

Law on  
**Muslim Women (Protection of Rights on Divorce) Act, 1986**

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1. **Iddat period and right of maintenance**--- Explaining the provisions of Sec. 125 Cr PC & Sec. 4 & 5 of the Muslim Women (Protection Of Rights On Divorce) Act, 1986 and Sec. 7(1)(f) of the Family Courts Act, 1984, it has been held by the Supreme Court that a divorced Muslim woman is entitled to maintenance u/s. 125 Cr PC so long as she does not marry. Her right to maintenance u/s. 125 Cr PC cannot be restricted for Iddat period only. She is entitled to claim maintenance u/s. 125 Cr PC even after expiry of Iddat also. See--- **Shabana Bano vs. Imran Khan, 2010 (68) ACC 284 (SC)**
2. **Iddat period not a bar against grant of maintenance u/s 125 Cr PC**---Explaining the provisions of Sec. 125 Cr PC & Sec. 4 & 5 of the Muslim Women (Protection Of Rights On Divorce) Act, 1986 and Sec. 7(1)(f) of the Family Courts Act, 1984, it has been held by the Supreme Court that a divorced Muslim woman is entitled to maintenance u/s. 125 Cr PC so long as she does not marry. Her right to maintenance u/s. 125 Cr PC cannot be restricted for Iddat period

only. She is entitled to claim maintenance u/s. 125 Cr PC even after expiry of Iddat also. See--- **Shabana Bano vs. Imran Khan, 2010 (68) ACC 284 (SC)**

**3. Re-marriage alone to deprive a divorced Muslim woman of maintenance u/s 125 Cr PC**---

Explaining the provisions of Sec. 125 Cr PC & Sec. 4 & 5 of the Muslim Women (Protection Of Rights On Divorce) Act, 1986 and Sec. 7(1)(f) of the Family Courts Act, 1984, it has been held by the Supreme Court that a divorced Muslim woman is entitled to maintenance u/s. 125 Cr PC so long as she does not marry. Her right to maintenance u/s. 125 Cr PC cannot be restricted for Iddat period only. She is entitled to claim maintenance u/s. 125 Cr PC even after expiry of Iddat also. See--- **Shabana Bano vs. Imran Khan, 2010 (68) ACC 284 (SC)**

**4. Revision against order u/s 3 of the Muslim Women (Protection of Rights on Divorce) Act, 1986** :

An order passed by Magistrate u/s. 3 of the Muslim Women (Protection of Rights on Divorce) Act, 1986 is not an interlocutory order within the meaning of Sec. 397(2) CrPC and revision against such an order is maintainable. See :

(i) **Suman Ismail vs. Rafiq Ahmad, 2002 CrLJ 3648 ( All- DB)**

(ii) **Shafaat Ahmad vs. Fahmida Sardar, 1990 CrLJ 1887 (All)**

**5.** Sec. 3 of the Muslim Women (Protection of Rights on Divorce) Act, 1986 applies only when the Muslim woman is already divorced otherwise Sec. 125 CrPC would apply. See : **Iqbal Bano vs. Sate of U.P., AIR 2007 SC 2215**

6. **Revision lies by women even after acceptance of amount of maintenance u/s 125 CrPC:** Acceptance of Meher amount by the counsel of wife awarded by the trial court would not stop the wife from challenging the order passed by the trial court before the revisional court. See : **Selina Akhtar vs. Matiur Rahaman, (2006) 12 SCC 281.**
7. **Ex-parte order passed u/s 126 CrPC is revisable :** An ex-parte order passed u/s 126 CrPC is revisable. See :
- (i) **Loganathan vs. Dhanalakshmi, 1996 CrLJ 1896 (Madras)**
  - (ii) **Balan Nair vs. Bhavani Amma, 1987 CrLJ 399 (Kerala—FB)**

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