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L.P.A.No.9 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.04.2025

CORAM:

**THE HON'BLE MR.JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR**

L.P.A.No.9 of 2025
and
C.M.P.Nos.3270, 3548, 7174, 7175 & 7176 of 2025

Mavillapalli Siva Aditya

...Appellant

Vs

Mavillapalli Lavanya

...Respondent

PRAYER: Letters Patent Appeal filed under Clause 15 of the Letters Patent praying to allow the Letters Patent Appeal and set aside the order dated 15.11.2024 passed by this Court in Sub Application (O.S.) No.1123 of 2024 in Contempt Petition No.3334 of 2024.

For Petitioner : Mrs.Chitra Sampath, Sr. Counsel
for Mr.Dilip Kumar

For Respondent : Mr.T.Mohan, Sr. Counsel
for Mr.V.Adhivarahan



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JUDGMENT

(Judgment of the Court was delivered by M.S.RAMESH,J.)

Heard Mrs.Chitra Sampath, learned senior counsel for the appellant and Mr.T.Mohan, learned senior counsel for the respondent.

2. The order in Sub Application (OS) No.1123 of 2024 in Contempt Petition No.3334 of 2024, dated 15.11.2024, is assailed in this Letters Patent Appeal.

3. The grievance of the respondent herein appears to be that in the divorce proceedings pending in H.M.O.P.No.3529 of 2021 on the file of the 2nd Additional Family Court, Chennai preferred by her, there are certain documentary evidences with the appellant by way of e-mails and that the appellant/husband may tamper with it. To such an apprehension expressed by the respondent, the learned Single Judge has allowed the Sub Application, without notice to the appellant herein.

4. The apprehension of the respondent herein that the appellant may tamper with the electronic evidences, which they intend to rely upon in the divorce proceedings in H.M.O.P.No.3529 of 2021, is not the subject matter of



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G.W.O.P.No.3918 of 2021 and C.R.P.(PD) No.3897 of 2022. While that being so, the learned Single Judge ought not to have granted the order, injuncting the appellant from deleting the e-mails or the mail ID pending consideration of the applicant's plea for Forensic evaluation, more so, without hearing the appellant herein. On this ground, we are constrained to interfere with the order dated 15.11.2024.

5. However, since both the learned senior counsels rely upon these electronic evidences for the purpose of further adjudication of the divorce proceedings pending before the Family Court in H.M.O.P.No.3529 of 2021, it would be appropriate to relegate the parties to approach the Family Court and redress their grievances by preferring an appropriate application.

6. In Contempt Petition No.3334 of 2024 before the learned Single Judge of this Court, it was alleged that the directions given in paragraph 12 of the order passed in C.R.P.(PD) No.3897 of 2022, dated 12.01.2023, has been violated. Whether there was a disobedience to the order passed in the aforesaid Civil Revision Petition is a matter to be adjudicated in the main Contempt Petition and accordingly, we leave the adjudication to be made by the Contempt Court.



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7. Incidentally, the learned senior counsel appearing for the respondent submitted that the appellant herein had made several derogatory remarks attacking the counsel for the respondent/wife personally in the counter and counter claim for dissolution of marriage filed by the respondent/wife; in the application in I.A.No.16 of 2024; in the appellant/husband's rejoinder in I.A.No.16 of 2024; in the written arguments of the appellant/husband and in the common counter to emergent petitions filed by the respondent/wife before the Family Court.

8. To such a submission, we reminded the learned counsel on record for the appellant/husband that whatever statements that are made in the Court Room/Judges' Chambers or during negotiations in the Family Court proceedings, by any counsel, it would only mean that the concerned counsel speaks on behalf of their client and therefore, such statements should not be considered as the personal views of the counsel.

9. The learned counsel for the appellant submitted that he would retract all personal statements made against the counsel for the respondent/wife. Accordingly, the appellant/husband has also filed an affidavit dated 02.04.2025, retracting all the personal allegations made against the counsel for the respondent/wife and replacing them with revised paragraphs in the counter



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and counter claim for dissolution of marriage filed by the respondent/wife; in the application in I.A.No.16 of 2024; in the appellant/husband's rejoinder in I.A.No.16 of 2024; in the written arguments of the appellant/husband and in the common counter to emergent petitions filed by the respondent/wife before the Family Court. The said affidavit dated 02.04.2025 is hereby recorded.

10. The learned counsel for the appellant shall also file amended copies of the counter and counter claim for dissolution of marriage filed by the respondent/wife; the application in I.A.No.16 of 2024; the appellant/husband's rejoinder in I.A.No.16 of 2024; the written arguments of the appellant/husband and the common counter to emergent petitions filed by the respondent/wife by the next date of hearing before the Family Court, incorporating the revised paragraphs set forth in the affidavit dated 02.04.2025 filed by the appellant/husband before this Court. The Family Court shall not place any reliance on the original counter and counter claim filed by the respondent/wife; the application in I.A.No.16 of 2024; the appellant/husband's rejoinder in I.A.No.16 of 2024; the written arguments of the appellant/husband and the common counter to emergent petitions filed by the respondent/wife and shall take into account the amended counter and counter claim filed by the respondent/wife; the application in I.A.No.16 of 2024; the appellant/husband's rejoinder in I.A.No.16 of 2024; the written arguments of the appellant/husband



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and the common counter to emergent petitions, to be filed by the appellant/husband.

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11. In the light of the above observations and findings, the order passed in Sub Application (OS) No.1123 of 2023 in Contempt Petition No.3334 of 2024, is set aside. Consequently, the appellant herein is at liberty to make an appropriate application before the Family Court, touching upon the electronic evidences and may seek for redressal of their grievances before the Family Court. On preferring such an application, the Family Court shall adjudicate the same by giving due opportunities to both the parties and pass appropriate orders in accordance with law, as expeditiously as possible.

12. Accordingly, the Letters Patent Appeal stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(M.S.R.,J.) (N.S.,J.)
02.04.2025

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Speaking order/Non-speaking order
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The 2nd Additional Family Court,
Chennai.



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M.S.RAMESH,J.
AND
N.SENTHILKUMAR,J.

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