

COURT OF PRINCIPAL SESSIONS JUDGE NALANDA, AT BIHARSHARIF
Probate Case No.29/2023
Manju Rani V/s The Estate of Late Vasanti Devi @ Shanti Devi & others

27.01.2025

A petition has been filed on behalf of the petitioner Manju Rani revealing that the original death certificate appearing at book no. 304, 506 registered under Birth and Death Registration Act, (Govt. of U.P.) 1969 u/s-12/17 of the Birth and Death registration Act 1969, read with Registration Rules 2003, 8/13 of the Government of Uttar Pradesh. It is stated that the this probate petition namely, Vasanti Devi @ Shanti Devi who died on 11.02.2015 at Varanasi.

The learned counsel for the petitioner prays for marking the above document as an exhibit on the ground that it is a public document within meaning of section 74 of the Indian Evidence Act, 1872.

Heard the learned counsel for the petitioner.

This probate application has already been posted ex parte against the opposite party vide order dated 03.07.2024.

Considering the aforementioned facts the prayer of the petitioner appears to be sound and the document (death certificate) answers the description of the public document within meaning of section 74 of the Indian Evidence Act, 1872. Hence, the death certificate mentioned in this order is directed to be marked as exhibit-2.

Another petition has also been filed on behalf of the petitioner dated 21.11.24 with the prayer to mark the following document as exhibits:-

- 1.) Registered Sale deed dated 01.05.1974 executed by Bhikhari Ravidas in favour of Smt. Vasanti Devi.
- 2.) Original Sale deed dated 10.05.1974 executed by Mauji Saw and others in favour of Vasanti Devi and translated into Hindi.
- 3.) Original registered sale deed dated 27.12.1975 executed by Ram Lakhani Singh in favour of Vasanti devi and its Hindi translation.

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4.) Original registered sale deed dated 23.03.1976 executed by Shyam Bihari Pandit and others in favour of Vasanti Devi.

5.) Original registered sale deed dated 20.07.82 executed by Karu Pandit in favour of Vasanti Devi and Hindi translation.

6.) Original registered sale deed dated 11.07.1983 executed by Saudagar Paswan in favour of Vasanti Devi Hindi translation.

The learned counsel has submitted that the documents are of 30 years old and no formal proof is required to mark them as exhibits the documents are within the meaning of Section 90 of the Indian Evidence Act, 1872.

On perusal of the hindi translation of this document it appears that the contention of the petitioner is Prima facie true. Since the proceedings have already been initiated ex parte against the respondents, there is no impediment in marking the above mentioned documents as exhibit. Hence, documents number mentioned as Sr. no. (1 to 6) are marked as exhibit 3,4,5,6,7,8.

(Dictated & corrected)

Sd/-

(Amitava Chaudhary)

P. Sessions Judge,
Nalanda, Biharsharif.