



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

[3299]

**WEDNESDAY ,THE THIRD DAY OF JULY
TWO THOUSAND AND TWENTY FOUR**

**PRESENT
THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**

CIVIL REVISION PETITION NO: 1239/2024

Between:

Sri Mangena Sri Venkataramana,

...PETITIONER

AND

Smt Mangena Sri Anusha Devi

...RESPONDENT

Counsel for the Petitioner:

1.ANITA AHUJA

Counsel for the Respondent:

1.

The Court made the following:

Smt. Anita Ahuja, learned counsel for the petitioner, appears through virtual mode and submits that the petitioner's application to receive additional documents in evidence along with recall application filed in the year 2022 in I.A.No.319/2022 and I.A.No.322/2022 were allowed on 09.11.2022, but now by the impugned order dated 06.10.2023 in HMOP No.66 of 2017 only two documents have been allowed to be marked and the rest of 10 documents have not been marked. Challenging the said order dated 06.10.2023, the present revision petition has been filed.

2. Learned counsel for the petitioner submits that in view of the provisions of Sections 14 and 20 of the Family Courts Act, read together, the electronic evidence filed by the petitioner did not require the requisite certificate, as provided under Section 65B of the Indian Evidence Act, though

the same was filed, but it was self-certificate given by the petitioner as the documents were taken from the device of the petitioner only. She further submits that the provisions of the Family Courts Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. She submits that Section 14 of the Family Courts Act provides that the Family Court may receive as evidence any report submitted or document, even if it is not relevant or admissible in evidence under the Indian Evidence Act.

3. Learned counsel for the petitioner placed reliance in the case of ***Shafhi Mohammad v. State of A.P*** {(2018) 2 SCC 801} to contend that the procedural requirement of furnishing certificate under Section 65-B(4) of the Evidence Act is not always mandatory.

4. The judgments in ***Shafhi Mohammad*** (supra), as also in ***Tomaso Bruno v. State of U.P*** {(2015) 7 SCC 178}, came for consideration in ***Arjun Panditrao Khotkar v. Kailash*** {(2020) 7 SCC 1}, and on reference to the Larger Bench, the Larger Bench of the Hon'ble Apex Court, held that the judgments in ***Tomaso Bruno*** (supra) and ***Shafhi Mohammad*** (supra) did not lay down the law correctly and are overruled.

5. However, the argument raised by the learned counsel for the petitioner, in view of the provisions of the Sections 14 and 20 of the Family Courts Act, as also in the light of the aforesaid judgments, requires consideration.

6. Issue notice to the respondent.

7. In addition to the normal mode of service, learned counsel for the petitioner is permitted to take out personal notice for service on the respondent and file proof of service in the Registry by the next date.

8. As requested, the petitioner is permitted also to serve the respondent through the respondent's counsel appearing in the Family Court in HMOP No.66 of 2017.

9. Post on 31.07.2024.

10. As requested, the proceedings in HMOP No.66 of 2017 pending in the Court of the Senior Civil Judge, Amalapuram, shall remain stayed, till the next date of listing.

Date: 03.07.2024
Dsr

RAVI NATH TILHARI, J