

Unemployed Yet Qualified Wives Entitled to Interim Maintenance, Delhi HC Affirms



In a significant ruling, the Delhi High Court has reiterated that an unemployed wife, even if highly qualified, is entitled to receive financial support from her husband until she secures gainful employment. The court, presided over by Justice Neena Bansal Krishna, dismissed a husband's plea challenging a family court order that directed him to pay ₹1 lakh (approximately 1,200 USD) per month as ad-interim maintenance to his wife. This decision, handed down on July 27, 2025, emphasizes the principle of immediate relief and support during marital disputes.

The husband, an Australian citizen, had argued that his wife, possessing strong academic and professional credentials in Human Resources (HR), was fully capable of earning her livelihood and had voluntarily chosen not to work. He further contended that she was maintaining a luxurious lifestyle without his financial aid. However, the wife's counsel countered that she had quit her job upon their marriage and subsequent move to Australia, and her qualifications alone should not negate her right to maintenance, particularly given the challenges of re-entering the job market.

The High Court acknowledged the wife's qualifications and potential to secure employment but stressed that "till such time she can get gainful employment or develop a source of income, she has a right to be supported and managed by the petitioner, her husband." The court noted that there was no evidence to suggest the wife was currently employed or had willfully remained unemployed. It also highlighted that the ad interim nature of the order was intended to provide immediate financial stability to the wife while a final decision on interim maintenance is pending,

which would take into account detailed income affidavits and financial responsibilities of both parties.

This ruling underscores the Indian legal framework's intent to prevent destitution and ensure basic support for a financially dependent spouse during the pendency of matrimonial disputes. It clarifies that a woman's professional qualifications do not automatically disqualify her from receiving maintenance if she is not presently earning. The judgment serves as a reminder that the responsibility of spousal support remains paramount in such circumstances, prioritizing immediate welfare until long-term financial independence can be established.