



C.R.P.No.483 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.No.483 of 2023
and
C.M.P.No.3954 of 2023

Mr.P.Aravindram

... Petitioner

Vs

Smt.T.T.Divyaprabha

... Respondent

Prayer: Civil Revision Petition has been filed under Article 115 of the Constitution of India to set-aside the Order dated 05.11.2022 made in I.A.No.02 of 2022 in H.M.O.P.No.272 of 2019 on the file of Additional Principal Family Judge, Coimbatore and allow the Civil Revision Petition.

For Petitioner : Mr.B.Mohan

For Respondent : Mr.B.Jawahar



C.R.P.No.483 of 2023

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ORDER

This civil revision petition arises against the Order dated 05.11.2022 passed in I.A.No.2 of 2022 in H.M.O.P.No.272 of 2019, on the file of the Additional Principal Family Judge, Coimbatore. H.M.O.P.No.272 of 2019 has been filed by the wife seeking for divorce. The proceeding is said to be at the stage of RW1 Cross-examination.

2. When the matter was posted for PW1 Cross-examination, an application was filed under Rule 75 of Civil Rules of Practice to summon the “Enquiry Report” of the Income Tax Officer with respect to the complaint given by the civil revision petitioner against the father-in-law. The complaint seems to have been arisen on account of the fact that the respondent/wife had pleaded that her father had spent a sum of Rs.5 Lakhs towards her marriage and had also given 50 sovereigns of gold and Rs.2 Lakhs as dowry to the civil revision petitioner.



C.R.P.No.483 of 2023

WEB COPY

3. Since this allegation was made, a complaint was lodged by the civil revision petitioner/husband against his father-in-law seeking for an enquiry by the Income Tax Officer into the alleged fund. It is this report that the petitioner has sought to summon before the Court.

4. The learned Trial Judge dismissed the petition against which the present civil revision petition. Notice was ordered and M/s.B.Jawahar has appeared on behalf of the wife.

5. The learned counsel appearing for the petitioner drew my attention to the divorce petition and pointed out that the wife has made an allegation as if her parents had spent considerable amount of money in performance of the marriage. In order to show that this is a false statement, he had given a complaint to the Income Tax Authorities who in turn had conducted an enquiry and given a report. The husband wants this report before the Court.



C.R.P.No.483 of 2023

6. A perusal of the order shows that the learned Judge has come to a conclusion that neither the Income Tax Department nor the father of the respondent are a party before the proceeding.

7. The complaint given by the civil revision petitioner as against the respondent's father had been enquired into and proceedings had been initiated by the Income Tax Department. Such a proceeding is neither relevant nor admissible in a proceeding taken out by the wife seeking for divorce.

8. In any event, the learned Judge has specifically given a finding that the civil revision petitioner had cross-examined the respondent/wife at length with respect to the amount that is said to have been spent by her father towards the wedding.

9. He has also stated that the burden of proof and other aspects will be considered at the time of pronouncing the judgement. I do not find any illegality to revise in this order. As rightly pointed out by the learned Judge neither the Income Tax Department nor the father are parties to the divorce proceedings.



C.R.P.No.483 of 2023

WEB COPY

10. The expenses incurred by the father at best is a pointier to the wedding expenses itself but does not condone the act of any cruelty that would have been meted out by the husband against the wife.

11. It is for the wife to prove averments made in the proof affidavit and it is not for the husband to disprove the same. Therefore, I do not find any reasons to dismiss the Order dated 05.11.2022 in I.A.No.2 of 2022 in H.M.O.P.No.272 of 2019.

12. Accordingly, C.R.P.No.483 of 2023 is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.06.2024

Neutral Citation: Yes/No

Index: Yes/ No

Internet : Yes/No

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C.R.P.No.483 of 2023

V.LAKSHMINARAYANAN, J.

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To

The Additional Principal Family Judge,
Coimbatore.

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