

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.5860 OF 2016

DATED:02-12-2016

Between:

Majji Nookeswari ... Petitioner

And

Majji Nanaji ... Respondent

COUNSEL FOR THE PETITIONER: Ms. S. Anula,
for Mr. Mangena Sree Rama Rao

COUNSEL FOR THE RESPONDENT: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.13.10.2016 in I.A. No.247 of 2016 in H.M.O.P. No.71 of 2014, on the file of the Additional Senior Civil Judge, Anakapalle.

The respondent filed the aforementioned H.M.O.P. for dissolution of marriage between himself and the petitioner. In the said H.M.O.P., he has also filed the aforementioned I.A. for receiving a computer disk (C.D.), wherein the conversation between the petitioner and the respondent is recorded, which allegedly reveals that the petitioner is abusing the respondent and thereby she was guilty of cruelty. This application having been allowed by the lower Court, the respondent in the H.M.O.P. filed this civil revision petition.

The learned counsel for the petitioner submitted that since the respondent failed to refer to the C.D. in the legal notice and also file the same along with the H.M.O.P., there is a likelihood of the CD being created. In paragraph 8 of the order under revision the lower Court observed that mere receipt of the CD into the file does not amount to marking of the same into evidence and that the petitioner herein is at liberty to raise any objection when the document is tendered in evidence. It was further observed that the enquiry is not yet commenced and that even if the application is allowed, no prejudice will be caused to the petitioner herein, since she is at liberty to raise the objections at the time of tendering the CD into evidence. In my opinion, the aforementioned observations of the lower Court would sufficiently safeguard the interests of the petitioner, and if the CD is tampered, she can take the said plea and all legally permissible objections against the admission of the CD into evidence.

Subject to the above observations, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.7626 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

02-12-2016

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