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Divorce Act, 1869

Chapter 9 - Alimony

In any suit under this Act, whether it be instituted by a husband or a wife, and whether or not she has obtained an order of protection[1][the wife may present a petition for expenses of the proceedings and alimony pending the suit]

Such petition shall be served on the husband; and the Court, on being satisfied of the truth of the statements therein contained, may make such order on the husband[2][for payment to the wife of the expenses of the proceedings and alimony pending the suit]alimony pending the suit as it may deem just:

[3][***]

[4]["Provided further that the petition for the expenses of the proceedings and alimony pending the suit, shall, as far as possible, be disposed of within sixty days of service of such petition on the husband."]

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1. Substituted by Act 49 of 2001, section 2, for "the wife may present a petition for alimony pending the suit" (w.e.f. 24-9-2001).

2. Substituted by Act 49 of 2001, section 2, for "for payment to the wife of alimony pending the suit" (w.e.f. 24-9-2001).

3. The proviso omitted by Act 51 of 2001, section 21 (w.e.f. 3-10-2001).

4. Inserted by Act 49 of 2001, section 2 (w.e.f. 24-9-2001).

Section 37 - Power to order permanent alimony

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[1] [Where a decree of dissolution of the marriage or a decree of judicial separation is obtained by the wife, the District Court may order that the husband shall"] to the satisfaction of the court, secure to the wife such gross sum of money, or such annual sum of money for any term not exceeding her own life, as, having regard to her fortune (if any), to the ability of the husband, and to the conduct of the parties, it thinks reasonable; and for that purpose may cause a proper instrument to be executed by all necessary parties.

Power to order monthly or weekly payments.-In every such case the Court may make an order on the husband for payment to the wife of such monthly or weekly sums for her maintenance and support as the Court may think reasonable:

Provided that if the husband afterwards from any cause becomes unable to make such payments, it shall be lawful for the Court to discharge or modify the order, or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revive the same order wholly or in part as to the court seems fit.

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1. Substituted by Act 51 of 2001, section 22, for certain words (w.e.f. 3-10-2001).

Section 38 - Court may direct payment of alimony to wife or to her trustee

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In all cases in which the Court makes any decree or order for alimony, it may direct the same to be paid either to the wife herself, or to any trustee on her behalf to be approved by the court, and may impose any terms or restrictions which to the Court seem expedient, and may from time to time appoint a new trustee, if it appears to the Court expedient so to do.