

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD).No.2644 of 2016
and C.M.P.No.13606 of 2016

K.Vijayashankar ... Petitioner

Vs.

Hemalatha ... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 22.03.2016 made in I.A.No.203 of 2015 in H.M.O.P.No.323 of 2012 on the file of the learned Subordinate Judge, Poonamallee.

For Petitioner : Ms.S.Annakkodi
For Respondent : Mr.G.B.Sabari Das

ORDER

This Civil Revision Petition is directed as against the order dated 22.03.2016 passed by the learned Subordinate Judge, Poonamallee, in I.A.No.203 of 2015 in H.M.O.P.No.323 of 2012, thereby dismissing the petition filed by the petitioner seeking direction to direct the Assistant Commissioner of Police, Cyber Crime Branch, Chennai or any other

authorized persons to produce the records obtained from the service provider of vodafone, with regard to phone calls, emails and SMS - outgoing and incoming pertaining to cell phone No.9962247799.

2. The petitioner is the husband and the respondent is the wife. The petitioner filed petition in O.P.No.323 of 2012 for divorce on the ground of cruelty and adultery. While pending the divorce petition, the petitioner alleged that the respondent is having illegal affair and contact some persons through E-mail message by using her cell phone. Therefore, the petitioner lodged complaint to the Assistant Commissioner of Police, Chennai and the same was referred to Cyber Crime Branch, Egmore. Therefore, it is just and necessary for the direction to be issued to produce the records from the service provider for the cell phone used by his wife. The Court below dismissed the said petition for the reason that it is for the petitioner to prove his case and he cannot collect the evidence through Court.

3. On perusal of the counter filed by the respondent herein, she

stated that the cell phone No.9962247799 is not belonged to her. That apart, the information sought for by the petitioner can be easily modified, edited and morphed. Therefore, these details could not hold the petitioner to prove his allegations. Therefore, the Court below rightly dismissed the petition and this Court finds no illegality or infirmity in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.03.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

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G.K.ILANTHIRAIYAN, J.

rts

To

1. The Subordinate Judge,
Poonamallee.
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.



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