

Court of Additional District & Sessions Judge IV, Siwan
Title Suit no. 15 of 2018
(Probate Case no. 9 of 2016)

29-06-2022 - Attendance filed on behalf of the plaintiff – applicant . Defendant – opposite party is absent .

The record is fixed for order on petition dated 19-02-2020 filed by the plaintiffs with a prayer to exhibit the death certificate and certified copy of Survey Khatian as public documents . The defendant has filed rejoinder dated 05-03-2020 to the impugned petition with a prayer to reject the impugned petition .

Already heard the learned counsels of the parties . The learned counsel of the plaintiffs submitted that the plaintiffs have filed death certificate of the deceased testator Harishankar Singh and has also filed the certified copy of survey Khatian of the property under WILL and all the said documents are public documents and are necessary piece of evidence for proper adjudication of the present case and submits for exhibiting the said documents on behalf of the plaintiffs – applicants as public documents .

The learned counsel of the defendants – opposite party objects to the impugned petition and submits that the death certificate does not comes within the precincts of public documents as the same is not extract of any register . The learned counsel has not objected for exhibiting of the certified copy of survey Khatian . The learned counsel of the defendant submitted that as the death certificate is not a public document hence the impugned petition of the plaintiff is fit to be rejected .

Perused the record which transpires that the testator Harishankar Singh son of Late Thakur Singh executed WILL dated 24-09-2015 in favour of the plaintiffs – applicants . The plaintiffs have filed the original Death Certificate dated 12-01-2016 issued by Registrar Birth and Death , Anchal Maharajganj , Siwan under the provisions of Bihar Registration of Birth and Death Act . The Death Certificate of the deceased testator Harishankar Singh is issued by a government authority under the provisions of law and as such the death certificate comes within the purview of public document . The plaintiffs have also filed the certified copy of Survey Khatian of Khata no. 249 . It is settled principle of law that the certified copy of Survey Khatian is a public document . Hence both the documents filed by the plaintiffs are public documents and as such the impugned petition dated 19-02-2020 filed by the plaintiffs – applicants for exhibiting the death certificate of the testator and certified copy of survey Khatian as public documents is allowed and the Death Certificate of testator Chandrabhan Rai is marked as Exhibit – 2 and the certified copy of survey Khatian is marked as Exhibit – 3 on behalf of the plaintiffs – applicants .

The learned counsel of the plaintiffs Sri Akhileshwar Singh appears and submits that the plaintiffs – applicants have not to produce further evidence and prays for closure of the evidence . Hence on the prayer of the plaintiffs – applicants the evidence of the plaintiffs is closed . The defendants are directed to produce evidence on next date fixed .

Put up on 29-07-2022 for evidence of the defendants – opposite party .

ADJ IV
Siwan