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C.R.P.PD.Nos.1009 to 1011 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **12.03.2025**

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

C.R.P.PD.Nos.1009 to 1011 of 2025

and

C.M.P.Nos.5880, 5882 and 5884 of 2025

R.Mathusudhanan

... Petitioner in all C.R.Ps

Vs

K.Bhuvaneswari

... Respondent in all C.R.Ps

COMMON PRAYER: Petition filed under Article 227 of the Constitution of India against the fair and decretal orders dated 16.07.2024 made in I.A.Nos.03 of 2023, 02 of 2023 and I.A.No.04 of 2024 dated 16.10.2024 in F.C.O.P.No.96 of 2023 on the file of the Family Court, Namakkal.

For Petitioner

: Mr.K.T.Sivakumar

in all C.R.Ps

COMMON ORDER

Aggrieved by the dismissal of his applications in I.A.Nos.03 of 2023, 02 of 2023 and I.A.No.04 of 2024 in F.C.O.P.No.96 of 2023 by the



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learned District Judge, Family Court, Namakkal, the petitioner is before this Court.

2. The facts are as follows:

(i) The petitioner had married the respondent on 22.10.2015 at Karur as per the Hindu Rites and Customs. Both of them were working as teachers in the Government School at Karur. Out of this wedlock, a girl was born to the two on 28.11.2016. The wife had left the matrimonial home during her period of confinement and stayed with their parents for a long period of time and later, rejoined the petitioner with her daughter in the year 2018.

(ii) The petitioner's contention is that the respondent had stayed away owing to misunderstandings that the husband and wife had. After returning to her matrimonial home in 2018, the respondent continued to harass the petitioner and ultimately left the matrimonial home without his consent. The petitioner therefore filed H.M.O.P.No.176 of 2024 on

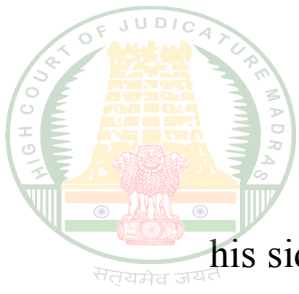


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the file of the Family Court, Karur seeking a divorce on the ground of cruelty and desertion.

(iii) The respondent, on her part, filed F.C.O.P.No.266 of 2022 on the file of the Family Court, Namakkal for restitution of conjugal rights which is still pending. Thereafter, the petitioner's petition for divorce was transferred from the Family Court, Karur to the Family Court, Namakkal and re-numbered as F.C.O.P.No.96 of 2023 and the same is pending along with F.C.O.P.No.266 of 2022.

3. It is the contention of the petitioner that during a mobile call between him and his wife on 20.03.2019, where he had recorded the conversation, the respondent informed the petitioner that she was not interested in continuing the matrimonial life. It is his contention that this conversation has to be let in as evidence to prove his case for which purpose he wanted to mark the pen drive (call records) as Exhibits. Therefore, the petitioner had filed I.A.Nos.2 and 3 of 2023 in F.C.O.P.No.96 of 2023 to mark the pen drive (pen drive) as exhibits on



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his side. The petitioner had also filed I.A.No.4 of 2024 seeking to mark his cell phone with call records dated 20.03.2019. I.A.Nos.2 and 3 of 2023 were dismissed on 16.07.2024. I.A.No.4 of 2024 was dismissed on 16.10.2024. Challenging the same, the petitioner is before this Court.

4. The petitioner has come forward with the case for divorce and the pen drive and documents are sought to be marked to substantiate his case that the respondent is not interested in continuing her matrimonial home. The said statement is retractable by the respondent and further, the admission or otherwise of the statement does not have a very great bearing on the ultimate result. It has to be borne in mind that the respondent / wife has filed a petition for restitution of conjugal rights. The petitioner has sought for divorce on the ground of cruelty and divorce, both of which have to be proved by him independent of the document that is now sought to be marked for which the present records may not have a very great probative value. It is well open to the petitioner to cross examine the respondent on these lines.



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5. Another factor that has to be taken note of is that the alleged conversation is said to have taken place even before the filing of the petition for divorce. However, the petition does not contain any reference to this conversation. I see no reason to disagree with the order passed by the learned District Judge, Family Court, Namakkal. Accordingly, these civil revision petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

12.03.2025

srn

To

The Family Court,
Namakkal.



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P.T. ASHA, J.,

srn

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28.02.2025