HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

C.R.P.No.4809 of 2016

Date:14.10.2016

Between:

Y.Srinivas,

S/o Y.Kasi Naidu

..... **Petitioner**

And:

Battula Roja Ramani,

W/o Y.Srinivasa Rao and another.

....**Respondents**

Counsel for the petitioner: Mr. Subba Reddy

Counsel for the respondents: None appeared

The Court made the following:

ORDER:

This Civil Revision Petition arises out of order, dated 09.5.2016, in I.A.No.305 of 2016 in FCOP.No.817 of 2012 on the file of the learned Judge, Additional Family Court, Visakhapatnam.

Respondent No.1 is the wife and respondent No.2 is the minor son of the petitioner. The matrimonial relations between the petitioner and respondent No.1 ran into rough weather. The petition filed by the petitioner for dissolution of marriage having been dismissed, the appeal filed by him is stated to be pending. Be that as it may, the present proceedings arise out of F.C.O.P.No.817 of 2012 filed by respondent Nos.1 and 2 seeking maintenance from the petitioner. After the evidence was closed and the matter was coming up for arguments, the petitioner has filed I.A.No.305 of 2016 under Order-XVI Rules-2 and 6 of the Code of Civil Procedure for summoning the Income Tax Returns stated to have been filed by respondent No.1 from ITO, Ward No.3(1), Visakhapatnam, for the assessment years 2006-07, 2007-08, 2008-09 and 2009-10 and for giving evidence on those Returns. This application is dismissed by the lower Court mainly on the ground that the same is belated.

Mr. S.Subba Reddy, learned counsel for the petitioner, has made a strong endeavour to convince the Court to interfere with the order of the lower Court.

On going through the record, I am convinced with the futility of the petition filed by the petitioner for, respondent No.1 in her cross-examination has clearly admitted that she holds PAN number and that, she has denied the suggestion that she has filed Income Tax Returns during the last ten years.

In my opinion, once respondent No.1 has admitted that she is having PAN number, the burden lies on her to show that she has not filed Income Tax Returns. If respondent No.1 fails to discharge this burden, the petitioner can always request the Court to draw an adverse inference that respondent No.1 is not placing the relevant material before the Court regarding her income.

Subject to the above observations, the Civil Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.6262 of 2016 filed by the petitioner for interim relief is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

14th October 2016
DR