



C.R.P.(MD)No.2062 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2062 of 2023
and
C.M.P.(MD)No.10311 of 2023

D.Dhanalakshmi

... Petitioner/
Petitioner/
Respondent

Vs.

R.Senthil Raja

... Respondent/
Respondent/
Petitioner

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 11.07.2023 made in I.A.No.62 of 2023 in H.M.O.P.No.130 of 2019 on the file of 3rd Additional Subordinate Court, Madurai and allow the CRP.

For Petitioner : Mr.P.Rajagopalan

For Respondent : No appearance

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.62 of 2023 in H.M.O.P.No.130 of 2019 dated 11.07.2023 on the



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file of the 3rd Additional Subordinate Court, Madurai, dismissing the application filed under Order 8 Rule 1A(3) C.P.C., for reception of additional documents.

2. The respondent/husband has filed a petition in H.M.O.P.No.130 of 2019 seeking divorce and the same is pending on the file of the 3rd Additional Subordinate Court, Madurai. Pending the divorce petition, the revision petitioner/wife has filed an application in I.A.No.62 of 2023 to receive the documents.

3. The learned counsel appearing for the revision petitioner would submit that since the respondent has raised an allegation that the revision petitioner is a money minded person, in order to disprove the same, the revision petitioner has filed five documents viz., bank account statements of the revision petitioner, CIBIL report and printed tax invoice and that the learned trial Judge, by observing that the revision petitioner has not produced the originals nor filed any certificate under Section 65B of the Indian Evidence Act for receiving the document Nos.2, 4 and 5 and that there was no reason for filing the documents belatedly, has dismissed the application.



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4. The learned counsel appearing for the revision petitioner would further submit that the case is pending for the revision petitioner's side evidence.

5. The main contention of the learned counsel appearing for the revision petitioner is that the trial Court has specifically given a finding that the documents cannot be received in evidence.

6. Considering the above facts and circumstances and also the fact that the main petition is for divorce, the impugned order rejecting the documents cannot be sustained. Hence, the learned 3rd Additional Subordinate Judge, Madurai, is hereby directed to decide the admissibility of the documents at the time of marking the same through the revision petitioner.

7. With the above direction, this Civil Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

23.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm



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K.MURALI SHANKAR,J.

csn

To

1. The 3rd Additional Subordinate Court,
Madurai.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P.(MD)No.2062 of 2023
and
C.M.P.(MD)No.10311 of 2023

Dated : 23.11.2023