



C.R.P.No.3757 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.3757 of 2023

and

C.M.P.No.23392 of 2023

D.R.Nithya

...

Petitioner

-Vs-

R.P.Senthil Kumar

...

Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 13.09.2023 passed in I.A.No.7 of 2023 in O.P. No.58 of 2020 on the file of the Family Court Judge, Dharmapuri and allow the above CRP.

For Petitioner

:

Mr.C.Vediappan



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ORDER

Challenging the impugned order passed in I.A.No.7 of 2023 in O.P.No.58 of 2020 by the learned Family Court Judge, Dharmapuri, the Revision Petitioner wife preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondent is dispensed with.

3. Before the trial court, the Revision Petitioner filed an Interlocutory Application in I.A.No.07 of 2023 under Order 16 Rule 6, 7 and Sec.151 of C.P.C. praying the court to examine the petition mentioned witness to mark the documents. That application was partly allowed by the trial judge holding that after the commencement of trial, already the evidence of R.W.1 was examined, who is father of the Revision Petitioner, but, as on date, she has not appeared before the trial court to give evidence. Therefore, the trial court directed the Revision Petitioner to come into the witness box and thereafter, the request made by her can be considered. Challenging the said findings, the Revision Petitioner wife



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preferred this Civil Revision Petition.

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4. The learned counsel for Revision Petitioner would submit that she is inclined to examine her as witness, provided to examine some more independent witness on her side, but the trial judge failed to consider the same.

5. Records perused. On considering the order passed by the trial judge, as on date, the Revision Petitioner has not appeared as a witness. So, trial court is not inclined to give such a permission, but however, the Revision Petitioner, who is a wife, is entitled to adduce evidence on her side either by herself or by independent witness. Her father was examined as R.W.1. As submitted by the Revision Petitioner, she is inclined to examine the witnesses to mark the documents. Therefore, the prayer claimed by her to adduce evidence, which is permissible under law. But, as rightly observed by the trial judge, the Revision Petitioner is directed to give her evidence and additional evidence can be adduced on her side. Both parties are directed to cooperate with the trial proceedings. Accordingly, this Civil Revision Petition is disposed of. No costs.



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Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes/No

Speaking Order : Yes/No

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To

The Judge, Family Court, Dharmapuri.

T.V.THAMILSELVI, J.



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