



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4165 of 2022

and

C.M.P.No.21779 of 2022

J.Antony Jerald Joseph

... Petitioner

Vs.

M.Kavitha Mary

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Fair and Decretal order dated 22.11.2022 passed by the learned Family Court at Chengalpet at Kancheepuram District in I.A.No.5 of 2022 in F.C.I.D.O.P.No.16 of 2019.

For Petitioner : Mr.P.Paul Selvam

For Respondent : Mrs.C.Alagu Bhavani
For Mr.K.Thenrajan

ORDER

The Civil Revision Petition is filed against the Fair and Decretal Order dated 22.11.2022 in I.A.No.5 of 2022 in F.C.I.D.O.P.No.16 of 2019.



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2. The respondent filed I.D.O.P.No.16 of 2019 for Divorce and in the said petition, the petitioner / husband has filed an Interlocutory Application in I.A.No.5 of 2022 under Order VIII Rule 1(A) 3 read with Section 151 of the Code of Civil Procedure, to condone the delay and receive the documents filed by the revision petitioner as evidence.

3. The Trial Court adjudicated the grounds on which the revision petitioner sought for the relief of receiving the documents filed by him. The Trial Court made a finding that the documents ought to be marked, mainly the certified copy and the order in Interlocutory Application in I.A.No.3 of 2021, Arignar Anna Zoological Park Entry and parking ticket (2 nos), Whatsapp messages between the petitioner and the respondent and photographs of the petitioner are irrelevant at the stage of trial, since those documents ought to have been filed by the revision petitioner at the earliest possible time and now he has chosen to file these documents, after the commencement of trial and while examination of witnesses are in progress.



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4. The Trial Court considered the nature of the documents and found that those documents are sought to be filed at the fair end of the trial only with an idea to prolong and protract the proceedings. Already, the High Court had passed an order to dispose of the case, while so, the revision petitioner has filed an Interlocutory Application to drag on the proceedings.

5. Those photographs and Whatsapp messages were available with the revision petitioners, when he filed the Counter-affidavit and he had failed to furnish those documents.

6. The F.C.O.P was instituted in the year 2019 and after a lapse of 3 years and after the commencement of the trial before the Trial Court, the revision petitioner has chosen to file the Interlocutory Application. Thus, the inference drawn by the Trial Court is to be considered, since the revision petitioner has made an attempt to drag on the proceedings, which cannot be encouraged by the Court.



7. Since the Trial is half-way through, the parties are at liberty to proceed with the trial and establish their respective cases with reference to the documents and evidences made available in the petition.

8. With these observations, the Civil Revision Petition in C.R.P.No.4165 of 2022 stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

31.01.2023

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Index : Yes
Speaking order
Neutral Citation : Yes

To

The Judge,
Family Court,
Chengalpet,
Chengalpet District.



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S.M.SUBRAMANIAM, J.

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C.R.P.No.4165 of 2022

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