

**SMT. N. USHA RANI AND ANR.**

**VERSUS**

**MOODUDULA SRINIVAS**

**2025 Supreme Court**

**Chanmuniya vs. Virendra Kumar  
Singh Kushwaha and another (2011)**

**1 SCC 141** whereby a Division Bench of this Court noted that considering the social object of Sec. 125 CrPC, the term “wife” should be expansively interpreted to include live in partners. While the question of law was referred to a larger bench, the Court took the view that

men should not be permitted to benefit from legal loopholes by enjoying the advantages of a de facto marriage without undertaking its duties and obligations.

**Savitaben Somabhai Bhatiya Vs. State of Gujarat and others (2005) 3 SCC 636** whereby the claim of maintenance made by the second wife was dismissed as the first marriage of the husband was subsisting. The Court therein noted that even if the husband was treating the claimant as his wife or the fact of first marriage was suppressed from the claimant, legislative intention was clear--there was no scope for extending

the definition of “wife” to include a woman not legally married.

**Dwarika Prasad Satpathy vs. Bidyut Prava Dixit and Another (1999) 7 SCC 675** granted maintenance where proof of marriage was inconclusive. The Court noted that the standard of proof of marriage while claiming maintenance is not as strict as is required in a trial for offence u/s. 494 IPC

in **Badshah vs. Urmila Badshah Godse and Another (2014) 1 SCC 188,** this Court granted maintenance to a second wife who was kept in the dark about her husband’s first subsisting marriage.

**Bakulabai and Another vs. Gangaram and Another (1988) 1 SCC 537** where maintenance was similarly denied on the plea of previously subsisting marriage.

**Yamunabai Anantrao Adhav vs. Anantrao Shivram Adhav and Another (1988) 1 SCC 530** whereby maintenance was denied to a second wife during the subsistence of the husband's first marriage on a strict interpretation of the term "wife" u/s. 125 CrPC.