

APHC010258712024



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3332]

PRESENT: THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NO: 1239/2024

Between:

1.SRI MANGENA SRI VENKATARAMANA,, S/O. SRI M. VENKATESWARA RAO AGED 39 YEARS, OCC SERVICE, R/O H.NO. 6-3-1216/135, PLOT NO. 135 FLAT NO. 401, 4TH FLOOR, SIR NIVAS METHODIST COLONY KUNDANBAGH, BEGUMPET, HYDERABAD - 500016

...PETITIONER

AND

1.SMT MANGENA SRI ANUSHA DEVI, W/o. Sri Mangena Sri Venkataramana aged abt 32 years, Occ At c/o Sri Ravanam V.V.S.S. Bhaskara Rao 8-3-67/C, Ravanam Street Amalapuram East Godavari - 533201

...RESPONDENT

Petition under Article 227 of the Constitution of India,praying that in the circumstances stated in the grounds filed herein,the High Court may be pleased to allow the revision by setting aside the docket order dated 06/10/2023 in HMOP 66/2017 passed by the Senior Civil Judge Court at Amalapuram in the interest of the justice

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the docket order of the court below dated 06/10/2023 in HMOP 66/2017 on the file of the Senior Civil Judge Court at Amalapuram, pending disposal of the CRP

Counsel for the Petitioner:

1.ANITA AHUJA

Counsel for the Respondent:

1.BHUSARAPU B YESU BABU

RESERVED ON 23.02.2026

PRONOUNCED ON 29.04.2026

UPLOADED ON 29.04.2026

ORDER

This Civil Revision petition is filed questioning the legality and correctness of the docket order dated 06.10.2023 passed in H.M.O.P.No.66 of 2017 by the learned Senior Civil Judge, Amalapauram.

2. The petitioner is the petitioner whereas the respondent is the respondent in H.M.O.P.No.66 of 2017 filed for grant of divorce under sections 13(1) (ia)(i)(iii) & (ib) of Hindu Marriage Act.

3. The facts that led to filing of the Civil Revision Petition, in brief, are that the petitions filed by the petitioner vide I.A.No.322 of 2022 and I.A.No.319 of 2022 to receive additional documents and for recalling P.W.1 for the purpose of marking documents were allowed and when the petitioner made an attempt to mark the Whatsapp status, email prints, whatsapp screen shots, Digital photographs, HP DVD by producing his self certificate under Section 65B of the Evidence Act, the learned counsel for respondent raised objection that the said documents cannot be marked unless a certificate is produced as required under Section 65B of the Evidence Act. Resultantly, the impugned orders came to be passed whereby the petitioner is not permitted to marked HP DVD, Bio-data, email prints, copies of bank statements, whatsapp chat screen, digital photos, copies of amazon order statements. The said order has been assailed in this Civil Revision Petition.

4. Heard Ms.Anita Ahuja, learned counsel for the petitioner and Sri Bhusarapu Brahma Yesubabu, learned counsel for respondent.

5. Ms. Anita Ahuja, learned counsel for the petitioner, while reiterating the contents of the Civil Revision Petition would contend that the learned trial Judge having allowed the petition filed for receiving the documents and the petition filed for recalling P.W.1 for the purpose of marking the documents ought to have permitted the petitioner to mark the documents, more particularly even if certificate as required under Section 65B of the Evidence Act was not produced. She would further contend that the learned trial Judge erroneously dismissed the petitioner in utter ignorance of Sections 14 & 20 of the Family Courts Act, which have an overriding effect on the provisions of the Evidence Act and that the Family Courts are empowered to receive the photocopies for adjudication of the lis. She would further contend that the impugned orders are being perverse having been passed ignoring the statutory provisions has to be set aside. Accordingly, prayed to allow the Civil Revision Petition.

6. On the other hand, Sri Bhusarapu Brahma Yesubabu, learned counsel for respondent, would contend that since the petitioner did not produce the certificate of the proper authority, but for his self certificate, under Section

65-B of the Evidence Act, the learned trial Judge upon proper appreciation of facts and considering the relevant provisions of the Evidence Act did not permit the petitioner to mark the document. He would further contend that the learned trial Judge had rightly exercised jurisdiction and the well considered order does not require any interference of this Court. Accordingly, prayed to dismiss the Civil Revision Petition.

7. Perused the material available on record and considered the submissions made by learned counsel for the parties.

8. The contentions advanced by the learned counsel for the petitioner regarding the powers conferred upon Family Courts by Family Courts Act to receive the documents that might be barred or inadmissible under the strict technical rules of the Indian Evidence Act, 1872, cannot be considered since the trial Court is not a Family Court. Therefore, the trial Court was right in rejecting the plea of the petitioner regarding application of the decisions relied on by him, which states that Family Courts have been given ample discretion in receiving the documents, though not admissible under Evidence Act.

9. Further, the learned trial Judge had rightly declined to mark the copies of the statements of the CITI bank by offering sufficient reasoning that

the petitioner did not make any efforts to get original statements from the bank.

10. So far as the other documents, the petitioner sought to mark whatsapp status, email prints, whatsapp screen shots, digital photographs, HP DVD by producing the self-certificate being the person having the lawful control of the device wherefrom the documents are retrieved to be used as secondary evidence i.e. his mobile phone. The Hon'ble Supreme Court in ***Arjun Panditrao Khotkar v. Kailash Kishanrao Gorantyal***¹ confirmed that the certificate under Section 65B(4) is mandatory for secondary electronic evidence, and it can be issued by the person in "lawful control" of the device.

11. A self-certificate (self-certification) provided by the petitioner under Section 65B of the Indian Evidence Act, 1872 (now Section 63 of the Bharatiya Sakshya Adhiniyam, 2023) is legally admissible and generally sufficient for WhatsApp messages or call recordings present on their own phone, provided it complies with the statutory requirements.

12. A self-certificate under Section 65B(4) of the Indian Evidence Act, 1872, must be signed by a person in a responsible official position, or the user in possession, to authenticate electronic records. It must identify the

¹.(2020) 7 SCC 1

electronic record, describe its production, and affirm the device's proper functioning, acting as a mandatory prerequisite for admissibility. The certificate must specifically identify the electronic record such as email, video, document being produced. Describe the manner in which the electronic record was produced, Provide details of the device such as computer, phone, involved in the production of the record. Must state that the record was produced by a computer/device operating properly, or that any malfunction did not affect the accuracy of the record.

13. However, the learned trial Judge upon the presumption that Section-65B mandates certificate issued by the proper authority but not a self-certificate declined to mark the documents. Whereas such a certificate can also be issued by a person in lawful control of the device i.e. mobile phone, however such certificate must fulfil the requirements as indicated above.

14. In the above view of the matter, the order of the learned trial Judge that section 65B mandates certificate of the proper authority but not the self-certificate of the petitioner is untenable and the same has to be set aside. The learned trial Judge shall verify and if the self-certificate is found to be fulfilling all the requirements indicated above, shall permit the petitioner to mark

whatsapp status, email prints, whatsapp screen shots, digital photographs,
HP DVD.

15. Accordingly, the Civil Revision Petition is disposed of. There shall be
no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

29th April, 2026.

JUSTICE RAVI CHEEMALAPATI
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