

### **TITLE III**

#### **MAINTENANCE**

**Section 1598/38.** Maintenance may be claimed between husband and wife or parent and child when the party entitled to maintenance has not been furnished with the maintenance or has been furnished with the maintenance insufficient to his condition in life. How much and to what extend the maintenance would be granted or not will be decided by the Court, by taking account of the ability of the person bound to furnish the maintenance, the condition in life of the receiver and the circumstances of the case.

**Section 1598/39.** When any interested person can show that there has been a change in circumstances or in the means or condition in life of the parties, the Court may make alteration of the maintenance by cancelling, reducing, increasing or re-establishing the amount of maintenance.

In case the Court gives an order not granting the maintenance only on account of one party not being in the position to furnish the maintenance at the moment, the Court may be requested to alter its order given in that case if the circumstances, means or conditions on life of the other have changed and the claimant, after having taken account of the circumstances, his means and condition in life, should be furnished with the maintenance.

**Section 1598/40.** Maintenance shall be furnished by periodical payments in money unless the parties agree to pay otherwise or in some other manners. However, in absence of such agreement and for special reason, the Court may, upon application of any party and it is deemed proper, determine the maintenance to be furnished otherwise or in some other manners and whether the payment to be made in money. In case of claim for maintenance of a child , if there are special reasons and deemed proper, the Court may determine the maintenance to be furnished by any means other than those agreed by the parties, or other than what has been applied for by any party such as to send the child to an educational or vocational institution and the expenses incurred thereby are to be borne by the person bound to furnish the maintenance.

**Section 1598/41.** The right to maintenance cannot be renounced, attached or transferred and is not subject to execution.