



# The Indian Journal for Research in Law and Management

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Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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## CASE COMMENTARY: RAJNESH V. NEHA & ORS (2021) 2 SCC 324

*-MANIMARAN SARAVANAN*

### INTRODUCTION

What began as an individual dispute over maintenance payments developed into a landmark judgment addressing systemic issues in maintenance proceedings?<sup>1</sup> This case is a landmark case in which the Supreme Court used its authority under article 141 to bind the lower courts regarding the date from which maintenance should be given. Views related to the date from which the maintenance should be given in this case are already expressed by Adv. Siddhant Kuwad in his case analysis.<sup>2</sup>

The facts of the case are as follows. The Respondent, Neha with her son (minor) left her matrimonial house shortly after the birth of her son (January 2013). She filed in Interim Maintenance U/S 125 of Cr.P.C for herself and for her son against her husband, Rajnesh. This case dragged on for 7 years and the courts gave few orders during these years which are given along with their Order dates. On 11/09/2019, husband was directed to pay the arrears of payment, Rs. 5, 00,000 (Rs. 2, 00,000 + Rs. 3, 00,000) to his wife and his son for maintenance. Part of it was paid on 14/10/2019 and final opportunity was given to the appellant on 30/11/2019 to pay the remaining amount or else it would be considered to be contempt of court. On 25/8/2020 an affidavit was filed by the husband to acknowledge the pending of Rs. 5, 00,000. It was directed by the court that the 50% of the amount should be paid within 4 weeks and mediation was also conducted but it resulted

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<sup>1</sup> Case Analysis: Rajnesh v. Neha (2021) 2 SCC 324 - Maintenance from Date of Application by Adv. Siddhant Kuwad.

<sup>2</sup> [https://www.theedulaw.in/content/judgements/52/Case-Analysis:-Rajnesh-v.-Neha-\(2021\)-2-SCC-324---Maintenance-from-Date-of-Application](https://www.theedulaw.in/content/judgements/52/Case-Analysis:-Rajnesh-v.-Neha-(2021)-2-SCC-324---Maintenance-from-Date-of-Application)

in failure on 08/10/2020. Later, the husband stated that he does not have the financial means for the compliance of the court orders and he has paid money for maintenance of his son and in the future too he will do the same. Respondent alleged that he did not completely disclose his income from investments and also stated that he has illegal possession of her *streedhar* which he refuses to give it back.

Here, in detail, we will see about the elevation of maintenance as a mere statutory provision to a constitutional right under article 21 (Right to live with dignity), how courts balanced the husband's financial capacity and maintenance of wife & her child and recognition of economic disadvantage of women and legal realism by judiciary.

### **RIGHT TO LIVE WITH DIGNITY AND MAINTENANCE**

Upendra Baxi, an Indian legal theorist, viewed that constitutional interpretation should be such that it must provide justice to the vulnerable group and it must be human rights oriented. The right to live with dignity comes under article 21 of the Indian constitution. According to article 21, “No person shall be deprived of his life or personal liberty except according to procedure established by law”. The right to life encompasses various aspects, including the right to live with dignity, the right to livelihood, and the right to a healthy environment.<sup>3</sup>

The court held that the right to live with dignity also includes maintenance.<sup>4</sup> This judgment in *Danial Latifi v. Union of India* follows his version. This became a foundation for feminist jurisprudence to support the divorced women with economic disadvantage.

Latter came, Shabana case, where court again reaffirmed its position and stated that the woman is entitled to claim maintenance u/s 125 of Cr.P.C if the woman does not remarry. But all these judgments were given to Muslim women maintenance cases. In *Rajnesh v. Neha & Ors*, the right to live with dignity including the maintenance was extended beyond the personal laws and it became a constitutional right which is applicable to all statutes including Hindu Marriage Act, Cr.P.C, and DV Act etc... The exact lines in the judgment is as follows, “*The right to maintenance is an absolute right in itself. It flows from the right to life under Article 21 of the Constitution of*

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<sup>3</sup> <https://indiankanoon.org/doc/1199182> .

<sup>4</sup> *Danial Latifi v. Union of India* (2001) 7 SCC 740.

*India, which includes the right to live with dignity. The right to maintenance is a measure of social justice and is meant to prevent the dependent spouse and children from falling into destitution and vagrancy”.*<sup>5</sup>

Article 21 (Right to Life and Personal Liberty) has been interpreted to include the right to live with dignity, not mere survival. The Court held that maintenance is not just about subsistence but ensuring a life consistent with human dignity for the wife and children. By denying or delaying maintenance, the husband effectively violates the wife’s constitutional right to dignity. Economic support ensures she has access to food, shelter, clothing, healthcare, and education for children, all of which are prerequisites for dignity. It recognized the wife’s contribution to the household (often invisible, like domestic work) as economically valuable — meaning maintenance is a matter of justice, not charity. The Court observed that the wife and children should enjoy a lifestyle similar to that of the husband. Dignity is tied to social status and respectability, not just material survival. If a husband enjoys a high standard of living, his wife’s dignity cannot be compromised by forcing her into a lower one. Earlier cases (e.g., *Bhuvan Mohan Singh v. Meena*, *Chaturbhuj v. Sita Bai*) also connected maintenance with dignity, but *Rajnesh v. Neha* made it explicit by Laying down uniform guidelines for timely and fair maintenance, Ensuring maintenance orders are not symbolic but sufficient to preserve dignity, requiring financial affidavits to bring transparency, so dignity isn’t compromised by concealment of assets.

Roscoe Pound, a Sociological Jurist stressed that law must meet the needs of the society. The court’s decision to make the maintenance as a constitutional guarantee beyond personal law has now made it possible to ensure that law serves the real needs of the women (divorced) in the society. The law must provide the greatest happiness to the greatest number. A quote by Jeremy Bentham, a critique of natural law. Even though he was against absolute or inherent power his theory of Utilitarianism has been fulfilled here. The Court treated economic support as part of substantive equality in marriage and separation. It acknowledged societal biases that often stigmatize maintenance-seeking wives and countered them by framing maintenance as a constitutional right linked to dignity, not dependence.

## **GENDER JUSTICE AND SOCIAL JUSTICE**

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<sup>5</sup> *Rajnesh v. Neha & Ors* (2021) 2 SCC 324

Gender justice is a core component of social justice. According to Wikipedia, Social justice is justice in relation to the distribution of wealth, opportunities, and privileges within a society where individuals' rights are recognized and protected.<sup>6</sup> Gender justice is a concept that promotes the full realization of rights and opportunities for all genders. It seeks to realize equality between men and women, as well as between diverse gender identities, in terms of rights, responsibilities, and opportunities.<sup>7</sup> Hence, it is clear that social justice encompasses gender justice. From the above perspective of gender & social justice let's understand this judgment.

Krishna Iyyer, also known as The Crusader for Gender Justice & The Champion of Social Justice, stated the following statement. *"The brooding presence of the constitutional empathy for the weaker sections like women and children must inform interpretation if it has to have social relevance"*<sup>8</sup> Our constitution has a spirit of empathy and protects those who are vulnerable. In the above statement it is clear that the women & children have been considered to be a part of a vulnerable group in this society from ancient times. Provisions such as Article 15(3) which follows *"Nothing in this article shall prevent the State from making any special provision for women and children"* clearly recognize that women and children are a vulnerable group. This is not gender discrimination. It is Gender justice which is necessary and a must.

The Delhi Court concluded that if there was non-payment of interim maintenance, the defense of the respondent is liable to be struck off, and the appeal filed by the appellant-wife can be allowed, without hearing the respondent by referring to the Bani's case<sup>9,10</sup> But in Madhya Pradesh high court, by relying on the judgment of the Kerala High Court in *Davis v Thomas*, gave a judgment that the magistrate has no power to strike off the defense for failure of interim maintenance.

These contradictions which caused confusion for maintenance were concluded in *Rajnesh v. Neha* case by balancing fairness to both of the parties and also at the same time ensuring that the women are not deprived of their right to live with dignity under Article 21 of Indian constitution. This also brought uniformity in application of laws related to maintenance.

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<sup>6</sup> [https://en.wikipedia.org/wiki/Social\\_justice](https://en.wikipedia.org/wiki/Social_justice) .

<sup>7</sup> <https://www.wearesahr.org/blog/what-is-gender-justice> .

<sup>8</sup> Ramesh Chander Kaushal v. Veena Kaushal 1978 AIR 1807.

<sup>9</sup> Bani W/O Parkash Singh vs Parkash Singh AIR1996P&H175.

<sup>10</sup> Smt. Santosh Sehgal v Shri Murari Lal Sehgal AIR2007DELHI210.

The court in this case made both the parties file detailed affidavits to disclose their income, assets, liabilities, and standard of living as the wife alleged that husband did not disclose full income source. This is to prevent the husband from hiding his income and also to prevent the wife from overstating the husband's income. To calculate the appropriate maintenance, court laid out some factors such as wife's need, husband's capacity, status of parties etc... for determining the quantum. The court also made sure that the maintenance claim by the wife is not oppressive or unjust. A wife can claim her maintenance under a variety of provisions or statute for example under Domestic Violence Act, Code of Criminal Procedure (now BNSS), Hindu Marriage Act etc... From all this we can see that the judgment given by the court aligns with gender and social justice.

### **SOCIETAL BIASES IN MAINTENANCE ORDERS**

There are some biases which always exist in our society. Few such biases also exist in maintenance order. Few of them are as follows-gender role biases, stigma against maintenance seeking wives, basis of false claim narrative, biases against working women, martial blame biases etc...

### **CONCLUSION**

The ruling in *Rajnish v. Neha* marks a turning point in Indian family law. By elevating maintenance from a legal entitlement under Section 125 CrPC to a constitutional right tied to Article 21, the Supreme Court placed the financial security of women and children within the larger context of human dignity and social justice. This decision not only reconciled differing opinions from various High Courts but also established clear guidelines that promote transparency, fairness, and promptness in maintenance cases.

In this ruling, the Court confirmed that protecting vulnerable groups like women and children is not just a legal duty but a constitutional requirement. It reflects the sociological understanding of law as proposed by Roscoe Pound and the constitutional empathy highlighted by Justice V.R. Krishna Iyyer, ensuring that legal solutions match the realities of society. Though there are still challenges in enforcement and practical application, the shift in legal thinking brought about by this case is significant. *Rajnish v. Neha* serves as a symbol of gender justice, constitutional values,

and practical judicial action, making sure that the right to maintenance truly acts as a shield against poverty and as a promise of dignity for everyone.

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