



FACULTY OF JURIDICAL SCIENCES

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SUBJECT: Law of Evidence

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Lecture-11



Who can make admissions?

Section 18, 19 and 20 lays down the persons who can make admissions.

i. Party to the proceeding(sec 18)

Party here means not only those who appear as party in the proceedings but also those who did not appear on record as party but are interested in the subject matter of the suit. But does not include those who appear as 'party' but has no

interest in the subject matter of the suit. For example statement of the guardian is not admission in a suit filed by such guardian for a minor.

ii. Agent authorized by such party(sec 18)

Statement made by an agent (expressly or impliedly authorized by the principle as his representative) is admissible against their principles if made during the existence of the agency. Point to be noted here that in an admission of an agent in the criminal cases is not admissible except in case of sec 30 where both the agent and the principle are jointly tried for the same offence.

Admission made by pleaders, attorneys and counsels on the matter of fact, not on the matter on law is binding to the client.

iii. Party's representatives i.e. party suing or sued in a representative character making an admission(sec 18)

Statement made by the trustee, executor, administrator or the like are admissible in this clause as admissions of the representatives in the particular capacities. If the statements made before or after the incumbency it is not admissible.

iv. Persons who have proprietary or pecuniary interest in the subject matter of the proceedings (sec 18)

Where a joint interest is exist, admission of the one is the admission of the other, if it is made during the continuance of such interest.

v. Persons from whom parties to the suit has derived any interest in the subject matter of the suit (sec 18)

Statement of one person is binding upon the other only when later derives his title through the former. For example, A is an owner of the house and possession of it. He makes an statement that he has mortgaged the house to B for rupees 1000/-. Afterwards A sells the house to C. B

files a suit to recover the rs 1000/- form the sale of the house. C, contended that house was never hypothecated to B. Here B can prove the statement of A as admission against C, because C derive his interest form the A and such statement was made against his own interest.

Example 2. In case where A admits in judicial proceeding that his deceased brotherwidow adopted a son C and he(C) is entitled to the property left by his brother. After the death of the widow of the deceased brother A's son filed a suit fora declaration that his uncle died no son and that he is the reversions. At the trial c tried to prove the admission of the A. but admission of A is not binding because A'sson is claiming their own right not through their father (Gopal Singh v Hukum Singh AIR 1959 all 644)

vi. Statement made by the strangers sec (19 and 20) an exception to the general rule of sec 18 that admission can be made by the parties to the suits or their representatives)

Persons whose position and liability it is necessary to prove as against any party to the suit(sec 19)

The statement of the third party is admissible as admission when such statement is relevant as against such person making a statement related to such position or liability in a suit brought by or against them, when such person occupies such position or is subject to such liability.(read illustrations of sec 19)

For example where liability of an agent to his Principle depends upon the liability of a third party with in whom the agent's contracted on the Principle's behalf. Any statement by the third party about his position is an admission against the parties.

Person to whom a party to the suit has expressly referred for information in reference to the matter in dispute(sec 20)

When a party refers to a third party for some information or some opinion on a matter in dispute the statement of the third person is admissible as an admission against the party referring. For example if A says to B "I will pay Rs 200/- to you if C says I owe it to you" on reference C says " a owes Rs 200 to B". This statement of C is admission against A is admission.