

IN THE COURT OF ADDITIONAL DISTRICT JUDGE-VII, DANAPUR, PATNA  
TITLE SUIT NO. 13 OF 2017

Smt. Raj Kumari Devi .....Petitioner

Versus

The Estate of Late Chandradeo Singh and ors.....Opposite Parties

Dated :- 23.08.2022

Attendance on behalf of petitioner is filed. Today record is fixed for order on the petition of plaintiff/petitioner filed on 06.05.2022.

ORDER

Learned Advocate for petitioner/plaintiff has submitted that original death certificate of Late Chandradeo Singh is on the record which is a public document. Hence, the same may be marked exhibit on behalf of petitioner.

In support of his contention, order of the Hon'ble Patna High Court passed in *Bibi Fatma vs. Naresh Sah* reported in 2011 (2) P.L.J.R. 437 has been referred.

I have heard learned advocate for the petitioner and perused the copy of ruling filed on behalf of petitioner.

The Hon'ble Patna High Court in its order passed in *Bibi Fatma* has held that voter list is a public document as the same is prepared by an authority empowered under the People's Representation Act to perform a public duty and therefore, there is no requirement of formal proof for marking voter list as exhibit.

Section 74 of the Indian Evidence Act provides what are public documents and it reads as follows :-

The following documents are public documents:-

(1) documents forming the acts or records of the acts-

(i) of the sovereign authority,

(ii) of official bodies and tribunals, and

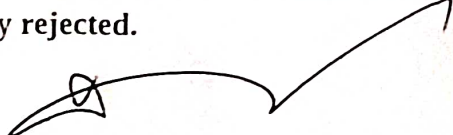
(iii) of public officers, legislative, judicial and executive, (of any part of India or of the Commonwealth), or of a foreign country;

(2) public records kept (in any State) of private documents.

The death certificate is neither acts or records of acts of either sovereign authority, or official bodies and tribunals or public officers nor it is public records kept by state of private documents and therefore it is not public document. The ruling of Hon'ble High Court, Patna referred on behalf of petitioner is not with regard to death certificate and therefore in the opinion of this court in view of discussion above made does not apply to the facts of this case.

Accordingly, petition filed on behalf of petitioner for marking death certificate of Chandradeo Singh exhibit without formal proof is hereby rejected.

Put-up on 22.09.2022 for hearing.

  
(AWDESH KUMAR)  
Additional District Judge-VII  
Danapur, Patna.