

HON' BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

CIVIL REVISION PETITION Nos.7144, 7145 and 7146 of 2017

COMMON ORDER:

These three revisions are maintained against the dismissal of respective petitions in I.A.Nos.1133, 1134 and 1135 of 2017 in the pending O.P. for custody of the minor children with the respondents, who are in-laws of the petitioner vide O.P.No.1780 of 2014 before the learned Additional Family Court, City Civil Court, Hyderabad.

2. These petitions are with the prayers to reopen the evidence of the petitioner, to receive as secondary evidence the so called mediators panchanama of outside Court settlement so that it can be marked by recall of PW.1 in seeking to recall PW.1. After contest the petitions were dismissed vide order dated 14.11.2017 with the observation by the learned Judge, Family Court, that the so called Xerox copy of the proceedings are dated 22.06.2014 of the so called Punch Committee, Dayanandanagar, Hyderabad. It is only a Xerox copy not even original. It is not even what happened to the original if at all executed and existence. Undisputedly, the same is not referred in PW.1's chief examination affidavit filed in 2017, leave about there is no whisper of which, in the O.P. for custody filed in December, 2014, which is nearly six months after the said Punch

Committee report/ proceedings dated 22.06.2014. It is there from observed that there are no grounds also for the reason earlier an amendment sought for in the O.P. to incorporate the so called Punch Committee report about the settlement outside the Court in 2014 that was ended in dismissal.

3. The grounds urged in the revision impugning the said dismissal orders are that the lower Court did not properly advert to the facts and examine non-mention of the said Punch Committee report in giving instructions of the party to the advocate, so also in the chief examination, no way fatal to receive the document, that too, when one of the Punch Committee members to be examined in proof of the fact, thereby, the revisions are sought to be allowed by setting aside the dismissal orders of the lower Court.

4. The learned counsel for the revision petitioner in all the three revisions reiterated the same.

5. Whereas, it is the submission of the learned counsel for the respondents to the revisions that the dismissal orders of the lower Court respectively hold good and for this Court while sitting in revisions, there is nothing to interfere within the limited scope.

6. Heard and perused the pleadings and other material on record.

7. Section 14 of the Family Courts Act, 1984 reads as follows:

“14.Application of Indian Evidence Act, 1872: A Family Court may receive as evidence any report, statement, documents, information or matter that may, in its opinion, assist it to deal effectually with a dispute, whether or not the same would be otherwise relevant or admissible under the Indian Evidence Act, 1872 (1 of 1872).

The very wording is irrespective of the inadmissibility of the document under Evidence Act the Family Court may take as evidence any document if the Court is of the opinion that it effectively deal with the dispute.”

8. No doubt, the very provision is speaking on the power of the Court and not the right of the party.

9. Having regard to the above, while disposing of the three revisions for nothing to interfere, it is observed that the Family Court if at all may consider whether the crucial aspect covered by the so called elders statement if at all effectively dispose of the dispute to consider by its receiving by virtue of the provision with reference to Section 165 of the Evidence Act also.

10. Accordingly, all the Civil Revision Petitions are disposed of.

11. Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

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JUSTICE Dr. B.SIVA SANKARA RAO

Date: 19.12.2017

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