

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.6714 OF 2017

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 31.10.2017 passed in I.A.No.897 of 2017 in F.C.O.P.No.129 of 2015 on the file of the Family Court at Khammam.

2. Heard the learned counsel for both parties.

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

The petitioner filed I.A.No.897 of 2017, under Order VII Rule 14 C.P.C., to receive the proposed documents. The respondent filed counter *inter alia* contending that the documents have no relevancy to the facts of the case on hand; therefore, the petition is liable to be dismissed. The trial Court, after affording a reasonable opportunity to both parties, **dismissed** the petition. Hence, the revision.

4. The point that arises for consideration in this revision is:

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

5. A perusal of the record reveals that the petitioner filed F.C.O.P.No.129 of 2015, under Section 13(1)(ia) of Hindu Marriage Act, on the file of the Family Court at Khammam against the respondent for dissolution of marriage between them. During pendency of trial, the petitioner filed I.A.No.897 of 2017 to receive the following documents: 1. Original certificate of under Section 65(B) of Evidence Act dated 16.08.2017. (2) Authorization letter.

(3) Xerox copies of bunch of (9) e-mails. (4) DVD's of (9) E-mails. (5) Pen-drive of (9) E-mails. While disposing of the petition to receive the documents, the Court shall not express any opinion with regard to the validity or otherwise of the same. While deciding the petition, the Court has to consider whether the petitioner has assigned reasons much less cogent and valid reasons. In the instant case, even if the documents are received, the same may not cause any prejudice to the respondent. Receiving of documents is entirely different to that of marking of document, relevancy of document and probative value of the same. The Court ought to have considered the above aspects at appropriate stage.

6. Taking into consideration the facts and circumstances of the case, I am of the considered view that it is a fit case to allow the revision.

7. In the result, the Civil Revision Petition is allowed setting aside the order dated 31.10.2017 passed in I.A.No.897 of 2017 in F.C.O.P.No.129 of 2015. Consequently, I.A.No.897 of 2017 in F.C.O.P.No.129 of 2015 on the file of the Family Court at Khammam is allowed to receive the documents mentioned above. The trial Court is hereby directed to consider the said documents in the light of the provisions of the Indian Evidence Act, more particularly, Section 65(B) of the Indian Evidence Act. 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: 26.09.2018

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