

IN THE COURT OF PRINCIPAL DISTRICT JUDGE AT TIRUVALLUR
PRESENT: Dr. J. JULIET PUSHPA, Ph.D. (Law)
Principal District Judge, Tiruvallur

Thursday, the 12th day of March, 2026

I.A.1/2025 IN IDOP.350/2023
(CNR No.TNTR010072312023)

Antony Nivetha

...Petitioner/ Petitioner

/Vs/

Vijay Silva

....Respondent / Petitioner

This petition coming on 04.03.2026 before me for final hearing in the presence of M/sA. Bakkiya Raj, C. Vinayagamurthy, Learned counsel for the petitioner and having the respondent was set exparte in the Original petition, upon hearing the arguments of the petitioner, perusing the records and having stood over for consideration till this date, this Court delivered the following :-

ORDER

This Petition is filed by the Petitioner Under section 151 and Order XVI Rules 1, 6 to issue summons to the Pastor of Saviour Jesus Christ Church, Pattampakkam, Panruti Taluk, Cuddalore District – 607104 to verify the authenticity of the certified copy of the marriage certificate and to produce any corroborative records in his custody.

2. The averments in the petition in brief :

According to the petitioner, the marriage between the petitioner and respondent was solemnized on 19.06.2019 at Savior Jesus Christ Church,

Pattampakkam, Panruti Taluk, Cuddalore District – 607104. The petitioner filed the original petition seeking dissolution of marriage due to the matrimonial dispute between the petitioner and respondent. Upon service of notice, the respondent entered appearance and when the case was referred to mediation, the mediation was failed and the case was referred back to the court for counter. At that stage, on 24.04.2025, since the respondent failed to appear and did not file counter, hence he was set exparte. During the exparte evidence and marking of the Marriage registration certificate, this Court has not marked the same since it is only a copy of the marriage Certificate. Since the original registration certificate is in the custody of the respondent, the petitioner visited the church and met the pastor to obtain the original record for their marriage. The pastor informed the petitioner that the original church registers and records were completely destroyed during the recent floods, and hence, original certificate could not be traced. The pastor relying on his personal knowledge and available notes, issued certified true copy of the marriage certificate. Since the original record has been lost due to natural calamity, certified true copy can be marked as secondary evidence u/s 65(c) of Evidence Act or section 60(c) of BSA. Hence, this petition to issue summons to the Pastor of Savior Jesus Christ Church,

3. The respondent remained exparte in the original petition.
4. No oral or documentary evidence is adduced on the side of the petitioner.

5. Now, the points for consideration is

1. **Whether the petitioner is entitled for the relief of as prayed for?**
2. **Whether this petition is entitled to be allowed ?**

6. **POINTS:**

Heard petitioner. Records perused.

This petition is filed by the petitioner to issue summons to Pastor of Saviour Jesus Christ Church, Pattampakkam, Panruti Taluk, Cuddalore District – 607104 to verify the authenticity of the certified copy of the marriage certificate which was filed by the petitioner in the Original petition.

7. On perusal of the records and points put forth by both the counsel, it is learnt that as per the averments in the Original petition, the marriage between the petitioner and respondent was solemnized on 19.06.2019 at Savior Jesus Christ Church, Pattampakkam, Panruti Taluk, Cuddalore District – 607104. The petitioner has filed the main original petition seeking divorce from the petitioner on the ground of cruelty. In the original petition, the respondent/husband remained exparte. At the time of exparte evidence of the petitioner, since the marriage certificate produced by the petitioner was found to be a copy, the petitioner was directed to produce the original marriage registration certificate or certified copy of the same.

8. The case of the petitioner is that since the original marriage registration certificate is in custody of the respondent, she could not produce the

same, for which when she approached the above said church, the Pastor informed that all the original records were destroyed due to recent flood and as such, the same is not available, however, as to the authenticity of the copy of the marriage certificate, the pastor is ready to certify the same, therefore it is necessary to examine the Pastor at Savior Jesus Christ Church, Pattampakkam, Panruti Taluk, Cuddalore District on the side of the petitioner.

9. Admittedly, as per the averments in the petition, the marriage was stated to have been solemnized at Savior Jesus Christ Church, Pattampakkam, Panruti Taluk, Cuddalore District on 19.06.2019. The petitioner has produced the photo copy of the marriage certificate along with the Original petition. Now, the petitioner wants to adduce the photocopy of the same since the original is not available as the same was destroyed by flood in the church as a secondary evidence.

10. As to adducing the secondary evidence, Section 60 (c) of the BSA permits the same. The provision reads that

“60. Secondary evidence may be given of the existence, condition, or contents of a document in the following cases, namely:—

(c) when the original has been destroyed or lost, or when the party offering evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time”

The petitioner states that the original record has been destroyed due to flood as stated by the Pastor of Savior Jesus Christ Church, Pattampakkam, Panruti Taluk, Cuddalore District.

11. The respondent has remained exparte in the original petition. Therefore, this Court considers that an opportunity has to be given to the petitioner to prove her case by adducing all the evidence with respect to the relief as sought for. In view of section 60(c) of BSA 2023, there is no impediment in adducing the secondary evidence if the same produced from proper custody in accordance with Law.

16. In view of the discussions supra, considering the nature of the relief sought for by the petitioner in the original petition, giving an opportunity to the petitioner to prove her case and also considering other facts and circumstances, this court is inclined to allow this petition.

In the result, this petition is allowed. Issue summons to Pastor of Saviour Jesus Christ Church, Pattampakkam, Panruti Taluk, Cuddalore District – 607104. Batta in 3 days.

Dictated to Steno-typist, transcribed and typed by him, corrected and pronounced by me in Open Court, on this, 12th day of March, 2026

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**

Petitioner and Respondent side Witnesses & Exhibits : - Nil –

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**