

# **Applicability of Evidence Act in Family Court Cases**

**By ,**

**Subir Kumar  
Judge  
Family Court, Nainital**

# Family Court Act of 1984

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## Objects and Reasons:-

➤ *Rigid rules of procedure and evidence should be eliminated.*

➤ *Simplify the rules of evidence and procedure so as to enable a Family court to deal effectively with a dispute.*

# Jurisdiction:- Suits relating to

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- *Marriage*
- *Divorce*
- *Nullity*
- *Restitution of Conjugal rights*
- *Judicial Separation*
- *Validity of Marriage*
- *Matrimonial status*
- *Maintenance*
- *Guardianship*
- *Property relating to Matrimony etc.*

# Nature of Evidence

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**Section 14 Application of Indian Evidence Act, 1872** – *A Family court may receive as evidence any report, statement, documents, information or matter that may, in its opinion, assist it to deal effectually with a dispute, whether or not the same would be otherwise relevant or admissible under the Indian Evidence Act, 1872.*

# Narayan Roy Vs Jamuna Dey AIR 2010 Gua 75

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*Rigor of evidence Act is not applicable in Family law means the evidence that is barred in other laws may be admissible in Family Court.*

Shivanand Damodar Shanbhag Vs Sujata  
Shivanand Shanbhag (2013) DMC 263  
(BOM) (DB)

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*Family Court is competent to receive documents though not proved as per strict proof as per Evidence Act.*

# Sagarika Debata Vs Satyanarayan Debata AIR (2010) Orissa 58

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*Family Court is not restricted  
by rules of relevancy or  
admissibility.*

# Manohar Lal Agrawal Vs Santosh (1993) DMC 202 (Rajasthan)

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*The parties appear before the Court personally and advocates are not allowed hence the technical aspect is to be ignored and whatever material is placed before the court, which it considers necessary to assist it and to deal with it effectively can be looked into. Section 14 is a special legislation and the principles of admissibility of documents as provided under the Evidence Act are not relevant in such cases.*

## Deepti Kapur Vs Kunal Julka CM (M) 40/2019 Dated: 23/06/2020 Delhi.

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- *The settled rule, purely from the standpoint of the law of evidence, is that evidence is admissible so long as it is relevant.*
- *Merely admitting evidence on the record is not proof of a fact.*
- *Even if the relevant evidence is collected through illegal or immoral means that can also be allowed to prove relevant facts.*

Deepali Santosh Lokhande Vs Santosh  
Vasantao Lokhande, Family court  
appeal No. 96 of 2019 (BOM)

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*Certificate under section 65B to prove  
electronic evidence is not required in Family  
Court Cases.*



Thank You.....