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**A CRITICAL ANALYSIS OF THE TREND OF JUDICIAL
INTERPRETATIONS OF SECTIONS 24 AND 25 OF THE HINDU
MARRIAGE ACT, 1955**

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ABSTRACT

Sections 24 and 25 of the Hindu Marriage Act provide for the payment of alimony and maintenance to either spouse during the proceedings and after the order of the Court respectively. While the text of the provisions signifies gender equality, the same was not found in its implementation and interpretation by various courts. Prima facie, the interpretations would be ultra vires the objective of the legislation, along with the provisions of the Sections, and it would violate Articles 14 and 15 of the Constitution of India on the grounds of gender. The paper analysed the trend of judicial decisions to assess whether gender equality was upheld in cases before courts and why it was not upheld in cases of husbands seeking relief under these provisions. The paper analysed the same through cases of husbands claiming maintenance collected from different courts and analysed the trend of courts not granting relief for the same. The paper supported its claim by displaying cases where the wives, though independently well-supported, successfully claimed relief from their unsupported husbands. It was observed that the courts took a more favourable and sensitive stance towards cases of wives claiming relief under these provisions than the husbands. This flawed interpretation of cases sets a wrong judicial trend in cases of maintenance claims, where wives have a higher chance of success than their husbands. The courts indirectly placed a duty on the husbands to maintain their wives, but there is no mention of the husbands being maintained. The paper attempts to highlight this problem.

KEYWORDS

Family Law, Hindu Marriage Act, Maintenance Law, Gender Equality, Gender Neutrality, Hindu Law

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INTRODUCTION

The Hindu Marriage Act 1955 is the first legislation dealing with Hindu matrimonial matters and related concepts. It regulates the procedure and provisions for marriage, divorce, and maintenance of Hindu spouses. The provisions relating to marriage provide for the procedure, while those relating to divorce provide for the grounds on which the divorce can be granted. This paper does not focus on these aspects of the Act. Instead, it focuses on the provisions relating to maintenance for the spouses.

Maintenance is defined under Section 3(b)(i) of the Hindu Adoption and Maintenance Act, 1956 as:

'provision for food, clothing, residence, education, and medical attendance and treatment'.

The maintenance provisions are provided under Sections 24 and 25 of the Act. Section 24 of the Act provides for the payment of maintenance *pendente lite* i.e., the payment of maintenance during the divorce proceedings in the Court. Section 25 of the Act provides for the payment of permanent alimony and maintenance by either spouse after the decree of the divorce proceedings.

It can be noticed that the provisions, unlike the other laws like the Hindu Adoption and Maintenance Act, 1956, and Protection of Women from Domestic Violence Act, 2005, which provide for relief and maintenance only to the wife, are gender neutral i.e., the provisions enable either of the spouses to claim maintenance from the other, be it wife claiming from husband or vice versa. There is also the existence of a secular gender-neutral law, which is Section 125 of the Code of Criminal Procedure, 1973. This paper will not indulge in the provisions and analysis of Section 125 of the CrPC, as it covers the maintenance laws of all religions; it is a secular law and applies to all citizens. The paper would restrict its focus to the laws regarding the maintenance of Hindus, specifically the Hindu Marriage Act, which is, like Section 125 of the CrPC, a gender-neutral law.

Though the Hindu Adoption and Maintenance Act 1956 provides mainly for the aspect of maintenance, it is only for the female members of the family and the elderly people. It provides for maintaining the wife, daughter, and other co-dependents. The only flaw in the legislation is the provision of maintenance for the male members, like the husband or the father. Bringing a bird's eye view over the maintenance provisions available for both

husbands and wives would bring a different awareness of the laws made accessible. For Hindu wives, the Hindu Marriage Act, 1955, the Hindu Adoption and Maintenance Act, 1956, and Section 125 of the CrPC is available, along with the Protection of Women from Domestic Violence Act, 2005 in certain cases. The secular law is not focused here, so Section 125 CrPC will not be considered. Broadly, Hindu wives have four alternative options to claim relief from their husbands, and this is evident in the multiplicity of cases of wives claiming relief against their husbands in various courts. In contrast, Hindu husbands have only two options for claiming relief of maintenance: the Hindu Marriage Act, 1955 and Section 125 CrPC, which is not considered for the focus of the paper. The husbands have thus only one option to claim relief of maintenance from their wives, and these cases are rare yet filed in courts in the hope of a remedy being granted. It is evident and can be concluded that husbands have sole relief from the Hindu Marriage Act, 1955, the same which will be analysed through this paper whether the judicial interpretations of maintenance provisions under the Act favour in cases of husbands seeking relief under the Act.

TREND IN UPHOLDING/ OBJECTIVES OF SECTIONS 24 AND 25

It is asserted that the Courts take varying and contrasting stands regarding cases of granting husbands maintenance under Sections 24 and 25 of the Hindu Marriage Act, 1955. The scope is not limited to the Court's interpretations in cases of granting husbands relief but also extends to the comparatively different interpretations of such sections when wives claim relief under such Sections. The differing interpretations by Courts in cases of husbands and wives claiming maintenance under these sections are being analysed through this paper. The first situation would be the cases where the objective of Sections 24 and 25 of the HMA, gender equality, was upheld. The second part would deal with cases where the same objective was not upheld by the courts. Both would include cases of husbands and wives claiming relief under these sections.

This section would deal with cases where the Courts took differing stands in cases of upholding the objectives of the Sections.

WIFE CLAIMING MAINTENANCE: GENDER NEUTRALITY UPHELD

Considering the situation when the wife is earning and has means to support her living, the Courts have held that the earning wife cannot claim maintenance under Sections 24 and 25 of the HMA merely because the husband is earning for the family. The factor of the wife's earnings is not to be ignored and must be considered in deciding cases of wives claiming relief under the Act. Although this is the case, there have been cases where the wife's earnings were not considered and that the notion of 'husband's duty to maintain the wife' played a deciding factor rather than gender equality, which will be looked into later.

The Delhi High Court in *Anju v. Rinku Dahiya*² has held that the wife is not entitled to interim maintenance when both spouses are qualified and are earning equally. In this case, the wife had sought interim maintenance and applied for the same under Section 24 of the HMA. The Court had found that the wife had an Undergraduate degree and was equally qualified and earning as her husband, thus disposing of the appeal from the Family Court deciding on the same lines.

This decision has put forth a significant notion in matters of maintenance claims. The usual notion of the husband maintaining the wife, even though she was earning or not, was dismantled and it was held that the wife, when equally qualified and earning like her husband, who is working and earning, cannot claim for interim maintenance under Section 24 of the Act. However, this does not absolve the liability of the parents, mother, and father equally, to maintain the child in equal shares. The wife cannot be absolved of such liability, nor can the husband. Both are equally responsible and duty-bound to maintain the child, and both must contribute their equal shares to the maintenance of the children. The Court observed that where both the spouses are equally qualified and earning equally, interim maintenance cannot be granted to the wife under Section 24 of the Act, as the objective of Section 24 is to ensure that during matrimonial proceedings under HMA, either party must not be handicapped and suffer any financial disability, and not to commensurate to maintain a similar lifestyle as the other spouse.³

² 2023 SCC OnLine Del 6529.

³ K.N. v. R.G. Delhi HC, MAT. APP. (F.C.) 93/2018, decided on 12.02.2019.

Another case where the wife was earning and had claimed maintenance by not disclosing the financial earnings of the wife was decided by the Delhi HC in the case of *Niharika Ghosh v. Shankar Ghosh*⁴. In this case, the wife had filed an appeal challenging the dismissal of the application for interim maintenance under Section 24 of the HMA. The wife had sought interim maintenance under Section 24 of the Act, which was denied by the Court. The Court observed that the wife was not only highly qualified but was also working at the time of her marriage. In this case, the wife did not disclose her employment and earnings to both, the Court, and her husband. The notion that “*merely because a person is qualified she must be compelled to work*” was considered by the Court, here was a case where the wife was not only qualified but was also working.⁵ The Court thus declined to grant maintenance to the wife as she was well qualified and was earning to sustain herself.

A similar case based on such a factual matrix, where the wife was reluctant to disclose her true income and earnings which showed that she was well enough to sustain and maintain herself is that of *Rupali Gupta v. Rajat Gupta*⁶, where the Delhi HC came down heavily on the wife’s claim for maintenance under Section 24 of the HMA, where it was reluctantly established by the wife that she was not only highly qualified but also had good earning capacity, which was not disclosed before the Court. The Court dismissed such a claim for maintenance and held that a wife who can maintain herself through sufficient means cannot be granted maintenance under Section 24 of the HMA.

There is also the landmark case of *Mamta Jaiswal v. Rajesh Jaiswal*⁷, which is most cited for implementing and highlighting the gender equality aspect of Section 24. In this case with similar facts where a wife had means to support herself, the Court held that “no maintenance can be granted for a capable, employed wife.” It observed that the objective of Section 24 was to provide monetary assistance to spouses who could not maintain themselves even after efforts were made to do the same and thus, declined to grant maintenance. The Court held:

“However, the law does not expect persons engaged in legal battles to remain idle solely with the object of squeezing out money from the opposite party. Section 24 of the HMA is not

⁴ Delhi HC, MAT. APP. (F.C.) 248/2019, decided on 12.09.2023.

⁵ *Id.* at 7.

⁶ 2016 SCC OnLine Del 5009.

⁷ 2000 (3) MPLJ 100.

meant to create an Army of idle people waiting for a dole to be awarded by the other spouse.”

There have been many other cases where the Courts have held similar decisions and have laid down unique principles in each case to be considered in future cases. The Madras HC came down heavily on the Family Court’s failure to consider the wife’s financial capacity and earnings to maintain herself. The Court stressed the importance of the wording of Section 24 of the HMA, which stresses gender equality. The wife being employed and earning along with her husband in the same household cannot be construed that she does not have sufficient independent income.⁸

In *Alok Kumar Jain v. Purnima Jain*⁹, the wife filed an application under Section 24 of the HMA claiming maintenance for herself and her 2 children, one of whom was handicapped. The Delhi HC had criticized the order passed by the Family Court as it did not consider the financial status of the wife before blindly awarding maintenance to her. The wife had withdrawn huge amounts from the joint bank account of the couple and had made successful investments in other projects, and these were not disclosed to the husband. The husband had contended that she had sufficient funds and interest income to sustain the monthly expenses. The Court laid down certain factors to be considered while deciding maintenance under Section 24. These are:

- (i) *“Status of the parties,*
- (ii) *Reasonable wants of the claimant,*
- (iii) *The income and property of the claimant,*
- (iv) *Number of persons to be maintained by the husband,*
- (v) *Liabilities, if any, of the husband,*
- (vi) *The amount required by the wife to live a similar lifestyle as she enjoyed in the matrimonial home keeping in view food, clothing, shelter, educational and medical needs of the wife and the children, if any, residing with the wife and*
- (vii) *Payment capacity of the husband.”*¹⁰

⁸ Manokaran @ Ramamoorthy v. M Devaki, AIR 2003 Mad 212.

⁹ Delhi HC CM(M) No.367/2007, decided on 17.04.2007.

¹⁰ *Ibid.*

The Court acknowledged that the husband had truthfully disclosed his income and financial status which was much lesser in comparison to that of the wife, who had reluctantly disclosed her income and financial status. Due to the non-disclosure, the Court denied the claim for maintenance as the wife had unexplained income and interest from undisclosed investments and earnings.

WIFE CLAIMING MAINTENANCE: GENDER NEUTRALITY NOT UPHELD

Although there are cases which uphold the objective of these Sections, there are cases where the Courts have not upheld the objective of gender neutrality in cases where wives claimed maintenance under these Sections.

In *Arvind Singh v. Rajni & Anr.*¹¹, the Delhi HC had come across a case where the wife claimed enhanced maintenance under Section 24 of the HMA and that the husband was employed but not providing sufficient maintenance to the wife and child. The husband contended that the wife had a qualified degree and was not employed anywhere and that she was relying solely on the husband's payment of maintenance to sustain herself and the child. The husband kept depositing the maintenance amount in the wife's bank account for her sustenance, for which the wife contended it was not sufficient. The Court held that though the wife has a qualified degree, it cannot be presumed that she did not want to be under gainful employment, nor can she be compelled to work. The Court held:

*"No inference can be drawn that merely because the wife is holding a degree of graduation, she must be compelled to work. It can also not be presumed that she is intentionally not working solely with the intent to claim interim maintenance from the husband."*¹²

By deciding that the wife is not compelled to work merely because she is qualified and has a degree, the Court's judgement stands in stark contrast with that of the very same Delhi HC in *Niharika Ghosh*¹³, where it was held that though the wife was qualified, she is to be employed and if she is employed, she cannot claim maintenance under Section 24 of the HMA. The Court relied on the notion that the wife must not be compelled to work even though she is qualified, but the same Court held that the qualified wife who is working cannot

¹¹ Delhi HC MAT.APP.(F.C.)68/2018, decided on 12.10.2023.

¹² *Id.* at para 16.

¹³ *Supra* note 3.

claim maintenance from the husband. This sets up the difference in the trend of cases where the wives are earning and claim for maintenance.

Another case is that of *S Vigneshwaran v. M Revathy & Anr.*¹⁴ In this case, the wife had sought interim maintenance under Section 24 of the HMA, which was opposed by the husband, contending that his income was meagre, and that the maintenance amount was already sufficient for the wife and child. The husband had taken a break from his employment and had enrolled on a Ph.D. course while engaging in part-time employment, which earned him a meagre salary, out of which most would go towards paying the maintenance amount for the wife and child. The Court held that the taking of Academic breaks did not extinguish the husband's duty to maintain the wife and child and must continue maintaining them.

The Court had turned a blind eye towards the wife's income and financial status before deciding the case. The Court only considered the husband's income and financial status along with his assets to determine the amount of maintenance payable by him for his wife and child. The wife's situation or condition was not assessed, not even considered by the Family Court or the High Court. The husband, while engaging in his academic course and part-time employment, has meagre means to maintain his family, and had sought a reduction of the earlier granted maintenance amount, which the Court denied. The Court relied on the notion that the husband must maintain the wife and children, irrespective of whether the maintenance amount is covering the income of the husband or not. This case presents another contrasting stance in the trend of decisions in Sections 24 and 25 of the HMA, whether the objective of gender equality was upheld or not.

Another case where the objective of gender equality was blatantly ignored was *Girish v. Kusuma*¹⁵. In this case, the Karnataka HC had to decide whether the husband has a duty to maintain the wife and children irrespective of his employment and financial status. The wife had filed an application under Section 24 of the HMA seeking maintenance. The husband contended that he had no means to support himself, let alone support his wife and family. He had been unemployed since the onset of COVID-19 and had no means to support the whole family. On the contrary, the husband filed an application for maintenance under Section 24 of

¹⁴ Madras HC C.M.A.No.2118 of 2023, decided on 12.09.2023.

¹⁵ Karnataka HC WP NO. 24226 OF 2022, decided on 10.01.2023.

the HMA. Along with claiming maintenance, the wife and her family also instituted criminal proceedings against the husband, pressing charges of cruelty and criminal intimidation, for which the husband had borne all the litigation expenses. The claim of maintenance by the husband and that he is not employed was considered flawed by the Court and thus was rejected.

The Court established the notion that the husband has a fundamental and moral duty to maintain the wife and children and cannot abstain from the same. The Court inferred that the gender neutrality of Section 24 was being misused by the husband to claim maintenance while choosing not to be employed. The husband was not incapable of earning and could not incapacitate himself and subsequently claim maintenance from his wife.¹⁶

To support this decision, the court relied on *Anju Garg & Anr v. Deepak Kumar Garg*¹⁷, where the Court held:

“...it is the sacrosanct duty of the husband to provide financial support to the wife and the minor children. The husband is required to earn money even by physical labour, if he is able-bodied, and cannot avoid his obligation, except on the legally permissible grounds mentioned in the statute. The respondent being able-bodied, is obliged to earn by legitimate means and maintain his wife and the minor child.”

Relying on the above case, the Court held:

“... merely because Section 24 of the Act is gender neutral for grant of maintenance, it would be promoting idleness notwithstanding the fact that the husband has no impediment or handicap to earn. Merely because he lost his job at the onset of COVID-19, it cannot be held that he is incapable of earning... The husband cannot afford to incapacitate himself and sustain an application under Section 24 of the Act to claim maintenance from the hands of the wife. This would be an anathema to the spirit of Section 24 of the Act.”¹⁸

The Court decides that the husband is under a moral obligation to maintain the wife and children, while also having the legitimate duty to be under employment when he is able-bodied. This decision is in stark contrast with the principle laid down in *Arvind Singh*¹⁹, where the court held that merely because the wife is a qualified graduate and has a degree,

¹⁶ *Id.* at para 12.

¹⁷ 2022 SCC OnLine SC 1314.

¹⁸ *Supra* at note 15.

¹⁹ *Supra* at note 10.

she cannot be compelled to work. The husband must be compelled to work as he has an unwritten moral duty to maintain the family, while the same wife, when qualified and capable of being employed, is not to be compelled to work, and she can rely on her husband who has to work, whether he chooses to like it or not. Although the facts of both cases are different, the principles set out in both cases do not uphold the objective of Sections 24 and 25 of HMA, while also stand directly in contrast with each other while looking through the lens of gender equality and neutrality. While one case established that the wife need not work though qualified, the other case decided that the husband must be compelled to work as he has a duty to maintain the wife and children, whether he is qualified or not.

In *Rajesh Burman v. Mitul Chatterjee*²⁰, the Court laid down a landmark judgement on the definition of 'support' and expanded its scope in aspects of maintenance matters. The husband contended that he was being mentally harassed and tortured by the wife consistently, which was not limited to only the house of the family but also the workplace of the husband. During such time, the wife, while trying to harass the husband, suffered injuries due to an accident, and the husband paid for her medical treatment. She then filed a criminal case of cruelty and other charges under the IPC against the husband. The wife then claimed maintenance under Section 24 of the HMA while also additionally claiming medical expenses.

The Court expanded the term 'maintenance' to include 'support' which encompasses medical expenses and other costs required by the claimant-wife. The Court also held that the husband is not only liable for payment of maintenance but also for medical expenses.

The Court blatantly ignored the husband's contention that the wife was gainfully employed and could maintain herself with well-sufficient money. The Court only considered the husband's duty to maintain the wife, while ignoring the aspect of the amount of mental cruelty and harassment the wife had inflicted upon the husband. The Court granted maintenance and medical expenses to the wife devoid of all the factors and arguments that the husband had put forth. Even though the wife had accepted the husband's contention that she was gainfully employed, the same was not considered by the Court while giving the decision.²¹ The wife was mentally harassing the husband, was qualified and employed, and

²⁰ (2009) 1 SCC 398, AIR 2009 SC 651.

²¹ *Id.* at para 15.

sustained injuries on herself to claim medical expenses from the husband, while the husband has to go through all the cruelty and criminal charges without being given a chance to establish his contentions of the wife's living conditions. This goes against the objective of gender neutrality and equality as enshrined in Section 24 of the HMA and leaves a dark spot in the trend of cases where the objectives of gender equality and neutrality were upheld.

HUSBANDS CLAIMING MAINTENANCE: GENDER NEUTRALITY UPHELD

This section will look at cases where the objective of gender neutrality was treated differently by the Courts in cases of husbands claiming relief under Sections 24 and 25 of the HMA.

In the case of *Rani Sethi v. Sunil Sethi*²², the husband had filed an application under Section 24 of the HMA seeking maintenance from the wife. The wife contended that the husband had sufficient income from his business and that he was of immoral character. But no evidence was put forth for the same. The husband substantiated that the wife had a stable and flourishing business and was earning a considerable amount of income. Along with that, she had rents coming from other properties owned by her. The husband was thrown out of the house by the wife and was allowed inside only after an order by the Court.

The Court held that the wife must maintain the husband and the two children. The Court held:

*"It is a settled position of law that the law makes provision to strike a balance between the standard of living, status and luxuries that were enjoyed by a spouse in the matrimonial home and after separation. It has been held by the Apex Court that the needs of the parties, capacity to pay etc. must be considered while deciding the quantum of maintenance."*²³

The wife had not disclosed her income and financial status before the Court and had done so to ensure that the Court ordered the husband to pay maintenance, even though he could not sustain himself.

The Court's decision in upholding the objective of gender neutrality is a step forward in the positive interpretation of Sections 24 and 25 of the HMA. The Court rightly considered the wife's employment and income status and has concluded, even though the wife contended passionately that the husband was employed and had other sources of income to support the

²² 179 (2011) DLT 414.

²³ *Id.* at para 10.

wife and children, while she had concealed her income status from the Court and the husband.

In another case of *Bhagyashri v. Jagdish*²⁴, the Bombay HC was faced with a claim for maintenance filed by the husband against the wife. The claims were first made under Section 25 of the HMA, and as an additional measure to ensure payment, another application under Section 24 of the HMA was made seeking maintenance *pendente lite*. The husband contended that he had no sources of income, no property owned, and was not in good health and thus such petitions for maintenance were filed, while the wife strongly opposed these petitions contending that the husband has a separate source of income and cannot be maintained, providing no other ground of contention. The question was whether Section 25 of the HMA could be applied to cases after such matrimonial proceedings, as such cases can be filed only during the proceedings of divorce.

The Court held that the wife must provide maintenance to the husband. The Court held:

*“The words applied in Section 25 of the Act of 1955 permit any court exercising jurisdiction under this Act, i.e. under Sections 9 to 13, at the time of passing any decree or at any time subsequent thereto, on an application made to it, by either of the spouse pay to the applicant for her/his maintenance, either gross sum or monthly or periodical sums for not exceeding the life of the applicant, having regard to the income and the other property, etc.”*²⁵

Additionally, it was found that the wife was not only qualified but was also earning a considerable amount as income, which the Court deemed suitable to provide maintenance to the husband.

The Court’s decision upholds the objective of gender neutrality in Section 25 of the HMA by making the qualified working wife duty-bound to maintain the husband, which is on the same lines as that in *Niharika Ghosh*²⁶ where it was additionally held that the working wife cannot claim maintenance from the husband. But this judgement goes contrary to the one in *Anju Garg*²⁷ where the Court established that the husband has a ‘*sacrosanct duty*’ to maintain the wife, and cannot avoid such obligation if he is able-bodied, and must work through physical

²⁴ 2022 SCC OnLine Bom 694.

²⁵ *Id.* at para 15.

²⁶ *Supra* note 3.

²⁷ *Supra* note 16.

labour for the same. These differing and contrasting stances taken by the Courts set a disturbing trend in cases of granting husbands relief and maintenance under Sections 24 and 25 of the HMA.

HUSBAND CLAIMING MAINTENANCE: GENDER NEUTRALITY NOT UPHELD

A dark spot in the granting of maintenance to husbands under these Sections is the case of *Ananth Kumar K G v. Yogitha S*²⁸. In this case, the Karnataka HC questioned the husband why the maintenance was not paid to the wife, for which the husband contended that he had no means to support himself and was also suffering from ailments like diabetes. It was further contended that the wife was sufficiently gainfully employed and could maintain herself and the son, who was taken away by the wife unjustifiably.

The Court relied on the notion that the husband is duty-bound to maintain the wife and children. It also blatantly ignored the contention that the wife was gainfully employed and was earning sufficient income to maintain herself and the child. The Court disregarded the husband's concerns about his ailments and held:

*“The contention that petitioner has been suffering from diabetes and related ailments does not merit countenance. A large section of people all over the world suffer from such ailments and with the advancement of medical science, all that is manageable. It is not the case of petitioner that the same are not manageable with proper medical care.”*²⁹

The Court failed to take note that the husband could not afford such medical treatment as he could not sustain himself from no income being earned. The Court misinterpreted Section 24 of the HMA to invoke the duty of the husband to maintain the family:

*“It hardly needs to be reiterated that law, religion and justice require an able-bodied man to look after his dependent family and that is how the Parliament has enacted several legislations namely Sec.125 of Cr.P.C. 1973, Protection of Women from Domestic Violence Act, 2005, Sec.24 of the Hindu Marriage Act, 1955, etc.”*³⁰

The Court did not consider the aspect that Section 24 of the HMA provides for interim maintenance for ‘either spouse’ and does not impose a duty on the husband to maintain the

²⁸ Karnataka HC W.P. NO. 12802/2023, decided on 08.08.2023.

²⁹ *Id.* at para 3.

³⁰ *Id.* at para 2.

wife. While the other legislations like the Protection of Women from Domestic Violence Act and the Hindu Adoption and Maintenance Act enforce the duty of the husband to maintain the wife, Sections 24 and 25 of HMA enforce the duty of either spouse to maintain the other.

CONCLUSION

The concept of gender neutrality arose out of the need for equal representation and status in society, but this should not lead to a situation where the concept is misused to overshadow past dominance by establishing a new dominance in society. The trend in judicial interpretations of Sections 24 and 25 in upholding the objective of gender neutrality posits a concern for the granting of husbands some maintenance under such provisions. Such a trend leads to the objective of gender neutrality being applied contrastingly in different cases, especially where the husbands are to be granted maintenance.