



C.R.P.Nos.2438 and 2441 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.02.2026

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.Nos.2438 and 2441 of 2024
and CMP.Nos.12778 and 12783 of 2024

K.Revathi

... Petitioner in both CRPs

vs.

M.Suresh

... Respondent in both CRPs

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 23.02.2024 made in I.A.Nos.6 and 7 of 2023 respectively, in HMOP.Nos.26 of 2022 on the file of the Subordinate Court, Tiruchengode, by allowing these Civil Revision Petitions.

For Petitioner : Mr.N.Manoharan
in both CRPs

For Respondent
in both CRPs :Mr.S.K.Chandrakumar



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COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed by the trial Court allowing the applications filed by the respondent/husband seeking to recall PW.1 and to permit him to mark CD containing conversation between the parties with certificate under Section 65(B) of Indian Evidence Act/ 63(B) of Bharatiya Sakshya Adhiniyam.

2. CRP.No.2438 of 2024 is filed against the order passed in I.A.No.6 of 2023 seeking to recall PW.1. CRP.No.2441 of 2024 is filed against the order passed in I.A.No.7 of 2023 seeking permission to mark CD with certificate under Section 63(B) of Bharatiya Sakshya Adhiniyam.

3. The respondent herein filed a petition seeking divorce and the respondent have been already examined in chief and in order to substantiate his case in the main Original Petition. The respondent wanted to mark the CD which contained the conversation between the parties recorded in the mobile device of the respondent which was transferred and recorded in CD along with certificate issued by one Swan Innovation, Chennai, which



transferred the digital data from mobile phone to CD. The application filed by the respondent was allowed by the trial Court with the condition that the respondent should produce IMEI number of the mobile phone. Aggrieved by the same the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner would vehemently contended that 65(B) certificate produced by the respondent does not contained IMEI number of the phone from which the data was downloaded and transferred to the CD. Therefore, according to him, in the absence of particulars to identify the electronic device, the trial Court ought not to have allowed the application filed by the respondent.

5. A perusal of Section 65(B) (4) (b) of Evidence Act would indicate the certificate issued under the said Section should contain the particulars of the electronic device. In the case on hand, the certificate issued by Swan Innovation does not contain the IMEI number of the mobile device.

6. The learned counsel appearing for the respondent would submit that this client is ready to produce a fresh 65(B) certificate containing IMEI number of his mobile device. The said statement is recorded. The



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respondent is directed to produce the fresh 65(B) [Section 63 of Bharatiya Sakshya Adhiniyam] certificate with IMEI number of the mobile phone from which the data are transferred to the CD before the trial Court within a period of three weeks from the date of receipt of copy of this order. On production of the same, the respondent is entitled to mark the same through PW.1.

7. With these directions, these Civil Revision Petitions are disposed of. No costs. Consequently connected miscellaneous petitions are closed.

17.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The Subordinate Court,
Tiruchengode.



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S.SOUNTHAR, J.

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