

**UJJAINI SHAW VS. SANJIT KUMAR
SHAW**

**Ms. Sudeshna Basu Thakur
 ..for the petitioner
Mr. Arijit Bardhan
 ..for the opposite party**

By this revisional application, the petitioner has challenged the order dated February 18, 2020 passed by the learned Additional District Judge, 4th Court, Assansol, District Paschim Bardhaman, in Miscellaneous Case No.41 of 2019 arising out of Matrimonial Suit No.23 of 2018.

By the order impugned, the learned Court below allowed 3 C.Ds to be admitted in evidence and marked the same as Exhibit "H" collectively with objection.

Learned Advocate for the petitioner submits that the same could not have been done by the learned Court below without compliance of Section 65B of the Indian Evidence Act. It is also submitted that unless the said C.Ds were accompanied by a certificate as per the provision of Section 65B of the Indian Evidence Act, the said C.Ds would be inadmissible in evidence.

Learned Advocate for the opposite party/husband submits that as in terms of the Hon'ble Apex Court decision in the matter of Arjun Panditrao Khotkar Vs. Kailash Kushanrao Gorantyal & Ors. reported in (2020)7 SCC 1, it was not mandatory that the certificate should accompany the C.Ds at the time of filing of the evidence and the same could be accepted later on at the time of final hearing.

I have considered the order impugned, the provisions of Section 65B of the Indian Evidence Act and also the decision of Hon'ble Apex Court and I am of the view that the said C.Ds will be admitted in evidence upon compliance of the provisions of Section 65B of the Indian Evidence Act and if ultimately at the time of final hearing of the Miscellaneous Case, the opposite party fails to comply with the provisions of Section 65B of the Indian Evidence Act with regard to production of the certificate and other compliances as provided in the statute, the contents of the C.Ds shall not be admitted as evidence. The learned Court below did not commit any error in marking the said C.Ds as Exhibit with "objection". If at a later stage but before the final hearing of the Miscellaneous case the husband is unable to comply with the statutory provision with regard to admissibility of electronically generated documents as evidence, then the learned Court below shall not consider

these C.Ds as evidence for the sake of disposal of the Miscellaneous case.

With the above observations, this revisional application is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order be given to the parties on priority basis, if the same is applied for.

(Shampa Sarkar, J.)

