

Evidence Act, Section 50

“10. The question is whether these statements of Janardan Misra as to his conduct are admissible under S.50, Evidence Act. Learned counsel for the respondent has contended before us that even apart from S. 50, the evidence of Janardan Misra is direct evidence of facts which he saw and which should be treated as directly proving the relationship between Lokenath and his daughters. We do not think that learned counsel for the respondent is right in his submission that Janardan’s evidence directly proves the relation between Lokenath and his alleged daughters, Ahalya, Brindabati and Malabati. Janardan does not say that he was present at the birth of any of these daughters. What he says is that he was present at the marriage of Malabati which took place when Lokenath was living and in Lokenath’s house; he was also present at the marriages of the first two daughters of Malabati and also at the time of the Upanyan ceremonies of plaintiffs 1 and 2. This evidence, in our opinion, properly comes within S.50, Evidence Act; it shows the opinion of Janardan Misra as expressed by his conduct, namely, his attending the marriage of Malabati as daughter of Lokenath and his attending the marriages and Upanayan ceremonies of the grand-children of Lokenath.”

Dolgobinda Paricha v. Nimai Charan Misra and others reported in AIR 1959 SC 914