

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.159 of 2016

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Sanjeev Kumar son of Rabindra Narayan Thakur, resident of Village- Bhikhanpura,
P.O.- Khabra, District- Muzaffarpur.

.... Petitioner.

Versus

Aarti Kumari Daughter of Rama Shankar Roy, resident of Laxi Colony, Kanhauli,
Muzaffarpur.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Yugal Kishore

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 06-03-2017

Heard the learned counsel for the petitioner.

By the impugned order, the learned court below
has turned down the prayer on behalf of the petitioner to mark the C.D
(Compact Disc) as Exhibit in evidence.

After considering the submissions and perusal of
the materials including the impugned order on record, it is evident that
the Matrimonial Case No.290/2010 has been filed by the present
petitioner seeking a decree of divorce against the respondent no.1
alleging illicit relationship of respondent no.1 with respondent no.2.
During the course of submission, it has been accepted on behalf of the
petitioner that the C.D. in question was prepared by the petitioner who
has been examined as P.W.1 in the proceeding. However, the fact



could not be explained as to why the petitioner did not make any statement with regard to the said C.D. and got the same marked as Exhibit during the course of his own deposition. The learned court below has also come to the finding that the P.W.2 who has been sought to be examined for proving the said C.D. before marking the same as Exhibit was not the person who had recorded the matters in the said C.D. nor he was the person who had got prepared the translated copy of the same. The learned court below after considering the facts and circumstances has refused to allow the prayer as made by the petitioner. This Court is not inclined to exercise its jurisdiction under Article 227 of the Constitution of India in these background facts for interdicting the impugned order.

The application is accordingly dismissed.

The dismissal of this application shall not prejudice the petitioner to proceed in the matrimonial case in accordance with law.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.04.2017
Transmission Date	

