

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR No. 1757 of 2010 (O&M)
Date of decision: 19.11.2015**

Priya Jain and another	versus	... Petitioner
Pankaj Jain and others		 Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sachin Mittal, Advocate for the petitioners.
Mr. Pranav Kumar Jha, Advocate for respondent No.1.

K.Kannan, J.

The revision is against the order of maintenance determining the amount of Rs. 2,000/- to be paid by the husband to the wife. Independently of this revision filed in the year 2010, it appears that the wife filed an application for modification seeking for enhancement before the trial Court itself. The Court dismissed the application on 07.03.2013. The said order was subject of challenge by the wife in Civil Revision No. 2724 of 2013. This Court has allowed the revision and modified the maintenance at Rs. 4,000/- by order dated 26.08.2013. At the time when the High Court was disposing of the case, the High Court, for whatever reasons had not taken note of the pendency of the instant revision petition. The husband himself appears to have been served notice in this revision only in the year 2014. The learned counsel for the respondents would, therefore, contend that the instant revision petition would required to be disposed of as having become infructuous having regard to the order of the High Court passed modifying the maintenance order already passed.

The counsel appearing on behalf of the petitioners states that notwithstanding the modification made by this Court in Civil Revision No. 2724 of 2013, the Court shall still allow for the modified

amount to be worked out from the date of the original order

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determining the maintenance. I decline this plea for the only reason that the civil revision has itself become infructuous and ought to be disposed of as such without requiring any adjudication on merits, particularly in view of the fact that this Court was making an enhancement of claim for maintenance in modification of the earlier order already passed and any modification to take effect from the date of the original order must have been made in CR NO. 2724 of 2012 itself. The present revision cannot reopen any determination of what was already made by this Court either as regards the quantum or from the date from when it can take the effect.

The revision petition is dismissed .

(K.KANNAN)
JUDGE

19.11.2015

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