

Jobless men can't be forced to pay alimony: Delhi HC

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New Delhi: Giving a new dimension to equality of sexes in modern times, the Delhi High Court on Friday held that an unemployed man cannot be forced by the laws to “beg, borrow and steal” but pay alimony to his wife.

“Under the prevalent laws, a husband is supposed to maintain his unearning spouse out of the income he earns. No law, however, provides a husband has to maintain his wife, living separately from him, irrespective of the fact whether he earns or not,” said Justice S N Dhingra.

Interpretating the laws pertaining to maintenance in the wake of changing times, Justice Dhingra said, “Court cannot tell the husband that he should beg, borrow or steal but give maintenance to his wife, more so when the husband and wife are almost qualified and capable of earning and both of them claimed to be gainfully employed before marriage.”

The court passed the order while setting aside the order of a family court which had directed the husband, who was unemployed, to pay a maintenance of Rs 5,000 per month to his wife. It noted that the wife, who was equally qualified as her husband and was working in an MNC, cannot ask for maintenance from her husband who lost his job.

“We are living in an era of equality of sexes. The Constitution provides equal treatment to be given irrespective of sex, caste and creed. An unemployed husband, who is holding an MBA degree, cannot be treated differently to an unemployed wife who is also holding an MBA degree. Since both are on equal footing, one cannot be asked to maintain the other unless one is unemployed and the other is employed,” said the judge