

[3299]

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

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

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

CIVIL REVISION PETITION NO: 1239 OF 2024

Between:

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/ Petitioner

AND

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/ Respondent

WHEREAS the Petitioner above named through his Advocate Smt. Anita Ahuja, presented this 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;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Smt. Anita Ahuja, Advocate for the Petitioner, directed issue of notice to the Respondent herein to show cause as to why this CIVIL REVISION PETITION should not be admitted.

You viz:

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

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this CIVIL REVISION PETITION should not be admitted, on or before 31.07.2024, on which date the case stands posted for hearing.

IA NO: 1 OF 2024

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds 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 CRP No. 1239 of 2024, on the file of the High Court.

The Court made the following ORDER:

“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."

Sd/- N. NAGAMMA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

For Assistant Registrar

To,

1. The Civil Judge (Senior Division) Court at Amalapuram
2. 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 (by RPAD- along with a copy of petition and memorandum of grounds)
3. One CC to Smt. ANITA AHUJA Advocate [OPUC]
4. One spare copy

KJ

HIGH COURT

RNT,J

DATED:03/07/2024

POST ON 31.07.2024

NOTICE BEFORE ADMISSION

CRP.No.1239 of 2024

STAY

