



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P (MD) .No.54 of 2022

Vijaya : Petitioner/Respondent/Respondent

Vs.

P. Saravanarajan : Respondent/Petitioner/Petitioner

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 02.12.2021 passed in I.A.No.1166 of 2020 in HMOP.No.781 of 2014 on the file of the Family Court, Madurai.

For petitioner : Mr.B.Ponnupandi
For Respondent : Mr.A. Selvam

ORDER

The revision petitioner / respondent filed this revision to set aside the order, dated 02.12.2021 passed in I.A.No.1166 of 2020 in HMOP.No.781 of 2014 on the file of the Family Court, Madurai.

2. Heard the learned counsel appearing for both sides and perused the materials available on record.

3. The said I.A.No.1166 of 2020 filed by the respondent / petitioner to receive the document of police complaint with CSR and also a Compact Disc, which has conversation of the parties. The trial Court has allowed the petition only to receive the admissibility document on the ground that admissibility of the evidence can be decided later. As per the Judgment of the Hon'ble Supreme Court reported in **2014 STPL 10382 SC (P.V. Anvar Vs. P.K. Basheer and others)**, it has been held as follows:

22. An electronic record by way of secondary evidence shall not be admitted in evidence unless the requirements under Section 65B are satisfied. Thus, in the case of CD, VCD, Chip, etc., the same shall be accompanied by the certificate in terms of Section 65B



obtained at the time of taking the document, without which, the secondary evidence pertaining to that electronic record, is inadmissible."

In view of the judgment referred above, the respondent / petitioner should produce the certificate in terms of Section 65B of the Evidence Act, then, only the compact disc can be received by him.

4. So, the Civil Revision Petition is partly allowed and the compact disc should be received only along with certificate in terms of Section 65B of the Indian Evidence Act. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Judge, Family Court, Madurai.

+1 CC to M/s.A.SELVAM, Advocate (SR-16376[F] dated 04/04/2022)

+1 CC to M/s.K. GOVINDARAJAN, Advocate (SR-16543[F] dated 05/04/2022)

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