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CRP. No.2021 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

**CRP. No.2021 of 2025
and CMP. No.11717 of 2025**

Mr.M.Saravanan

Petitioner(s)

Vs

Mrs.G.Ponni

Respondent(s)

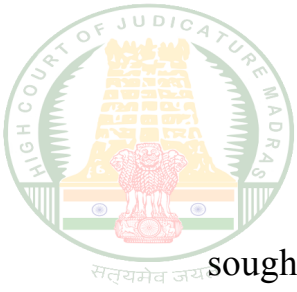
PRAYER: This Civil Revision Petition under Article 227 of the Constitution of India, to set aside the impugned order in I.A. No.2 of 2024 in O.P. No.3449 of 2023 dated 12.02.2025 in the file of Principal Family Court at Chennai and consequently direct the Trial Court to allow the additional documents Nos.1, 2 and 5 to get marked in evidence in the interest of justice.

For Petitioner : Mr.S.Kathiravan

For Respondent : No Appearance

ORDER

The petitioner/husband, is on revision, challenging the order passed in I.A. No.2 of 2024 in O.P. No.3449 of 2023 dated 12.02.2025, in and by which the learned Principal Judge, Family Court, Chennai has permitted the petitioner to produce some of the documents which were



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sought to be received in evidence, on behalf of the petitioner, while rejecting three of the documents. Aggrieved by the rejections/refusal to receive three of the documents, the present revision petition has been filed.

2. Despite service of notice on the respondent, the respondent has neither chosen appear in person nor through the learned counsel. The respondent is called and set exparte. I have heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner would state that the husband has sought for dissolution of marriage on the ground that respondent/wife is mentally ill and he has suffered acts of mental cruelty at the hands of the respondent. In the course of evidence, the petitioner has taken out an Application to permit him to file additional documents, the learned Principal Family Judge has allowed some of the documents to be received while refusing permission in respect of three documents viz., (1) Copy of medical prescription of KMSH Hospital dated 21.10.2017 (2) Audio recording of the counsellings provided to the



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respondent, by Dr.Saravana Jothi at KMSH Hospital & respondent also verbally abusing the petitioner and (3) Pictures of the respondent, with her two wheeler, in the High Court involved in a quarrel with the police authorities.

4. The learned counsel for the petitioner would state that the Family Court has rejected these documents/refused to give permission on the ground that the documents are not accompanied by certificate which are contemplated under 63 of the Bharathiya Shakshya Athiniyam, 2023, which is the new provision that has replaced Section 65(3) of the Indian Evidence Act, 1872. He would state that the Court ought to have seen that the certificates are necessary only at the time of marking the documents.

5. As rightly pointed out by the learned counsel petitioner, the certificate would become necessary only when the document is tendered in evidence. It need not be accompanied at the time of the Application being filed, seeking to file additional document. Insofar as the findings of the Family Court that the petitioner has not stated any reason for filing



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the aforesaid documents, I find that in the affidavit, the petitioner's specific case is that the respondent/wife is not mentally alright, based on which, dissolution of the marriage has been sought for. Therefore, the Family Court ought to have entertained the documents viz., Medical prescription.

6. Insofar as the photographs are concerned, as rightly pointed out by learned counsel for the petitioner, pertaining to the very same incident, the Court has permitted the CSR to be received as document. However, the photographs alone have been refused. It is needless to state that if the photographs is accompanied by a Compact Disc or Negatives, then the said photographs shall also be received in evidence, subject to the right of cross examination which is available to the respondent.

7. In view of the above, I am inclined to set aside the order of the Principal Family Court, Chennai. Accordingly, this Civil Revision Petition is allowed and the documents viz., (i) medical prescription is allowed to be received as evidence on the side of the petitioner (ii) the audio of pen drive shall be received subject to production of certificate



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as required under Section 63 of BSA at the time of marking of the said document and similarly, the photographs may also be received, subject to production of Compact Disc or the Negatives pertaining to the said photographs, again along with certificates at the time of marking of exhibits. No costs. Consequently, connected Miscellaneous Petition is closed.

25.06.2025

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Index : Yes / No

Internet : Yes / No

To:

The Judge, Principal Family Court at
Chennai.



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P.B.BALAJI, J.,

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