



\$~83

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of decision: 17th September, 2024***
+ **CM(M) 3400/2024 & CM APPL. 54074-54076/2024**
SHARDA

.....Petitioner

Through: Mr. Bhaskar Tiwari and Mr.
Ramakant Shukla, Advocates.

versus

RAHUL GUPTA

.....Respondent

Through: Mr. Indra Chand Prajapat, Ms.
Himanshi Gupta and Ms. Sadhika
Atri, Advocates along with
Respondent-in-person.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
J U D G M E N T (oral)

1. Respondent No.1 Rahul Gupta has filed a suit against his step-mother (petitioner herein) for recovery of possession and injunction.
2. During trial, the plaintiff i.e. PW1 Rahul Gupta entered into witness box and he was confronted with certain photographs during cross-examination.
3. The respondent wanted to confront the plaintiff with 22 photographs but an objection was taken by learned counsel for the plaintiff that these photographs were taken from digital/electronic device and, therefore, in the absence of either the original device or without appropriate certificate under Section 63 of Bharatiya Sakshya Adhiniyam, there could not have confronted or shown.



4. Learned counsel for the defendant, however, insisted that there was no embargo in, at least, showing the photographs and retaining the same on record in terms of the answers given by the witness. However, his such request was declined and, therefore, the present petition has been filed, challenging such order.
5. During course of the arguments, learned counsel for the defendants (petitioner herein) has stated that the matter is now fixed before the learned Trial Court on 20th September, 2024 for further cross of PW1 and also for RPE and he would ensure that requisite certificate in terms of Bharatiya Sakshya Adhiniyam is also shown to the witness along with said 22 photographs.
6. Learned counsel for the respondent/plaintiff, who appears on advance notice, has no objection if any such certificate is also shown along with these photographs to the witness i.e. PW1 plaintiff Rahul Gupta.
7. In view of the above, the present petition is disposed of with liberty to petitioner (defendant) to confront the plaintiff (PW1) again with said 22 photographs provided he also brings along requisite certificate under Section 63 of Bharatiya Sakshya Adhiniyam. Let this be done on the date fixed i.e. 20th September, 2024.
8. The petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 17, 2024/ss