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How can I Avoid Alimony in Divorce in India?

How can I avoid Alimony in divorce In India?

Once you get married and have entered a relationship with your spouse you are confined to obey all the rules and regulations of the society and constitution. However, social rule might not be dominating and can't be treated as the norm that resides in the realms of constitutional laws, but the constitutional laws are rigidly implemented, especially when you have reached the situation of getting apart from each other. And, in that scenario, especially if you are willing to file a divorce and want to avoid alimony, you need to consult an experienced divorce lawyer in Delhi for better guidance to choose the appropriate reason for divorce and find ways to get rid of alimony. There are different factors and grounds on which one can file a divorce against the spouse. However, all these matters are confined under the constitutional laws and some of them have been illustrated below.

What is alimony in India and what are the factors on which it is decided?

There is diversity in the Implementation of the **divorce alimony** after the divorce as per the constitution rules and it varies based on religion and region also. But, as per the Hindu Marriage Act 1955, the wife has a right and is eligible to get maintenance from the husband if he is proceeding with the divorce. However, it will depend on the terms and conditions and also the contemporary situation of the spouse where various parameters are considered for the divorce and alimony.

Some essential provisions of the divorce and alimony India.

Initially, it is essential to know some essential provisions of alimony which have been lucidly mentioned in the law.

1. As per section 25 of the Hindu Marriage ACT, the husband applying for the divorce is applicable and confined to pay the alimony and it is his responsibility to pay the amount either decided by the mediation or court under the circumstances.

2. The decision may be variable or change in some circumstances when there are changes either fall or elevation in the financial status of either wife or husband.
3. It has also been illustrated as per the Hindu Marriage ACT 24, that if the wife has a comparatively higher income than the husband and better financial status then it can be decided by the judge that there might not be provision of alimony or maintenance.

Some prominent parameters and circumstances on what the amount of alimony may be decided.

The amount of alimony and maintenance depends on the following factors and parameters.

1. Current income of the husband, and as per the time it might also be considered that as per the time what will be the growth rate increment therefore the monthly amount of alimony can increase as per the increment per year also. Getting the help of an experienced [divorce lawyer](#) can help you be more lucid in this case.
2. The income of the wife is also considered. If it is higher in comparison with the husband, then it might be denied.
3. The financial status of the spouse is considered and comparing all the factors it is decided.
4. Considering the inheritance property of the spouse, especially the wife it can vary.
5. Financial status, living standard, liability, responsibilities of a child their school fees and all, everything can be calculated before deciding the amount of alimony.

There are different grounds for divorce on how you can file a divorce adultery, mental disability, and all at the same time you need to have specific reasons on how you can get rid of alimony, and these are.

1. If the spouse is found guilty as per the grounds of divorce.

If the spouse is found guilty in different ways like being involved in adultery,

The extramarital affair, planning to incept another relationship and all, then, in that case, you can avoid alimony. However, proceeding with such cases and filing for divorce needs strong evidence and you can consult the best divorce lawyer for details knowledge and documentation so that you can represent your concern in the court explicitly and to rid of alimony.

2. If the spouse doesn't require maintenance as per the financial status.

It often happens in multiple cases that the spouse can maintain herself especially when her financial condition is good and she doesn't need alimony for maintenance. Presenting all these things one can avoid alimony.

3. If the husband can't work due to physical disabilities

At the time of divorce, if the husband is physically disabled and can work and earn then he might be considered as helpless, and he will not be able to pay the alimony to the wife after divorce. However, in that case, the court can review the previous savings and properties and their words after a brief verification will be applicable. Hiring a divorce lawyer can help.

4. If the husband can't maintain himself financially.

It has often been seen in many cases that if the husband has bad financial conditions and can't maintain himself due to various reasons that makes them helpless, and in that case, you can represent your financial status and can get rid of alimony.

With better insight from the expert lawyer

It's the best idea and steep for proceeding with any judicial action where you must get the advice or hire the best divorce lawyer for better insight just as [Advocate Sachin Kashyap](#), an experienced divorce lawyer with profound experience can help you manage all those things. Since you need to be perfect with all the grounds and evidence to strengthen your case you can consult him for the desired result and justice.

Conclusion

Considering some essential reasons and grounds for the divorce and ways to get rid of alimony, it is essential to confirm that what are the reasons behind your action i.e., for filing a divorce and what are the parameters that can help you avoid alimony. Because getting a divorce is not an end, the concerns of alimony and maintenance start from there only. And as the best [divorce lawyer in Delhi](#), we can help you get rid of all those concerns as per the constitutional rules.

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