

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION (STAMP) NO. 6280 OF 2016
IN
WRIT PETITION NO. 11585 OF 2015

Mr. Prasad Acharya .. Petitioner
VS.
Mrs. Rachana P. Acharya & Anr. .. Respondents

Mr. Bharat H. Mehta for Petitioner.

CORAM : M. S. SONAK, J.
DATE : 03 MARCH 2016

P.C :

1] **Not on board. Upon production, taken on board**

2] The learned counsel for the review petitioner submits that in case stay is granted on the direction for payment as ordered by the Family Court in its order dated 28 September 2015, the petitioner will have no objection if the proceedings proceed. Further, the learned counsel has submitted that even though, the issue of maintainability was kept open, no specific issue in this regard has been framed. Finally, the learned counsel for the review petitioner submitted that there is some factual error in the matter of direction with regard to payments of EMI.

3] All the aforesaid, are not grounds for exercise of review jurisdiction. The aforesaid grounds, can hardly be styled as any errors apparent on face of record for exercise of review jurisdiction. Accordingly, this review petition is dismissed.

4] However, it is once again clarified that since the issue of applicability of the provisions of the Domestic Violence Act, 2005, has been specifically kept open, the necessary issue in that regard may be framed and decided at the stage of final disposal. There is no question of treating this issue as a preliminary issue. This has already been clarified in the order dated 15 January 2016.

5] For the aforesaid reasons, this review petition is dismissed.

(M. S. SONAK, J.)