

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

**RA-CR No.56-CII of 2018 (O&M) in
CR No.2211 of 2017 (O&M)
Date of decision : March 19, 2018**

Amanpreet Kaur

..... Petitioner

Versus

Kanwalvir Singh Kang and another Respondent No.1/applicant

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Applicant-respondent No.1 in person along with
Mr. Gaurav Chopra, Advocate.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Heard.

Applicant-respondent No.1 is seeking review of the order dated 17.02.2018 passed by this Court in CR No.2211 of 2017, vide which the applicant was ordered to pay ₹25,000/- per month as maintenance pendente lite to the wife-petitioner from the date of filing of the application.

Learned counsel for the applicant-respondent No.1 contends that in this case the conduct of the wife-petitioner was not considered as coming out from the record. Further, the rental income generated from the property was not considered.

A perusal of the order dated 17.02.2018 shows that the reference was made to some income being generated by the wife-petitioner. So far as the conduct of the wife-petitioner is concerned, same cannot be commented upon, while disposing of the maintenance pendente lite.

Learned counsel for the applicant-respondent No.1 contends that on account of the conduct of the wife-petitioner, the maintenance should have been allowed from the date of the passing of the order and not from the date of filing of the application.

I am of the view that the normal rule is that the maintenance is allowed from the date of filing of the application. It is only for the special reasons, it is allowed from the date of the passing of the order.

Learned counsel for the applicant-respondent No.1 has referred to the authority of the Apex Court delivered in case of “***Smt. Jasbir Kaur Sehgal vs The District Judge, Dehradun***”, 1997(4) R.C.R. (Civil) 65, wherein certain parameters have been mentioned, wherein the maintenance can be allowed from the date of filing of the application.

I am of the view that all the documents available on record were considered. In the present review application, the matter cannot be considered as an appeal to assess the documents on file to pass a different order. There is no error apparent on the record. If the applicant-respondent No.1 is not satisfied with the order, he can always move to the superior court for setting aside/modification of the same.

However, while exercising the powers to review the order, no modification in the order is called for.

Faced with this situation, learned counsel for the applicant-respondent No.1 has contended that before the trial Court the wife-petitioner is unduly delaying the proceedings by conducting the cross-examination, running in 400 pages with the result that the husband-

applicant/respondent No.1 has to pay the maintenance for the extended period of disposal has been made date bound.

I am of the view that it is always open to the applicant-respondent No.1 to seek modification of the order of maintenance pendent lite, if according to him the wife-petitioner is unduly delaying the proceedings to get undue benefits of interim maintenance awarded to her.

With the abovenoted observations, the present review application is dismissed. Since, the main review application has been dismissed, therefore, the pending application, if any, also stands disposed of.

**(KULDIP SINGH)
JUDGE**

March 19, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No