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C.R.P. No. 16 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2026

CORAM

THE HONOURABLE Dr. JUSTICE R.N.MANJULA

C.R.P. No. 16 of 2026

and

C.M.P. No. 27 of 2026

Kottaiah

... Petitioner

Vs.

C.P. Gokul Ajay

... Respondent

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside and expunge the electronic device (Pen-drive) marked as Ex.X1 from the evidence of PW3 marked vide docket order in O.S. No.7057/2022 on 05.12.2025 on the file of III Asst. City Civil Judge at Chennai.

For Petitioner : Mr. A. Arun Babu

ORDER

This Civil Revision Petition has been filed challenging the docket order passed by the learned III Assistant City Civil Judge, dated 05.12.2025, which reads as follows:

“PW3’s chief affidavit filed and recorded. Ex.X1 marked. PW3’s cross by 12.12.25.”



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2. The revision petitioner is the defendant. It is submitted by the learned counsel for the revision petitioner that PW3 has produced electronic evidence, which has been marked as Ex.X1; even without granting any opportunity to the defendant to know the details of Ex.X1, a witness document has been marked.

3. On perusal of the evidence of PW.3, it is seen that he has produced Ex.X1. Ex.X1 was copied at his instructions and a certificate to that effect has also been produced and is available along with the records.

4. It is alleged that Ex.X1 is a pen drive purportedly containing video clippings claimed to have been recorded by him through his mobile phone, stored in his Google backup and the same has been marked as Ex.X1 along with the 65B certificate produced by him.

5. As the above document is a witness document, the revision petitioner / defendant cannot expect it to be mentioned in the plaintiff's list of documents or that a copy be furnished to him. However, it is open to the revision petitioner / defendant to apply for a copy of the said document from the Court or to peruse the contents of Ex.X1 with the



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permission of the Court, in order to enable him to cross-examine PW3 with regard to Ex.X1.

6. Since the document accompanied with 65B certificate and the witness has also deposed with respect to the same, the Court has marked the same.

7. The learned counsel for the revision petitioner has relied on the judgment in *Mohammed Abdul Wahid v. Nilofer and Another* reported in *(2024) 2 SCC 144*, in support of his contention that there cannot be any difference between a party to the suit and a witness simpliciter for the purpose of evidence. The said proposition applies to a case where a party examines himself as a witness and in such circumstances, there cannot be any difference between the party to the suit and the party examining himself as a witness.

8. In the instant case, however, the evidence sought to be marked through the witness was not sought to be produced at the time when the matter was listed for cross examination. Hence, the aforesaid judgment is not applicable to the facts of the present case.



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9. Accordingly, the Civil Revision Petition stands dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

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AT

Index : Yes/No

Speaking/Non-speaking order

To

The III Assistant City Civil Court, Chennai.



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