

## **An Analytical Study of the Socio-Economic Costs of Litigation in Marital Disputes**

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### **ABSTRACT**

Civil litigation of marriage conflicts is a costly economic, social, and psychological liability to the individuals, families, and state. Family courts, established under the Family Courts Act, 1984 in India have been addressing thousands of matrimonial cases such as divorce, custody, maintenance and various other issues, but the delays in the processes and the backlog of cases add to financial and emotional pressures. The recent years of parliamentary discussions have shown that a number of states have reported of thousands of registered and pending matrimonial disputes. Although various Family Courts have been established and are still in operation in accordance with the Family Courts Act of 1984, there are still high levels of pendency that are experienced across jurisdictions. The data provided by NJDG (2024-2025) shows that the overall judicial pendency of all courts is greater than five crore cases, which is the systematic congestion that indirectly influences the rate of the matrimonial adjudication. Delay in re-location of a case increases the litigation cost in form of additional hearing costs, attorney fees, traveling and lost earnings. The family court studies of secondary research affirms that during extended periods of time, litigants tend to incur increasing transaction costs which comprise documentation, counsel fees and transport. According to the demographic trends, formal divorce prevalence has been low in India but the number of filings in the family court in the cities has increased sharply. Increasing filings in urban family courts in the metropolitan cities have been noted over the last decade, suggesting the expansion of the formalization of marital dissolution and the consequent legalization of marital breakdowns. Expansion in ADR processes demonstrates possible savings: research on court-based mediation indicates that in many cases, time and money saved by arbitration could be increased by a factor of six to twelve months when compared to litigated cases, which take three to seven years to settle. This paper examines direct costs (court fees, attorney costs, travel costs), indirect costs (lost income, opportunity costs, psychological stress), along with socio-economic implications on women and children more broadly, with the help of the government court dashboards, National Judicial Data Grid information, and published socio-

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legal research, and proposes policy responses, including increased Alternative Dispute Resolution (ADR), expanded legal aid, and better family court infrastructure.

**Keywords:** Marital Litigation; Socio-Economic Costs; Family Courts; Judicial Backlog; Gendered Impacts; Alternative Dispute Resolution.

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### Introduction

The marital conflict, including divorce, court separation, claims of maintenance, child custody and domestic violence cases, are not just legal occurrences and are highly disruptive socio-economic processes that have extensive effects. Family courts established in the Family Courts Act, 1984 in India are charged with deciding these cases, but there are structural limitations which have created substantial delays in the process. As of 2025, NJDG data show that some of the high-burden states report having thousands to tens of thousands of matrimonial matters in pendency as indicated by the National Judicial Data Grid (NJDG). In most cases, these delays increase litigation times to two to seven years, increasing cumulative litigant expenses. Litigation brings personal family disputes into lengthy civil processes with direct costs that can be measured (as court filing fees (ranging between 100 to 5000 depending on state and case type), legal counsel fees (Based on micro-studies and practitioner estimates), travel and accommodation costs due to repeated hearings, and the cost of documentation (expert report, certified records).

The indirect costs which cannot be monetized easily but have a significant socio-economic effect are also important. With numerous trips to the court, lost wages and opportunity costs are incurred, research has revealed that litigants, particularly women in informal labour markets, sacrifice five to fifteen days of employment annually at hearings and consultations, which destroys the stability of household income. Emotional distress, which is reported in the literature of family breaks, is correlated with levels of anxiety and depression among the divorced spouses and children (International studies report 30–50% higher distress rates among litigating spouses). There are the social stigma and the low status in the community, especially of women, which lead to economic insecurity and social exclusion in the long-run.

The institutional justice characteristics of India such as high case backlog (with more than 54 million pending cases spread-out over-all courts according to recent judicial statistics), lack of specialized family courts, and numerous procedural steps increase the cost of litigation. The participation of female labour-force is far less than that of male participation at an average of 25-30 percent in the recent surveys on labour-force participation and there is a lack of formal social protection which only increases the effect. Empirically, it is also found that women are overburdened with the costs of litigation related to lower income levels, caregiving problems, and lack of access to legal services, which causes them to be more susceptible to economic setbacks after dispute.

The paper explores the scope and avenues of socio-economic cost of marital litigation using the example of India. It is based on the government judicial statistics (NJDG and Ministry of Law and Justice reports), family courts case dashboards, nationwide survey data on divorce and labour market involvement, and the results of empirical research on the cost and results of litigation. Through a methodical record of both real financial costs, and the socio-economic cost more generally, this paper will help shed light on the distributional consequences of marital litigation, uncover the gendered differences, and recommend the evidence-based policy implications to decrease the socio-economic cost and increase access to justice in a timely and affordable manner.

### Literature Review

The general research into the cost of litigation categorically separates the costs of transaction (financial costs and time costs incurred to access a court) and more broadly socio-economic effects of household welfare, labour supply, and well-being. Individual level research in India has repeatedly reported the concrete costs that accrue to family court litigants because of the physical costs such as travel costs, court fees, advocate fees, and subsistence costs that accrue due to repeated hearings. As an illustration, the Family Court in District Bareilly researched and discovered that litigants regularly spend money on travelling, appearance fees, and even junior legal help in litigation spending, so the per-case outlays were large to the household of low income. Such expenses are added to by reappearing in court because of the pending of cases and delay in court proceedings, which are still rife in the Indian judiciary.

Other than direct outlays, litigation has huge indirect costs which are hard to quantify, but have a significant impact. The attendance of court usually leads to loss of income since it means one is absent at work and repeated adversarial processes are also correlated with high levels of psychological distress and social stigmatization, particularly when it comes to women and children trapped in long marital conflicts. These socio-emotional expenses may pull down the productivity, family support systems and lead to the long-term losses of welfare.

The issues of Alternative Dispute Resolution (ADR), mediation, conciliation, and Lok Adalat methods are comparatively analysed in literature and it is evident that these methods can significantly reduce financial and time spending. Indian mediation Court-annexed mediation programmes have resultant settlement rates of about 40-65 per cent in family contexts, and have significantly reduced settlement time-periods compared to the litigation that typifies traditional litigation (Mediation and Conciliation Project Committee (MCPC), Supreme Court of India). Similar and mediation ADR procedures are less formal, less expensive, and take months to finish in sharp contrast to the years-long period of operation in most family courts. As a result, the available evidence implies that ADR does not only lessen the economic load of litigants, but also contributes to better interpersonal relations, as it encourages cooperative resolution instead of hostile confrontation.

### Objective

To analyse the economic and social costs associated with matrimonial litigation in India and assess their impact on vulnerable households, particularly women and children.

### Methodology:

The method of analysis combines quantitative judicial variables (pendency of the cases, disposal rates, years to dispose, etc.) and demographic ones (prevalence of marital dissolution by age, gender, area, etc.) with the qualitative and micro-economic factors of empirical research to create a whole image of litigation costs. The per-case direct outlays (legal fees, court costs, travel, documentation) are estimated by triangulation of published micro-study results with country-specific trends and the indirect costs (lost income, opportunity costs, psychosocial impacts) are conceptualised using the existing socio-economic research paradigms.

The paper also analyses the effect of distribution, especially among the genders, income groups, and rural-urban lines via the combination of the distribution of judicial workload on top of the socio-demographic indicators of vulnerability. The comparison between the traditional litigation routes and the possible institution-based alternatives like mediation and conciliation, judicial case-management reforms, and specific interventions in the provision of legal aid yields policy implications.

It is a multi-layered technique that will make it easier to interpret effectively how litigation processes can be converted into assessable economic costs and broader socio-economic impacts, as well as point to some areas where policy changes should be implemented and further empirical research should be conducted.

### Sources of Data

- Government court case pendency and disposal data on family court (Department of Justice family court dashboard; National Judicial Data Grid). These are the most authoritative sources of portrait of caseloads and pendency across states.
- NFHS-5 national survey data and published demographic data on prevalence of divorce/separation and socio-demographic correlated data.
- Peer-reviewed and practical studies (local micro-research, articles on socio-economic status of divorced women and articles on cost of litigation transactions).

### The Institutional Environment: Family Courts and Pendency.

The Indian family courts came into existence in 1984 through the family courts act, 1984 that sought to offer fast, confidential and sensitive resolution of marital and family related disputes. Nevertheless, the distribution of judicial capacity and geography is still unequal, which causes massive delays and a rise in caseloads. The Department of Justice Family Court Dashboard (2025) reports that there are tens of thousands of family dispute cases pending in various states, with the highest volumes of case being made up of Kerala, Delhi, Karnataka, and Uttar Pradesh, in which the pendency figures are always above 5,000 to 15,000 cases per state. The average case age in Kerala (family courts) tends to be over 24 months but in Delhi (family courts) the backlog has led to an average of 15-20 hearings being conducted on a matrimonial case, which is used to explain the extent of procedural congestion.

The direct socio-economic effects of such pendency trends are high. Long-term pendency generates additional cumulative transaction costs because it would mean more court hearings by litigants. Any adjourned hearing becomes a recurring cost in terms of travel (especially to people living long distances away, at the district headquarters), counsel fees (which may increase with the case complexity and the length of its involvement), and subsistence costs of attending spouses and family members with the person. Regional family court evaluations show that litigants who make 10-20 appearances within the 18-36 months can incur direct costs that are equal to one significant portion of their annual home pay, particularly among workers in the low-income and informal sector.

Pendency not only increases indirect social economic costs but also costs. Wages, productivity, and in some instances job losses are a foregone conclusion as time and resources are spent on hearings especially among day-to-day workers and self-employed people who do not have formal job security guarantees. There is an added opportunity cost to women litigants who often combine childcare and household management with income-earning ventures, and have to skip out on childcare. The litigants in rural areas face even more complicated problems: the long route to the urban family courts requires them to spend the night in a city, which increases the transportation costs and the cost of taking care of the children when they are absent, which only increases the financial load.

Micro-level observations record how a single litigation process turns the one-time stage of legal involvement into months or even years of both financial and mental pressure. As an example, qualitative studies in district family courts reveal that litigants spend out of their pockets, pull children out of school, or place themselves into debt trying to maintain a litigation over long periods. These trends are supported using socio-legal surveys which reveal that long litigation is linked to lowered indicators of welfare in the household (quantity of consumption, accessibility to healthcare, and mental health).

Moreover, imbalance in distribution of family courts especially absence of specialized benches or skilled judges in the country areas supports inequality in access to justice. Place of low family court infrastructures show more adjournments and extended average case time than those with existing stronger judicial infrastructures, indicating that the institutional capacity has a direct relationship with the financial exposure of litigants. Combined, the facts highlight that pendency is not a mere procedural fact, but it is one of the primary causes of quantifiable monetary costs and other socio-economic damages, especially to the disadvantaged groups. These trends shed light on the need of specific judicial reforms including, but not limited to, the improvement of case-management procedures, expansion of the family court system, and incorporation of Alternative Dispute Resolution options to reduce the socio-economic cost surrounding the length of matrimonial litigation.

### **Direct Economic Costs**

The most direct and quantifiable burden of having marital litigation is its direct economic costs. These expenses include legal representation costs, court fees in statutes, travel and subsistence costs, and documentation and expert evidence costs. Although the amount depends on the area and complexity of the case, empirical evidence reveals that direct costs constitute a very large portion of the total litigation expenses, especially to low- and middle-income households.

#### **1. Legal Fees and Court Costs**

The greatest percentage of direct litigation costs represents legal representation. Empirical socio legal studies carried out at the district level and with the help of practitioners suggest that accumulated professional charges related to the litigated matrimonial cases can reach rather significant levels, especially in large-city jurisdiction. Combining per-hearing appearance expenses, drafting and consultation fee may create a large recurring expense in the case time.

Although the court filing costs are comparatively low in a marriage case (usually ranging between 1000 and 10000 dollars, depending on the type of petition and the state), they add up to cumulative spending in cases where an interim maintenance, custody application, or appeal is submitted. An empirical literature on micro-studies of district family courts (such as in Bareilly and similar jurisdictions) consistently finds legal representation as the largest cost type to litigants, and it takes up over half of overall case-related expenditure.

The costs are significantly increased by long pendency. A 24–36-month case with 15-20 hearings has the potential to significantly increase cumulative legal costs, especially when the case has to be adjourned multiple times, and preparation and appearance costs must be incurred. To economically vulnerable litigants who cannot afford legal representation, these expenses can force them to borrow money, sell savings or sell household assets.



## **2. Travel, Accommodation and Subsistence.**

Travel and subsistence expenses are a recurrent and often miscalculated element of matrimonial litigation expenses. Family Courts are usually located at the headquarters of the district or urban centres and thus, the litigants in the rural areas have to travel long distances to attend hearings. Available studies of the socio-legal situation at the district level suggest that some of the per-hearing travel and incidental costs, such as transportation, meals, photocopying, and documentation, can create a visible financial strain, especially in cases where hearings are commonplace and extended. Cumulative travel related spending can constitute a significant portion of the household income, among low-income families, in disputed issues that need repeated appearances. These expenses are exacerbated by loss of income experienced by the daily wage earners and informal workers because of absence at work on hearing dates. The financial implication is therefore not only the immediate transport cost, but the cost in terms of missed income.

The added pressure is sometimes more significant in the case of rural women who might need some form of accompaniment whether it be to ensure their safety or social acceptance and this adds more transportation and subsistence costs. Overnight accommodation expenses can also increase financial pressure in cases of inter-district disputes or an appellate proceeding. Consequently, what may seem as a small procedural cost on a case-by-case level is converted into a long-term life cycle economic liability due to the protracted litigation.

## **3. Expert report, Medical/Forensic Evidence, and Documentation.**

Marital cases often require ancillary evidentiary provisions particularly in cases touching on child custody, domestic violence or a case of cruelty claims. Litigants might have to obtain medical examinations, psychiatric examination, forensic examination, school records, income examination or expert witness. Although these are important documents that need to be used to substantiate claims, they are seldom subsidised. Medical tests, certified court documentations, notarised affidavits, and expert appraisals could cost a number of thousands of rupees each application. Psychological assessment or child welfare assessment may also add to the costs in custody disputes. In spite of the legal aid systems that are in place according to the Legal Services Authorities Act, access and awareness is not equalized and most litigants cover such evidentiary expenses themselves.

All these direct economic expenses add up to cumulative costs of low six figure amount in the life course of a disputed matrimonial case, especially in cases where a matrimonial law suit takes more than two years to adjudicate. To low-income households, these kinds of expenditures do not only represent transactional costs but could also be the source of debts, asset drainage, and stability of the long-term economy.

## **Indirect Economic Costs**

Although the direct litigation costs are easy to notice as well as to measure, the indirect economic cost of marital disputes may be more profound and lasting. The costs are reflected in loss of income, productivity, poor health and financial insecurity in the long-term. Indirect costs are incurred over time as opposed to court fees or payment of lawyers and since they are often incurred even when the case has been formally closed.

### **1. Lost Income and Opportunity Costs.**

Multiple appearances in court, consultations with lawyers, and mediation, as well as procedural adjournments, require litigants to take a leave of employment or livelihood. To the daily wage workers, informal workers, and the self-employed, every day a working day is lost is a direct loss to income.

Considering that a matrimonial case commonly observed in prolonged contested cases, there is a possibility of litigants losing a few weeks of useful work hours.

It is very acute in the labor market of India, in which a significant percentage of the jobs is informal. The Periodic Labour Force Survey (PLFS) has shown that over 80-85 percent of the Indian population is working in informal or unorganised jobs, in which income and paid leaves are minimal. Women are especially vulnerable: in recent survey estimates, labour-force participation by women is at about 25-30 percent and a large number of women work in casual, home-based or self-employed jobs where they are not under contractual agreements. Frequent absenteeism to attend court could lead to loss of business, termination of work or low output thus increasing the unstable state of income.

The opportunity costs are not limited to wages only. Litigation also consumes time which could otherwise be utilized in skills acquisition, career growth, or in venturing. To litigants who maintain small businesses, the repeated judgement may interrupt supply chains, customer relations, or seasonal revenues, especially in agriculture or small-scale retail trade.

### **2. Psychological and Health Costs.**

Long-term marital negligence cases are often linked to increased psychological pressure, anxiety, and depression. Empirical studies of family conflicts show that conflict situation-based courtroom disputes only escalate emotional tension, particularly when dealing with child custody or a claim of cruelty. Studies of mental health around the world note that those who experience a controversial divorce experience have much greater levels of psychological distress compared to the general population and the symptoms reported include sleeping disorder, persistent stress, and depressive mood.

Even though these effects cannot be easily estimated in monetary terms, they have economic effects that can be measured. Poor mental health is associated with reduced productivity at the workplace, poor absenteeism and increased use of health care. Litigants can spend money on counselling, psychiatric appointment, or prescription. In the case of children in a custody conflict, a long duration of experiencing parental conflict has been associated with educational disruption and behavioural difficulties, which indirectly influence long-term human capital formation.

Unmanaged psychological pressure can be converted into long-term financial insecurity in low-income families because productivity and coping capacity are reduced. Therefore, the psychological aspect of litigation is a social and an economic cost that goes outside the court.

### **3. Financial Depletion and Asset Dissipation.**

Prolonged court battles tend to oblige families to re-distribute their financial assets to lawful existence. The families will not use the savings, which they will use in education, housing or health spending, to pay lawyers and related expenses. In more extreme instances, litigants can sell productive assets, including livestock, farm inputs, jewellery, or inventory held by the small business, in order to maintain the protracted disputes.

Empirical research on domestic coping mechanisms to financial stressful events indicates that asset liquidation and informal borrowing are prevalent in response to the abrupt shock of expenses. Matrimonial litigation serves as a shock especially where a case can take several years. Adaptive behaviour to the increasing legal costs has been reported in some households by temporary withdrawing children in private schooling, healthcare treatment, or expenditures in consumption.

Prolonged conflicts can also lead to a debt build-up especially in cases where the maintenance payments are not timely or there are disagreements. Women who are waiting until the court orders maintenance can be interim financially unstable, and thus resort to high-informal borrowing. Such financial stresses

may have long term welfare effects, such as decreased savings, asset base, and economic burden between generations.

In general, the indirect economic costs only increase the load of marital litigation by compromising income stability, exhausting assets, and decreasing long-term household sustainability. Indirect costs unlike direct expenditures that are terminated when a case is disposed of, usually continue, with impacts on labour participation, health outcomes, and socio-economic mobility long after a dispute has been legally settled.

### Indirect Economic Impacts of Litigation



### Social Costs and Distributional Effects.

In addition to quantifiable economic damages, marital litigation also produces severe social expenses that are disproportionately spread on gender, age, and socio-economic lines. These distributional impacts indicate that the cost of litigation is not neutral; instead, it combines with already existing inequalities in income, employment and social norms exacerbating the position of some groups to vulnerability.

#### 1. Gendered Impacts

Structural inequalities in the labour market, caring roles and social standards of a patriarchal nature put women in a disadvantaged socio-economic position that makes them bear the socio-economic costs of marital litigation disproportionately. In India, the participation of women in the labour force is still far behind that of men, and according to recent labour force surveys, this is only about 25-30 percent and a large proportion of working women do the informal or unpaid family labour. As a result, women are under increased financial insecurity when the income streams are interrupted or maintenance payments are slowed down due to litigation.

The empirical research on divorced and separated women in India shows that access to stable jobs, low household consumption levels and susceptibility to poverty are always high. Women who are waiting to receive maintenance as ordered by the court frequently face delays in receiving the maintenance, they are left to depend on natal families or informalized credit networks. In rural settings, divorce or separation may also cause social stigma, which limits personal mobility and access to jobs, especially when the community does not support women to work on their own.

Further, litigation procedures are of themselves daunting and expensive, some women resort to making undesirable settlements to evade lengthy wrangles. Attack on reputation, community criticism or even social isolation may scare women into seeking court redress like maintenance or domestic violence protection. Therefore, legal expenses meet gender norms to create disproportionate socio-economic results.

## **2. Effects on Children**

The stakeholders who have a profound effect in the marital litigation indirectly are children. Divorce cases and extended maintenance cases provide ambiguity in regards to co-residency, continuity of education and financial sustenance. Studies of family conflict show that children living in high conflict separation tend to develop emotional distress and anxiety and develop more behavioural difficulties. Litigation can cause economic stress that will lower the amount of money used within a household to support education, nutrition, and medical care. Financial diversion due to litigation in the low-income families can lead to failure to pay the fees on time, school transfer or even temporary disenrollment in the private schools. The instability may also be worsened by maintenance delays especially when the single parent family is relying on a regular financial aid.

The effects of this type of disruption on generations are enormous. Reduced educational attainment and psychosocial stress in the developmental years may lead to a toxic effect on the development of human capital and future earnings. Thus, the socio-economic cost of marital litigation is not only limited to the fighting couples, but it can affect the life paths of children.

## **3. Community prestige and Social Stigma.**

Marriage disintegration is still a socially stigmatized issue in most Indian society. People, especially women, who take legal action or engage in lawsuits risk a damaged reputation, reduced marriage opportunities, and disconnection with the community circles. This social stigma is not a monetary cost but an economically relevant cost.

Decreased social capital may restrict access to informal credit, employment contacts and cooperative economic relations. Social exclusion can inhibit engagement with local associations, self-help groups, or local decision-making organs in closely knit rural or semi-urban environments, which weakens economic resiliency. Moreover, the long-range litigation process by the people turns the personal conflicts into a body of knowledge within the community, enhancing their questioning and occasionally resulting in the polarization of the society. Distrust and loss of community reputation could also have a lasting impact on socio-economic mobility in the long run even with legal resolve.

All these social and distributional effects indicate that marital litigation is not simply a legal process, but an action that is acting upon structural inequalities pre-existing. The exposure and outcome to litigation costs is influenced by gender, age, class, and community norms. The only way to resolve these inequalities is through institutional changes that will unite judicial effectiveness with specific socio-economic support systems of vulnerable populations.

## **Quantifying the Burden: Evidence and Estimates.**

The limitation of quantitative estimation is due to a lack of nationally representative microdata on per-case spending on family litigation. However, the combination of the government caseload data with micro-study averages generates indicative magnitudes: Government dash boards report that there are hundreds of thousands of family and matrimonial cases that have not been settled in terms of their existence across the states, which means that there is a large population that is subject to repeated hearings and associated expenses. Even small average cumulative outlays of a case, like the amount of a few weeks' wages, convert into a significant economic burden. Micro-studies undertaken within district family courts indicate that litigants often devote funds to traveling, legal fees, and incidentals, which would be a significant percentage of monthly household income to households on low-income levels. The same studies also note that economic instability of women after litigation increases the risk of poverty in relation. However, there are significant caveats to the above figures: they are blended

estimates of local research and administrative caseloads; a nationally representative household survey specifically on litigation expenditures would be more accurate.

### Policy Responses and Institutional Responses.

#### 1. Empowering Family Courts and Case Management.

Cumulative costs can be reduced by reducing pendency via creation of more family courts, hiring of specialized judges as well as instituting of strict case-management measures (e.g. strict hearing schedules, pre-trial conferences) to reduce the length of disputes. Government dashboards show that there are high concentrations of caseloads that can be addressed through specific capacity-building efforts.

#### 2. Expand and Institutionalize ADR (Mediation, Conciliation).

Empirical research has revealed that alternative Dispute Resolution processes save time and money of any family disputes and also maintain human relations and accommodate customized resolutions. Mediating using trained counsellors and adopting it as a part of family court proceedings can reduce the level and duration of litigation.

#### 3. Most vulnerable litigants should receive legal assistance at no or reduced costs as detailed further below.

Direct financial barriers can be eased by expanding the legal aid services and offering low-income and female litigants with fee waivers. The proactive outreach programmes and legal-literacy initiatives help the vulnerable parties to obtain their entitlements and to understand other options of mediation and maintenance-enforcement mechanisms.

#### 4. Support Services Counselling, Child Support Mechanisms, and Employment Assistance.

The more socio-economic harms caused by litigation (especially to women and children), can be mitigated by the provision of counselling, economic rehabilitation programmes (such as skills training), and effective support of child-support.

### Synthesis of Micro-Evidence Case Study illustration.

Micro-level data on district family courts shows how it is lived in practice: a disputed divorce process can require six to twelve hearings over a period of twelve to thirty-six months, with the costs to the litigant borne in terms of travel (500 to 2000 depending on the distance), legal appearance costs which can vary and cost less or more on average, and lost earnings. In aggregate form, across an accumulative number of hearings, the cumulative cost of the household may go beyond the monthly consumption budget of low-income families, pushing some down below poverty lines or forcing them to sell assets. These trends are consistent with national administration indicators that high pendency is associated with high per-case transaction costs.

### Limitations

The research will be based on secondary data and micro-researches; there are no nationally representative household expenditure surveys that specifically capture litigation-related expenditures. Therefore, not all quantitative propositions are definitive. Improved data gathering, including the

incorporation of legal expenditure modules into household surveys would allow much more exact estimation as well as more policy focusing.

### Conclusions

Marital litigation produces complex socio-economic expenses that go way beyond the direct dealings at the court. Such expenses include both direct monetary expenses such as legal fees, travel and documentation, and indirect losses like lost earnings, low productivity, mental burnout, and depreciation of assets. The weight is not shared equally and women, children and households that are weaker economically bear disproportionate because of the structural labour-market inequalities, caring roles and because of social stigmatisation. Improvement of judicial congestion (high pendency rates and lengthy duration of its corrective proceedings) would significantly increase cumulative transaction costs and increase economic vulnerability. Poor institutionalization of the Alternative Dispute Resolution (ADR) systems also limits early and affordable settlements especially in disputed marriage processes. The problems of lack of systematic countrywide statistics on per-case litigation spending also hide the full economic scale of marital conflicts.

The policy responses should hence be multi-pronged; strengthening infrastructure and case-management systems of family courts in order to reduce delays; increasing mediation and conciliation within the statutory ADR models; enhancing access to legal aid and enforcement of maintenance orders; and incorporating psychosocial and economical services to vulnerable litigants, especially women and children. Evidence-based policymaking and impact measurement would be possible through the inclusion of litigation-related expenditure modules in the household surveys conducted by countries. It is not just a question of judicial reform but of wider social policy why the socio-economic costs of marital litigation should be addressed. The state can ease the economic burden, protect vulnerable groups, and make the family law systems more equitable and fairer by enhancing institutional efficiency and strengthening protective support structures.

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