

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

123

RSA-4665-2016 (O & M)
Date of Decision:23.10.2018

Ranjit Singh

...Appellant

Versus

Harmesh Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Ekta Thakur, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by both the Courts below.

Plaintiff has challenged sale deed executed by him dated 23.04.2004 on the ground that he was minor on the day, the sale deed was executed. Plaintiff claims that he was born on 19.03.1987 and, therefore, he had not completed the age of 18 years on the date of sale deed. Defendant contested the suit and pleaded that at the time of execution of sale deed, School Leaving Certificate was produced, according to which his date of birth was 12.04.1986.

Both the Courts after examining the evidence have found that no doubt the certificate issued by the Registrar of Births and Deaths is admissible in evidence. However, the aforesaid certificate produced although exhibited has not been properly proved. No evidence has been led that the aforesaid entry was made in a regular course of business or proper

manner.

Still further, headmaster of the school has been examined, who has stated that the plaintiff was admitted in school on the affidavit given by the father. The Courts have found that the plaintiff has not filed the suit with clean hands. The Courts have further found that the plaintiff although has challenged the sale deed but has not affixed the Court fee. Even the plea of the plaintiff that sale is without consideration has not been proved.

Learned counsel for the appellant while referring to the judgment passed by the Court in the case of **“Jaswinder Singh and others vs. Baljinder Singh and others”** 2004 (3) RCR (Civil) 708 has submitted that the certificate issued by the Registrar of Births and Deaths is *per se* admissible in evidence. As per the provisions of Births, Deaths and Marriages Registration Act, 1886, which was extended to State of Punjab by Punjab Act No.5 of 1950 it may be noticed that *per se* admissibility of the certificate in evidence is not in dispute.

Dispute in the present case is what is the correct date of birth of the plaintiff-appellant; which of the certificate gives the correct date of birth. Since the plaintiff has led no evidence to prove that the entry from which the certificate has been issued was properly made, both the Courts below have not committed any error in dismissing the suit.

In view thereof, there is no ground to interfere.

Regular second appeal is dismissed.

23.10.2018

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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No