



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2017

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.M.P(MD)No.2652 of 2017 in

C.R.P(MD) No.SR1632 of 2017

Kavin Mary

... Petitioner/Petitioner
Vs.

1.Dominic Xavier James

... Respondent/Respondent

PRAYER IN CMP: The Civil Miscellaneous Petition filed under Section 151 of Code of Civil Procedure to dispense with the production of decreetal order dated 21.11.2016 in I.A.NO.59 of 2015 in I.D.O.P.No.115 of 2014 on the file of the 1st Additional District Court, Tirunelveli.

PRAYER in CRP: The Civil Revision Petition filed under the Article 227 of Constitution of India against the fair and decreetal order dated 21.11.2016 passed in I.A.No.59 of 2015 in I.D.O.P.No.115 of 2014 on the file of 1st Additional District Court, Tirunelveli.

For Petitioner : Mr.N.Anandha Kumar

ORDER

This application is filed to dispense with the production of decreetal order dated 21.11.2016 in I.A.No.59 of 2015 in I.D.O.P.No.115 of 2014 on the file of the I Additional District Court, Tirunelveli.

Heard the learned counsel for the petitioner and perused the materials available on records.

The counsel for the revision petitioner submitted that in the matrimonial proceedings, two documents, which are admitted as Ex.A6 and A7 marked through P.W.1/husband are not admissible in evidence, since pw1 is not the author of the documents. However, the trial Court had rejected the application filed by the petitioner to struck of the said evidence.

3.It is further submitted that while filing the revision petition, the petitioner is unable to get the decreetal order copy and therefore, he seeks indulgence of this court to dispense with the production of the original decreetal order and take up the revision petition.

<https://hcservices.ecourts.gov.in/hcservices/>

4.This Court, on perusal of the impugned order against which revision is sought for, finds the main petition is not

sustainable for the following reasons:

Exs.P-6 and P-7 were marked through the respondent herein, who was examined as P.W.1. The letter alleged to be written by the revision petitioner to Parish Priest is Ex.P-6 and the copy of the complaint alleged to have been written by the counsel for the respondent herein to the District Judge on 04.07.2012 alleging that he was assaulted by the petitioner's counsel is Ex.P-7. The trial court after considering the contests of these two documents has held that the relevancy and truthfulness of these two documents can be considered on conclusion of the trial and it is not appropriate for the present to struck off the exhibits when the matter is posted for cross examination of P.W.1. further, the trial court has also observed that if Ex.P-6 was not written by the revision petitioner, she can very well discredit the letter when she is examined or by summoning the Parish Priest to whom it is addressed.

5.This court does not find any unreasonableness in the reasoning given by the trial court in its order dated 21.11.2016 made in I.A.No.59/2015. When, it is always open to the revision petitioner to disprove the contents of Exs.P-6 and P-7 in the manner known to law, mere admitting the documents as Exhibits subject to proof and relevancy and assigning exhibit numbers is in consonance with the direction of the superior Court.

6.Therefore, this Court finds no reason to interfere in the order of the lower court. Hence, no need to entertain this civil revision petition. Accordingly, the civil revision petition is dismissed in the SR stage itself. No costs.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1st Additional District Court,
Tirunelveli.

+1cc to Mr.N.Anandakumar,Advocate,SR.16281

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TA/SM