

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2020

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

Crl OP.No.11428 of 2019
and
Crl. M.P. No.5900 of 2019

C. Madhavan

...Petitioner

Vs.

1. M. Kavitha
2. M. Dinakar
(Minor rep by R1)

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.PC praying to call for the records relating to the order dated 25.10.2018 made in M.P. No.889 of 2018 in M.C. No.299 of 2015 pending on the file of the V Additional Family Court, Chennai and to set aside the same.

For Petitioner : Mr. P. Kumanan
For Respondents : Mr. M. Shanmugavelu

ORDER

The Criminal Original Petition is directed against the order dated 25.10.2018 passed in M.P. No.889 of 2018 in MC No.299 of 2015 on the file of the V Additional Family Court, Chennai.

2. The respondents have levied the maintenance case against the petitioner in M.C.No.299 of 2015 and the same is pending on the file of the V Additional Family Court, Chennai. Pending the maintenance proceedings, it is found that the respondents have preferred the petition in M.P. No.889 of 2019 seeking to produce certain documents in support of their case contending that the said documents were unable to be filed by the respondents at the time of filing the maintenance case and the said documents are vital to prove their case and hence sought the permission of the court to receive the documents in question.

3. The abovesaid MP has been contested by the petitioner contending that no valid reason has been assigned by the respondents for the non production of the documents sought to be produced at the time of filing of the maintenance case and

further it is contended that the documents sought to be projected by the respondents have no relevance to the maintenance case proceedings and accordingly sought for the dismissal of the petition.

4. The court below, on an appreciation of the contentions put forth by the respective parties, noting that the respondents would be legally entitled to produce the documents to prove their case, accordingly chose to entertain the petition preferred by the respondents. Impugning the same, the present Criminal Original Petition has been preferred.

5. By way of the impugned order, the court below had only directed the reception of the documents sought to be projected by the respondent. The court below has not admitted the truth and validity of the documents sought to be projected as well as the relevancy of the same for deciding the issues involved in the main case by way of the impugned order. The same have to be determined by the court below during the course of trial and at the time of the final arguments in the maintenance case. In such view of the matter, merely because the court has ordered the reception of the documents projected by the respondents that does not connote that the court below had accepted the truth and validity of the documents projected by the respondents. In such view of the matter, by way of the impugned order, when the court below has only directed the reception of the documents sought to be projected by the respondents, in my considered opinion, no serious prejudice would be caused to the petitioner by way of the same and the petitioner would always be entitled to challenge the documents in the manner known to law during the course of trial.

6. In the light of the abovesaid factors, I do not find any infirmity or error in the impugned order. Resultantly, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Copy to

1. The V Additional Family Court, Chennai

Crl OP.No.11428 of 2019

KS (CO)
RV (09/10/2020)



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