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Civil Revision Petition No. 1160 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.PD.No.1160 of 2025

and

C.M.P.No.6930 of 2025

Selvi Raghavan

... Petitioner

Vs

R.M.Guru Shankar

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the Order dated 12.11.2024 passed in I.A.No.2 of 2024 in H.M.O.P.No.991 of 2018 passed by the Principal Judge, Principal Family Court, Coimabtoire.

For Petitioner : Mr.K.Prahalad Bhat

ORDER

Challenging the dismissal of her application filed under the Provisions of Order XVI Rule 1(2) of C.P.C to take summons to the Joint Manging Director, Sharp Pumps Private Limited, Point Arcade in order to



give evidence and produce the salary certificate of the respondent-husband from the date of his joining in service and also for rendering service after his official retirement in the Company, the petitioner is before this Court.

2. The facts are briefly set out herein below:

The respondent before this Court had filed H.M.O.P.No.991 of 2018 on the file of the Family Court, Coimbatore seeking a divorce on the ground of cruelty. The petitioner-wife had filed M.C.No.179 of 2019 against the respondent for maintenance. It is also seen that the wife had also filed a Domestic Violence Petition in D.V.A.No.618 of 2019 on the file of the D.V.A Court, Coimbatore. When the H.M.O.P.No.991 of 2018 was posted for trial, the petitioner has come forward with the application in question, namely, I.A.No.02 of 2024 for issuing summons to the Joint Managing Director, Sharp Pumps Private Limited, Point Arcade to give evidence and to produce all the records.

3. In the affidavit filed in support of the said application, she would submit that there is a necessity to examine the Joint Managing Director as he has to produce the documents relating to the respondent's total salary, deduction on various heads and the take home salary from the date of his



joining service till date and to produce the records relating to his post retirement service with the payment details. For this purpose, she would require to examine the Joint Director.

4. The respondent-husband had filed a counter *inter-alia* contending that the H.M.O.P has been pending from the year 2018 and the petitioner-wife has been protracting the proceedings which is clearly evident from the fact that the very application has been filed after the arguments on either side had been concluded in the main petition. He would submit that in the proceedings before the DVA Court, Coimbatore, the very same Joint Managing Director had been examined and the requisite document had also been produced. Therefore, the application requires to be dismissed.

5. The learned Principal Judge, Family Court, Coimbatore on considering the arguments and the documents produced by him particularly Exs.R3 and R4 which is the deposition of P.W4 in D.V.A.No.618 of 2019 and the retirement and relieving order respectively, the learned Judge had observed that the very documents have already been produced in the Domestic Violence case and there is no necessity to once again issue summons for the very same purpose and the application is nothing but an



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abuse of process of law. Aggrieved by the same, the petitioner is before this Court.

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6. The learned counsel for the petitioner would submit that there is a necessity to renew the request in as much as this is a new proceeding and the subsequent events post R.W3 and 4 has to be elicited. This argument of the learned counsel cannot be countenanced for the simple reason that the respondent-husband admittedly has retired from his earlier Firm and the documents till his retirement has been produced as Ex.R3 and his relieving order has been marked as Ex.R4. It is for submitting the very same documents that once again a summon is sought to be taken out to the Joint Managing Director who had been examined in the DVA proceedings. As rightly pointed by the learned Principal Judge, Family Court, Coimbatore, the application is nothing but an abuse of process of Court and has to be dismissed. I see no reason to interfere with the same. Accordingly, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

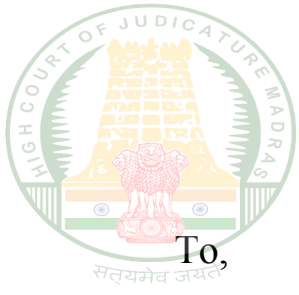
24.03.2025

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

srn



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To,

The Principal Judge,
Principal Family Court, Coimbatore.



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P.T.ASHA, J.,

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