation of the husband post-majority. It underscored that cruelty and neglect justify maintenance and that minor status initially does not exempt future liability. The case reinforces dignity and protection of wives and children within family laws, with calibrated judicial interference ensuring fairness.

[1] Rajnesh Vs. Neha 2 SCC 324

[2] Kulbhushan Kumar (Dr) v. Raj Kumari (1970) 3 SCC 129

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