

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) No.1822 of 2016
and C.M.P.No.9518 of 2016

S.Sathish Kumar ... Petitioner

Versus

A.Mahalakshmi ... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.05.2016 made in I.A.No.69 of 2016 in H.M.O.P.No.1107 of 2014 on the file of the learned Additional Principal Family Judge, Coimbatore.

For Petitioner : Mr.L.Mouli

For Respodnent : Mr.R.Rajiv Gandhi

ORDER

The document produced by the respondent before the Trial Court was received by the learned Trial Judge, notwithstanding the objection raised by the petitioner that it was not accompanied by a Certificate as provided under Section 65-B(4) of the Indian Evidence Act. Feeling aggrieved, the petitioner has come up with this Civil Revision Petition.

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

3. The petitioner has raised a question with regard to the correctness of the procedure adopted by the learned Trial Judge in marking the document without there being a certificate issued in accordance with Section 65-B(4) of the Indian Evidence Act.

4. The marking of the document has nothing to do with its admissibility. Mere marking of the document alone is not sufficient. The party should prove the admissibility and relevancy of the document. The said aspect would be considered by the learned Trial Judge during the course of trial. The learned Trial Judge received the document by exercising his discretion. I am therefore of the view that the Trial Judge was correct in allowing the application in I.A.No.69 of 2016.

5. The learned Trial Judge is directed to consider the question of admissibility and relevancy of the document during the course of trial.

6. The Civil Revision Petition is disposed of as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

09.09.2016

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To

The Additional Principal Family Judge,
Coimbatore.

K.K.SASIDHARAN, J.

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