



C.R..P.(PD)(MD).No.737 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.737 of 2025

and

C.M.P(MD) No.3892 of 2025

O.K.Megavarnan

... Petitioner/
Petitioner/Petitioner

Vs.

M.Nithya

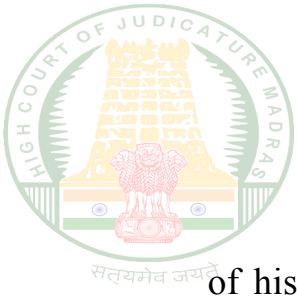
... Respondent/Respondent/
Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records relating to the Ex-order and order dated 05.12.2024 passed by the learned Sub Judge, Melur, in I.A.No.3 of 2024 in H.M.O.P.No.37 of 2021 and set aside the same.

For Petitioner : Mr.S.Sukumar

ORDER

The petitioner in H.M.O.P.No.37 of 2021 on the file of the Sub Court, Melur, has filed the present Civil Revision Petition challenging the dismissal



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of his application filed under Section 65-B of the Indian Evidence Act, for reception of his Mobile Phone with proof affidavit in evidence.

2. A perusal of the records reveal that the petitioner herein has filed the above said petition for divorce on the ground of cruelty. When the petition was posted for marking of documents on the side of the petitioner, he had filed I.A.No.3 of 2024 seeking the permission of the Court to mark his Mobile Phone along with proof affidavit under Section 65-B of the Indian Evidence Act. The said application has been dismissed by the trial Court on the ground that an electronic device has to be sent to the forensic lab for confirmation relating to the data collected and therefore, the mobile phone cannot be received without experts Certificate. This order is put to challenge in the present Civil Revision Petition.

3. According to the learned counsel appearing for the revision petitioner, he need not file an application under Section 65- B of the Indian Evidence Act, provided he places the primary evidence before the Court. However, this Court is not convinced with the said submission, in view of the fact that the primary evidence sought to be produced by the revision



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petitioner is an electronic device and therefore, unless it is certified by the competent authority, the Court would not be in a position to rely upon the data that is stored in the electronic device.

4. The Ministry of Electronics and Information Technology has issued a Notification on 27.11.2024 notifying Forensics Science Department, 30A, Kamarajar Salai, Maylapre, Chennai, as Examiner of Electronic Evidence within India.

5. In view of the above said development, the petitioner is at liberty to place the mobile phone before the concerned authority, who is notified under the Government Order and after getting a Certificate with regard to the data stored in the mobile phone, he can file an application to revive his request before the Sub Court, Melur.



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6. With the above said observations, this Civil Revision Petition is disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Sub Judge,
Melur.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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