



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.2011 to 2013 of 2025

and

C.M.P.(MD).No.11681 of 2025

I.Yasmin

...Petitioner
in all petitions

Vs.

1.K.Raju

2.M.Sumathi

...Respondents
in all petitions

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India to set aside the order passed in I.A.Nos.1, 2 and 3 of 2025 in O.S.No.363 of 2021 dated 17.06.2025 on the file of the learned I Additional Sub Judge, Madurai and to allow the Civil Revision Petitions.

In All Petitions

For Petitioner : Mr.P.Yasmin Begum

For R-1 & R-2 : Mr.P.Gunasekaran

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COMMON ORDER

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These Civil Revision Petitions have been filed seeking to set aside the common order dated 17.06.2025 passed in I.A.Nos.1, 2 and 3 of 2025 in O.S.No.363 of 2021 on the file of the learned I Additional Sub Judge, Madurai.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the plaintiff in O.S.No.363 of 2021. The said suit was filed for declaration declaring that the sale deed bearing Document No.4942 of 2018 dated 12.11.2018, executed in favour of the respondents, is null and void on the ground that it was executed fraudulently by cheating the petitioner, and for consequential permanent injunction.

3. It is the case of the petitioner that she had gone to the Sub-Registrar's Office for registration of a sale deed. However, the respondents, by misrepresentation, procured her signature on the impugned sale deed, which gave rise to the filing of the suit. Due to illness, the petitioner appointed her husband as power agent to represent her in the suit proceedings. Subsequently, she desired to produce additional evidence—namely, (1) her medical records pertaining to her illness, and (2) a Compact Disc (CD) containing a video conversation between herself and the respondents. The CD was accompanied by a certificate under Section Section 63(4)(A) of the BNA Act. Accordingly, the



petitioner filed I.A.Nos.1, 2, and 3 of 2025 to reopen the evidence of PW1 for marking the above documents; to recall PW1 for further examination; and to grant permission to mark the said additional documents. The trial Court, by order dated 17.06.2025, dismissed all three applications. Aggrieved by the said dismissal, the petitioner has approached this Court by way of the present Civil Revision Petitions.

3. The learned counsel for the petitioner contends that though the medical records may not have substantial relevance to the core issues in the suit, the CD containing the recorded conversation between the petitioner and the respondents is crucial evidence. It is further submitted that the CD was accompanied by a certificate under Section Section 63(4)(A) of the BNA Act before the trial Court, but the Court wrongly refused to allow its marking.

4. Per contra, the learned counsel appearing for the respondents would submit that any certificate under Section 63(4)(A) of the BNA Act is subject to fulfilment of the requirements under Section 65B of the Indian Evidence Act, 1872. Therefore, unless the statutory requirements are complied with, the CD cannot be admitted in evidence.

5. Upon considering the rival submissions, this Court finds that the principal controversy revolves around the admissibility of the CD containing



the alleged conversation between the petitioner and the respondents. The trial Court has rejected the petitioner's request solely on the ground of alleged non-compliance with procedural requirements. It is well settled that Section 65B of the Indian Evidence Act governs the admissibility of electronic records, and that a valid certificate under Section 65B(4) is a condition precedent for admitting such evidence.

6. In the present case, the petitioner has expressed readiness to comply with the requirements of Section 65B of the Indian Evidence Act, 1872 and has already filed a certificate under Section 63(4)(A) of the BNA Act. Considering the nature of the suit and the importance of enabling parties to adduce all relevant evidence for just adjudication, this Court is of the view that an opportunity should be afforded to the petitioner to mark the CD, subject to strict compliance with the statutory requirements.

7. In view of the above discussion, the order dated 17.06.2025 passed in I.A.No.1 of 2025 is hereby set aside to the limited extent of permitting the petitioner to mark the CD containing the video conversation, subject to the petitioner fulfilling the requirements of Section 65B of the Indian Evidence Act, 1872. The trial Court shall permit the marking of the CD only upon such compliance and proceed with the matter expeditiously. The dismissal of the applications in respect of the medical records, to reopen the evidence of PW1



for marking the above documents; to recall PW1 for further examination are confirmed.

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8. The Civil Revision Petitions are partly allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.

11.08.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The I Additional Sub Judge, Madurai.

2..The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

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