

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12181 OF 2015

Randell Savio Vaz Nee Rahil Hassan	
through Constituted Attorney Mr.Daryl DSO	Petitioner
versus	
Mrs.Sameera Kamaal	Respondent

Mr.Pradip Chavan for Petitioner.

CORAM : M.S.SONAK, J.

DATE : 14 January 2016

PC :

1. The challenge in this petition is to the order dated 12 August 2015 by which the Family Court has framed an issue as proposed by the Petitioner, but declined to treat the same as a preliminary issue.

2. In the facts and circumstances of the present case, the approach of the Family Court is quite correct. In proceedings before the Family Court, it is not always essential to first frame a preliminary issue, decide the same after considering the evidence and only thereafter take up the remaining issues. Rather, considering the facts and circumstances of the present case, it will be appropriate if all the issues are taken up together, so that, there is no necessity to

lead separate evidence at two stages, should it be ultimately found that there is no merit in the objection as to maintainability raised by the Petitioner. In any case, there is no jurisdictional error in making the impugned order.

3. For the aforesaid reasons, this petition is dismissed. There shall be, however, no order as to costs.

(M.S.SONAK, J.)

MST