

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.4036 OF 2018

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 29.03.2018 passed in I.A.No.1318 of 2017 in O.P.No.807 of 2013 on the file of the Additional Family Court at Hyderabad.

2. Heard the learned counsel for the petitioner.

3. A perusal of the record reveals that the petitioner filed O.P.No.807 of 2013, under Section 13(1)(ia)(ib) and (iii) of the Hindu Marriage Act read with Section 7 of Family Courts Act, on the file of the Judge, Additional Family Court at Hyderabad, against the respondent for dissolution of marriage. A perusal of the record further reveals that after closure of evidence on both sides, the petitioner filed I.A.No.1318 of 2017 to issue summons to Dr.Gowri Devi and Dr.Ramana Cherukuri. The trial Court, after affording a reasonable opportunity to both parties, allowed the petition in part by issuing summons to Dr.Gowri Devi and dismissed the petition so far as issuance of summons to Dr.Ramana Cherukuri is concerned. Hence, the revision.

4. One of the grounds taken by the petitioner is that the respondent has been suffering with Schizophrenia. A perusal of the record reveals that the respondent has taken treatment under the supervision of Dr.Gowri Devi. This Court carefully perused the petition filed by the petitioner. There is no mention in it that the respondent has taken treatment under the supervision of

Dr.Ramana Cherukuri. If really the respondent has taken treatment under the supervision of Dr.Ramana Cherukuri, the petitioner might have produced the case sheet.

5. Learned counsel for the petitioner submitted that basing on the prescription produced by the petitioner, the Court can issue summons to Dr.Ramana Cherukuri.

6. It is needless to say that the prescription issued by the Doctor cannot be equated with the case sheet maintained by the hospital. If any person approaches the doctor, he may give prescription so as to enable him to purchase medicines in a medical shop. The case sheet is being maintained by the hospital authorities which indicates whether the patient has taken treatment as inpatient or outpatient. Full details of the patient will be mentioned in the case sheet and not in the prescription. The possibility of creating the prescriptions cannot be ruled out completely. The Court cannot place any reliance on the prescriptions without being supported by case sheet. Viewed from that angle, the petition filed by the petitioner is not maintainable. The trial Court considered the facts of the case in right perspective and allowed the petition in part. The findings recorded by the trial Court are supported by material available on record. I am fully endorsing with the findings recorded by the trial Court. There is no illegality or irregularity in the order of the trial Court warranting interference of this Court while exercising the jurisdiction under Article 227 of the Constitution of India.

7. In the result, the Civil Revision Petition is dismissed. There shall be no order as to costs.

8. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 19.07.2018
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