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# The Breakdown of Live-in Relationships in India: Legal Recognition and Consequences

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## ABSTRACT

*Live-in relationships are not a new phenomenon in Indian society, though their recognition and prevalence have notably increased in recent years, particularly in urban areas. The changing social landscape, increased individual autonomy, and evolving cultural attitudes have contributed to a gradual shift in the traditional perception of cohabitation outside marriage. However, this shift brings forth critical legal questions regarding the rights, responsibilities, and remedies available to partners, especially when such relationships come to an end. While Indian courts have progressively acknowledged live-in relationships under the ambit of the right to life and personal liberty enshrined in Article 21 of the Constitution, the lack of a specific legislative framework continues to result in ambiguity and inconsistent judicial decisions. This is particularly evident in matters related to maintenance, property division, protection from domestic violence, child custody, and inheritance. The judicial interpretations under laws such as the Protection of Women from Domestic Violence Act, 2005 and the Criminal Procedure Code provide some relief, but only on a case-by-case basis and often after substantial legal hurdles. This article critically examines the legal evolution, statutory provisions, and key judicial pronouncements surrounding live-in relationships in India, with a special focus on the challenges that arise upon the breakdown of such unions. It also draws upon comparative legal frameworks from other jurisdictions to highlight the need for a comprehensive and uniform statutory regime in India to ensure clarity, consistency, and justice for all parties involved.*

**Keywords:** *Live-in Relationship, Property Rights, Criminal Law, Fundamental Rights*

## I. INTRODUCTION

Live-in relationships, characterized by cohabitation without formal marriage, are increasingly accepted in urban Indian society. This shift reflects broader changes in social values, autonomy in personal life, and a growing emphasis on individual rights. However, when such relationships end, partners often face legal ambiguity regarding maintenance, property, custody, and protection from abuse. Unlike formal marriages, live-in arrangements lack

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specific statutory recognition, placing the burden on courts to interpret and extend protections case by case.

## II. JUDICIAL RECOGNITION OF LIVE-IN RELATIONSHIPS

### A. Constitutionality and Social Acceptance

The Supreme Court of India has consistently upheld the constitutionality of live-in relationships, affirming that such arrangements fall within the ambit of the right to life and personal liberty guaranteed under Article 21 of the Constitution. In the landmark case of *S. Khushboo v. Kanniammal*, (2010) 5 SCC 600, the Court observed that “living together is a right to life” and emphasized that such cohabitation between consenting adults is not a criminal offence. This judicial acknowledgment laid the groundwork for further legal developments concerning the rights of individuals in live-in relationships.

The *Protection of Women from Domestic Violence Act, 2005* (PWDVA) extends limited legal protection to women in live-in relationships through Section 2(f), which recognizes “a relationship in the nature of marriage.” The interpretation of this phrase has been pivotal in determining eligibility for relief under the Act. In *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755, the Supreme Court elaborated on several factors to distinguish such relationships from casual or fleeting arrangements. These factors include a shared household, a long-standing and stable relationship, the intention and conduct of the parties, public perception, and financial and emotional interdependence. Similarly, in *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469, the Court clarified that not every live-in relationship would fall within the protective ambit of the PWDVA. Only those relationships that exhibit characteristics akin to a marriage—such as mutual consent, cohabitation over a significant period, and social acknowledgment—may be considered “in the nature of marriage.” These rulings form the judicial bedrock for assessing legal claims arising from live-in arrangements, particularly when such relationships break down.

## III. LEGAL CONSEQUENCES OF RELATIONSHIP BREAKDOWN

### A. Maintenance and Financial Support

While Section 125 of the Criminal Procedure Code (CrPC) is primarily intended to provide maintenance to legally wedded wives, Indian courts have, in certain cases, extended its scope to include women in long-standing live-in relationships. A significant development in this regard came in the case of *Chanmuniya v. Virendra Kumar Singh Kushwaha*, (2011) 1 SCC 141, where the Supreme Court advocated for a broader and more inclusive interpretation of

the term “wife.” The Court held that women who are in relationships resembling marriage and who are socially accepted as spouses should not be denied maintenance merely due to the absence of a formal marriage. This progressive stance was rooted in the need to protect women from destitution and abandonment. However, the judicial approach has not been consistent, and the lack of a uniform standard has resulted in legal uncertainty. Courts often vary in their interpretation of what constitutes a relationship “in the nature of marriage,” leading to unpredictable outcomes for women seeking maintenance under Section 125 CrPC after the breakdown of a live-in relationship.

### **B. Property Disputes**

There is no direct statutory framework governing property distribution in live-in relationships. Disputes are settled under general civil law, which requires proof of ownership or financial contribution. The absence of a matrimonial regime makes equitable distribution complex and often unfair, especially to non-earning partners.

### **C. Protection Against Abuse**

The **Protection of Women from Domestic Violence Act, 2005 (PWDVA)** offers relief to women in “relationships in the nature of marriage,” allowing them to seek protection orders, residence rights, and maintenance.

- However, the burden to prove the nature of the relationship lies on the claimant, often leading to denial of relief due to lack of evidence or social stigma.

### **D. Child Legitimacy and Custody**

Indian courts have consistently upheld the legitimacy of children born out of live-in relationships: In *Revanasiddappa v. Mallikarjun*, (2011) 11 SCC 1, the Supreme Court took a progressive stance on the rights of children born out of live-in relationships, holding that such children cannot be regarded as illegitimate and are entitled to inheritance from both parents. This judgment marked a significant step in ensuring the dignity and rights of children, regardless of the marital status of their parents. The Court emphasized that denying inheritance rights to such children would be unconstitutional and contrary to the principles of equality and social justice. Additionally, custody and guardianship issues involving children born from live-in relationships are governed by the *Guardians and Wards Act, 1890*. In such cases, Indian courts consistently apply the principle of the “best interest of the child” as the paramount consideration, irrespective of whether the parents are married or not. This approach reinforces the idea that the child’s welfare supersedes the legal status of the parental relationship.

#### IV. COMPARATIVE LEGAL FRAMEWORKS

Many countries provide statutory protections to partners in cohabiting relationships:

- **United Kingdom:** Cohabiting couples can enter into contracts, but there is no automatic right to maintenance or property division without marriage or civil partnership (Law Commission Report No. 307, *Cohabitation: The Financial Consequences of Relationship Breakdown*, 2007).
- **Australia:** The **Family Law Act 1975** recognizes de facto relationships, granting rights similar to married couples concerning property and spousal maintenance.
- **Canada:** Provinces like British Columbia treat common-law relationships similarly to marriages in areas like property division and spousal support under the **Family Law Act**. India lacks such codified treatment, leaving live-in partners vulnerable.

#### V. CONCLUSION

The breakdown of live-in relationships in India exposes significant legal gaps, especially concerning maintenance, protection from abuse, and property division. Although courts have made progressive strides, the lack of a comprehensive statutory framework continues to disadvantage individuals particularly women and vulnerable partners. There is an urgent need for legislative clarity to ensure dignity, equality, and justice in modern personal relationships.

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