

Evidence Act S. 32(5)

Abdul Ghafur v. Hussain Bibi AIR 1931 PC 45 the Privy Council briefly summed up the law in this regard in the following words :

“It has been established for a long while that in questions of pedigree, I suppose upon the ground that they were matters relating to a time long past, and that it was really necessary to relax the strict rules of evidence there for the purpose of doing justice — but for whatever reason, the statements of deceased members of the family made ante litem motam, before there was anything to throw doubt upon them, are evidence to prove pedigree. And such statements by deceased members of the family may be proved not only by showing that they actually made the statements, but by showing that they acted upon them, or assented to them, or did anything that amounted to showing that they recognised them.

The rule of evidence thus enunciated is in accord with the terms of Section 32, sub-section (6) of the Indian Evidence Act, 1872, which is applicable to the present case.”