

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. PD 801 of 2020
and
C.M.P. 4323 of 2020

1. Saroja
2. Manikandan
3. Aruna

... Petitioner

Versus

1. P.Jothi @ Jothi Lakshmi
2. P.Shobana Gandhi
3. S.Kalpana
4. Minor S.Meiyamban,
rep. by his mother and
natural guardian S.Kalpana
5. Senthil

... Respondents

PRAYER : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the fair and decretal order dated 09.12.2019 in I.A. 1 of 2019 in O.S. 247 of 2016 on the file of V Addl. Family Court at Chennai.

For Petitioner : Mr.V.Kannan

ORDER

This Civil Revision Petition has been filed against the order allowing the application filed by the respondents to mark the marriage photo of the 1st plaintiff with one deceased Panchatcharam in the suit.

2. The respondents/plaintiffs 1 to 4 have filed a suit to declare the 1st plaintiff as a legally wedded wife of one deceased Panchatcharam and declaring 3rd plaintiff's husband, and 2nd plaintiff as legitimate children of deceased Panchatcharam. The suit has been filed on the ground that, deceased Panchatcharam married the 1st plaintiff, and through her, 2nd plaintiff and deceased Srinivasan were born. Now, the 1st defendant also claiming to be his wife and defendants 2 to 4 children of deceased Panchatcharam. Hence, the suit has been filed. Pending suit, the respondents/plaintiffs 1 to 4 have filed an application to mark the marriage photo of the 1st plaintiff with the deceased Panchatcharam. That application has been allowed. Challenging the same, the present Civil Revision Petition has been filed.

3. Mr.V.Kannan, learned counsel appearing for petitioners would submit that, the marking of marriage photo without negative is not admissible in evidence. The Court below ought not to have permitted the respondents to mark the photo alone without a negative, which according to him, a morphed photo.

4. I have considered the submissions made by learned counsel appearing for petitioners and perused the records carefully.

5. On perusal of records, it could be seen that, the 1st petitioner has already filed a marriage registration certificate, marriage invitation, and death certificate of her son to substantiate her contention. In the affidavit filed along with the petition, it is only stated that, due to oversight, photo was not marked. Considering the same, the court below has allowed the application, and permitted the plaintiffs to mark the same. However, the court below only has permitted the plaintiffs to mark the photo, and mere marking of a photo itself is not a proof of marriage, it is for the plaintiffs to prove the marriage with admissible evidence. In the said circumstances, I am of the

view that, the documents could be marked subject to proof, and admissibility of document at the time of trial.

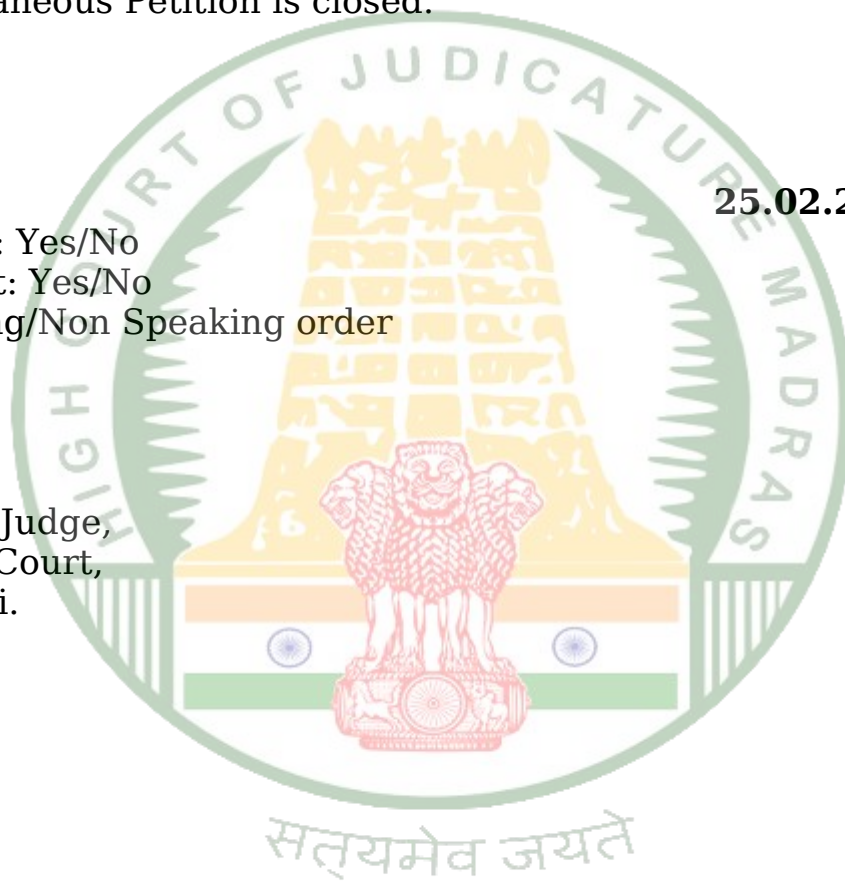
6. With the above observation, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

25.02.2020

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

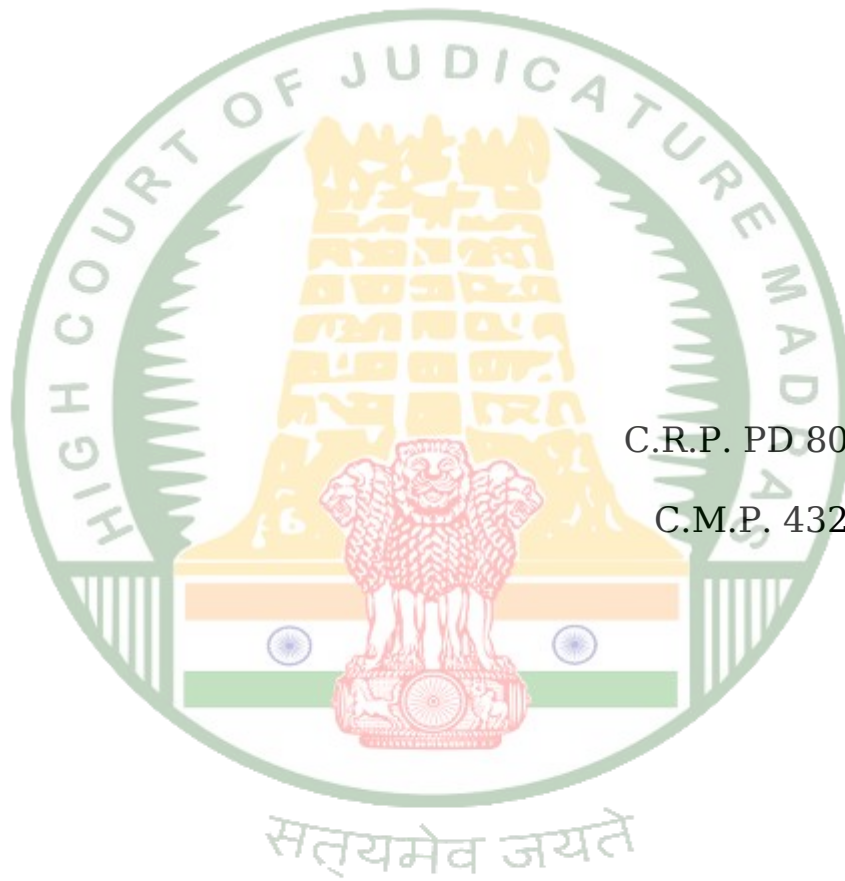
V Addl. Judge,
Family Court,
Chennai.



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V.BHARATHIDASAN,J.

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