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C.R.P.Nos.2242, 2243 and 2253 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

C.R.P.Nos.2242, 2243 and 2253 of 2025

and

C.M.P.Nos.13021, 13031 and 13068 of 2025

A.Sivakumaran

... Petitioner in all petitions

Vs.

Mohanalakshmi

... Respondent in all petitions

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 16.05.2025 made in I.A.Nos.4, 5 and 6 of 2024 in O.P.No.1257 of 2022 on the file of VII Additional Principal Family Court, Chennai.

In all petitions

For Petitioner : Mr.C.Umashankar

For Respondents : Ms.M.Saradadevi
for Mr.R.Prabakar

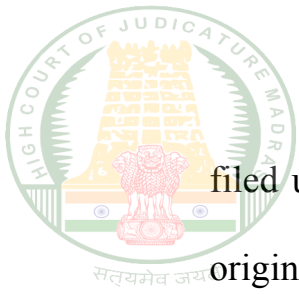


COMMON ORDER

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These Civil Revision Petitions have been preferred by the husband challenging the common order dated 16.05.2025 passed in I.A.Nos.4 to 6 of 2024 in O.P.No.1257 of 2022 by the VII Additional Principal Family Court, Chennai.

2. In matrimonial proceedings initiated by the revision petitioner/husband seeking dissolution of marriage, the wife has filed counter claim seeking restitution of conjugal rights. Pending the proceedings, the respondent/wife filed I.A.No.1 of 2022 seeking interim maintenance. Pending the said interlocutory application, the husband has taken out three interlocutory applications in I.A.No.4, 5 and 6 of 2024. I.A.No.4 of 2024 was filed to issue subpoena to the employer of the respondent/wife to produce the authenticated Salary Certificate of the respondent. The second application in I.A.No.5 of 2024 was filed under Order 11 Rule 14 CPC to direct the respondent/wife to produce the original documents of all the lands in Survey No.278, in Nalur Village, Ponneri Taluk, Thiruvallur District, which is the property belonging to Sampath, father of the respondent/wife. The third application in I.A.No.6 of 2024 was



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filed under Order 11 Rule 14 CPC to direct the respondent to produce the original sale deed pertaining to the property in Door No.76L/35, C.M.D.A, Manali New Town, Chennai. All these applications have been dismissed by the VII Additional Principal Family Court, Chennai, by common order dated 16.05.2025. Aggrieved by the said common order, the husband has come forward with these revision petitions challenging the order of dismissal of all the three interlocutory applications.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

4. Insofar as I.A.No.4 of 2024 is concerned, the learned counsel appearing for the respondent invited my attention to the admission of the petitioner/husband in the counter affidavit filed in I.A.No.1 of 2022, wherein, the petitioner has stated that he draws the salary as indicated in the petition. However, Mr.C.Umashankar, the learned counsel appearing for the petitioner would submit that the said counter affidavit was filed in the interim maintenance application, in the year 2022. Pending the said petition, in the year 2024, in view of change in circumstances alone, the petitioner



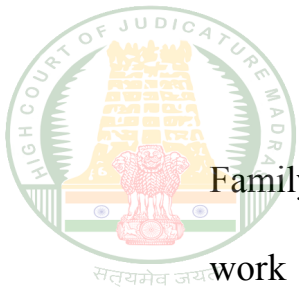
wanted the present Salary Certificate of the wife to be summoned from the employer, namely, the School Authority.

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5. The learned counsel appearing for the respondent, however, would submit that the respondent is willing to produce the latest Salary Certificate authenticated by the School/Correspondent of the School.

6. In view of the same, no further orders are required in the civil revision petition challenging I.A.No.4 of 2024. Hence, C.R.P.No.2253 of 2025 is disposed of with a direction to the respondent/wife to produce the latest authenticated Salary Certificate/slip of the respondent/wife and file the same before the Family Court in I.A.No.1 of 2022.

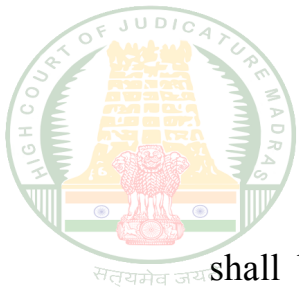
7. Insofar as I.A.No.6 of 2024 is concerned, the respondent/wife has filed a counter affidavit stating that she is not in possession of the original sale deed pertaining to the property in Door No.76L/35, C.M.D.A, Manali New Town, Chennai. In view of the above, no positive directions can be given in the said application. I do not find any infirmity in the order of the



Family Court, dismissing the said application. It is open to the petitioner to work out his remedy in accordance with law to retrieve the original documents. Accordingly, C.R.P.No.2243 of 2025 is disposed of.

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8. Coming to the third revision petition in C.R.P.No.2242 of 2025, an application was filed to produce the original documents of the properties belonging to late Sampath, father of the respondent/wife. Today, the learned counsel appearing for the respondent has produced an Encumbrance Certificate dated 15.07.2025 which reflects that the property was purchased by the father of the respondent/wife, in and by sale deed dated 10.11.1997 registered as Document No.3063 of 1997. It is also the contention of the learned counsel appearing for the respondent/wife that besides this property, the father did not own any other property and even this property has been occupied by the mother of the respondent/wife. It is open to the petitioner to cross-examine the respondent herein/petitioner in I.A.No.1 of 2022 and extract necessary admissions regarding the holding of the other properties and any rental income accruing to the respondent/wife on account of being a legal heir of late Sampath, during trial. Accordingly, C.R.P.No.2242 of 2025 is disposed of.



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9. I.A.No.1 of 2022 being an application for interim maintenance shall be expedited and after affording an opportunity, in the light of the directions issued herein above, the learned VII Additional Judge, Chennai, shall pass orders in I.A.No.1 of 2022 within a period of two months from the date of receipt of a copy of this order and thereafter, the main H.M.O.P.1257 of 2022 along with counter claim shall be taken up and disposed of within a period of six months. There shall be no order as to costs. Connected miscellaneous petitions are closed.

15.07.2025

Speaking Order/Non-speaking Order

Index : Yes / No

Neutral Citation : Yes/No

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To

The VII Additional Principal Family Court, Chennai.



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P.B. BALAJI,J.

ssb

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C.M.P.Nos.13021, 13031 and 13068 of 2025

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