

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1024 of 2017**

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1. Sanjay Kumar @ Sanjay Gupta Son of Kailash Prasad Gupta, resident of Village- Janakpur Road, Pupari Market Jaiput, P.S.- Pupari, District- Sitamari.

.... Petitioner/s

Versus

1. Jyoti Gupta wife of Sanjay Kumar @ Sanjay Gupta, D/o Gopal Prasad Gupta, resident of Village- Old Post Office Road, Samastipur, P.S. and District- Samastipur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bimal Kumar
Mr. Birendra Kumar

For the Respondent/s : Mr. Pramod Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

4 25-06-2018 Heard both sides.

The petitioner has filed this civil miscellaneous petition against the order dated 27.07.2016 passed in Matrimonial Case No.28 of 2013 by which the Principal Judge, Family Court, Sitamarhi rejected the petition of the petitioner to admit the certified copy of the documents under Section 14 of the Family Court Act, 1984.

The learned counsel for the petitioner submits that Section 14 of the Family Court Act, 1984 especially provides that a Family Court may receive evidence, a report, statement, documents, information or matter that may, in its opinion, assist it to deal effectually with a dispute, whether or not the same would



be otherwise relevant or admissible under the Evidence Act. It is submitted that the strict rule of Evidence Act is not applicable even a certified copy of a document can be admitted in evidence by the Family Court but the Family Court has illegally rejected the petition of the petitioner for marking the certified copy of documents as exhibits.

The learned counsel for the respondent has submitted that strict rule of Evidence Act is not applicable in the procedure of Family Court.

Having considered the facts aforesaid and on perusal of the provisions as contained in Section 14 of the Family Court Act, I find that learned Principal Judge, Family Court, Sitamarhi has illegally rejected the petition of the petitioner for marking the certified copy of the different documents as exhibits in the proceeding. Accordingly, the order dated 27.07.2016 is set aside with a direction to the Principal Judge, Family Court, Sitamarhi to admit those documents as exhibits in the proceeding.

Accordingly, this civil miscellaneous petition is allowed.

(Prabhat Kumar Jha, J)

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