



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2019

CORAM:

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

C.R.P. (MD) (PD) .No.142 of 2019

and

C.M.P (MD) .No.637 of 2019

Noorul Hidayat Beevi : Petitioner/Petitioner/Respondent

Vs.

N.Gulam Khadar : Respondent/Respondent/Petitioner

PRAYER: The Civil Revision Petition has been filed under Section 115 of Code of Civil Procedure against the docket order dated 10.01.2019 in I.A.No.Unnumbered of 2019 in G.W.O.P.No.33 of 2015 on the file of the learned Principal District Court, Virudhunagar District at Srivilliputhur.

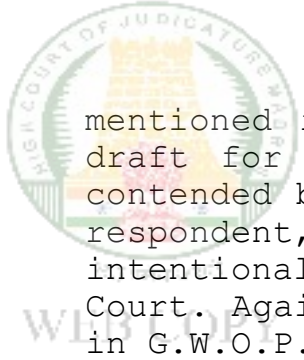
For Petitioner : Mr.S.M.A.Jinnah

For Respondent : Mr.A.R.Kannappan

ORDER

This Civil Revision Petition has been preferred against the docket order dated 10.01.2019 in I.A.No.Unnumbered of 2019 in G.W.O.P.No.33 of 2015 on the file of the learned Principal District Court, Virudhunagar District at Srivilliputhur.

2.The respondent and the petitioner are husband and wife. The marriage was solemnised between themselves on 16.07.2006. Through their wedlock one male child was born and now he is under the petitioner mother's care. In view of the misunderstanding, the petitioner and the respondent are living separately. Hence, the respondent/husband has filed a petition in G.W.O.P.No.33 of 2015 before the learned Principal District Court, Virudhunagar at Srivilliputhur. At the time of chief examination Ex.P1 to P6 were marked by the respondent's side in which Ex.P5 which is the notice for declaring Triple talaq to the petitioner, but the said original copy of the notice was not served to the petitioner. After came to the notice, the petitioner obtained the same from the Jamath by giving a proper requisition. The respondent mentioned in the notice as on 13.06.2009 he declared Triple Talaq, further he



mentioned in the second page of the notice as he has taken demand draft for a sum of Rs.3,000/- towards Idha period amount. It is contended by the petitioner herein that Ex.P5 was fabricated by the respondent, since he does not sent any notice to the petitioner, he intentionally produced fabricated notice before the learned trial Court. Against which, the petitioner filed I.A.No.Unnumbered of 2019 in G.W.O.P.No.33 of 2015.

3.In the said unnumbered I.A, the learned counsel for the petitioner would contend that there is one document exhibit P5 has been produced by the respondent during the enquiry of G.W.O.P. The said document is one fraudulently created by the respondent herein and the criminal proceedings were also initiated for the said manipulation of the document and hence, the petitioner herein seeking before the Court that the G.W.O.P. which was posted for hearing on 18.01.2019, has to be taken along with the said unnumbered I.A for advance hearing. It is further contended by the petitioner that the said exhibit P.5 document was created by the respondent herein in a hurried manner and hence, the document should be compared with one, which the petitioner has obtained from the Jamath. The genuineness of the document was very much observed by the trial court. There is also a correction and addition in the said document and it does not contain signature of the petitioner herein. Further, the demand draft dated 15.06.2009 was also taken from the Canara Bank, Therkkuvelli Street, Madurai and the said facts are falsely stated by the respondent. Hence, the document was fabricated by the respondent and the petitioner has every right to take criminal proceedings against the respondent.

4.The trial Court after observing the oral and documentary evidence, returned the said unnumbered interlocutory application by stating that the petition has to be filed before the proper forum. The learned counsel for the petitioner further contended that there was an earlier order in C.R.P.(MD).No.1214 of 2018 directing the trial Court to dispose the case at the earliest and hence, the petitioner sought before the Court that the proceedings has to be taken against the respondent for manipulating the exhibit P5.

5.I have heard the learned counsel appearing on either side.

6.It is observed that the petitioner questioning the genuineness of exhibit P5 and she has filed the petition to take criminal proceedings against the respondent for creating such a document. The said petition was returned that it has to be presented before the proper forum by the trial Court.

7.Considering all the facts and circumstances of the case, there is no infirmity or irregularity found on the docket order. The petitioner can very well approach the proper forum and seek her remedy there.



8. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal District Judge, Virudhunagar District
at Srivilliputhur.

2. The Section Officer,
E.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s. A.R. KANNAPPAN, Advocate in SR-52495

**C.R.P. (MD) (PD) .No.142 of 2019
and
C.M.P (MD) .No.637 of 2019
06.03.2019**

msa

SP/PK/10.04.2019 : 3P/4C