

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.5377 of 2016

ORDER

This civil revision petition under Article 227 of the Constitution arises out of the order dated 20.09.2016 passed by the learned XVI Additional District and Sessions Judge, Ranga Reddy District at Malkajgiri, in I.A.No.759 of 2016 in O.P.No.854 of 2009. The said O.P. was filed by the petitioner herein seeking a divorce from his wife, the respondent herein. I.A.No.759 of 2016 was filed in the O.P. by the respondent/wife under Order 5 Rule 6 CPC to summon the Service Record of the petitioner/husband. By the order under revision, the trial Court allowed the I.A. stating as follows:

“In the result, the petition is allowed and the Service Register pertaining to the petitioner having employee code 126154, particulars consisting of family details in Service Register as on today, particulars of LTC availed by the petitioner and his family members, particulars of medical reimbursement availed by the petitioner and his family members, particulars of health cards issued to the petitioner and his family members, nomination particulars furnished by the petitioner are summoned from the office of General Manager, Electronic Corporation Limited through a responsible officer of the company on payment of process fees by the respondent/wife.”

Aggrieved thereby, the petitioner/husband is before this Court.

Heard Sri T.Sanjay Rao, learned counsel representing Sri V.Manoj Kumar, learned counsel for the petitioner/husband, and Sri G.Eshwaraiah, learned counsel representing Sri Maruti Rao Srungarapu, learned counsel for the respondent/wife.

Sri T.Sanjay Rao, learned counsel, pointed out that the prayer of the respondent/wife in I.A.No.759 of 2016 filed in the O.P. was only to summon the General Manager, Electronic Corporation of India Limited, Hyderabad, to produce the Service Record of V.Satyanarayana, the

petitioner, having Employee Code No.126154 before the Court and to further record evidence for effective adjudication of the case. Learned counsel would assert that, this being the prayer in the I.A., the Court below was not entitled to enlarge the scope thereof by directing production of various documents relating to LTC availment, medical reimbursement availment, health cards, nomination particulars etc.

This Court finds merit in this submission as the respondent/wife, in her own wisdom, sought only production of the Service Record of the petitioner/husband without mentioning anything further. That being so, the trial Court ought not to have enlarged the scope of the prayer put forth by the respondent/wife by including various aspects which may or may not fall within the ambit of the Service Record of the petitioner/husband. Once the Service Record was sought to be summoned, only the Service Record as such can be produced and nothing further. The order under revision is accordingly read down by restricting production only to the Service Record of the petitioner/husband and no more.

The civil revision petition is allowed to the extent indicated above.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:03.02.2017

PGS