

Topic

Duty of Presiding officer holding family court while recording of evidence



Duties

Judge, public official vested with the authority to hear, determine and preside over legal matters brought in a court of law



Family Courts Act 1984

In the Family Courts Act 1984 provisions regarding evidence are

- 1.S.14
- 2.S.15
- 3.S.16



Tape Recording

Tape Recording Hon'ble S.C. in R.M. Malkani VS State of Maharashtra held that the tape recording conversation is admissible provided it meets the following three-fold criteria:-

- Relevancy
- Voice Identification and
- Proof of accuracy

Same in **Ziyauddin Burhanuddin Bukhari VS Brijmohan Ramdass Mehra & others**



In **Santhini VS Vijaya Venkatesh CDJ 2017 SC1137**

Hon'ble Apex court held that the absence of a party shall not hamper the proceedings and that the evidence could be recorded through video-conferencing.



- 1. In Vinoth Kumar VS State of Punjab CDJ 2015 SC 115**
- 2. Bhuwan Mohan Singh VS Meena and others(2015) 6 S.C.C353**
- 3. Shamima Farooqui VS Shahid Khan(2015) 5 S.C.C. 705**

Held and expressed very serious concern in delay adjudication and unnecessary adjournments and it is the duty of the Judge of the family court to ensure that there is no miscarriage of justice on account of delayed adjudication and unnecessary adjournments and the witnesses have to be cross-examined at a stretch on the same day.



Thank You

