

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9072 OF 2018
(Mahadev Govind Gunjal Vs. Kamalbai Mahadev Gunjal)

Mr.V.S.Undre, Advocate for the petitioner.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 09/10/2018

PER COURT :

1. The petitioner/original defendant in RCS No.265/2013 is aggrieved by the order dated 05/04/2018 by which his application Exh.26 seeking framing of a preliminary issue, "*Whether the plaintiff is the legally wedded wife of the defendant ?*" has been rejected.

2. Learned Advocate for the petitioner has strenuously criticized the impugned order and has vehemently canvassed the 8 grounds formulated in the memo of the petition.

3. I find that the suit preferred by the plaintiff is not for seeking declaration of a valid marriage, but for seeking maintenance. She has contended that this petitioner was in relationship with her for about 5 years. A girl child namely Shivkanya was born and thereafter the petitioner started ill treating her and drove her out.

4. Considering the above, I do not find that the Trial Court has committed any error in passing the impugned order. He has rightly come to the conclusion that the preliminary issue of the nature as is proposed by the defendant cannot be considered as a preliminary issue.

5. In view of the above, this petition, being devoid of merit, is dismissed.

(Ravindra V.Ghuge, J.)

Kranti
Hansraj
Shekatkar

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