

IN THE COURT OF SUBORDINATE JUDGE : LALGUDI

Present : Tmt.R.Mohana, B. L.,

Subordinate Judge, Lalgudi

Dated Tuesday, the 10th day of June 2025

IA.No.5/2025 in Hmop.No.23/2020

(CNR No.TNTP0001792020)

Kathiravan

..petitioner

- Vs -

Abarna

...Respondent

This petition is came up for final hearing before me on 03.06.2025 in the presence of Thiru.M.Thuyamani Advocate for petitioner and of Thiru.R.Sarangapani Advocate for respondent and heard the both side and upon perusing this case records and having stood over for consideration till this day, today this Court delivers the following.....

ORDER

1. The Petitioner/Husband has filed this Petition under Order 7 Rule 14(3) CPC, to condone the delay to receive the additional documents.

2. The Learned Counsel for the Petitioner argued that the Petitioner has filed divorce case against wife/respondent under section 13(1)(1a) Hindu Marriage Act and to prove the case of illicit relationship of the respondent with others, the documents had

been collected and those documents are whats app messages, photos, call details and message book let and these documents have to be marked as exhibits and further the Petitioner has filed this documents with section 65B certification and hence this Petition may be allowed by condoning the delay of producing the same.

3. The Learned Counsel for the Respondent/wife argued that the allegation regarding the illicit relationship is totally denied by this respondent and there is no details given about the name of the electronic device through which the messages are downloaded and the Particulars given in the evidence is not sufficient proof for evidence and hence it cannot be marked as electronic evidence and the documents are all concocted and created one and hence there is no merits in this application and as such, this Petition has to be dismissed with cost.

4. Both side heard. Case records Perused. This is the main petition filed by the Petitioner / Husband against the respondent / wife for seeking divorce under section 13(1)(1a) Hindu Marriage Act. This Petition is in the stage of Petitioner side chief examination for marking of the documents on the side of the Petitioner.

5. The Petitioner has filed this Petition to receive some of the electronic evidence with section 65 B Certificate stating that the Petitioner who has taken the photos and downloaded the messages from his own mobile phone. The evidence of the electronic downloaded has to be proved through its certification and mere marking of those documents are different from proving of the documents. Hence, this Court is of the

opinion that the petitioner is entitled to mark any of the documents as his evidence but it has to be strictly proved by him. As such, the electronic documents can be received with its certification subject to proof and relevancy of his pleadings raised by the petitioner.

In the result, this Petition is allowed. No cost. It is permitted to receive the documents subject to proof and relevancy of the pleadings raised by the Petitioner.

Dictated to the Steno-Typist, typed in computer by her, corrected and pronounced by me in Open Court, on this the **10th** day of **June 2025**.

Sd./-Tmt.R.Mohana, B. L.,
Subordinate Judge,
Lalgudi.

List of Documents

List of Petitioner side witness and Documents - Nil

List of Respondents side Witness and Documents - Nil

Sd./-Tmt.R.Mohana, B. L.,
Subordinate Judge,
Lalgudi.

/True copy/

Subordinate Court,
Lalgudi.

IA.No.5/2025 in Hmop.No.23/2020

Fair /Draft order

Date : 10.06.2025