

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

C.R.P.No.2373 of 2017

ORDER:

This revision petition is filed under Article 227 of the Constitution of India assailing the order dated 24.03.2017 passed in I.A.No.166 of 2017 in O.P.No.1159 of 2012 on the file of the Family Court, Ranga Reddy District, at L.B.Nagar.

2. Heard the learned counsel appearing for both the parties.

3. The facts leading to filing of the present petition are as follows:

The petitioner filed I.A.No.166 of 2017 under Order 12 Rule 8 read with Section 151 CPC seeking to issue summons to the District Registrar of Firms to cause production of the documents and also issue summons to the witness by name Kalyan Chowdhary. The respondent filed counter denying the averments made in the petition *inter alia* contending that the petition is not maintainable either on facts or in law. The trial Court after affording a reasonable opportunity to both parties, dismissed the petition. Hence, the revision.

4. The point that arises for consideration is:

“Whether there is any illegality, irregularity or impropriety in the impugned order?”

5. A perusal of the record reveals that the respondent filed O.P.No.1159 of 2012 on the file of the Family Court, Ranga

Reddy District, at L.B.Nagar under Section 13 (1)(ia)(ib) of Hindu Marriage Act against the petitioner for dissolution of marriage. During pendency of the trial, the petitioner filed I.A.No.166 of 2017 seeking permission of the Court to issue summons to the District Registrar of the Firms and also to issue summons to Kalyan Chowdhary to depose evidence. A perusal of the record reveals that the petitioner filed M.C.No.255 of 2009 against the respondent seeking maintenance. In M.C.No.255 of 2009, the petitioner filed interlocutory application to issue summons to the District Registrar of the Firms to cause production of the documents. The trial Court allowed the petition and Senior Assistant of the District Registrar's office was examined as a witness and he also produced the Partnership Firm Registration Certificate. The petitioner filed the present petition for the self-same relief. The trial Court made an observation that as per Form No-'A', the respondent left the partnership firm on 21.04.2014. A perusal of the record reveals that one Vikas Nayyar was inducted as a partner in the place of the petitioner. As per the record produced by the District Registrar of the Firms in M.C.No.255 of 2009, the respondent was a partner of the partnership firm up to 21.04.2014 only. It is not in dispute that the petitioner marked all the relevant documents in M.C.No.255 of 2009. The trial Court made an observation that the petitioner can obtain the certified copies in M.C.No.255 of 2009 and file the same in the O.P. For one

reason or the other, the petitioner did not choose to take certified copies in M.C.255 of 2009 and filed the present petition. The Government Officials shall not be called to the Court for the self-same relief again and again.

6. The respondent filed the divorce petition under Section 13(1)(ia)(ib) of Hindu Marriage Act. It is needless to say a person, who filed a petition seeking divorce under Section 13 of the Hindu Marriage Act, has to establish his case. It is the case of the petitioner that one Kalyan Chowdhary is a partner of the partnership firm. A partner of the partnership firm has nothing to do with the family affairs of the petitioner and the respondent. It is not the case of the petitioner that the said Kalyan Chowdhary is their family member or relative or family friend so as to depose evidence in respect of their family affairs. The trial Court made an observation that the petitioner did not deny the factum of retirement of the respondent from the partnership firm on 21.04.2014. The Court has to issue summons to call for the documents or to call for the witness if those documents or testimony of such witness will throw any light on the controversy involved in the proceedings. Here, even if the documents are called for from the Registrar of Firms, the same will not be helpful to the Court to decide whether the respondent is entitled for the relief of divorce. The trial Court considered all these aspects in right perspective and dismissed the petition. I am fully endorsing with the findings recorded by the trial Court. There

is no illegality, irregularity or impropriety in the orders of the Court below, which warrants no interference of this Court while exercising jurisdiction under Article 227 of the Constitution of India. The revision petition lacks merits and bona fides and the same is liable to be dismissed.

7. In the result, the Civil Revision Petition is dismissed. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Dt:27.09.2018
Rns

T.SUNIL CHOWDARY, J

