

Code of Criminal Procedure, 1973

Section 127 - Alteration in Allowance

1 ["(1) On proof of a change in the circumstances of any person, receiving, under section 125 a monthly

allowance for the maintenance or interim maintenance, or ordered under the same section to pay a monthly allowance for the maintenance, or interim maintenance, to his wife, child, father or mother, as the case may be, the Magistrate may make such alteration, as he thinks fit, in the allowance for the maintenance or the interim maintenance, as the case may be.";]

Provided that if he increases the allowance, the monthly rate of five hundred rupees in the whole shall not be exceeded.

(2) Where it appears to the Magistrate that, in consequence of any decision of a competent civil Court, any order made under section 125 should be cancelled or varied, he shall cancel the order or, as the case may be, vary the same accordingly.

(3) Where any order has been made under section 125 in favour of a woman who has been divorced by, or has obtained a divorce from, her husband, the Magistrate shall, if he is satisfied that.-

(a) the woman has, after the date of such divorce, remarried, cancel such order as from the date of her remarriage;

(b) the woman has been divorced by her husband and that she has received, whether before or after the date of the said order, the whole of the sum which, under any customary or personal law applicable to the parties, was payable on such divorce, cancel such order-

(i) in the case where such sum was paid before such order, from the date on which such order was made,

(ii) in any other case, from the date of expiry of the period, if any, for which maintenance has been actually paid by the husband to the woman;

(c) the woman has obtained a divorce from her husband and that she had voluntarily surrendered her rights to 2 [maintenance as interim maintenance, as the case may be] after her divorce, cancel the order from the date thereof.

(4) At the time of making any decree for the recovery of any maintenance or dowry by any person, to whom a 3 [monthly allowance for the maintenance and interim maintenance or any of them has been ordered] to

be paid under section 125, the civil Court shall take into account the sum which has been paid to, or recovered by, such person as 4 [as monthly allowance for the maintenance and interim maintenance or any of them, as the case may be, in pursuance of] the said order.

STATE AMENDMENT

5 Maharashtra:

In section 127 of the said Code,-

(a) in sub-section (1), in the proviso, for the words "five hundred rupees" the words "fifteen hundred rupees" shall be substituted;

(b) in sub-section (4),-

(i) for the words "monthly allowance", where they occur for the first time, the words "maintenance allowance" shall be substituted;

(ii) after the words "monthly allowance", where they occur for the second time, the words "or, as the case may be, the lump-sum allowance" shall be inserted.

6 Tripura:

In the principal Act, in proviso to sub-section (1) of section 127, for the words "five hundred rupees", the words "one thousand five hundred rupees" shall be substituted.

7 West Bengal:

In the proviso to sub-section (1) of section 127, for the words "five hundred rupees" the words "one thousand and five hundred rupees" shall be substituted.

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1. Substituted by Act 50 of 2001, section 3, for sub-section (1) (w.e.f. 24-9-2001).
 2. Substituted by Act 50 of 2001, section 3, for "maintenance" (w.e.f. 24-9-2001).
 3. Substituted by Act 50 of 2001, section 3, for "monthly allowance has been ordered" (w.e.f. 24-9-2001).
 4. Substituted by Act 50 of 2001, section 3 for "monthly allowance in pursuance of" (w.e.f. 24-9-2001).
 5. Vide Maharashtra Act, 21 of 1999 Section 3 (w.e.f. 20-4-1999).
 6. Vide Tripura Act 9 of 1999 Section 3 (w.e.f. 9-4-1999).
 7. Vide W.B. Act 14 of 1995, Section 2 (w.e.f. 2-8-1995).
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