



WEB COPY

C.R.P.No.4145 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4145 of 2022
and
C.M.P.No.21618 of 2022

R.Sathya Narayanan

... Petitioner

Vs.

Mrs.A.J.Dhivya

... Respondent

Prayer:Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and Decreetal Order in I.A.No.3 of 2022 in HMOP No.2098 of 2021 dated 07.11.2022 passed by the learned II Additional Family Court Judge, Chennai and allow the Civil Revision Petition.

For Petitioner : Mr.C.Samivel

For Respondent : Mr.G.Govarthanan



WEB COPY

ORDER

The Civil Revision Petition has been instituted questioning the fair and decreetal order dated 07.11.2022 passed in I.A.No.3 of 2022 in HMOP No.2098 of 2021. The respondent/ wife filed HMOP No.2098 of 2021 for dissolution of marriage and she filed application under order Order 7 Rule 14 (3) of the Code of Civil Procedure to receive additional documents and the additional documents sought for, to be filed is an electronic document. The electronic documents sought to be marked as document in the HMOP No.2098 of 2021 proceedings, which was objected by the revision petitioner on the ground that it is a forged and not genuine.

2. The trial Court considered the objection raised by the revision petitioner and made a finding that its premature to decide the probate value of the documents filed by the parties. The validity of the documents are to be considered and decided after conducting full fledged trial in the Court and the Court cannot form an opinion at the time of marking regarding the veracity and validity of the documents. The trial Court has rightly formed an opinion that receiving documents is the one aspect of the matter and admission and



the validity of the document is the other aspect of the matter, which is to be gone into during the course of trial and therefore, there is no impediment for marking the electronic documents, which is otherwise permissible under the provisions of law.

3. The marking of documents is a right and such a right can be denied only if the Court found that such documents are inadmissible or otherwise under law. By marking documents, the parties must be provided with an opportunity to establish their respective cases. Nipping at budding stage, in the matter of marking of documents are not desirable, since it is a vital opportunity for the parties to establish their cases. Allowing the parties to mark the documents, *per se* cannot be construed as infirm. The relevancy, validity or otherwise are to be gone into only at the time of conducting trial and the parties at all circumstances are at liberty to raise their objections in respect of the documents already marked. When such an opportunity is made available to the parties, marking of the documents need not be prevented by the respective parties to the litigation, unless it is prohibited.



4. In the present case, the respondent filed electronic documents to be marked and the revision petitioner is at liberty to raise any objections during the course of trial and the Court has to decide the issues on merits and in accordance with law as expeditiously as possible. The HMOP No.2098 of 2021 was originally instituted during the year 2019 before the Principal Subordinate Court at Kumbakonam and subsequently, transferred to the Family Court at Chennai.

4. With these observations, the Civil Revision Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

15.12.2022

skr/Jeni
Index : Yes
Speaking order

To
The Judge,
The Additional Family Court,
Chennai.



WEB COPY

C.R.P.No.4145 of 2



S.M.SUBRAMANIAM, J.

skr

C.R.P.No.4145 of 2022

15.12.2022