

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM:

THE HON 'BLE MR. **JUSTICE K.K.SASIDHARAN**

Civil Revision Petition (PD) No.2943 of 2016
and C.M.P.No.14941 of 2016

Mrs. K.Sunita

... Petitioner

Versus

T.Murlidharan

... Respondent

Prayer:- Petition filed under Article 227 of the Constitution of India, to set-aside the fair and decreetal order, dated 20.04.2016, in I.A.No.955 of 2016 in O.P.No.1409 of 2010 on the file of the Principal Family Court, Chennai, by allowing the Civil Revision Petition with costs.

For Petitioner : Mr. M.Babu Muthu Meeran
For Respondent : Ms. Lita Srinivasan

ORDER

The petitioner filed an application before the trial court in I.A.No.955 of 2016 to receive the documents. The Application was dismissed by the trial court on the ground that the Original Petition is pending from the year 2010 onwards. The said order is under challenge in this Civil Revision Petition.

2. The learned counsel for the respondent fairly submitted that the respondent has no objection in permitting the petitioner to produce the documents.

K.K.SASIDHARAN, J.,

srk

3. The learned Trial Judge dismissed the application in I.A.No.955 of 2016 on the ground that the matter is long pending and hence there is no question of producing the documents. I am not in agreement with the reasons stated by the learned Trial Judge. The Court is expected to consider as to whether the petitioner has made out a case on merits for receiving documents. No such exercise was carried out by the learned trial Judge. I am therefore of the view that the order passed by the learned Trial Judge is liable to be set-aside.

4. In the result, the order, dated 20.04.2016 is set-aside. The Application in I.A.No.955 of 2016 is allowed as prayed for.

5. This Civil Revision Petition is allowed. No costs. Consequently, the connected CMP is closed.

16.11.2016

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To

1. Principal Family Court, Chennai

C.R.P.(PD) No.2943 of 2016
& C.M.P.No.14941 of 2016

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