THE HONOURABLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN

CIVIL REVISION PETITION NO.7145 OF 2018

ORDER:

The petitioners are aggrieved by the order dated 11.09.2018, passed by the VII Junior Civil Judge, City Civil Court, Hyderabad, whereby the learned Judge has dismissed the interim application filed by the petitioners under Section 65B of the Indian Evidence Act, 1872 ("the Act" for brevity), in order to mark the property tax history pertaining to Door No.8-2-293/82/A/A obtained from the official website of the Greater Hyderabad Municipal Corporation (GHMC) as secondary evidence.

Mr. Sujith Jaiswal, the learned counsel for the petitioners, submits that the petitioners-plaintiffs had downloaded the property tax history of the abovementioned door number from the official website of the GHMC. The plaintiffs wanted the said document to be marked in order to support their plea that the properties belonging to the plaintiffs and to the defendant are two different sets of property. However, the defendant is interfering with the peaceful possession of the petitioners' property. By the impugned order, the learned Trial Court rejected the application ostensibly on the ground that the certificate under Section 65 B (4) of the Act is not available. But according to the learned counsel for the petitioners, the certificate signed by the learned counsel for the plaintiffs was duly produced before the learned Trial Court. Therefore, the observation made by the learned Trial Court is obviously wrong.

Heard the learned counsel for the petitioners and perused the certificate signed by the learned counsel for the plaintiffs, which has been produced before this Court.

Section 65 B (4) of the Act reads as under:-

"*In any proceedings where it is desired to give a statement in evidence by virtue of this section, a certificate doing any of the following things, that is to say:*

(a) identifying the electronic record containing the statement and describing the manner in which it was produced;

(b) giving such particulars of any device involved in the production of that electronic record as may be appropriate for the purpose of showing that the electronic record was produced by a computer;

(c) dealing with any of the matters to which the conditions mentioned in sub-section (2) relate, and purporting to the signed by a person occupying a responsible official position in relation to the operation of the relevant device or the management of the relevant activities (whichever is appropriate) shall be evidence of any matter stated in the certificate; and for the purposes of this sub-section it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it."

The said provision lays down a specific condition that the certificate should be signed by a person purportedly occupying a responsible official position in relation to the operation of the relevant device, or the management of the relevant activities, whichever is appropriate. Therefore, the certificate cannot be issued by the counsel for the plaintiffs, who is neither a person occupying a responsible official position with relation to the operation of the relevant device, nor does he fall within the words "management of the relevant activities". For, as the counsel for the plaintiffs does not have any control over the activities of a computer device. Therefore, the learned Trial Court was justified in concluding that the certificate submitted by the petitioners does not fall within the four corners of the requirement of Section 65B of the Act. Therefore, the impugned order cannot be faulted with.

Hence, this Court does not find any merit in the present revision petition and it is hereby dismissed.

However, the learned counsel for the petitioners seeks liberty to file another application containing the relevant certificate issued by the concerned authority, as mentioned in Section 65B(4) of the Act. The liberty so sought for is hereby granted.

Miscellaneous petitions, if any, pending shall stand dismissed.

(RAGHVENDRA SINGH CHAUHAN, J)

19th December 2018
RRB