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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.02.2026

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). Nos.111 and 112 of 2024
and
CMP(MD) No.521 of 2024**

Munishdharma

... Petitioner in both CRPs.,

Vs

1.Nagavalli

2.Thavamurugan

... Respondents in both CRPs.,

COMMON PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and executable order dated 18.12.2023 passed in the application in I.A.Nos.3 and 4 of 2023 in H.M.O.P.No.29 of 2017 on the file of the Subordinate Court, Mudukulathur.

in both CRPs.,

For Petitioner : Ms.Sakthi Bavatharani for
Mr.J.Barathan

For R1 : Mr.G.Karuppasamy Pandian

For R2 : No appearance



COMMON ORDER

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These Civil Revision Petitions have been filed challenging the order dated 18.12.2023 made in I.A.Nos.3 and 4 of 2023 in H.M.O.P.No.29 of 2017 on the file of the Subordinate Court, Mudukulathur.

2.The petitioner and the first respondent are the husband and wife and the marriage between the parties was solemnized on 09.12.2012. Due to difference of opinion, the petitioner/husband has filed HMOP.No.1 of 2017 seeking divorce, which was later transferred and renumbered as HMOP.No.29 of 2017. Now, the said petition is pending before the Subordinate Court, Mudukulathur.

3.Pending HMOP, the petitioner/husband filed I.A.Nos.3 and 4 of 2023 seeking to re-open the case and to send Ex.P34 to the expert opinion. Both the applications were dismissed by the Court below by a common order dated 18.12.2023. Challenging the same, the present Civil Revision Petitions have been filed.

4.The learned counsel for the petitioner would submit that the petitioner's side evidence was closed on 27.07.2022 and the



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respondents' side evidence was also closed on 19.06.2023. Even though the respondents sent an e-mail, Ex.P34, to the petitioner's mail ID., the first respondent has denied such particulars and as such, it is necessary to send Ex.P34 for expert opinion to find out as to whether such communications were sent by the respondents or others, from which I.P., address, the aforesaid mail has been sent and as to on which date the contents of such mail were sent. Hence, he prays for appropriate orders.

5.The learned counsel for the first respondent would submit that the petitioner is very well known about the password and e-mail ID of the first respondent and by using his high proficiency in the computer field, the petitioner has falsely created the communications through e-mail and whats-app, as if the first respondent has sent such communication. He would further submit that the case was posted for arguments and only with an intention to protract the proceedings, the petitioner has filed the present applications. Hence, he prays for dismissal of these petitions.

6.Heard the learned counsel on either side and perused the records.



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7. Admittedly, petitioner has filed HMOP.No.1 of 2017 as against the first respondent seeking divorce, which was later transferred and renumbered as HMOP.No.29 of 2017 and pending HMOP, the petitioner filed I.A.Nos.3 and 4 of 2023 seeking to re-open the case and to send Ex.P34 to the expert opinion. Both the applications were dismissed by the Court below and the same is under challenge before this Court.

8. The only point that arises for consideration is whether the e-mail communication, Ex.P34 is liable to be sent for expert opinion.

9. On a consideration of the specific issue relating to the electronic evidence in a matrimonial dispute, this Court is of the view that the e-mail communication marked as Ex.P34, which is relied upon by the petitioner/husband and now disputed by the respondents for getting an expert opinion, cannot be conclusively relied upon without proper verification.

10. In such circumstances, where the authenticity, origin or authorship of an electronic document is questioned, it becomes



necessary to obtain an expert opinion. Therefore, this Court is of the considered view that Ex.P34 ought to be subjected to forensic examination by a competent expert to determine its genuineness.

11. Accordingly, these Civil Revision Petitions stand allowed and the order dated 18.12.2023 made in I.A.Nos.3 and 4 of 2023 in H.M.O.P.No.29 of 2017 on the file of the Subordinate Court, Mudukulathur is hereby set aside.

12. Considering the fact that the HMOP is of the year 2017, the learned Subordinate Judge, Mudukulathur, is directed to dispose of HMOP.No.29 of 2017 in accordance with law after obtaining the expert's report, as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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10.02.2026

To

The Subordinate Judge, Mudukulathur.

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N.SENTHILKUMAR, J.

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