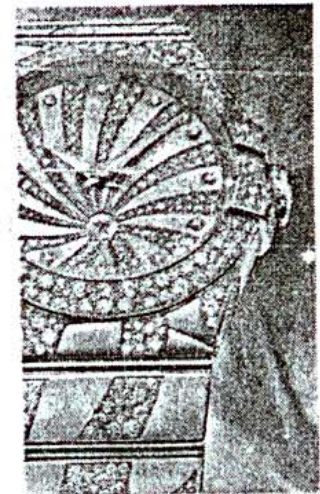




# THE TIMES OF INDIA

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## Frivolous pleas court trouble

Hetal Vyas | TNN

**Mumbai:** The Bombay high court has frowned on the practice of filing needless applications and seeking adjournments on frivolous grounds in family court cases. "Such practice needs to be stopped," observed Justice Roshan Dalvi in a recent judgment.

Dismissing an appeal filed by a man against a family court order that granted interim maintenance to his wife, the judge said: "The (family) court is required to act in family matters for bringing to an end the dispute between the parties without recourse to tardy procedures. Consequently, the main petition has to be addressed first." Only issues like maintenance and access to child can be decided at such times, the judge added.

According to the 11-page judgment, the wife had, in February 2009, filed a di-



It is high time that the inappropriate practice of sabotaging the entire spirit of the Family

Court's Act by parties and/or advocates who make needless applications is stopped

Justice Roshan Dalvi | HC JUDGE

voiced petition and sought maintenance. She was granted the custody of their minor child pending hearing of the case.

The husband, however, failed to attend court or file his written reply in spite of being sent several notices. Also, his advocate remained absent on several occasions. On January 5, 2010, his advocate's clerk made an application before the family court seeking an adjournment, which was rejected. The husband then filed an application seeking permission to file a written statement when the family court was to pass the order.

Finally, in April this year, the family court allowed the wife's application and granted her interim maintenance. The husband later challenged the order in the HC and on October 20, Justice Dalvi dismissed the appeal.

"This judgment sets a benchmark on how the procedure ought to be followed by the family court, especially in view of the law laid down in the civil procedure code," said Vivek Kantawala, the wife's advocate.