

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.326 of 2018

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1. Pamo Yadav, S/o- Late Achambhit Yadav, Resident of Village- Farreh,
P.S.- Chautham, District- Khagaria.

.... Appellant/s

Versus

1. Most. Anjani Devi, W/o- Late Sukhdeo Yadav
2. Subhash Yadav, S/o- Late Sukhdeo Yadav
3. Smt. Nisha Devi, D/o- Late Sukhdeo Yadav, W/o- Sanjay Yadav, All
Residents of Village- Aawas Board, P.S.- Muffasil, District- Khagaria.
4. Dhana Yadav @ Basdeo Yadav, S/o- Late Duka Yadav,
5. Kapildeo Yadav, S/o- Late Dukha Yadav,
6. Hardeo Yadav, S/o- Late Dukha Yadav,
7. Most. Rina Devi, W/o- Late Manoj Kumar,
8. Rajnish Kumar,
9. Gajo Kumar, Both minor sons of Late Manoj Kumar, Under the
guardianship of their mother namely Most. Rina Devi and next friend, all
Residents of Village- Farreh, P.S.- Chautham, District- Khagaria.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rakesh Chandra

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 16-05-2018

Heard the learned counsel for the petitioner.

The petitioner has filed this petition against the order dated 14.11.2017 passed in Title Suit No. 31 of 2003 by which the petition of defendant 1st set filed on 12.06.2017 for admitting the death certificate of Prano Devi @ Pranayant Devi has been allowed and the death certificate has been marked as Exhibit-G.

The learned counsel for the petitioner submits that after closing the evidence of both sides the defendant 1st set filed a petition on 12.06.2017 for admission of death certificate issued by the competent authority about the death of Prano Devi @ Pranayant Devi. The plaintiff-petitioner filed petition on 22.06.2017 and stated that date of death of Prano Devi @



Pranayant Devi is in dispute. One death certificate of Prano Devi @ Pranayant Devi issued by Panchayat Sevak was cancelled by the Block Development Officer on 13.10.1993 but the same was exhibited as Exhibit-G.

It appears from the records that date of death of Prano Devi @ Pranayant Devi is in dispute. The plaintiff claimed that she died on 05.09.1991 whereas the defendants claimed that she died on 08.01.1991. The plaintiff exhibited certificate of B.D.O by which death certificate of Prano Devi @ Pranayant Devi issued by Panchayat Sevak has been cancelled. The defendants 1st set also filed death certificate issued earlier with regard to date of death Prano Devi @ Pranayant Devi showing the date of death as 08.01.1991 and prayed to mark the same as the same is public document. The court by the impugned order, after hearing both sides, exhibited the document as Exhibit-G holding that death certificate is public document. The evidentiary value of death certificate as well as the order cancelling the death certificate issued on 13.10.1993 bearing No. 57924 shall be considered at the time of argument and judgement but I find no illegality in admitting the death certificate earlier issued about the death of Prano Devi @ Pranayant Devi.

Considering the facts aforesaid, I do not find any illegality or jurisdictional error in the impugned order. This Civil Misc. petition is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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