

LAW CRUMBS

PRENUP VS. STRIDHAN VS. FINANCIAL RIGHTS IN MARRIAGE

What's yours, what's shared, and what's protected in marriage?



THE LEGAL TRIO IN PERSPECTIVE



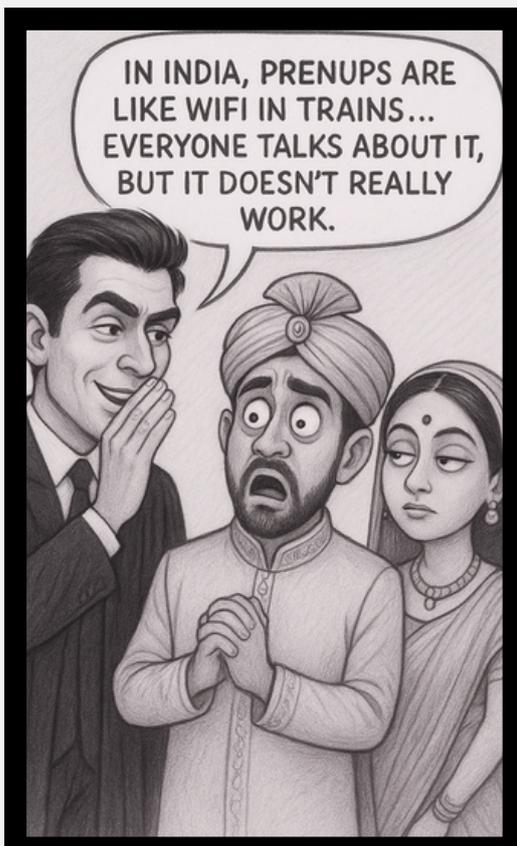
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STRIDHAN

The property a woman receives before, during or after marriage in the form of gifts, cash, jewellery or other assets. The Supreme Court in *Pratibha Rani v. Suraj Kumar* (1985) held that misappropriation of Streedhan by husband or in-laws amounts to criminal breach of trust. Streedhan is protected under Section 14 of the Hindu Succession Act, 1956 which gives women absolute ownership and under the Domestic Violence Act, 2005 which allows recovery of Streedhan.

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PRENUPTIAL AGREEMENTS



Indian law does not treat prenups as binding. However, they are increasingly used in urban and NRI marriages to record expectations about property and responsibilities. Courts may look at them as evidence of intent (*Sunita Devendra Deshprabhu v. Devendra V. Deshprabhu*, 2006). They serve more as a planning tool rather than a legal shield.



3

FINANCIAL RIGHTS IN MARRIAGE

In India, when a marriage ends, the law divides money but not memories. The house may go to one name, while years of a woman's unpaid labour and care often go unrecognised. Without a uniform matrimonial property regime, homemakers continue to contribute everything yet walk away with nothing.

The Married Women's Property Act, 1874 allowed women to hold property in their own name. The Hindu Succession Act, 1956 converted women's limited estates into full ownership. After the 2005 amendment, daughters were also given coparcenary rights in ancestral property. Despite these advances, India still does not have a clear matrimonial property regime, meaning there is no automatic division of marital assets.

WHERE TRADITION, CONTRACTS AND LAW COLLIDE

STRIDHAN

PRENUPTIAL AGREEMENTS

Tradition + Negotiation
Cultural & Contractual Clarity

Streedhan
Personal Gifts & Property
Absolute Ownership

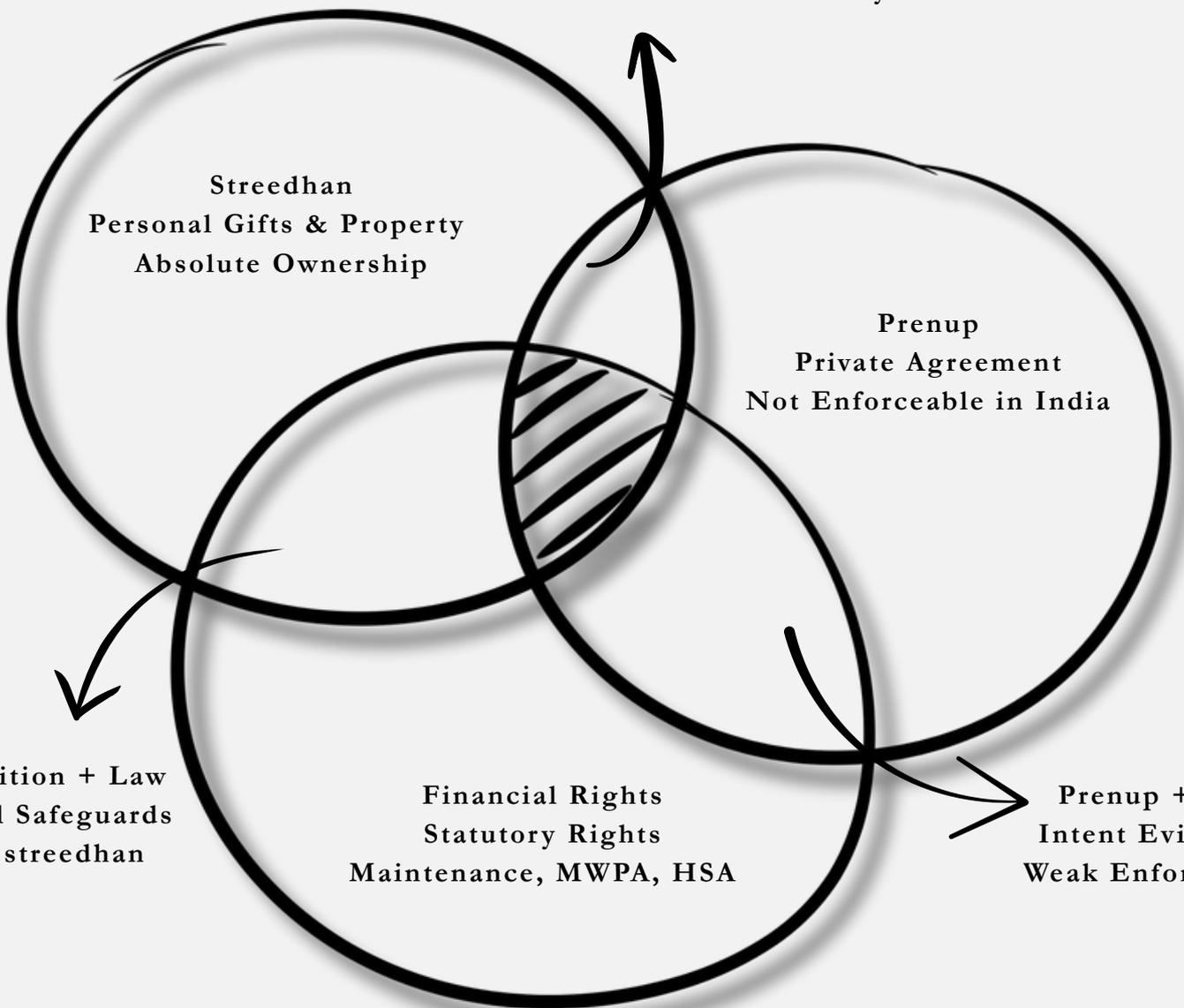
Prenup
Private Agreement
Not Enforceable in India

Tradition + Law
Legal Safeguards
for streedhan

Financial Rights
Statutory Rights
Maintenance, MWPA, HSA

Prenup + Law
Intent Evidence,
Weak Enforcement

FINANCIAL RIGHTS IN MARRIAGE



STAKEHOLDER INSIGHTS AND PROTECTIVE MOVES



FAMILY

- Secure property and assets through registered family settlements, not informal promises.
- When giving gifts, document them clearly as Streedhan to avoid future disputes.
- Refrain from presenting gifts as obligations, which risks turning voluntary Streedhan into contested dowry.

MEN

- Although not enforceable, a prenuptial agreement can act as a record of mutual financial expectations and reduce ambiguity.
- Practice complete financial transparency. Shared ownership of savings and assets strengthens trust.
- Respect Stridhan as the woman's exclusive right, not as part of the marital pool.

WOMEN

- Maintain a documented inventory of all Streedhan with lists, receipts and photographs to make recovery easier.
- If Streedhan is withheld or misused, seek remedies under the Domestic Violence Act, 2005.
- Understand the legal distinction: Streedhan is voluntary and belongs solely to you, while dowry is coercive and illegal.

INTERNAL CASE STUDY

by Gurinder & Partners

In the year 2013, Mrs. A was married into a well-established business family in South Delhi. At the time of marriage, she received extensive jewellery, silver articles and gifts from her parents and relatives, all forming part of her Stridhan. These valuables were placed in the custody of her in-laws in the family locker.

By 2015, matrimonial discord arose, and Mrs. A moved out of her matrimonial home. When she demanded the return of her jewellery and gifts, her in-laws refused, claiming the items were family assets. A civil demand notice was issued but ignored.

Thereafter, Mrs. A pursued criminal remedies. A complaint was filed under Section 406 IPC (for criminal breach of trust, now under Section 316 (1) Bharatiya Nyaya Sanhita, 2023) and Section 498A IPC (cruelty, now under Section 85 Bharatiya Nyaya Sanhita, 2023), supported by inventories and photographs of the jewellery. It was argued that Stridhan, irrespective of custody, remains the absolute property of the woman, and refusal to return the same constitutes a continuing offence.

Taking cognizance, the Magistrate issued process against the in-laws. Confronted with criminal prosecution, the in-laws returned the entire Stridhan which was duly documented and acknowledged in court.

This matter demonstrated that while civil proceedings for recovery of Stridhan are often prolonged, the criminal proceeding provides effective and coercive enforcement, ensuring that even unwilling custodians are compelled to restore a woman's property rights.

In another matter, In 2019, Mrs. R married Mr. S, a corporate professionals. Subsequently to marriage, Mr. S purchased a luxury apartment in Gurugram, registered solely in his name. Although Mrs. R managed household finances, she contributed no direct funds towards the acquisition of the property. The couple cohabitated in the said apartment as their matrimonial residence until 2022, when disputes led to separation.

Thereafter Mr. S attempted to evict Mrs. R, asserting exclusive ownership. In response Mrs. R, instituted proceedings under the Protection of Women from Domestic Violence Act, 2005, asserting that the Gurugram apartment fell within the definition of a “shared household” under Section 2(s) of the Act.

The Trial Court held that since the apartment was the husband’s self-acquired property, Mrs. R could not claim residence rights. On appeal, Hon’ble High Court of Delhi clarified that while a wife has no ownership claim in self-acquired property of the husband, she has a statutory right to residence in the shared household during subsistence of marriage.

Accordingly, the Court restrained Mr. S from dispossessing Mrs. R and further directed that he wish to exclusively occupy the apartment, he must provide alternative equivalent accommodation to her.

This case reaffirmed that while ownership rights are determined by title, the law steps in to ensure a woman’s right of shelter and dignity, balancing matrimonial property disputes with statutory protections.

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