

(240) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.7557 of 2018
Date of decision : 16.07.2019

Priya Petitioner
Versus

Kapil Dev Respondent

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Anmol Verma, Advocate for the petitioner.
Mr. Kr. Prashant Singh Chauhan, Advocate for respondent.

B.S. WALIA, J. (ORAL)

[1] Learned counsel appearing for respondent has filed Vakalatnama in Court today. The same is taken on record.

[2] Short prayer in the revision petition is for modification of the impugned order, Annexure P-1 dated 23.10.2018 passed by the learned ASJ, Charkhi Dadri and for allowing interim maintenance from the date of application under Section 24 of the Hindu Marriage Act, 1955 dated 12.05.2017 in case No. DMC-363-2016 titled as Kapil Dev v. Priya.

[3] Learned counsel for the respondent does not oppose the limited prayer of the petitioner.

[4] Brief facts of the case leading to the filing of the present revision petition are that vide order dated 04.09.2018 (Annexure P-3), the application filed by the petitioner-wife under Section 24 of the Hindu Marriage Act, 1955 was allowed and respondent-husband was held liable to pay ₹ 15,000/- per month to the petitioner-wife.

[5] Grievance of the petitioner-wife is that the impugned order does not specify the date with effect from which the maintenance is payable

whereas as per well-settled law, the petitioner-wife is entitled to maintenance with effect from date of filing of the application.

[6] The petitioner filed an application for clarification of order dated 04.09.2018 (Annexure P-3) before the learned trial Court but the same was dismissed vide order, Annexure P-1 dated 23.10.2018 by holding that the same amounted to seeking review of the order which was not maintainable in the facts and circumstances of the case.

[7] In view of the limited prayer of learned counsel for the petitioner with no objection to the same by learned counsel for the respondent, order dated 04.09.2018 (Annexure P-3) is modified and the petitioner is held entitled to maintenance with effect from the date of filing of the application under Section 24 of the Hindu Marriage Act, 1955.

[8] Revision petition disposed of in the aforementioned terms.

16.07.2019
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(B.S. Walia)
Judge

1. Whether speaking/reasoned: Yes/No.
2. Whether reportable : Yes/No.