

HON'BLE SRI JUSTICE G. CHANDRAIAH

C.R.P. No. 4089 of 2015

DATE: 14.10.2015

Between:

N. Padmavathi

.. Petitioner

And

N. Bhakta Pothana Rao
Respondent

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ORDER :-

This Civil Revision Petition is directed against the order dated 21.08.2015 made in I.A.No. 651 of 2015 in H.M.O.P.No. 38 of 2008 by the Family Court-cum-Additional District & Sessions Judge, Vijayawada, Krishna District whereby the petition filed by the petitioner under Order XI Rule 14 CPC seeking to order production of bank passbook of Nukala Rama Rao (PW2) or in the alternative to furnish particulars of his bank account, is dismissed.

The petitioner claims to be the wife of the respondent-husband, who filed O.P.No. 38 of 2008 seeking dissolution of marriage with the petitioner – wife on the ground of cruelty and desertion. During the course of trial, the petitioner filed I.A.No. 359 of 2013 under Section 45 of the Indian Evidence Act seeking to send Ex.B1 – understanding letter alleged to have been executed by her husband, for expert's opinion and the same was dismissed on 24.07.2013. Being aggrieved by the order of dismissal, the petitioner filed C.R.P.No. 3900 of 2013, and this Court, by order dated 07.02.2014, allowed the revision petition. Based on the directions

given by this Court, the trial Court obtained signatures of PW2, who is the father of the respondent, and sent them for comparison to the hand-writing expert along with Ex.B3 and admitted signatures. However, upon the request made by the hand-writing expert for sending extensive admitted signatures of PW2 such as cheques, bank account opening forms, bank loan applications, withdrawal forms, ration cards, Will, deeds, pattadar passbooks for contemporary period of disputed documents, the petitioner filed I.A.No. 944 of 2014 seeking a direction to the authorities of South Central Railway to send the record containing signatures of PW2, who is not a party to the petition, and the same was allowed by the trial Court. On perusal of those documents, the hand-writing expert felt that they are not genuine documents as they are not pertaining to relevant period and are concocted ones. Therefore, the petitioner filed I.A.No. 547 of 2015 seeking to call for Memo of Appearance alleged to have been signed by PW2 in C.C.No. 1000 of 2003 on 07.02.2005 and his signatures made at the time of examination under Section 239 Cr.P.C. on 05.08.2006 in the Court of II Additional Chief Metropolitan Magistrate, Vijayawada for comparison of the disputed signatures under Ex.B1. Inasmuch as those documents which are required by the hand-writing expert for comparison are not of contemporary period, the trial Court dismissed the petition. Again, the petitioner has

filed I.A.No. 651 of 2015 praying to order production of bank passbook of Nukala Rama Rao – PW2 or to furnish particulars of his bank account, and the trial Court, vide impugned order dated 21.08.2015, has dismissed the petition.

Heard the learned counsel for both the parties and perused the material placed on record.

A perusal of the impugned order shows that PW2 who is the father of the respondent, is not a party to any of the proceedings before the trial Court and he retired from service in 2006, and according to the respondent, his father does not have any bank account which was opened prior to the year 2000. The respondent claims that even though PW2 is his father, he has no right to produce his father's bank account as it does not belong to him, as such, the respondent is not in a position to produce particulars of his father's bank account. Further, the documents belonging to PW2 as sought by the petitioner and sent to the hand-writing expert for comparison are not of contemporary period. It is also evident that the petitioner has failed to establish whether PW2 was having bank account and she could not furnish at least the name of the bank at the relevant period, on the other hand, she seeks a direction to the respondent to furnish information pertaining to bank account of PW2 prior to the year 2000.

Hence, the trial Court, after careful analysis of the

events, is perfectly justified in dismissing the I.A.No. 651 of 2015 in O.P.No. 38 of 2008, and this Court does not see any reason to interfere with the order under challenge.

Hence, the Civil Revision Petition is devoid of merits and dismissed. No order as to costs.

As a sequel to the dismissal of this Civil Revision Petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

G. CHANDRAIAH, J

14.10.2015

bcj