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A NO. 1066 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

CORAM

THE HONOURABLE MR JUSTICE K.KUMARESH BABU

A NO. 1066 of 2025

in

O.P.No.366 of 2023

B.S.Arunkumar
S/o.B.Sekar, Flat No.2037, B Block, Appaswamy
Trelis Apartment, Arcot Road, Vadapalani,
Chennai - 600 026.

Applicant(s)

Vs

Mrs. Vidhya Venkatesh
W/o.B.S.Arun Kumar, Flat No.1033, A Block,
Appaswamy Trelis Apartment, Arcot Road,
Vadapalani, Chennai 600 026.

Respondent(s)

Prayer: Judge's Summons under Order XIV Rule 8 of O.S.Rules, under Order 8 Rule 1 A (3) of C.P.C., praying to grant permission to the petitioner to produce and mark the Additional Documents as Exhibits in the above O.P.

For Applicant(s):

M/s.Vasugi Ramanan

For Respondent(s):

M/s.S.Kanimozhi



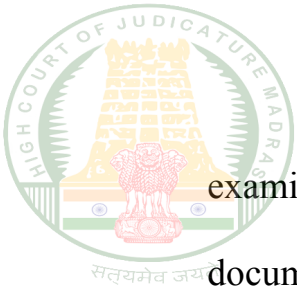
ORDER

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The present application has been filed to grant permission to the petitioner to produce and mark the Additional Documents as Exhibits in the original petition.

2. The learned counsel for the applicant would submit that all the documents that had been listed to the judge's summons are relevant documents, which are required to substantiate the claim of the applicant and also to refute the claim of the respondent. She would further submit that the documents should be received subject to proof and relevance.

3. The same was objected to by the learned counsel appearing for the respondent-petitioner by contending that even earlier, the applicant had taken out a similar application and at that point of time, he had not sought for production of these documents, which would itself shows that the applicant is trying to protract the proceedings as he has the custody of the minor children. She would further contend that as regards the document in Serial No.11, it is a self-serving statement, which the applicant claims to have derived from the statements of accounts, which has been marked as Ex.R1 during the cross-



examination of the respondent. Therefore, she would submit that such document should also not be accepted.

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4. In reply, the learned counsel for the applicant would submit that the said document was also marked before the Family Court in a Maintenance Case and therefore the respondent cannot be seriously prejudiced.

5. I have considered the submissions made on the learned counsel appearing on either sides.

6. Even though an objection had been taken out by the learned counsel for the respondent in respect of all documents, it is to be seen that Document Nos.1 to 10 and 12 to 18 are the documents, which the applicant seeks to substantiate his case regarding the care provided to the minor children.

7. In such view of the matter, this Court is inclined to permit the applicant to produce and mark the said documents as Exhibits in the original petition, subject to proof and relevance. As regards Document No.11, it is seen that it is a self-serving statement that is alleged to have been culled out by the



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applicant from the statements of accounts of the respondent-petitioner. It is to be noted that the respondent was examined as PW1 and during the cross-examination, statements of accounts were marked as Ex.R1 by the applicant, and thereafter, the evidence had been completed. If it is the claim of the applicant that he had spent money indicated in the document, he ought to have cross-examined the respondent on that score. Marking such a document through him would not substantiate the claim of the applicant. Even though the same had been marked before the Family Court, I do not find any necessity to mark the same in the said proceedings.

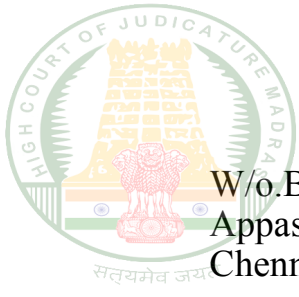
8. In fine, the application in A.No.1066 of 2025 in O.P.No.366 of 2023 is partly-allowed, and the applicant is permitted to produce and mark additional documents, namely the listed Document Nos. 1 to 10 and 12 to 18, subject to proof and relevance. As regards the listed Document No.11, the application stands rejected. However, there shall be no order as to costs.

25-03-2025

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To

1. Mrs. Vidhya Venkatesh



W/o.B.S.Arun Kumar, Flat No.1033, A Block,
Appaswamy Trelis Apartment, Arcot Road, Vadapalani,
Chennai 600 026.

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