

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.4142 of 2016

ORDER :

Heard the counsel for petitioner, and Sri G. Ronald Raju, counsel for respondent.

2. This Revision is filed challenging the order dt.06.06.2016 in I.A.No.1524 of 2015 in D.O.P.No.258 of 2014 on the file of Principal District Judge, W.G., at Eluru.

3. The petitioner is respondent in the above O.P. The respondent herein filed the O.P. seeking declaration that her marriage with petitioner is void on the ground of fraud, threat and coercion, by invoking Section 18 of the Indian Divorce Act, 1869.

4. In the cross-examination, the respondent admitted that the marriage did take place, though she disputed her signature on Ex.A.1 – Marriage Certificate.

5. The petitioner therefore wanted to send Ex.A.1-Marriage Certificate to an expert along with twelve letters marked as Ex.B.4 on his behalf to show that the respondent had written some love letters to him before marriage, and therefore, she cannot raise the plea that marriage took place under threat and coercion.

6. The Court below dismissed the said application on the ground that both parties had admitted that they had a love affair, and once the marriage is admitted, Ex.A.1-Marriage Certificate becomes irrelevant; and the letters sought to be sent to the expert by petitioner will explain the love affair between the parties, but will not answer the main contention of respondent whether her consent to the marriage was obtained by threat or coercion. It held that even if the documents are referred to an handwriting expert no useful purpose would be served in determining the main issue in the O.P.

7. Challenging the same, the present Civil Revision Petition is filed.

8. Though the counsel for petitioner sought to contend that the Court below ought to have sent the documents in question to an expert for his opinion, the counsel could not state how any expert opinion on the signature on the documents sought to be sent to the expert would help in adjudicating the issue whether there was threat, coercion or fraud for the marriage which admittedly took place between the parties.

9. Therefore, I am of the opinion that the Court below was correct in refusing the said documents to be sent to an expert, and had not committed any error of jurisdiction warranting interference by this Court under Article 226 of the Constitution of India.

10. Accordingly, the Civil Revision Petition is dismissed. No order as to costs.

11. As a sequel, miscellaneous petitions pending if any in this Civil Revision Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 18-11-2016

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