

WRIT PETITION NO. 11280 OF 2017

V/s.

Gail Christine Vas & Anr. ... Respondents.

- Ms.Sneha Singh, Advocate for the Petitioner.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATED : 9th OCTOBER, 2017.

JUDGMENT :-

1] Rule. Rule made returnable forthwith.

2] Heard learned counsel for the Petitioner at the stage of admission itself.

3] This Writ Petition is directed against the order dated 10th August, 2017 passed by the Family Court at Bandra in Marriage Petition No.2535 of 2016. By the impugned order, the trial Court has passed the order of “No W.S.” against the Petitioner. The reason given is that he was trying to delay the proceeding. Though, the Petitioner stated that he was under assumption that the matter is for

counseling, the trial Court did not accept the same and rejected his prayer and passed the order of “No W.S.”. The Petitioner has then applied to set-aside the said order on the same day but the trial Court has rejected the same.

4] In this petition, learned counsel for the Petitioner submits that the Petitioner has no intention at all to delay the matter and he will be filing his written statement within a week.

5] In considered opinion of this Court, the matrimonial proceedings should always be decided on merits, after hearing both the parties and as far as possible not ex-parte or without W.S., so as to avoid further complications and multiplicity of proceedings.

6] Writ Petition is, therefore, allowed. The order of No W.S. is set-aside and the Petitioner is permitted to file the written statement on or before 30th October, 2017.

7] Rule made absolute in above terms.

(DR. SHALINI PHANSALKAR-JOSHI, J.)