AFR

Court No. - 39

Case :- FIRST APPEAL No. - 839 of 2024

Appellant :- Niraj Kumar Dhakre Alias Pintu
Respondent :- Smt Karishma
Counsel for Appellant :- Ashish Kumar
Counsel for Respondent :- Shashi Kumar Mishra

Hon'ble Saumitra Dayal Singh,J.
Hon'ble Donadi Ramesh,J.

1. Heard Sri Ashish Kumar, learned counsel for the appellant and Sri Shashi Kumar Mishra, learned counsel for the respondent.

2. Present appeal has been filed under Section 19 of the Family Courts Act, 1984, arising from the judgement and order dated 26.07.2024 passed by the Additional Principal Judge, Family Court, Etawah in HMA Case No. 654 of 2022 (Neeraj Kumar Dhakrey Vs. Smt. Karishma). By that order, the learned Family Court has provided for interim maintenance Rs. 5,000/- per month to the respondent under Section 24 of the Hindu Marriage Act, 1955 from the date of her application i.e. 10.03.2023. It has further awarded a lump sum amount Rs. 10,000/- towards legal expense.

3. Grievance of the appellant is, he is serving as a *Lance Naik/Sipahi* with the Indian Army, drawing salary roughly Rs. 50,000/- per month. In the context of matrimonial discord that has arisen between the parties, against that salary entitlement the appellant was first subjected to deduction 22% of his salary in terms of Army Order 06/2020/AG/DV : Payment of Maintenance Allowance to Wives and Children of Army Personnel under the Army Act **(hereinafter referred to as the 'Army Order')**. For ready reference, the provision for rate of deduction provided under that Army Order reads as below:

"The amount of maintenance allowance sanctioned will not exceed 33% of the pay and allowances and will not be at a rate higher than the following:

(i) 22% of the pay and allowances in respect of wife.

(ii) 5.5% of the pay and allowances in respect of each legitimate/illegitimate child dependent on the mother, who, too, is entitled to be maintained by the Army personnel. However, the amount of maintenance allowance may be increased upto 25% of the pay and allowances, where the said child is dependent on the mother who is not entitled to be maintained by the individual.

(iii) 25% of the pay and allowances in respect of any legitimate/illegitimate child not dependent on the mother. In such an eventuality if the mother is also entitled to maintenance allowance, it will be restricted to maximum 8% in her case.

For the purposes of sub para (h) above, the expression pay and allowances includes Basic Pay, Military Sewice Pay, Dearness Allowance and Technical Allowance only. Other allowances in lieu of lodging, ration clothing, travelling etc. will not be considered as part of pay and allowances. The deduction of income tax component and standard mandatory deductions from the pay and allowances of an individual needs to be given due attention. It is reiterated that, the percentages mentioned at sub-para (h) above are only the maximum permissible rates and the Competent Authority is at liberty to grant maintenance allowance at a rate lower than the said rates after considering all factors to include income tax component, mandatory deductions from pay and allowance and legitimate financial liabilities of the individual to ensure his financial solvency."

4. Earlier, the respondent first instituted proceedings under Section 125 Cr.P.C., on 01.06.2019 seeking maintenance allowance. Those remained pending. Meanwhile, obviously at the instance of the respondent, a provision was made under the relevant Service Rules - providing for deduction and payment of monthly maintenance allowance (to her), under the Army Order. Referring to the salary account statement of the appellant for the period June 2021 to April 2023, it has been shown - such deductions were made directly from the monthly salary payments made to the appellant. Those were paid to the respondent, directly.

5. At the same time, during pendency of the aforesaid application filed under Section 125 Cr.P.C., the respondent further filed an application under Section 24 of the Hindu Marriage Act, 1955 - again seeking maintenance allowance, during the pendency of the divorce case instituted by the appellant being Case No. 654 of 2022 (Sri Neeraj Kumar Dhakrey Vs. Smt. Karishma). This application was filed on 10.03.2023.

6. Further, the respondent instituted yet another proceeding being Case No. 639 of

2019 under the Protection of Women from Domestic Violence Act, 2005. There again, the respondent sought payment of interim maintenance allowance. That proceeding (instituted under the Protection of Women from Domestic Violence Act) has remained pending.

7. By two separate orders passed on the same date i.e. 26.07.2024, the learned Court below has provided for payment of interim maintenance allowance Rs. 11,000/- per month under Section 125 Cr.P.C. and Rs. 5,000/- per month under Section 24 of the Hindu Marriage Act, 1955.

8. Learned counsel for the appellant has also informed, in view of the repeated and multiple claims made by the respondent, under different enactments, the army authorities discontinued deduction (at source) and payment of maintenance allowance to the respondent (under the Army Order). That may have arisen as the Court orders normally do not provide and in this case did not provide that the amount awarded by the Court be adjusted against the amount being deducted under the Army Order. At the same time, the appellant claims – he is paying Rs. 11,000/- per month to the respondent towards maintenance allowance. In proof thereof, reference has been made to transaction receipts of online payments allegedly made by the appellant in October 2023, November 2023 as also in February 2024 and March 2024.

9. On the other hand, learned counsel for the respondent states, the respondent has already applied for enhancement of the maintenance allowance awarded under Section 125 Cr.P.C., by filing a Criminal Revision. Even otherwise, regular payments have not been made by the appellant.

10. The principal grievance of the appellant is - a higher amount of deduction towards maintenance allowance was provided by the army authorities under the Army Order (referred to above). That payment being regular, the proceedings seeking maintenance allowance (instituted by the respondent), only cause harassment to the appellant. By instituting multiple proceedings and forcing the

appellant to file appearance in each such proceeding, valuable time and money is being wasted, besides fueling bad relations between the parties.

11. Second, it has been submitted, in any case, since the higher amount was being paid to the respondent, no occasion existed with the learned Court below to award the same or lesser amount again - under Section 125 Cr.P.C. and Section 24 of the Hindu Marriage Act, 1955, without taking note of the provision for maintenance allowance made under the Army Order.

12. Third, more critically, it has been submitted, in any case, once the higher amount of Rs. 11,000/- per month had been awarded by the learned Court below, under section 125 Cr.P.C., it has fallen in patent error of law - in providing for another/lesser amount of interim maintenance Rs. 5,000/- per month under Section 24 of the Hindu Marriage Act, 1955. Further, the appellant has also been exposed to the risk of another order being passed, in the same facts, under the Protection of Women from Domestic Violence Act, 2005. If that application is also allowed, it would lead to further litigation and it would fuel further bad relations between the parties.

13. He has referred to the guidelines declared by the Supreme Court under Article 141 of the Constitution of India in **Rajnesh Vs. Neha & Anr., (2021) 2 SCC 324**.

14. On the other hand, learned counsel for the respondent would submit, the claim for interim maintenance under different statutes exists by way of statutory rights conferred on the respondent/estranged spouse having no independent source of income. Each statutory law allows for such application to be made in the circumstance in which such maintenance allowance is contemplated under that statute. Therefore, there is no inherent defect in any application made by the respondent - either under Section 125 Cr.P.C. or under Section 24 of the Hindu Marriage Act, 1955 or under the Protection of Women from Domestic Violence Act, 2005. Each liability must be separately assessed and recovered.

15. On the other hand, deduction made from the salary payment of the appellant under the relevant Service Rules, stood on a different footing. It was recoverable, separately. At the same time, learned counsel for the respondent could not dispute the binding nature of guidelines issued by the Supreme Court in **Rajnesh Vs. Neha & Anr. (supra)**.

16. Having heard learned counsel for the parties and having perused the record, we may first observe that for the last three months (at least), we have observed a steady flow of similar proceedings coming to this Court by way of statutory appeals involving multiple orders providing for interim/final maintenance allowance, passed by different Family Courts in the State, while dealing with applications filed under Section 125 Cr.P.C.; Section 24 of the Hindu Marriage Act, 1955; Special Marriage Act, 1954; Protection of Women from Domestic Violence Act, 2005 etc. Insofar as such orders were found existing in old appeals arising from orders passed before the law was declared by the Supreme Court in **Rajnesh Vs. Neha & Anr. (supra)**, the same did not call for any special notice by this Court. However, even after that declaration of the law made by the Supreme Court, the trend continues, unabated.

17. As to the impropriety or lack of due care taken by learned Family Court - in observing and applying the law laid down by the Supreme Court, we are concerned with the continuing trend of the learned Courts below (in our State), to act largely in ignorance of the exact requirements of law laid down by the Supreme Court in **Rajnesh Vs. Neha & Anr. (supra)**. In that we have observed, multiple orders are being passed providing for interim maintenance sometimes on the same date and sometimes on different dates, without conforming to the parameters settled by the Supreme Court in **Rajnesh Vs. Neha & Anr. (supra)**, that too without following the procedure commended in that decision.

18. The standardized summary procedure elaborated in that binding decision is not being uniformly followed. That procedure, when followed, may take care of the urgent and imperative need to provide for interim/final maintenance allowance, to

the needy, in real time. That may help arrest the spread of the fire of the family dispute, in which many citizens unfortunately may find themselves in. Occasioned by their marriage, the non-earning spouse has a right to share the money earned by the earning spouse - to sustain, that too with their dignity intact. Merely because the spouses may be living separately for reason of matrimonial discord existing in their marriage, the earning spouse cannot deprive the other (non-earning spouse), all access to their family earnings. The decision in **Rajnesh Vs. Neha & Anr. (supra)** is a compendium of the law on the subject. It covers almost all aspects of maintenance to be addressed by the Family Courts and other courts etc., in the context of the statutory laws that operate in the field.

19. Considering the comprehensive analysis of the law made by the Supreme Court, first, we emphasize its prompt and full implementation. However, in view of our clear observation - that the learned Family Courts in Uttar Pradesh are still (generally) unable to enforce that law in entirety, we first consider it proper to refer to the relevant parts of the said judgement to highlight the areas that need urgent, undiluted attention of all Family Courts in Uttar Pradesh, to ensure its' full compliance, without any delay or exception. That law needs to be applied strictly. Any departure therefrom bears serious consequences on the litigating public and has a serious impact on the delays and pendency of cases that accumulate with Courts, each day. Any further errors or omissions on that count may merit serious consideration, on the judicial as well as the administrative side.

20. In **Rajnesh Vs. Neha & Anr. (supra)**, at first, the law laid down in paragraph nos. 16-126 of the report is relevant and needs to be clearly read, understood and consistently applied by all Family Courts while dealing with any application made to seek interim/final maintenance allowance, under any enactment. There survives no room with the Family Courts to not apply that law strictly. For the sake of brevity, we underscore the imperative need to apply that law, without exception, especially with respect to the format of applications/affidavits to be filed to claim payment of interim/final maintenance allowance. Here, we may only refer to the

final directions issued by the Supreme Court. They read as below:

"***VI. Final Directions***

127. *In view of the foregoing discussion as contained in Part B — I to V of this judgment, we deem it appropriate to pass the following directions in exercise of our powers under Article 142 of the Constitution of India.*

(a) Issue of overlapping jurisdiction

128. *To overcome the issue of overlapping jurisdiction, and avoid conflicting orders being passed in different proceedings, it has become necessary to issue directions in this regard, so that there is uniformity in the practice followed by the Family Courts/District Courts/Magistrate Courts throughout the country. We direct that:*

128.1. *(i) Where successive claims for maintenance are made by a party under different statutes, the court would consider an adjustment or set-off, of the amount awarded in the previous proceeding(s), while determining whether any further amount is to be awarded in the subsequent proceeding.*

128.2. *(ii) It is made mandatory for the applicant to disclose the previous proceeding and the orders passed therein, in the subsequent proceeding.*

128.3. *(iii) If the order passed in the previous proceeding(s) requires any modification or variation, it would be required to be done in the same proceeding.*

(b) Payment of Interim Maintenance

129. *The Affidavit of Disclosure of Assets and Liabilities annexed as Enclosures I, II and III of this judgment, as may be applicable, shall be filed by both parties in all maintenance proceedings, including pending proceedings before the Family Court/District Court/Magistrates Court concerned, as the case may be, throughout the country.*

(c) Criteria for determining the quantum of maintenance

130. *For determining the quantum of maintenance payable to an applicant, the court shall take into account the criteria enumerated in Part B — III of the judgment. The aforesaid factors are however not exhaustive, and the court concerned may exercise its discretion to consider any other factor(s) which may be necessary or of relevance in the facts and circumstances of a case.*

(d) Date from which maintenance is to be awarded

131. *We make it clear that maintenance in all cases will be awarded from the date of filing the application for maintenance, as held in Part B — IV above.*"

21. The ratio in **Rajnesh Vs Neha & Anr. (supra)** clearly lays down a firm rule against multiple deductions or recoveries, towards interim/final maintenance allowance. Without a doubt, award of maintenance allowance, made under one law (here Service law), would always satisfy the recovery of maintenance allowance for

an equal or lesser amount, directed under any order passed by any Court or authority, under any other statutory law (here Hindu Marriage Act, 1955). Thus, no (further) recovery may be made pursuant to any order/s providing for equal or less monthly interim/final maintenance allowance, so long as an equal or higher sum of maintenance allowance has been or is being paid under another order providing for equal or higher interim/final maintenance allowance.

22. To that extent, recoveries arising under any other order/s (providing for equal or lesser interim/final maintenance allowance), would remain subject to the payment/recovery already made under the order providing for equal or higher interim/final maintenance allowance, irrespective of the statutory law under which that provision for higher maintenance allowance may be made. In such cases the payer spouse – often the husband, is required to produce before the Court or authority seeking recovery of such amount - proof of deposit/deduction/payment/recovery made, of equal or higher interim/final maintenance allowance. On that proof arising, the Court/authority concerned shall not pursue (further), separate recovery of that equal or less amount of interim/final maintenance allowance. Where recovery pursued is for a higher amount of maintenance allowance awarded (than already paid under another law), that Court may recover the differential amount only.

23. Where, in face of a pre-existing order, awarding interim/final maintenance allowance under any law, the same applicant applies for award of interim/final maintenance allowance under another law against the same respondent, not only due disclosure must be made by that applicant - of that pre-existing right earned (by them) with respect to interim/final maintenance allowance, but the Court/authority before whom that application may be made, shall necessarily consider the issue of adequacy or inadequacy of the interim/final maintenance allowance already awarded and record its reason to award any other or different interim/final maintenance allowance, in that subsequent proceeding.

24. Recoveries under any subsequent order passed providing for an equal or less

maintenance allowance for the same period (for which another/earlier order exists), may necessarily and expressly remain subject to recoveries under that earlier order. Thus, recovery under that subsequent order may be made only when the payer has failed to pay an equal or higher amount awarded under the earlier order. Thus, in recovery proceeding arising under such subsequent order, it would be good defense (to the payer spouse) to state – they had paid an equal or higher amount for the same period, under the first/earlier order, though that earlier order may have been made under another statute/law, including deduction made under the relevant Service law, and *vice versa*.

25. Where the subsequent order may provide for a equal or higher amount of maintenance allowance than awarded under earlier order/s (under any law), the actual amount to be paid/recovered under that later order would depend on the status of payment/recovery of the equal or lesser amounts (under the earlier order/s). Similarly, where in a case equal or less amount of maintenance allowance awarded under the later order gets paid/recovered first i.e. before recovery being made under the earlier order, the payer spouse would be entitled to claim benefit of that recovery in the recovery proceedings under the earlier order/s.

26. Further, where more than one order is passed - arising from more than one application filed by a claimant (under different enactments), the respective Courts must act with pragmatism. Often different applications are filed under different statutes claiming different amounts, for different periods – depending on the date of filing of such applications. There, subject to all or more than one application becoming ripe for hearing (before the same Court) and in absence of any exceptional fact existing, such Court may first decide the application seeking the higher/highest maintenance allowance. That would avoid any chance of duplication of proceedings for the same or similar amount. For the same/overlapping/different period, same/similar amount may be claimed through different applications. Courts may make note of the earlier order/s passed on the application seeking higher/highest maintenance allowance and dispose of such other application/s,

mindful of that decision.

27. That course would save valuable time on the Courts as also the parties. Normally, the scale or slab of income of the payer spouse does not fluctuate rapidly - from year to year. That approach will help attain consistency of reasoning and proportionality in quantification of maintenance allowance, for different periods and/or under different enactments. It is truer of those who derive income from salary or business and profession. Thus, assessment of entitlement, and need of the claimant and capacity of the payer, once assessed, it may set the template for the parties, in the other similar proceedings. If that higher amount is considered as the benchmark, then claims made under the remaining application/s, (for interim/final maintenance allowance for same and other period/s that may be covered under remaining application/s), may be considered and decided in proportion or with reference thereto. It would introduce consistency of judicial reasoning and conclusions (recorded in different orders passed), in different summary proceedings, conducted under different enactments, for the same purpose – of providing maintenance allowance.

28. Thus, in applying the law laid down by the Supreme Court in **Rajnesh Vs. Neha & Anr. (supra)**, we further emphasize - in the single application that may be received by a Court or as may mature for orders/hearing, before it (under any enactment), seeking maintenance allowance and if that Court proposes to award - either interim or final maintenance allowance (as the case may be), it must make best effort to award a wholesome, adequate and reasonable amount of interim/final maintenance allowance at that first instance/application, itself.

29. Besides delivering justice to the claimant party, that effort made may prevent the relationship (of the parties to the dispute) from deteriorating further. Once provided at the earliest point in time, such maintenance allowance would help preserve the dignity of the financially vulnerable spouse; keep alive the hope of peaceful settlement of matrimonial discord and save precious time with Courts that would otherwise be consumed to deal with the self-same issue of providing

sustenance money under different enactments.

30. Often, the estranged spouse with no money to sustain, is a homemaker with no earning of her own. Being financially vulnerable, she suffers indignity of dependence on others that too in the circumstance of being forced out of her own home, often with her children. Irrespective of the reason preceding that occurrence, it inheres an element of humiliation of varying degree, as the financially vulnerable partner of the enterprise of marriage is made to bear the brunt of the discord suffered in that relationship, irrespective of her contribution in that discord arising or continuing. Add to that the hung-over responses of a patriarchal society. The hurt is complete.

31. In that fragile state, the financially vulnerable spouse experiences inequality, oppression and humiliation besides the hard pinch of financial subjugation. Correspondingly, in such situations, the other spouse (mostly male) asserts his financial independence/earning, to leverage settlement on his terms and in any case, he retains the house (all most always). Often, the situation together with the community/societal responses cause – adding salt to injury, effect. Perhaps that motivates the suffering spouse to seek retribution, in the most cost-effective way. According to our observation, that is the major reason for many matrimonial disputes landing up in Police Stations and Criminal Courts. Mostly, the informant/complainant is the lady i.e. the despised spouse with no or less financial independence and therefore the one who has suffered the indignity of being forced out of her own home.

32. Primarily, the real occurrence may remain a civil abuse suffered. However, its (civil) remedy is long drawn and its processes slow. It is perceived to be inadequate and ineffective by the victim. That exact weakness is to be addressed by applying the law laid down in **Rajnesh Vs Neha & Anr. (supra)**, efficiently and effectively. Prompt provision of wholesome, adequate and reasonable interim/final maintenance allowance made, on sound judicial principles may help stabilize the matrimonial boat of the parties to the dispute and prevent it from rolling over.

33. We have further observed, in almost all such cases, where the parties are eventually able to resolve their matrimonial discord, the Criminal Cases come to be dropped. However, that happens after years if not decades of time lost. During that time, the most productive years that any citizen may contribute to the society have been lost. Also, where children are born to such marriages, they are also seen to have grown into adults. Last, but not least, such marriages are often dissolved, amongst others, for reason of ill effects of criminal cases lodged and its consequences of threat of arrest and in some cases arrest suffered. Therefore, wholesome, adequate and reasonable amounts of maintenance allowance must be provided (to the spouse in need), at the first instance, efficiently. It may prevent the fire of matrimonial discord from billowing into an inferno that may destroy a whole family – the building block of any society. To us, a stitch in time saves nine - if not for all, at least some. Even where marriages may not be saved, civility may be. That itself would not be a mean achievement for the parties (in particular) and society, in general.

34. In that light, we record our appreciation - specific Service Rule exists in the case of army personnel and some others. They provide for deduction to be made at prescribed rates [22% (or thereabout) of the salary]. Where that/similar Service Rule or administrative instruction may exist - on every application filed to seek maintenance allowance, the Courts must first confirm from the applicant if that Rule has been given effect. If yes, the first order itself may provide for continuance of those deductions during pendency of the application made - seeking interim/final maintenance allowance.

35. No further order for interim maintenance allowance may be required to be made in such cases, unless the deduction being made (under Service law) is lower than the judicially accepted norms or is shown to be inadequate, in particular facts. For cogent reasons, a departure may be made therefrom, and higher maintenance allowance may be awarded by the Courts. In such cases, further (specific) orders be made to ensure that higher maintenance allowance is deducted at source (from

monthly salary/pension payments) and be paid to the applicant, directly by the employer, in the disclosed bank account of the claimant. Also, where the applicant spouse and children are entitled to other benefits as dependents of the respondent spouse, appropriate concession may be invited from that respondent spouse, to ensure that those benefits are judicially noticed and thus communicated to the employer and are not obstructed during the pendency of matrimonial court proceedings.

36. Even where the payer/spouse is not a salaried employee or where no Service Rule may exist - to provide for deduction of maintenance allowance either at source or otherwise at prescribed rates, a parallel principle has received judicial recognition - to award maintenance allowance equal to about $1/4^{th}$ or 25% of the husband's income or the family income (income of the husband and the wife taken together), as the case maybe. Thus, in **Kulbhushan Kumar (Dr.) Vs. Raj Kumari, (1970) 3 SCC 129**, it was held as below:

"*21 … The High Court, in our opinion, very rightly fixed that sum making it subject to the limit of 25 per cent of the income as found by the Income Tax authorities. We have no reason to take any different view. ...*"

37. Again, in **Kalyan Dey Chowdhury Vs. Rita Dey Chowdhury Nee Nandy, (2017) 14 SCC 200**, it was observed as below:

"*15. … Following Kulbhushan Kumar Vs. Raj Kumari, (1970) 3 SCC 129 , in this case, it was held that 25% of the husband's net salary would be just and proper to be awarded as maintenance to the respondent wife. The amount of permanent alimony awarded to the wife must be befitting the status of the parties and the capacity of the spouse to pay maintenance. Maintenance is always dependent on the factual situation of the case and the court would be justified in moulding the claim for maintenance passed on various factors. ...*"

That principle should be adhered to and firmly and efficiently applied by all Family Courts while dealing with interim/final maintenance allowance applications, filed under different enactments.

38. In view of the above, we find, once the eligibility to receive maintenance allowance was established by the respondent before the learned Court below, it

ought to have first considered if deduction provided under the Army Order - 22% of the pay and allowance of the appellant, was sufficient to take care of the claim made before it. Only if the learned Court below was of the view that a higher deduction was necessary to be provided then, for reasons that must have been recorded, it may have passed appropriate order.

39. Here, earlier, interim maintenance allowance had been provided under the Army Order - at approximately Rs. 11,000/- per month – being 22% from the salary of the appellant. It was being deducted at source and was being paid to the respondent, directly in her bank account. Since the amount of maintenance allowance awarded by the learned Court below did not exceed that amount, the present proceedings ought to have been disposed of accordingly i.e. in terms of the deductions being made under the Army Order, with provision to the effect - subject to such deductions being made, the impugned order shall stand satisfied.

40. We clarify - any application that the respondent may file (in future), to claim a higher maintenance allowance may be dealt with in terms of the observations made above. As to the arrears that may exist, the appellant undertakes to inform the army authorities through his Commanding Officer about this order, in writing within a period of four weeks from today. Accordingly, appropriate deductions may be made from the current salary of the appellant (for the months of November 2024 onwards) in terms of Army Order 06/2020/AG/DV : Payment of Maintenance Allowance to Wives and Children of Army Personnel under the Army Act and all arrears be computed at applicable rates and cleared within a period of one year from today, after giving benefit of any amount already paid. Subject to such compliance, any recovery initiated against the appellant under any other enactment or law or order, may remain stayed so long as that monthly maintenance allowance (individually), may be of an amount equal or less than the monthly deduction made under the Army Order. In that the learned Court below may not look at the cumulative amount awarded under different enactments but only compare each individual order (of which recovery is pressed) as compared to the monthly

maintenance being paid under the Army Order, for the relevant month. Ordered accordingly.

41. **Let a copy of this order be communicated to the Registrar (Compliance) for the purpose of:**

(i) Communication to all Principal Judges of the Family Courts in the State of U.P. with a further direction that they may ensure strict compliance of the law laid down by the Supreme Court in **Rajnesh Vs. Neha & Anr. (supra)** and our directions in paragraphs 21 to 37 of this order. For that purpose, they may hold regular interactive sessions involving all subordinate officers at their respective stations and such meetings be repeated whenever any new judicial officer joins the Family Court establishment, at that station.

(ii) Communication to the Director, JTRI for information and appropriate action.

(iii) Communication to the State Legal Services Authority (SLSA) to consider holding workshops with/by all District Legal Services Authority (DLSA), to create more awareness among the litigants in general and lawyers (involved in proceedings before Family Courts), in particular - about the requirements and procedure of law, with respect to award of interim maintenance allowance.

(iv) Specifically, in view of our observations made in paragraphs 30 to 33 and 35 to 37 of this judgement, urgent need exists for action - to frame/revise and communicate relevant Service Rules/Norms/Guidelines governing government/public servants and those receiving salaries etc. either directly or indirectly from state funds. Accordingly, let this order be also communicated to the Secretary, Department of Personnel & Training under the Ministry of Personnel Public Grievances and Pensions, Government of India to consider and frame appropriate Rules/Norms/Guidelines to provide for payment of maintenance allowance to estranged spouses of all employees of Government of India and institutions etc. falling under the control of Government of India on such criteria as

may be required and at such scale/rate as may be specified. We record our appreciation to the efforts made by Sri Purnendu Kumar Singh and his assurance that the Government of India would examine the issue and frame/revise and/or recommend framing of necessary Rules/Norms/Guidelines by appropriate authorities of different departments, organisations, institutions etc. as may address the societal issue in a pragmatic and effective way. If such resolution is made, besides helping estranged spouses of government employees etc., the measure may go long way in keeping government work force away from avoidable litigation arising from matrimonial discord, to a large extent.

(v) A copy of this order be also communicated to Principal Secretary, Department of Appointment and Personnel, Government of Uttar Pradesh, Lucknow to consider and frame appropriate Rules/Norms/Guidelines to provide for payment of maintenance allowance to estranged spouses of all employees of Government of Uttar Pradesh and institutions etc. falling under the control of Government of Uttar Pradesh on such criteria as may be required and at such scale/rate as may be specified. In that regard, we record our appreciation on similar assurance given by Sri Dr. D.K. Tiwari, learned Additional Chief Standing Counsel, Government of Uttar Pradesh shall also make best efforts to frame appropriate Rules/Norms/Guidelines by the concerned with respect to the employees of State Government etc.

(vi) Preferably, all such Rules/Norms/Guidelines as may be framed/revised be communicated by the Secretary, Department of Personnel & Training under the Ministry of Personnel Public Grievances and Pensions, Government of India and Principal Secretary, Department of Appointment and Personnel, Government of Uttar Pradesh, Lucknow to the Registrar (Compliance) of this Court by 28.02.2025.

(vii) Thereupon, those Rules/Norms/Guidelines may be compiled systematically and communicated to all Family Courts, State Legal Service Authority and Judicial Training & Research Institute, preferably by 31.03.2025.

42. Accordingly, the appeal is **disposed of**. No order as to costs.

Order Date :- 19.9.2024/Abhilash

(Donadi Ramesh, J.) **(S. D. Singh, J.)**