REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SOBHA HYMATHI V. SAINTHA RAO (2008)

BENCH: Mr. Justice S.B. Sinha & Mr. Justice H.S. Bedi **DECIDED:** January 24, 2008

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Claim for maintenance under Section 125 CrPC is an independent statutory right that is not barred by the pendency of a civil suit under HAMA or HMA.

1. Factual Matrix & Background:

The wife filed an application under Section 125 CrPC for maintenance. The husband contended that since the wife had also filed a civil suit under the Hindu Adoptions and Maintenance Act, the Section 125 application was barred or should be stayed.

2. Substantive Legal Questions Framed:

Whether the pendency of a regular civil suit for maintenance under HAMA or Section 24 HMA bars or stays summary proceedings under Section 125 CrPC.

3. Analysis & Ratio Decidendi:

The Supreme Court held that Section 125 CrPC is a speedy, summary remedy enacted to prevent vagrancy and destitution. It operates independently of civil suits under personal laws. An order passed under Section 125 CrPC is interim and subject to final adjudication by the civil court, but its proceedings cannot be stayed on account of a pending civil suit.

4. Principles Enunciated:

- 1. Section 125 CrPC is an independent summary remedy against vagrancy.
- 2. Pendency of civil maintenance proceedings under HAMA does not bar Section 125.
- 3. Maintenance amounts awarded in different courts must be adjusted to prevent double recovery.

5. Practical Litigation Implications:

- Aggrieved spouses should pursue Section 125 CrPC or PWDVA for immediate summary relief while simultaneously prosecuting permanent alimony claims in civil courts.

.....J.
[SUPREME COURT BENCH]

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