

Illustration

The question is, whether a given letter is in the hand-writing of A, a merchant in London.

B is a merchant in Calcutta, who has written letters addressed to A and received letters purporting to be written by him. C, is B's clerk whose duty it was to examine and file B's correspondence. D is B's broker, to whom B habitually submitted the letters purporting to be written by A for the purpose of advising with him thereon.

The opinions of B, C and D on the question whether the letter is in the handwriting of A are relevant, though neither B, C nor D ever saw A write.

¹[**47A. Opinion as to digital signature, when relevant.**—When the Court has to form an opinion as to the ²[electronic signature of any person, the opinion of the Certifying Authority which has issued the ³[electronic Signature Certificate] is a relevant fact.]

48. Opinion as to existence of right or custom, when relevant.—When the Court has to form an opinion as to the existence of any general custom or right, the opinions, as to the existence of such custom or right, of persons who would be likely to know of its existence if it existed, are relevant.

Explanation.—The expression “general custom or right” includes customs or rights common to any considerable class of persons.

Illustration

The right of the villagers of a particular village to use the water of a particular well is a general right within the meaning of this section.

49. Opinion as to usages, tenets, etc., when relevant. — When the Court has to form an opinion as to—

the usages and tenets of any body of men or family,

the constitution and government of any religious or charitable foundation, or

the meaning of words or terms used in particular districts or by particular classes of people,

the opinions of persons having special means of knowledge thereon are, relevant facts.

50. Opinion on relationship, when relevant. —When the Court has to form an opinion as to the relationship of one person to another, the opinion, expressed by conduct, as to the existence of such relationship, of any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact:

Provided that such opinion shall not be sufficient to prove a marriage in proceedings under the Indian Divorce Act, 1869 (4 of 1869), or in prosecutions under section 494, 495, 497 or 498 of the Indian Penal Code (45 of 1860).

Illustrations

(a) The question is, whether A and B, were married.

The fact that they were usually received and treated by their friends as husband and wife, is relevant.

1. Ins. by Act 21 of 2000, s. 92 and the Second Schedule (w.e.f. 17-10-2000).

2. Subs. by Act 10 of 2009, s. 52, for “digital signature” (w.e.f. 27-10-2009).

3. Subs. by s 52, *ibid.*, for “Digital Signature Certificate” (w.e.f. 27-10-2009).