

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 1338 OF 2018

ORDER:

The plaintiff in O.S.No.620 of 2009 on the file of XIV Additional District Judge, Ranga Reddy District at L.B.Nagar, filed this Civil Revision Petition under Article 227 of the Constitution of India, feeling aggrieved by the dismissal of I.A.No.298 of 2016.

The petitioner/plaintiff filed the above said I.A. under Section 65B of the Evidence Act, 1872 (for short 'the Act') with a request to mark Exs.A.9 to A.11, E-Mails/electronic contents. Respondent No.1/defendant No.1 herein filed a counter opposing the application on the ground that Exs.A.9 to A.11 are not in compliance with the provisions of Section 65B of the Act. The trial Court while observing that the petitioner had filed the certificate said to have been issued under Section 65B of the Act, by merely extracting Section 65B of the Act and stating that as the guidelines mentioned therein are not fulfilled, the documents cannot be received in evidence, dismissed the said I.A.

Heard learned counsel for the petitioner and learned counsel for respondent No.1.

As can be seen from the order impugned, it does not specify which part of the guidelines of the Apex Court has not been complied with, as it can be noted that Section 65B of the Act consists of as many as five sub-sections. In normal circumstances, this Court would have remanded the matter to the trial Court for

fresh consideration. However, learned counsel for respondent No.1 fairly submits that though there are lacunae in the impugned order, instead of setting aside the said order, this Court may direct the Court below to mark Exs.A.9 to A.11 subject to relevancy, proof and admissibility.

In those circumstances, the Civil Revision Petition is disposed of with the direction to the Court below to mark Exs.A.9 to A.11 subject to their relevancy, proof and admissibility, without insisting on certificate under Section 65B of the Act.

Consequently, miscellaneous applications, if any shall stand disposed of. No costs.

CHALLA KODANDA RAM, J

Dt:15.07.2019

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