

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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CIVIL REVISION PETITION No.4050 of 2015

Between:
Lalitha

....Petitioner

and

Vasudeva Rao Challa

....Respondent

JUDGMENT PRONOUNCED ON : 06.01.2016

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.4050 of 2015

ORDER:

The petitioner herein is the respondent in F.C.O.P.No.195 of 2012 on the file of the Family Court, Secunderabad. The respondent herein filed the said petition seeking a decree of divorce dissolving the marriage between the petitioner and the respondent performed on 25th May, 1997. In the pending petition, the respondent herein, who is the husband, filed I.A.No.375 of 2015 for receiving pen microphone (camera), memory card and CD along with translation. In the affidavit filed in support of the application, he stated that he is having an audio CD, which was a recorded conversation in a panchayat held in the month of November, 2011, and the same could not be filed along with the petition as it was misplaced. He filed the said application on 08.07.2013. The petitioner herein, who is the wife, filed a counter affidavit on 16.07.2015 and stated that her husband has to satisfy the requirement of

Section 65B(2) of the Evidence Act, and since he failed to comply with the conditions laid down therein, the proposed documents shall not be received in evidence. Curiously, the respondent-husband did not file the said memory card, pen microphone and CD along with the application, which was filed on 08.07.2013 and he filed them through a Memo dated 23.07.2015 after filing of counter by the petitioner-wife. However, the said application was allowed based on the judgment of the Supreme Court in **Anvar P.V. v. P.K.Basheer**^[1], since the original electronic record itself was produced before the Court under Section 62 of the Evidence Act and hence it is admissible in evidence without compliance with the conditions mentioned in Section 65-B of the Evidence Act. Accordingly, the petition was allowed permitting the respondent-husband to file the pen camera, memory card and the audio CD as exhibits on his behalf, by order dated 27.08.2015. Challenging the same, the present Civil Revision Petition is filed.

It appears that, after allowing the said application, the examination of P.W.1 was completed. It is not known whether in the evidence of P.W.1 the said documents were taken in aid by P.W.1 or not. Since the present petition is only to receive the documents, there cannot be any objection for the petitioner-wife in receiving those documents. However, the marking of those documents, proof and relevance would come at a later stage.

In view of the nature of the application and the order passed by the learned Judge, Family Court, Secunderabad, this Court is not inclined to interfere with the order passed on 27.08.2015.

The Civil Revision Petition is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

06.01.2016
vs

^[1] (2014) 10 SCC 473