

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

C.R.P.P.D.No.3351 of 2016
and C.M.P.No.17107 of 2016

A.Muthu Anumanthan

.. Petitioner

-Vs.-

G.Prema

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order passed by the III Additional Principal Judge, Family Court, Chennai against I.A.No.629 of 2016 in I.A.No.1856 of 2012 in O.P.No.1949 of 2011 dated 18.04.2016.

For petitioner ... Mr.T.G.Balachandran

For Respondent ... Mr.K.S.Ganesh Babu

O R D E R

In a matrimonial dispute, the respondent-husband had taken out an application in I.A.No.629 of 2016 under Order 16 Rule 6 to issue summons causing production of the Pre LKG expenses incurred by Mrs.G.Prema to her alleged daughter Hemashree; L.K.G expenses

incurred by Mrs.G.Prema to her alleged daughter Hemashree; the I.D.Card issued by the Lalji Omega International School; and the application form of admission of Hemashree from the said School.

2. The said application is taken out in I.A.No.1856 of 2012, which was already filed by the wife for maintenance, pending the divorce proceedings. The respondent-wife has already produced the B.P.Jain hospital registration certificate for the birth of the female child, Birth Register extract from Pammal Municipality, B.P.Jain Hospital Discharge Summary, Lalji Memorial School intimation, Lalji Memorial Education Society for payment of fees for the child Hemashree.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

4. It is the contention of the revision petitioner/husband that the child born to him is dead and the child that is now being educated by his wife, is not a child born to him. However, that issue cannot be

decided in this proceedings. The application filed by the husband was closed by the trial Court stating that as the documents sought to be summoned from the School were already produced by the wife, the petition became infructuous and the same was closed. It is open to the petitioner-husband to raise objections with respect to the genuineness of the documents, at the time of marking of the same.

6. With the above said observation, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.03.2017

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To

The Principal Judge, Family court,
Chennai

PUSHPA SATHYANARAYANA.J

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