

Comprehensive Q&A Report on Section 125 CrPC and Related Maintenance Laws

Questions and Answers

1. **What laws are applicable to maintenance matters for wives, parents, children, and other dependents?**

Various laws apply, including those under Family Courts' jurisdiction. Key laws include: (i) Code of Criminal Procedure, 1973 (Sections 125–128); (ii) Family Courts Act, 1984; (iii) Hindu Adoptions and Maintenance Act, 1956; (iv) Protection of Women from Domestic Violence Act, 2005; and others up to (xxv) Judicial Pronouncements.

Citation: Page 1 (lists 25 laws).

2. **How should the jurisdiction of Family Courts under the Family Courts Act, 1984 be construed?**

The jurisdiction should be construed liberally to resolve disputes, avoiding restricted meanings that frustrate the Act's purpose.

Citation: K.A. Abdul Jaleel Vs. T.A. Shahida, AIR 2003 SC 2525 (Page 1).

3. **What is the nature of provisions under Section 125 CrPC?**

It is social justice legislation, requiring a distinct approach focused on social context adjudication rather than adversarial litigation.

Citations: Badshah Vs. Urmila Badshah Godse & Another, (2014) 1 SCC 188 (Page 2); Dwarika Prasad Satpathi Vs. Bidyut Prava Dixit, AIR 1999 SC 3348 (Page 2).

4. **Are proceedings under Section 125 CrPC civil or criminal in nature?**

Proceedings are civil in nature, not strictly criminal.

Citations: Vijay Kumar Prasad Vs. State of Bihar, (2004) 5 SCC 196 (Page 2); Savitri Vs. Govind Singh Rawat, (1985) 4 SCC 337 (Page 2).

5. **How should Section 125 CrPC be construed for the benefit of wives and children?**

It should be construed liberally for their welfare and benefit.

Citations: Shantha Vs. B.G. Shivananjappa, (2005) 4 SCC 468 (Page 2); Savitaben Vs. State of Gujarat, (2005) 3 SCC 636 (Page 2).

6. **What is the procedural nature of Section 125 CrPC proceedings?**

Proceedings are summary in nature, intended for speedy remedies to wives.

Citations: Nagendrappa Natikar Vs. Neelamma, AIR 2013 SC 1541 (Page 2); Dwarika

Prasad Satpathi Vs. Bidyut Prava Dixit, AIR 1999 SC 3348 (Page 2).

7. **Is strict proof of marriage required as a precondition for maintenance under Section 125 CrPC?**

No, a broad interpretation of “wife” includes couples living as husband and wife for a reasonable period; strict proof is not preconditioned.

Citation: Chanmuniya Vs. Virender Kumar Singh Kushwaha, JT 2010 (11) SC 132 (Page 2).

8. **What constitutes ‘cruelty’ under Section 13 of the Hindu Marriage Act, 1955?**

Human conduct or behavior must be grave and weighty to constitute cruelty.

Citation: A. Jayachandra Vs. Aneel Kaur, AIR 2005 SC 534 (Three-Judge Bench) (Page 3).

9. **How is human conduct relevant in determining ‘cruelty’ under the Hindu Marriage Act, 1955?**

Cruelty is linked to human behavior, dependent on social strata, lifestyle, and circumstances; courts assess evidence for mental cruelty.

Citation: Vishwanath Agrawal Vs. Sarla Vishwanath Agrawal, (2012) 7 SCC 288 (Page 3).

10. **Do false complaints and criminal proceedings amount to mental cruelty warranting divorce?**

Yes, false complaints, indecent statements, and pursuing appeals/revisions constitute mental cruelty.

Citation: K. Srinivas Rao Vs. D.A. Deepa, AIR 2013 SC 2176 (Page 3).

11. **Is dowry demand or torture a sufficient reason for a wife to live separately?**

Yes, if it creates reasonable apprehension of harm.

Citation: Sirajmohammedkhan Janmohamadkhan Vs. Hafizunnisa Yasinkhan, AIR 1981 SC 1972 (Page 3).

12. **Is a husband’s impotency a ground for a wife to live separately and claim maintenance?**

Yes, it is a just cause for refusal to cohabit and entitlement to maintenance.

Citation: Sirajmohammedkhan Janmohamadkhan Vs. Hafizunnisa Yasinkhan, AIR 1981 SC 1972 (Page 4).

13. **What does ‘wife’ mean under Section 125 CrPC and the Hindu Adoptions & Maintenance Act, 1956?**

It means only a legally married wife; scope cannot be enlarged to include unlawfully married women.

Citation: Savitaben Vs. State of Gujarat, (2005) 3 SCC 636 (Page 4).

14. **Can live-in relationships presume marriage under Section 114 of the Evidence Act?**

Yes, if continued long-term and not “walk in & walk out.”

Citation: Madan Mohan Singh Vs. Rajanikant, AIR 2010 SC 2933 (Page 4).

15. **What preconditions make a live-in relationship equivalent to marriage under the Protection of Women from Domestic Violence Act, 2005?**

The couple must hold out as spouses, be of legal age, qualified to marry (unmarried), and cohabit voluntarily for a significant period. Casual encounters do not qualify.

Citation: D. Velusamy v. D. Patchaiammal, AIR 2011 SC 479 (Page 4).

16. **Is there a presumption in favor of marriage under Sections 50 & 114 of the Evidence Act?**

Yes, for continuous cohabitation over years, but it is rebuttable if circumstances weaken it.

Citation: Shobha Hymavathi Devi Vs. Setti Gangadhara Swamy, (2005) 2 SCC 244 (Three-Judge Bench) (Page 5).

17. **What standard of proof applies to matrimonial disputes?**

Proof beyond reasonable doubt is not required; courts assess probabilities and mental effects, as cruelty may lack direct evidence.

Citation: Smt. Mayadeve Vs. Jagdish Prasad, AIR 2007 SC 1426 (Page 5).

18. **What is the standard of proof for marriage in summary proceedings under Section 125 CrPC?**

Not as strict as in IPC Section 494 trials; presumption arises from living as husband-wife, and order does not finally determine rights.

Citations: Dwarika Prasad Satpathi Vs. Bidyut Prava Dixit, AIR 1999 SC 3348 (Page 5); Savitaben Vs. State of Gujarat, (2005) 3 SCC 636 (Page 6).

19. **What religious rites are basic for a valid Hindu marriage in maintenance claims?**

Invoking fire and Saptapadi are basic, but customs may vary without insisting on them.

Citation: Sumitra Devi Vs. Bhikan Choudhary, 1985 Cr LJ 528 (SC) (Page 6).

20. **Is Section 125 CrPC based on de facto or de jure marriage?**

De facto marriage (conjugal relationship); it is social welfare legislation not hindered by void/irregular marriages.

Citation: Page 6.

21. **Who are natural witnesses in matrimonial disputes?**

Family members, relatives, friends, and neighbors; their testimony is tested objectively, not discarded for relation to parties.

Citation: Vishwanath Agrawal Vs. Sarla Vishwanath Agrawal, (2012) 7 SCC 288 (Pages 3, 7).

22. **Can a Magistrate insist on an affidavit for ex-parte interim maintenance under Section 125 CrPC?**

Yes, to satisfy a prima facie case.

Citation: Savitri Vs. Govind Singh, AIR 1986 SC 984 (Page 7).

23. **When should an ex-parte order under Section 125 CrPC be set aside?**

If the husband was not served.

Citation: Mohd. Naim Siddiqui Vs. Sultana Khatoon, 1983 SCC (Criminal) 103 (Page 7).

24. **Where does the burden of proof lie regarding neglect or refusal to maintain under Section 125 CrPC?**

On the husband to prove he has no means or did not neglect/refuse maintenance.

Citation: Rajathi Vs. C. Ganesan, AIR 1999 SC 2374 (Page 7).

25. **Is a woman not lawfully married entitled to maintenance under Section 125 CrPC?**

No, as legislature did not include her; inadequacy in law is for legislature to address. Husband's treatment as wife is inconsequential.

Citation: Savitaben Somabhai Bhatiya Vs. State of Gujarat, 2005 Cr LJ 2141 (SC) (Page 7).

26. **When is a second wife entitled to maintenance under Section 125 CrPC?**

If the husband concealed his first marriage; he cannot benefit from his wrong. Prior judgments apply only if she knew of the first marriage.

Citation: Badshah Vs. Urmila Badshah Godse and Another, (2014) 1 SCC 188 (Page 8).

27. **Is a woman in a void marriage entitled to maintenance under Section 125 CrPC?**

No, a void ab initio marriage (e.g., with a living spouse) is a nullity; she gets no benefit.

Citation: Yamunabai Anantrao Adhav Vs. Anantrao Shivram Adhav, (1988) 1 SCC 530 (Page 8).

28. **When is a second wife not entitled to maintenance?**

If marrying a Hindu male with a living wife after the Hindu Marriage Act, 1955; marriage is void ipso jure.

Citation: Badshah Vs. Urmila Badshah Godse and Another, (2014) 1 SCC 188 (Page 9).

29. **Is a wife living separately by mutual consent entitled to maintenance under Section 125 CrPC?**

No, but if not by mutual consent, proof is unnecessary.

Citation: Bai Tahira Vs. Ali Hussaid Fissalli Chothia, AIR 1979 SC 362 (Three-Judge

Bench) (Page 9) (divorced Muslim woman case).

30. **Does 'wife' under Section 125 CrPC include a divorced wife?**

Yes, a divorced wife retains 'wife' status for maintenance until remarriage.

Citations: D. Velusamy vs. D.Patchaiammal, AIR 2011 SC 479 (Page 9); Rohtash Singh Vs. Smt. Ramendri, AIR 2000 SC 952 (Page 9); Bai Tahira Vs. Ali Hussaid Fissalli Chothia, AIR 1979 SC 362 (Three-Judge Bench) (Page 9).

31. **How should allegations of a husband's second marriage be handled if not proven?**

Acquittal under Section 494 IPC does not bar maintenance; living with another woman justifies separate living.

Citation: Rajathi Vs. C. Ganesan, AIR 1999 SC 2374 (Page 10).

32. **Must notice be issued to the alleged second wife in maintenance proceedings?**

Yes, or declaration of her status is void for violating natural justice.

Citation: D.Velusamy v. D. Patchaiammal, AIR 2011 SC 479 (Page 10).

33. **Does a divorced woman continue as 'wife' under Section 125 CrPC?**

Yes, until remarriage or self-maintenance, even if divorce by mutual consent.

Citation: Rohtash Singh Vs. Smt. Ramendri, AIR 2000 SC 952 (Page 7).

34. **When should divorce be granted due to irretrievable breakdown of marriage?**

When breakdown is irretrievable.

Citation: Page 10.

35. **Is a child from a bigamous marriage entitled to maintenance?**

Yes, acquires legitimate status under Section 16(1) of Hindu Marriage Act, 1955.

Citation: Bakulabai Vs. Gangaram, (1988) SCC 537 (Page 10).

36. **What considerations apply for permanent alimony under family laws like the Hindu Marriage Act, 1955?**

Social status, conduct, lifestyle; interim payments ignored as spent for maintenance.

Citation: Vishwanath Agrawal Vs. Sarla Vishwanath Agrawal, (2012) 7 SCC 288 (Page 11).

37. **Can an earning wife claim maintenance under Section 125 CrPC?**

Yes, if income is insufficient for her accustomed lifestyle; husband must prove adequacy.

Citations: Chaturbhuj Vs. Sita Bai, AIR 2008 SC 530 (Page 11); Sunita Kachwaha Vs. Anil Kachwaha, AIR 2015 SC 554 (Page 11).

38. **What is the upper limit for maintenance under Section 125 CrPC after the 2001 amendment?**

No ceiling; state amendments imposing limits are invalid.

Citation: Manoj Yadav vs. Pushpa, AIR 2011 SC 847 (Page 11).

39. **Can maintenance be enhanced under Section 127 CrPC?**

Yes, due to inflation and rising prices.

Citation: Page 11.

40. **Can interim maintenance under Section 125 CrPC be granted ex parte?**

Yes, pending notice, subject to modification; affidavit may be required for prima facie case.

Citation: Savitri Vs. Govind Singh Rawat, (1985) 4 SCC 337 (Page 12).

41. **Is a minor daughter entitled to interim maintenance under Section 125 CrPC?**

Yes, until attaining majority.

Citation: Page 12.

42. **Is a major unmarried daughter entitled to maintenance?**

Yes, under Section 20(3) of Hindu Adoptions and Maintenance Act, 1956 read with Section 125 CrPC; no under Section 125 alone.

Citations: Jagdish Jugtawat Vs. Manjulata, 2002 SCC (Criminal) 1147 (Page 13); Noor Saba Khatoon Vs. Mohd. Quasim, (1997) 6 SCC 233 (Page 13).

43. **Must reasons be recorded for granting maintenance from the date of application under Section 125 CrPC?**

Yes, or the order is liable to be set aside.

Citations: Shail Kumari Devi Vs. Krishan Bhagwan Pathak, AIR 2008 SC 3006 (Page 13); Saygo Bai Vs. Chueeru Bajrangi, 2011 CrLJ 1007 (SC) (Page 13); Amit Kumar Das Vs. Basanti Das, 2011 CrLJ 1187 (Calcutta) (Page 13).

44. **Does the court need to record reasons for the effective date of maintenance under Section 125(2) CrPC?**

Yes, read with Section 354(6) CrPC; choose date based on facts to prevent destitution.

Citation: Jaiminiben Hirenbbhai Vyas & Another Vs. Hirenbbhai Rameshchandra Vyas & another, AIR 2015 SC 300 (Paras 6 & 7) (Page 14).

45. **Does the Magistrate have discretion to grant maintenance from the date of application or order?**

Yes, discretionary.

Citation: Page 14.

46. **When can interim maintenance be granted from the date of application under Section 125 CrPC?**

Discretionary; no separate reasons needed, though advisable; non-assignment doesn't vitiate order.

Citation: Page 14.

47. **Is personal law relevant for maintenance claims under Section 125 CrPC?**

Yes, entitlement is decided by parties' personal law.

Citation: Savitaben Somabhai Bhatiya Vs. State of Gujarat, 2005 Cr LJ 2141 (SC) (Page 15).

48. **Are different state amendments fixing maintenance quanta unconstitutional?**

Yes, prima facie violative of Articles 14 and 21; notices issued to states.

Citation: Manoj Yadav v. Pushpa, (2010) 15 SCC 289 (Page 15).

49. **Can maintenance be enhanced under Section 127 CrPC despite prior limits?**

Yes, not refused on technical grounds of old limits.

Citation: Savitaben Somabhai Bhatiya Vs. State of Gujarat, 2005 CrLJ 2141 (SC) (Page 15).

50. **Is a divorced Muslim wife entitled to maintenance under Section 125 CrPC?**

Yes, until remarriage.

Citations: Shabana Bano Vs. Imran Khan, (2010) 1 SCC 666 (Page 15); Danial Latifi Vs. Union of India, (2001) 7 SCC 740 (Five-Judge Bench) (Page 15); Iqbal Bano Vs. State of UP, (2007) 6 SCC 785 (Page 15); Shamim Bano Vs. Asaraf Khan (SLP (Criminal) No. 4377/2012, judgment dated 16.04.2014) (Page 15); Rohtash Singh Vs. Smt. Ramendri, AIR 2000 SC 952 (Page 15).

51. **What is the summary of law from Danial Latifi Vs. Union of India on Muslim women's maintenance?**

Husband must provide fair provision beyond iddat; liability not confined to iddat; relatives/Wakf Board liable if unable; provisions constitutional.

Citation: Danial Latifi Vs. Union of India, AIR 2001 SC 3958 (Five-Judge Bench) (Page 16).

52. **Is a Muslim husband liable for maintenance beyond iddat if the wife is unable to maintain herself?**

Yes, fair provision extends beyond; scheme beneficial like Section 125 CrPC.

Citation: Danial Latifi Vs. Union of India, AIR 2001 SC 3958 (Five-Judge Bench) (Page 16).

53. **Is an application under Section 125 CrPC maintainable for a divorced Muslim wife despite the 1986 Act?**

Yes, until remarriage, irrespective of Section 5 application.

Citations: Shabana Bano Vs. Imran Khan, (2010) 1 SCC 666 (Page 17); Danial Latifi Vs. Union of India, (2001) 7 SCC 740 (Five-Judge Bench) (Page 17); Iqbal Bano Vs. State of UP, (2007) 6 SCC 785 (Page 17); Shamim Bano Vs. Asaraf Khan (SLP (Criminal) No. 4377/2012, judgment dated 16.04.2014) (Page 17).

54. **Can a divorced Muslim wife claim maintenance under Section 125 CrPC in the post-iddat period?**

Yes, as long as unmarried.

Citations: Shabana Bano Vs. Imran Khan, (2010) 1 SCC 666 (Page 17); Danial Latifi Vs. Union of India, (2001) 7 SCC 740 (Five-Judge Bench) (Page 17); Iqbal Bano Vs. State of UP, (2007) 6 SCC 785 (Page 17); Shamim Bano Vs. Asaraf Khan (SLP (Criminal) No. 4377/2012, judgment dated 16.04.2014) (Page 17).

55. **Are Muslim women and children entitled to maintenance under Section 125 CrPC despite the 1986 Act?**

Yes, Section 3(1)(b) of 1986 Act does not affect; available irrespective of religion.

Citations: Shamim Bano Vs. Asaraf Khan (SLP (Criminal) No. 4377/2012, judgment dated 16.04.2014) (Page 17); Noor Saba Khatoon Vs. Mohd. Quasim, (1997) 6 SCC 233 (Page 17).

56. **Are wives and children from irregular Muslim marriages entitled to maintenance?**

Yes, irregular (fasid) marriage subsists until terminated; entitled under Section 125 CrPC.

Citation: Chand Patel Vs. Bismillah Begum, (2008) 4 SCC 774 (Page 18).

57. **What is the distinction between divorce and judicial separation?**

Divorce severs status; judicial separation maintains relationship. Judicially separated wife remains 'aggrieved person' under Domestic Violence Act, 2005.

Citation: Krishna Bhattacharjee Vs. Sarathi Choudhury, (2016) 2 SCC 705 (Paras 15 & 23) (Page 18).

58. **Do parties have a right to legal representation in Family Courts?**

No absolute right under Section 13; court may allow if necessary or seek amicus curiae.

Citation: Section 13, Family Courts Act, 1984 (Page 18).

59. **Is there an absolute prohibition on lawyers appearing in Family Courts?**

No, Section 13 prohibits as of right but allows court discretion via proviso.

Citation: Page 20.

60. **Is issuing a recovery warrant under Section 125(3) CrPC without deciding husband's**

objections proper?

No, court must decide objections first.

Citation: Page 20.

61. **Is liability to pay maintenance a continuing liability requiring successive applications?**

No, continuing liability; successive applications not required.

Citation: Shantha Vs. B.G. Shivnanjappa, (2005) 4 SCC 468 (Page 20).

62. **Can interim maintenance be reduced based on husband's deductions and wife's ability?**

Yes, e.g., from 10,000 to 5,000 if wife can maintain herself.

Citation: Bhushan Kumar Meen v. Mansi Meen, (2010) 15 SCC 372 (Page 20).

63. **When can salary attachment be imposed for arrears of maintenance?**

If husband fails to pay arrears; reimpose if non-compliance after installments.

Citation: Bhushan Kumar Meen v. Mansi Meen, (2010) 15 SCC 372 (Page 20).

64. **What is the limitation for issuing recovery warrants under Section 125(3) CrPC?**

One year from due date; no warrant unless application within period.

Citation: First Proviso to Section 125(3) CrPC (Page 20).

65. **Can a husband be released from detention without paying maintenance arrears?**

No, jail is recovery mode, not substitute; release only after payment.

Citation: Kuldeep Kaur Vs. Surinder Singh, AIR 1989 SC 232 (Page 21).

66. **Can the 6-month limitation under Section 13-B(2) of Hindu Marriage Act, 1955 be waived?**

Yes, by Supreme Court under Article 142 if compromise and irretrievable breakdown.

Citation: Priyanka Khanna v. Amit Khanna, (2011) 15 SCC 612 (Page 21).

67. **What limitation applies to appeals against Family Court judgments under Section 19 of Family Courts Act, 1984?**

30 days, superseding 90 days under Section 28 of Hindu Marriage Act, 1955.

Citation: Page 22.

68. **Is an appeal maintainable against interlocutory orders of Family Courts?**

No, under Section 19 of Family Courts Act, 1984.

Citation: Page 22.

69. **Can interim ex-parte relief be granted under Section 23 of Protection of Women from Domestic Violence Act, 2005?**

Yes, if prima facie domestic violence is disclosed or likely.

Citation: Juveria Abdul Majid Patni Vs. Atif Iqbal Mansoori, (2014) 10 SCC 736 (Page 23).

70. **Is maintenance under Domestic Violence Act, 2005 different from Section 125 CrPC?**

Yes, distinct and additional; covers expenses/losses from violence, not dependent on ongoing relationship.

Citation: Juveria Abdul Majid Patni Vs. Atif Iqbal Mansoori, (2014) 10 SCC 736 (Page 23).

71. **Can Family Courts adjust maintenance awarded under Section 125 CrPC or Domestic Violence Act?**

Yes.

Citation: Page 23.

72. **Can relief under Sections 18–22 of Domestic Violence Act, 2005 be sought in civil or Family Courts?**

Yes, besides criminal courts; even in Section 498-A IPC cases if allegations genuine.

Citations: Juveria Abdul Majid Patni Vs. Atif Iqbal Mansoori, (2014) 10 SCC 736 (Page 24); V.D. Bhanot Vs. Savita Bhanot, (2012) 3 SCC 183 (Page 24).

73. **How do Section 125 CrPC and Section 18 of Hindu Adoptions and Maintenance Act, 1956 compare?**

No inconsistency; different scopes.

Citation: Savitaben Vs. State of Gujarat, (2005) 3 SCC 636 (Page 24).

74. **Does an order under Section 125 CrPC bar claims under Hindu Adoptions and Maintenance Act, 1956?**

No, does not foreclose remedies.

Citation: Nagendrappa Natikar Vs. Neelamma, AIR 2013 SC 1541 (Page 24).

75. **What is the jurisdiction of Family Courts under Sections 7 and 8 of Family Courts Act, 1984?**

Exclusive over enumerated matters.

Citation: Sections 7 & 8, Family Courts Act, 1984 (Page 24).

76. **Does Family Courts Act, 1984 bar remedies in other courts?**

No, independent rights maintainable outside; no bar on approaching other courts.

Citation: Page 24.

77. **What procedure applies to Family Courts under Section 10?**

CPC and other laws apply, but CrPC for Sections 125–128; courts can adopt own procedure for settlement.

Citation: Section 10, Family Courts Act, 1984 (Page 24).

78. **How are maintenance orders enforced in foreign countries under Maintenance Orders Enforcement Act, 1921?**

Indian courts send certified copies to Central Government for transmission to reciprocating territories.

Citation: Section 5, Maintenance Orders Enforcement Act, 1921 (Page 24).

79. **Does Section 125 CrPC apply to foreigners?**

Yes, irrespective of citizenship or personal law.

Citation: Page 25.

80. **Are foreign court judgments in matrimonial disputes relevant in India?**

Yes, under Section 13 CPC.

Citations: Ruchi Majoo Vs. Sanjeev Majoo, (2011) 6 SCC 479 (Page 25); Satya Vs. Teja Singh, AIR 1975 SC 105 (Page 25).

81. **Can a dismissed application under Section 125 CrPC be restored?**

Yes, quasi-civil nature; recallable under inherent powers.

Citation: Page 25.

82. **Is reference to mediation centers mandatory for matrimonial disputes in Family Courts?**

Yes, under Section 9; counselors first, then mediators if needed.

Citations: K. Srinivas Rao Vs. D.A. Deepa, AIR 2013 SC 2176 (Paras 31 & 32) (Page 25); Bhavana Ramaprasad Vs. Yadunandan Parthasarthy, AIR 2015 Karnataka 6 (Page 25).

83. **Is a rapist liable to maintain a child born from rape?**

Yes.

Citation: Page 25.

84. **Is a stepmother entitled to maintenance under Section 125 CrPC?**

No, only birth mother; stepmother may be dependent but cannot claim.

Citation: Kirti Kant D. Vadadoria Vs. State of Gujarat, (1996) 4 SCC 479 (Page 25).

85. **What is the power of revisional courts against orders under Section 125 CrPC?**

Findings of fact not disturbed absent legal error.

Citation: Bakulabai Vs. Gangaram, (1988) SCC 537 (Page 25).

86. **When can a revisional court set aside lower court findings under Section 125 CrPC?**

Must notice findings, record reasons for reversal, discuss evidence if factual.

Citation: Deb Narayan Halder Vs. Anushree Halder, 2003(47)ACC 897 (SC) (Page 26).

87. **Is a second revision against an order under Section 125 CrPC maintainable?**

No, e.g., by minor son after husband's revision rejected.

Citation: Page 26.

88. **Are Family Court judges 'judicial officers' under the Constitution?**

No, not members of judicial services; cannot be considered for High Court elevation.

Citation: S.D. Joshi Vs. High Court of Judicature at Bombay, (2011) 1 SCC 252 (Page 26).

Note: Relates to Maharashtra Rules, 1990 (Page 26).

89. **Is the Presiding Officer of a Family Court a 'Judge'?**

Yes, Family Court has all court trappings.

Citation: S.D. Joshi Vs. High Court of Judicature at Bombay, (2011) 1 SCC 252 (Page 27).

90. **Does the High Court have power to transfer cases between Family Courts?**

Yes, under Sections 22–24 CPC and Section 407 CrPC.

Citation: Mobel Treeza Pinto Vs. Francis Pinto, (2005) 7 SCC 761 (Page 28). Note: District Judge has no transfer power (Page 28).