

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (227) No. 938 of 2018**

Sanjay Dubey S/o Shri Murlidhar Dubey Aged About 29 Years R/o C/21 New Maruti Dham, C.H.S. Limited, Anand Nagar, Near To K.T. Vision Cinema, Wasai Road (W), Palghar, Thane Maharashtra – 401202.

---- **Petitioner**

Versus

Divya Dubey W/o Mr. Sanjay Dubey Aged About 25 Years R/o Quarter No. 10/b, Street No. 08. Sector 05, Bhilai Nagar, Tahsil Durg, District - Durg, Chhattisgarh. 490006.

---- **Respondents**

For Petitioner	:	Shri Shrijan Shukla, Advocate.
For Respondent	:	Shri Adhiraj Surana, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

15/11/2018

1. This writ petition is preferred and directed against the impugned order by which the petitioner's preliminary objection has been rejected by the learned Family Court.
2. Learned counsel appearing for the petitioner submits that the Family Court was absolutely unjustified in rejecting the preliminary objection filed by the petitioner/defendant.
3. I have heard learned counsel for the petitioner and perused the impugned order.
4. Respondent/plaintiff has filed an application under Section 11 read with Section 5 of the Hindu Marriage Act for declaring her marriage with the present petitioner as null and void in which the petitioner/defendant filed an application for rejecting the main application which has been rejected by the impugned order. The objection raised by the petitioner/defendant can be raised in the written statement, which is to be ultimately filed by the petitioner and after recording of the evidence, such objection can be considered by the trial Court. Therefore, the trial Court was absolutely justified in rejecting the objection raised by the petitioner of the preliminary stage.
5. Accordingly, the writ petition is liable to be and is dismissed. However, the petitioner is at liberty to raise the objections in the written statement in accordance with law.
6. A certified copy of this order be sent to the concerned trial Court.

Sd /-

(Sanjay K. Agrawal)
Judge