

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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**CIVIL REVISION PETITION No.4770 of 2015**

Between:

Mr.M.V.Phani Krishna

....Petitioner

and

Venkata Jyothi Sree

....Respondent

JUDGMENT PRONOUNCED ON : 09.02.2016

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :**

1. Whether Reporters of Local newspapers : Yes  
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No  
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : No  
see the fair copy of the Judgment?

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

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**ORDER:**

The petitioner is the husband and the respondent is the wife. The petitioner herein filed F.C.O.P.No.147 of 2013 before the learned Judge, Family Court, Secunderabad, seeking dissolution of the marriage on the ground of cruelty. The evidence of the petitioner was completed. When the respondent filed an affidavit in lieu of chief examination along with a CD, it was accepted. Thereafter, when the same was sought to be marked as an exhibit on her behalf during the course of cross examination, an objection was taken by the petitioner. The objection was overruled and the learned Judge, Family Court, allowed the same to

be marked as an exhibit on behalf of the respondent/wife by order dated 17.08.2015. Challenging the same, the present Civil Revision Petition is filed.

The respondent/wife wanted to mark the CD in order to prove her case of demand for dowry, additional amount and other articles, and the lower Court held that, in view of Section 14 of the Family Courts Act, it has got power to take any material, if it assists the Court in effective disposal of the case. But, the learned Counsel for the petitioner submits that, along with the CD, no transcript of the contents of the CD were filed and the CD is sought to be marked as it is without filing a transcript of the conversation recorded in the CD.

This Court elaborately considered the issue with regard to the receipt of the documents in **G.Sukender Reddy v. M.Pullaiah**<sup>[1]</sup> and held that on mere acceptance of a document without passing any judicial order on its admissibility, the defendant could raise his objection as to its admissibility at a later stage, and the trial Court shall consider the same and pass appropriate orders thereon. The objection relating to relevancy of the document need not be decided at the time of marking the document, as the document would be received subject to proof and relevancy only.

In view of the same, the acceptance of the CD is considered to be tentative and if the petitioner has any objection with regard to the relevancy and proof of the contents in the CD, the petitioner is entitled to raise such objection at a later point of time.

With the above observations, the Civil Revision Petition is dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

However, it is submitted by both the learned Counsel that the parties are willing to settle the matter by taking divorce by mutual

consent. But, the stumbling block appears to be the monetary element. In that view of the matter, the learned Judge, Family Court at Secunderabad, shall refer the matter to the Mediation Centre, and if the mediation fails, then to take up the matter for expeditious disposal of the same as early as possible.

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**(A.RAMALINGESWARA RAO, J)**

09.02.2016  
vs

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[\[1\]](#) 2015 (4) ALD 194: 2015 (3) ALT 575