

Salimuddin Vs. Saiduddin and ors.

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Court : Allahabad

Decided On : May-07-1926

Reported in : AIR1926All674

Appellant : Salimuddin

Respondent : Saiduddin and ors.

Judgement :

1. In this appeal the only matter argued is whether the learned District Judge was entitled to rely on a registration certificate in which it was stated that when the parties appeared before him (the Sub-Registrar), the mother and the uncle of the present plaintiff who now says that he was a minor at the time appeared before the Sub-Registrar with the plaintiff and produced a medical certificate that he was 18 years of age. The District Judge refers to this matter in the following terms;

2. The question of his age was raised at the time of the registration, and it appears that he was accompanied by his mother and his uncle and that he obtained a medical certificate showing that he was 18. Thus there is strong prima facie evidence that he was 18. It is urged before us that the learned Judge was not entitled to take into consideration this registration endorsement and the existence of the medical certificate unless somebody was produced to prove the facts stated in that endorsement and unless the medical certificate was produced and somebody produced to prove the circumstances under which it was given. We cannot accede to this contention.

3. Under Section 35(3)(b) the Sub-Registrar was required to satisfy himself as to whether the boy was a minor or of age. He was required by Section 60 to give a certificate in regard to, among other things, the provisions of Section 35. That is all he purported to do. By the provisions of Section 60, Clause (2), that certificate was evidence of the facts stated therein. This does not, of course, mean that it was conclusive evidence of the truth of the allegations made to the Sub-Registrar, but it is admissible evidence that those allegations were made whether truly or falsely. That, as we read the judgment of the learned District Judge, is the only effect that he gave to it. He says that the fact that the minor appeared with his mother and uncle, and made certain statements as to his age before the Sub-Registrar, is strong prima facie evidence of the fact that he was at that time a major. How much weight he allowed to this fact is not a matter which we are entitled to consider in second appeal. It is purely a question of the weight given to a particular incident by the learned Judge. There is, therefore, no force in this appeal and it is dismissed under Order 41, Rule 11, Civil P.C.