

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2019

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

CRP.(PD).Nos.3155 and 3339 of 2018
and
C.M.P.Nos.18097 and 18921 of 2018

B.Sasikumar .. Petitioner/Petitioner (in both CRPs)

Vs

R.Sivagami ..Respondent/Respondent (in both CRPs)

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Indian Constitution against the Fair and Decreetal order dated 26.07.2018 passed in I.A.Nos.41 and 42 of 2018 in H.M.O.P.No.64 of 2012 by the learned Subordinate Judge, Ranipet, Vellore District.

For Petitioner : Mr.M.Praveen Kumar

For Respondent : Mr.K.Mohana Murali

C O M M O N O R D E R

The above Civil Revision petitions are filed by the revision petitioner who is husband of the respondent herein before this Court, challenging the order passed in I.A.No. 41 of 2018 filed for re-opening the case and to send the Exs.P3, P4 & P6 along with vakalat, counter, affidavit filed in I.A.No.105 of 2012 and H.M.O.P.No.64 of 2012 to the handwriting expert for investigation.

2. The revision petitioner belatedly filed a suit in H.M.O.P.No.64 of 2012 for the following relief:

- a) Granting a divorce for dissolution of marriage that took place between the petitioner and the respondent on 26.08.2002 on the ground of adultery and cruelty.
- b) Directing the respondent to pay the costs of this petition to the petitioner;

3.The brief facts which are necessary for disposing of the revision petitions are as follows:

The revision petitioner has filed an application for divorce alleging adultery against the respondent/wife. After the completion of the evidence of respondent, the application subject matter of this revision has been filed. It is the contention of the revision petitioner that Exs. P3 and P4 are the documents which were written by the respondent out of her own volition before the family panchayat on 03.01.2012 before the elders. Therefore, in order to prove his case, the revision petitioner has come forward with the application.

4. The respondent had filed a counter affidavit wherein though she has admitted her signature she would disown the contents of the documents which according to her has been filled up by the revision petitioner wantonly and deliberately with ulterior motive.

5. The learned Subordinate Judge, Ranipet, dismissed the application by an order stating that the respondent has only admitted the signature and categorically stated that contents of the document were not written by her. The learned counsel for the respondent has contended that the respondent has disputed and denied the contents in the document filed on 29.10.2012. The revision petitioner has not taken any steps to disprove the contention of the respondent. Therefore, the Court dismissed the application and challenging the same, the revision petitioner has come before this Court.

6. Heard, Mr.M.Praveen Kumar, learned counsel appearing for the petitioner and Mr.K.Mohanamurali, learned counsel appearing for the respondent.

7. A perusal of the counter affidavit filed in against the main petition clearly shows that the respondent has specifically contended that the signature found in Exs.P3 & P4 alone is her signature but the contents of the document has been denied by the respondent. The Revision petitioner has not filed any document to show that the contents have also been written by the respondent. I do not find any infirmity in the order passed by the Subordinate Judge, Ranipet. It is well open to the revision petitioner to examine the witnesses to prove that the respondent is the author of the said document and without exercising this remedy, the revision petitioner has straight away sought to send the documents for the opinion of the expert. It is well open to the revision petitioner to take either necessary steps to prove the contents of the document. The learned Sub-ordinate Judge, Rani pet has rightly dismissed the

I.A.No.42 of 2018 in H.M.O.P.No.64 of 2012.

8. In the result, the Civil Revision Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

tta/ssb

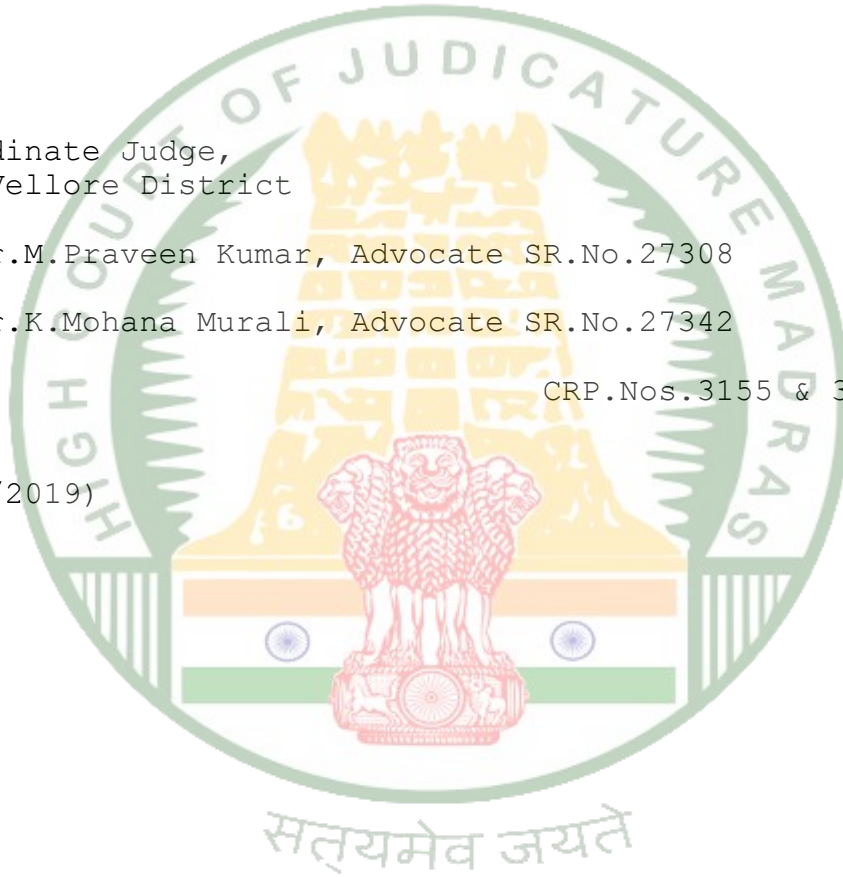
To
The Subordinate Judge,
Ranipet, Vellore District

+1cc to Mr.M.Praveen Kumar, Advocate SR.No.27308

+1cc to Mr.K.Mohana Murali, Advocate SR.No.27342

CRP.Nos.3155 & 3339 of 2018

VBA (CO)
GMY (02/07/2019)



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