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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4599 OF 2015

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Prakash Dhopatkar i/b Mr.Santosh Sambhaji Vhatkar
for the Petitioner

Mr.V.P.Malvankar, AGP `A' Panel for the Respondent
No.1

Mr.M.P.Panchakshari for respondent No.2

CORAM :A.S.OKA AND
R.D.DHANUKA,JJ.

DATE : SEPTEMBER 8, 2016

P.C.

1 Heard the learned counsel for the petitioner. This petition under Article 226 of the Constitution of India is misconceived. The present petitioner who is the husband of the second respondent is a party respondent to Hindu Marriage Petition filed by the second respondent for seeking a decree of divorce under the Hindu Marriage Act which is pending before the Court of Civil Judge (S.D.), Kalyan.

2 The contention raised in this petition is that the petitioner is

employed in Dubai and he is not in a position to regularly attend the proceedings of the said petition filed by the second respondent. The first substantive prayer is for stay to the proceedings of the Marriage Petition. The second prayer is for issuing a writ of prohibition directing the respondents not to conduct the trial in absence of the petitioner.

3 Both the prayers are misconceived. No such writ can be issued under Article 226 of the Constitution of India. A petition of the year 2015 filed under the Hindu Marriage Act, 1955 cannot be allowed to be delayed in such a fashion. The writ petition is misconceived and the same is rejected.

(R.D.DHANUKA,J)

(A.S.OKA,J.)