



## FACULTY OF JURIDICAL SCIENCES

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COURSE: B.B.A.LL.B. VI Semester

SUBJECT: Law of Evidence

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# Lecture-12



## When admission is relevant

### I. Against the person who makes it

Sec 21 provides that an admission may be used against the person whomakes them or his representatives in interest but generally cannot be used by a person who makes it for his own use. As a general rule man is not allowed to give evidence in his own favour. An admission cannot be proved on behalf of the person who make it.

There are three exceptions to this principle

- (i) Statements relevant under sec 32
- (ii) Statements as to existence of state of mind or body
- (iii) Statements relevant otherwise than as admission

### II. In case of oral evidence as specified in sec 22

Sec 22 provides that oral evidence as to contents of documents is inadmissible(because the contents of the documents has to be proved by the production of the documents only) unless

- (i) Party proposing to give such evidence can make out a case for admission of secondary admission under sec 65(2)
- (ii) Genuineness of a document produced is in question

### III. Admission in Civil Cases

Sec 23 provides that in civil cases if a person admits the liability upon an express condition that evidence of such admission should not be given or if it is made in such circumstances that the Court can infer that there was some sort of agreement that the admission will not be proved.

**Admission which are made** by the parties without prejudice cannot be proved as admission against them later.

## Evidentiary value of the admission

Sec 31 provides *“Admissions are not conclusive proof of the matters admitted but they operate as estopples under the provisions herein contained”*.

- a. Admissions under Indian Evidence Act 1872 (sec 17-23) are only piece of evidence. They are not conclusive proof of the fact admitted but they operate as estoppel under sec 115-117 of the Indian Evidence Act. Admission are only the prima facie evidence against the party making the statement and shift the burden of proof. It constitutes only

a substantive piece of evidence in the case and for that reason can be relied upon for proving the truth of the facts incorporated therein.

- b. It has the effect of the shifting the onus of proving to the contrary on the party against whom it is produced with the result that it casts an imperative duty on such party to explain it. In the absence of satisfactory explanation it is presumed to be true.
- c. An admission to be a competent and have the value and effect as an evidence must be clear, certain, and definite without any ambiguity, vagueness or concession. *Vathsala Manickchand v N. Ganeshen*(2013)9SCC152(para 22)

Admission is a substantive evidence though they are not conclusive proof of matter. If the admissions are not explained by the person by whom it was made it is very strong piece of evidence against the matter.

In *Mritanjay Seth v Jadunath Basak*(2011)11SCC it was held that an admission made in court of law is a valid and relevant piece of evidence to be used in other legal proceedings.

Since an admission originates (either orally or in written form) from the person against whom it is sought to be produced it is a best possible form of evidence.

In *Ahmed Sahib Sayed Ismail AIR 2012 SC 3320*, it was held that admission of the party in the proceeding either in the pleadings or oral is the best evidence and same does not need further corroboration.

Distinction between Admission and estoppel

Admission is a statement written or verbal which gives inferences to the rights and liability of parties' i.e fact in issue while estoppel is rule of evidence and it prevents a person from retreating his earlier representation.

Admissions are not conclusive evidence it can be rebutted by the positive proof, while estoppel is conclusive in nature.

In some circumstances admission of the third person binds the parties to the suit (sec 19 and sec 20 of the Evidence Act) while estoppel operates only against person making representation and his legal representatives.

S.N.	Question	A	B	C	D