

Chanmuniya v. Virendra Kumar Singh Kushwaha, (2011) 1 SCC 141

Criminal Procedure Code, 1973

S. 125 - Maintenance in case of live-in relationship/Presumed marriage/De facto marriage/Cohabitation - Wife" - Interpretation - Long cohabitation without valid marriage - Entitlement of such woman to maintenance - Considering that there was divergence of judicial opinion on interpretation of word wife" in S. 125, matter referred to larger Bench in light of Protection of Women from Domestic Violence Act, 2005, which gave wide interpretation to terms like domestic abuse" and domestic relationship" which included live-in relationship and entitles such women to reliefs under 2005 Act - Opinion expressed that a broad and expansive interpretation should be given to term wife" to include even those cases where a man and woman have been living together as husband and wife for a reasonably long period of time, and strict proof of marriage should not be a precondition for maintenance under S. 125 CrPC, so as to fulfil true spirit and essence of the beneficial provision of maintenance under S. 125, (2011) 1 SCC 141-A

Hindu Law

Hindu Marriage Act, 1955

S. 7 - Long cohabitation - Presumption - Marital status - Respondent 1 brother of appellant's husband, living in same house and by social custom they were treated as husband and wife after death of appellant's husband - Their marriage solemnised with katha and sindur - Hence held, there is strong presumption in favour of marriage, (2011) 1 SCC 141-B

Criminal Procedure Code, 1973

S. 125 - Maintenance of wives, children and parents - Purpose - Measure of social justice to prevent vagrancy and destitution, (2011) 1 SCC 141-C