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C.R.P.(PD).No.4678 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN, J.

C.R.P.(PD).No.4678 of 2024

and

C.M.P.No.26174 of 2024

1.P.Sengottuvel @ Chandiran
2.P.Kandasamy @ Duraiyan
3.P.Nachimuthu
4.M.Ganesan @ Murugesan
5.S.Natesan
6.S.Natarajan
7.S.Sengodan
8.N.Sakthivel
9.R.Kandasamy

... Petitioners

..Vs..

1.P.Kannan
2.P.Kandasamy
3.K.Maheswaran

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.5 of 2024, dated 19.08.2024 in O.S.No.38 of 2017 on the file of the Additional District Munsif Court at Tiruchengode.



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For Petitioners : Mr.Vengadesh Durairaja V.K

ORDER

This Civil Revision Petition arises against the order passed by the learned Additional District Munsif at Tiruchengode in I.A.No.5 of 2024 in O.S.No.38 of 2017, dated 19.08.2024.

2. The civil revision petitioners are the defendants in the suit. They took out an application for summoning the videographer, who had captured Ex.A7, as a witness to the suit. The said application in I.A.No.5 of 2024 came to be dismissed. Hence, this Revision.

3. O.S.No.38 of 2017, relates to the alleged right that has been claimed by the plaintiffs' in a Village Temple. Evidence of the plaintiffs' and the defendants have been completed. The suit is now posted for further evidence on the side of the defendants. During the course of examination of the plaintiffs' side examination, they had marked Ex.P7 namely a video of



an alleged conversation between the plaintiffs' and the defendants'.

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4. This was objected to, by the defendants' at the time of exhibiting the documents stating that the requirements under Section 65 B of the Indian Evidence Act, 1872 had not been complied with. Therefore, the plaintiffs' complied with Section 65 B of the said Act and produced the certificate. Thereafter, this application has been taken out by the defendants' seeking for examination of the person, who took the video under Ex.P7.

5. For the purpose of appreciating the evidence, there is no necessity to examine the person, who captured the said video. The purpose of Section 65 B of the Indian Evidence Act, is to do away with such kind of requirements.

6. In this case, as Section 65 B of the Act has been complied with, I do not see any requirement for examination of the videographer. It matters not, whether the videographer is a stranger or the son of the plaintiffs. His status continuous to be one of a person, who recorded the conversation. The



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learned Additional District Munsif has given cogent reasons in paragraph No.5.3 of the impugned order with which I am entirely *ad idem*. Hence, there is no necessity to revise the order.

7. Accordingly, the Civil Revision Petition is dismissed. No costs.

Consequently, the connected miscellaneous petition stands closed.

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Index : Yes/No

Internet : Yes/No

Neutral Citation Case: Yes/No



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