

There is a constant quarrel between Ankita and Aniket due to which there is a marital discord between two. As a part of settlement the husband agrees to pay sum of Rs. 50,000 per month as maintenance allowance of his wife. Provided she stays separately. Does the wife has a claim to get that amount.

Ans. :

The given case is under the chapter of consideration, which means the promises executes the work at the desire or under the direction of the promisor. Consideration is essential for the validity of an agreement i.e. in other words an agreement made without consideration is void. However section 25 (1) that is natural love and affection; deal with the exception of this rule.

In this set case there is a quarrel between Ankit and Ankita due to which there is a marital discord between two. As a part of settlement the husband agrees to pay for the maintenance allowances to his wife provided she stays separately.

Case : Rajlucky V/S Bhootnath

An agreement was entered into by a husband with his wife during quarrels and disagreements, whereby the husband promised to give some property to wife. But after this he refused to perform the action and here the agreement was held to be void.

Judgement :

As mentioned above an agreement was entered in to by a Ankit with his wife Ankita during their quarrels, whereby the husband agrees to pay the maintenance allowances to his wife provided she stays separately. In the above case the agreement held to be void because, under the circumstances, there was no natural love and affection between parties. As per the exceptions under the consideration section 25(1) love and affection states that agreement has to be made out of natural love and affection and it should be between the parties standing near relationship to each other. As we seen in this case nearness of relationship, however does not necessarily import love and affection. Therefore there is no consideration made by husband hence it is only an agreement and not a contract. **Therefore it is a void agreement hence husband need not have to pay compensation for the separation.**

CASE STUDY : 3

Business Law Case Study Answers

RD Boyd



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