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C.R.P.(PD).Nos.1145, 1146, 1147 and 1150 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).Nos.1145, 1146, 1147 and 1150 of 2021
and C.M.P.No.8851 of 2021

S.Megala

... Petitioner
(in all CRPs)

VS

Sankar

... Respondent
(in all CRPs)

Prayer in C.R.P.(PD).No.1145 of 2021: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records of Court below and to set aside the Order and Decreetal order dated 23.03.2021 passed in I.A.No.5 of 2020 (filed to reopen the petitioner side evidence) in F.C.O.P. No. 37 of 2018 by the learned Family Judge at Chengalpattu.

Prayer in C.R.P.(PD).No.1146 of 2021: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records of Court below and to set aside the Order and Decreetal order dated 23.03.2021 passed in I.A.No.8 of 2020 (to receive additional documents) in F.C.O.P. No. 37 of 2018 by the learned Family Judge at Chengalpattu.



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Prayer in C.R.P.(PD).No.1147 of 2021: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records of Court below and to set aside the Order and Decreetal order dated 23.03.2021 passed in I.A.No.6 of 2020 (for recall PW1 for further evidence to mark documents) in F.C.O.P. No. 37 of 2018 by the learned Family Judge at Chengalpattu.

Prayer in C.R.P.(PD).No.1150 of 2021: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records of Court below and to set aside the Order and Decreetal order dated 23.03.2021 passed in I.A.No.7 of 2020 (to recall RW.2 for further evidence to mark documents) in F.C.O.P. No. 37 of 2018 by the learned Family Judge at Chengalpattu.

For Petitioner : Mr.P.Santhaseelan
for M/s.R.Sampath Kumar
(in all CRPs)

For Respondent : No Appearance
(in all CRPs)

COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed by the Court below dismissing the applications filed by the petitioner seeking to reopen the case, to recall PW.1 and RW.2 and to produce additional documents.

2. The petitioner herein filed a petition for divorce against the



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respondent on the ground of cruelty.

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3. Before the Court below, the petitioner was examined as PW.1 and respondent was examined as RW.1. On behalf of the respondent, the father of the petitioner was examined as RW.2 and the evidence of respondent's side was closed. When the matter was posted for arguments on 03.04.2020, the instant applications were filed by the petitioner seeking above said relief.

4. In the affidavit filed in support of these petitions, the petitioner made certain allegations against the immoral character of RW.2. She also made various allegations regarding her right over the property in the hands of RW.2 and the alleged attempts of RW.2 to deprive of her right over the ancestral properties. It was further stated by the petitioner that in order to prove those allegations made in the affidavit, she filed 8 documents and the witness-RW.2 needed to be questioned with regard to the documents produced by her along with these applications.

5. These applications were opposed by the respondent on the ground



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that the dispute between the petitioner and RW.2 with regard to the properties of the family is not related to the main issue involved in the divorce petition and hence, sought for dismissal of the applications.

6. The Court below dismissed the applications filed by the petitioner on the ground the documents filed by the petitioner along with applications seeking leave to produce documents are not at all necessary to decide the issue involved in the divorce application. The averments made by the petitioner are relating to her property dispute with her father RW.2. Likewise, the allegations made by the petitioner regarding the immoral character of RW.2 is also alien to the petition for divorce filed against the present respondent. Further, while dismissing the applications, the Court below observed that all the documents filed by the petitioner were very well available with the petitioner at the time of recording of evidence and she failed to produce the same. She also failed to cross examine RW.2 in that aspect when witness was in box.



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7. Having failed to produce the documents in time and failed to cross examine RW.2 with regard to the points raised by the petitioner in her affidavit, the present applications filed by the petitioner appeared to be an attempt to drag on the proceedings. Therefore, the Court below rightly exercised the discretion against the petitioner and dismissed the petitions as the documents sought to be produced are not necessary to decide the controversy involved in the divorce petition. I do not find any illegality or irregularity in the order passed by the Court below.

8. Accordingly, the Civil Revision Petitions are dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

04.01.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The Family Judge,
Chengalpattu.



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S.SOUNTHAR, J.

dm

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