

4. Death reg-  
rebuttable. [1990 CLC 1443, 1990]
5. **Official act**—Official acts unless proved otherwise are  
performed. [1990 CLC 1591; 1990 ALD 220]
6. **Certified copy of F.I.R.** Admissible being relevant and public document. [2012 YLR 1386]
7. **Birth Certificate.** Cannot be disbelieved for non-mentioning sex of the child. [2012 YLR 1480]

**50. Relevancy of statements in maps, charts and plans.** Statements of facts in issue or relevant facts made in published maps or charts generally offered for public sale, or in maps or plans made under the authority of the Federal Government or any Provincial Government, or to matters usually represented or stated in such maps, charts or plans, are themselves relevant facts.

**51. Relevancy of statements as to fact of public nature, contained in certain Acts or notifications.** When the Court has to form an opinion as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of the Central Legislature or of any other legislative authority in Pakistan or in a Government notification appearing in the official Gazette is a relevant fact.

**52. Relevancy of statements as to any law contained in law books.** When the Court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed or published under the authority of the Government of such country and to contain any such law, and any report of a ruling of the Courts of such country contained in a book purporting to be a report of such rulings, is relevant.

***How Much of A Statement is to be Proved***

**53. What evidence to be given when statement forms part of a conversation, document, book or series of letters or papers.** When any statement of which evidence is given forms part of a longer statement, or of a conversation or part of an isolated document, or is contained in a document which forms part of a book, or of a connected series of letters or papers evidence shall be given of so much and no more of the statement conversation, document book or series of letters or papers as the Court considers necessary in that particular case to the full understanding of the nature and effect of the statement, and of the circumstances under which it was made.

***Judgments of Courts of Justice When Relevant***

**54. Previous judgments relevant to bar a second suit or trial.** The existence of any judgment, order or decree which by law prevents any Court from taking cognizance of a suit or holding a trial, is a relevant fact when the question is whether such Court ought to take cognizance of such suit or to hold such trial.

**NOTES**

**Relevancy.** Previous judgment is relevant to bar second suit or trial as it would bar a second suit. Previous judgment and order can be taken into consideration without referring the same in pleading. [2012 MLD 86 (AJ&K)]

**55. Relevancy of certain judgments in probate etc., jurisdiction.** A final judgment, order or decree of a competent Court in the exercise of probate matrimonial, admiralty or insolvency jurisdiction, which confers upon or takes away from any person any legal character, or which declares any person to be entitled to any such character, or to be entitled to any specific thing

not as against any specified person but absolutely, is relevant when the existence of any such legal character, or the title of any such person to any such thing, is relevant.

Such judgment, order or decree is conclusive proof,

that any legal character which it confers accrued at the time when such judgment, order or decree came into operation:

that any legal character, to which it declares any such person to be entitled, accrued to that person at the time when such judgment, order or decree declares it to have accrued to that person;

that any legal character which it takes away from any such person ceased at the time from which such judgment, order or decree declared that it had ceased or should cease:

and that anything to which it declares any person to be so entitled was the property of that person at the time from which such judgment, order or decree declares that it had been or should be his property.

**56. Relevancy and effect of judgments, orders or decrees, other than those mentioned in Article 55.** Judgments, orders or decrees other than those mentioned in Article 55 are relevant if they relate to matters of a public nature relevant to the enquiry, but such judgments, orders or decrees are not conclusive proof of that which they state.

#### Illustrations

A sues B for trespass on his land, B alleges the existence of a public right of way over the land, which A denies.

The existence of a decree in favour of the defendant, in a suit by A against C for a trespass on the same land, in which C alleged the existence of the same right of way, is relevant, but it is not conclusive proof that the right of way exists.

#### NOTES

Judgments, orders or decree which relates to a matter of public nature e.g., the existence of a right of way or of a general custom or usage falls within the exception clause of Article 56 of Qanun-e-Shahadat Order, 1984. [PLD 2009 Lah. 160]

**57. Judgments, etc., other than those mentioned in Article 54 to 56, when relevant.** Judgments, orders or decrees, other than those mentioned in Articles 54, 55 and 56, are irrelevant, unless the existence of such judgment, order or decree is a fact in issue or is relevant under some other provision of this Order.

#### Illustrations

(a) A and B separately sue C for a libel which reflects upon each of them, C in each case says that the matter alleged to be libelous is true, and the circumstances are such that it is probably true in each case, or in neither.

A obtains a decree against C for damages on the ground that C failed to make out his justification. The fact is irrelevant as between B and C.

(b) A prosecutes B for adultery with C, A's wife.

B denies that C is A's wife but the Court convicts B of adultery

Afterwards, C is prosecuted for bigamy in marrying B during A's lifetime. C says that she never was A's wife

The judgment against B is irrelevant as against C.

(c) A prosecutes B for stealing a cow from him, B is convicted. A afterwards sues C for the cow which B had sold to him before his conviction. As between A and C, the judgment against B is irrelevant

(d) A has obtained a decree for the possession of land against B. C, B's son, murders A in consequence.

The existence of the judgment is relevant, as showing motive for a crime

- (e) A is charged with theft and with having been previously convicted of theft. The previous conviction is relevant as a fact in issue.
- (f) A is tried for the murder of E. The fact that B prosecuted A for libel and that A was convicted and sentenced is relevant and under Article 21 as showing the motive for the fact in issue.

### NOTES

Person not a party to earlier lis—Findings not binding. [PLD 1995 Lah. 541]

**58. Fraud or collusion in obtaining judgment, or incompetency of Court may be proved.** Any party to a suit or other proceeding may show that any judgment, order or decree which is relevant under Articles 54, 55 or 56, and which has been proved by the adverse party was delivered by a Court not competent to deliver it, or was obtained by fraud or collusion.

### Opinion of third Persons when Relevant

**59. Opinion of experts.** When the Court has to form an opinion upon a point of foreign law, or of science, or art, or as to identity of hand-writing or finger impression[\*], the opinions upon that point of persons specially skilled in such foreign law, science or art, or in question as to identity of handwriting or finger impression[\*\*] are relevant facts.

Such persons are called experts.

[\*] After the word "impression", the words "or as to authenticity and integrity of electronic documents made by or through an information system". [In terms of S. 29 of Electronic Transactions Ordinance, LI 2002, for the purpose of Ordinance LI 2002 the Qanun-e-Shahadat Order, 1984 shall be read subject to the amendments specified in the schedule to this Ordinance LI of 2002, Inserted by Ordinance LI of 2002, w.e.f. 11<sup>th</sup> September, 2002]

[\*\*] For the words "are relevant facts" the words "or as to functioning, specifications, programming and operations of information systems, are relevant facts" [In terms of S. 29 of Electronic Transactions Ordinance, LI 2002, for the purpose of Ordinance LI 2002 the Qanun-e-Shahadat Order, 1984 shall be read subject to the amendments specified in the schedule to this Ordinance LI of 2002, Subs. by Ordinance LI of 2002, w.e.f. 11<sup>th</sup> September, 2002]

### Illustrations

- (a) The question is, whether the death of A was caused by poison.  
The opinion of experts as to the symptoms produced by the poison by which A is supposed to have died are relevant.
- (b) The question is, whether A, at the time of doing a certain act, was by reason of unsoundness of mind incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.  
The opinions of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant.
- (c) The question is, whether a certain document was written by A. Another document is produced which is proved or admitted to have been written by A.  
The opinions of experts on the question whether the two documents were written by the same person or by different persons, are relevant.

### NOTES

**1. Mode for proving the signature or handwriting.** Under Articles 59, 61, 78, 81 and 84 of the Qanun-e-Shahadat there are other modes (than the Handwriting Expert's opinion) for proving the signature or writing of any person viz.

- (i) by admission or examination