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A. No. 1810 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A. No. 1810 of 2026

in

O.P. No. 438 of 2025

K.R. Easwar
S/o K.E. Ragupathi
Residing at
Flat No.202, Parsn Ahana Apartments,
Mambakkam Main Road,
Vengaivasal,
Chennai - 600 126

..Applicant(s)

Vs

G. Srinidhi
W/o K.R. Easwar.
Currently Residing at
No. 21, Subramaniya Nagar 1st Street,
Kodambakkam.
Chennai 600 024

..Respondent(s)

To permit the Applicant to mark downloaded and xerox copy of the documents Nos.9, 11 and 12 documents filed in A.NO.1055 of 2026 in O.P.No.438 of 2025 as secondary evidence in the above O.P.No.438 of 2025.

For Applicant(s): M/s. S.Vanitha
R.Vetrivel

For Respondent(s): Mr.Amir V. Kataria.



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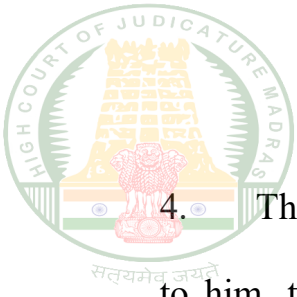
ORDER

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This application has been filed by the respondent/father in O.P.No.438 of 2025 seeking permission to mark downloaded/xerox copies of documents Nos.9, 11 and 12 filed in A.No.1055 of 2026 as secondary evidence in the main O.P.

2. The original petition relates to custody of the minor child K.E. Raghuram. The applicant is the father of the minor child. The respondent is the mother of the minor child and petitioner in the main O.P.

3. According to the applicant, the petitioner's side evidence has been closed and he has filed his proof affidavit. He states that he has relied upon 18 documents and that documents Nos.9, 11 and 12 are medical records relating to the respondent/petitioner. The said documents are stated to be the medical report dated 13.03.2023 given by Dr.Vasudevan, the medical report dated 20.03.2023 given by Capstone Hospital, and the discharge summary dated 28.03.2023 from P.S.Hospital.



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4. The applicant states that he is not in possession of the originals. According to him, the originals were sent to the respondent's father on 12.06.2025 with a covering letter. He further states that notice to produce was sent on 18.12.2025, but the respondent's counsel sent a reply on 20.12.2025 denying possession. On this basis, the applicant seeks permission to mark downloaded/xerox copies as secondary evidence.

5. The respondent has filed counter affidavit opposing the application. Her stand is that the application is misconceived and that the applicant has not satisfied the foundational requirements for letting in secondary evidence. She denies that she or her father is in custody of the originals. She further states that the covering letter relied on by the applicant relates to some other medical records and not to the documents now sought to be marked. She also states that the applicant has not taken steps to summon the records from the concerned hospitals.

6. Heard the learned counsel on either side and perused the materials.

7. The petitioner has filed the present petition seeking permission to receive the documents as secondary evidence. Though the petitioner has termed the said



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documents as secondary evidence, the same do not satisfy the requirements contemplated under Section 63 of the Indian Evidence Act, 1872/Section 58(ii) of the Bharatiya Sakshya Adhiniyam, 2023. Section 63(2) of the Indian Evidence Act defines secondary evidence to include “copies made from the original by mechanical processes which in themselves ensure the accuracy of the copy, and copies compared with such copies.” In the present case, it has not been established that the xerox copies sought to be marked were taken from the original documents. It has also not been proved that the originals were thereafter handed over to the father of the respondent/petitioner.

8. Further, the said documents are not certified or authenticated by any competent person. In the absence of proof that the documents sought to be marked fulfil the requirements of secondary evidence, the same cannot be permitted to be marked under the guise of secondary evidence.

9. It is open to the petitioner, if so advised, to obtain certified copies of the said documents from the concerned hospital and thereafter seek to mark the same in accordance with law.



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10. In these circumstances, as the petitioner has not established that the documents sought to be marked are admissible as secondary evidence, the application cannot be allowed. Accordingly, the application is dismissed. No costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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DR.A.D.MARIA CLETE, J.

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in
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