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CRP. No.1821 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No.1821 of 2023

and CMP. No.11695 of 2023

1.Saradha
2.A.Rajan

Petitioner(s)

Vs

1.Rajamani
2.T.Harish
3.T.Harini
4.R.Venkatapathy

Respondent(s)

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 11.04.2023 made in I.A. No.1 of 2022 in O.S. No.52 of 2020 on the file of the learned Third Additional District Court, Erode at Gobichettipalayam.

For Petitioner(s) : Mr.C.R.Ramanan

For Respondent(s): Mr.R.Bharathkumar for R1 & R2
No Appearance for R3
Mr.V.Ayyappan for R4



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ORDER

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This revision petition is filed at the instance of the plaintiffs who are aggrieved by the dismissal of I.A. No.1 of 2022 before the III Additional District Court, Erode at Gobichettipalayam.

2. According to the learned counsel for the petitioners, the plaintiffs have filed the suit for declaration, declaring their 45% interest in the suit property (Item No.1) and consequential permanent injunction. The specific case of the plaintiffs is that the negotiations between the parties was only oral in nature and in order to establish their case before the Court, the plaintiffs had already filed a Compact Disc (CD) as Doc.No.27 along with the plaint, containing messages exchanged regarding the transaction between the plaintiffs and the defendants, the text messages sent by the 4th defendant to the petitioners, the whats app messages and the copy of the account transaction signed by the 2nd respondent and the 4th respondent.

3. The petitioners/plaintiffs took out an Application under Order VII Rule 14 (3) r/w. 151 of CPC to receive the additional documents and the plaintiffs intended to mark the CD and they wanted to file the Certificate



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contemplated under Section 65 B (4) of the Indian Evidence Act, 1872 (in short 'Act'). The said Application was resisted by the defendants on two grounds viz., the CD ought to have been filed along with 65B Certificate even when the plaint was filed and secondly, the certificate has not been signed by the plaintiff but only by the plaintiff's son.

4. The learned counsel for the revision petitioners would state that there is no requirement for the Section 65 B (4) certificate to have been filed along with the plaint and it would be sufficient for the plaintiffs to produce the Certificate before the document is sought to be introduced in evidence. He would further state that since the plaintiff's son's mobile had the entire whatsapp messages, the plaintiff's son had given the certificate and the same is not improper.

5. The Trial Court rejected the Application and dismissed the same on the ground that the Certificate has not been produced along with the plaint and after lapse of two years, they have produced and that the plaintiffs have been negligent and careless in producing the Certificate.



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WEB COPY 6. I have carefully considered the submissions advanced by the learned counsel on either side.

7. Insofar as the requirement under Section 65 B (4) of the Act, it is seen that the document in electronic form or electronic record cannot be received in evidence unless it is accompanied by a Certificate as required under Section 65 B (4) of the Act. Therefore, there is no necessity for the plaintiff to have filed the Certificate along with the plaint. Only when the plaintiff wants to mark the document and exhibit the same as evidence as his side, the said Certificate would be required. Secondly, even under Section 65 B (2) (a), as well as 65 B (4) of the Act, the person who has had lawful control over the device can issue the Certificate. Therefore, I am unable to countenance the objection of the respondent/defendant. The Trial Court, without noticing the legal position, has dismissed the Application only on the ground of delay in production of the Certificate.



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8. In the light of the above, the Civil Revision Petition is **allowed** and

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the petitioners/plaintiffs are permitted to enclose the Certificate under Section 65 B (4) of the Act along with Doc. No.27/CD. It shall be open to the respondents/defendants to cross examine the petitioners/plaintiffs as well as the deponent of the Certificate to establish their contentions. No costs. Consequently, connected Miscellaneous Petition is closed.

19.06.2025

rkp

To
The Third Additional District Judge,
Erode at Gobichettipalayam.



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P.B.BALAJI, J.,

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