



Contents

Introduction	2
Relevancy of Facts Connected with The Fact to be Proved	7
Statements About The Facts To Be Proved	8
OPINION OF 3 rd PERSONS WHEN RELEVANT	.4
Facts Of Which Evidence Cannot Be Given1	5
ORAL, DOCUMENTARY AND CIRCUMSTANTIAL EVIDENCE 1	.6
PRESUMPTIONS1	9
ESTOPPEL1	9

Chapter-11 : Indian Evidence Act,

1872

ADDRESS

Insight House, 1st Floor, Bungalow No 2, Shreeji Society, Near naranpura Railway Crossing, Naranpura, Ahmedabad-380013









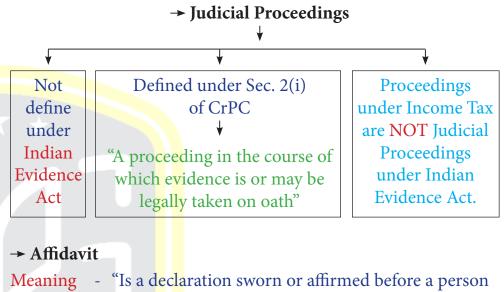


Introduction

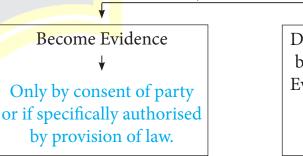
- A system of rules for ascertaining controverted questions of fact in judicial inquiries.

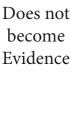
This system of ascertaining the facts, which are the essential elements of a right or liability and is the primary and perhaps the most difficult function of the Court, is regulated by a set of rules and principles known as "Law of Evidence".

Extension	Indian Evidence Act <mark>, 18</mark> 72 extends to whole tof India
Applicability	(1) All Judicial proce <mark>edin</mark> g in the court or before the court
	(2) Court martial [co <mark>urt</mark> were military cases a certain]
Non- Applicability	 (1) Court-martial Convened under the Army Act, the Naval Discipline Act (or) the Indian Navy Discipline Act, 1934 (or) the Air Force Act (2) Affidavits presented to Court / officer
	(3) to Proceedings before an arbitrator.



- competent to administer an oath".
 - It is an affidavit per se (itself) does not become evidence in the suit but it can become evidence







Insight House, 1st Floor, Bungalow No 2,

Shreeji Society, Near naranpura Railway Crossing, Naranpura, Ahmedabad-380013

MOBILE 99745 45456



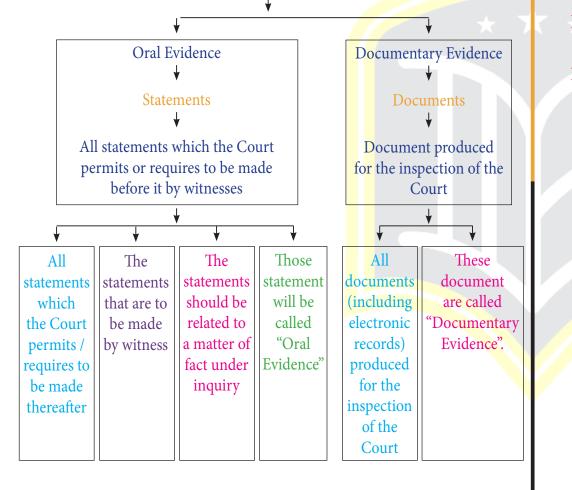
WEBSITE www.insightinstitute.co





→ Evidence [Section-3]

Define : The definition uses the words "Means and Includes". - It include two types of Evidence :



- In general the rules of evidence are same in civil & criminal proceedings but there is a strong and marked difference as to the effect of evidence in civil & criminal proceedings.

In Civil Cases - The principal "mere preponderance of probability" is sufficient basis of a decision

In Criminal Cases - The principle "beyond all reasonable doubt" is required for taking decision

→ Scheme of the Act Relevancy of Production On proof Fact- Chapter I [chapters and effect containing Sections of Evidence III to VI] 1 to 4 deals with containing [chapterpreliminary points section 56 VII to XI & relevancy of to 100 containing facts is dealt with sections 101 in chapter-II to 167] containing Section 5 to 55

ADDRESS

Insight House, 1st Floor, Bungalow No 2, Shreeji Society, Near naranpura Railway Crossing, Naranpura, Ahmedabad-380013 MOBILE 99745 45456







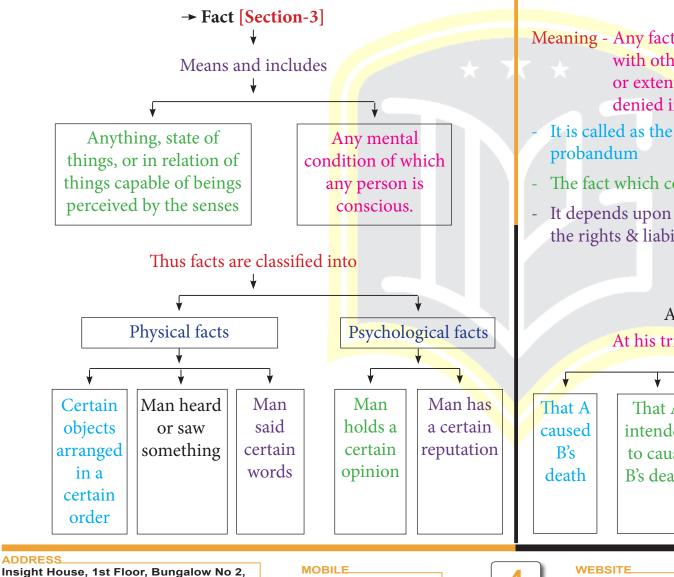
Shreeii Society, Near naranpura Railway

Crossing, Naranpura, Ahmedabad-380013



→ Relevancy of Facts

- The Act deals with relevancy of facts. A fact is also known as Factum Probans or the fact that proves



99745 45456

→ Evidence may be given of facts in issue and relevant facts.

FACT IN ISSUE [Section-3]

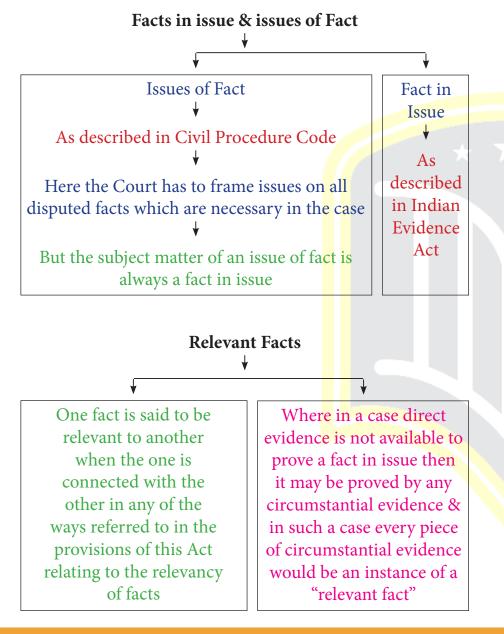
Meaning - Any fact from which, either by itself or its connection with other facts, the existence, non-existence, nature or extent of any right, liability, or disability, inserted or denied in any suit or proceedings, necessarily follows It is called as the principal fact to be proved / factum The fact which constitute the right or liability - It depends upon the rule of the substantive law which defines the rights & liabilities claimed Illustrations A is accused of the murder of B At his trial the following facts may be in issue That A had That A at the time of That A doing the act which intended received caused B's death, was, by grave & to cause reason of unsoundness sudden B's death of mind, incapable of provocation knowing its nature from B

www.insightinstitute.co

BRANCHES VASTRAL







- It is also called "factum probandum"
- Illustration A is accused of the murder of B by beating him whatever was said or done by A or B or by standers. At the beating or so shortly before / after as to form a part of transactions is relevant fact.

→ Logical relevancy & legal relevancy

Under Indian Evidence Act, 1872, legal Relevancy is to be considered as against a logical Relevancy

- A fact is said to be logically relevant to another when it bears such casual relation with the other as to render probably the existence / non-existence of the latter.
- All facts logically relevant are not, however, legally relevant.
- Relevancy under the Act is not a question of pure logic but of law, as no fact, however logically relevant, is receivable in evidence unless it is declared by the Act to be relevant.
- Of course every fact legally relevant will be found to be logically relevant,

ADDRESS

Insight House, 1st Floor, Bungalow No 2, Shreeji Society, Near naranpura Railway Crossing, Naranpura, Ahmedabad-380013

MOBILE 99745 45456









but every fact logically relevant is not necessarily relevant under the Act as common sense or logical relevancy is wider than legal relevancy.

- A judge might in ordinary transaction, take one fact as evidence of another and act upon it himself, when in Court, he may rule that it was legally irrelevant.
- And he may exclude facts, although logically relevant, if they appear to him too remote to be really material to the issue
- → Legal Relevancy and Admissibility
- Relevancy and admissibility are not co-extensive or interchangeable terms.
- A fact may be legally relevant, yet its reception in evidence may be prohibited on the grounds of public policy, or on some other grounds.
- Similarly every admissible fact is not necessarily relevant.

- → Classification of relevant facts
- Principles of Sections relating to relevancy of facts are mere rules of logic.
- Relevant facts may be classified in the following form.
 - (a) facts connected with the facts to be proved.
 - (b) Statement about the facts to be proved
 - (c) Statements by persons who cannot be called witnesses
 - (d) Statements made under special circumstances
 - (e) How much of a statement is to be proved
 - (f) Judgements of Courts of justice, when relevant
 - (g) Opinions of third persons, when relevant
 - (h) Character of parties in Civil cases and of the accussed in criminal cases
- → Fundamental rules of law of evidence

No facts other than those having rational probative value should be admitted in evidence All facts having rational probative value are admissible in evidence unless excluded by a positive rule of paramount importance

ADDRESS

Insight House, 1st Floor, Bungalow No 2, Shreeji Society, Near naranpura Railway Crossing, Naranpura, Ahmedabad-380013











Relevancy of Facts Connected with The Fact to be Proved

- (1) Res gestae or facts which though not in issue, are so connected with a fact in issue as to form part of the same transaction.[Section-6]
- Acts or declarations accompanying the transaction or the facts in issue are treated as part of the res gestae and admitted as evidence
- The ground for admission of such evidence is the spontaneity

immediacy of the act or declaration in question

- Res gestae is an exception to the rule ag<mark>ains</mark>t the hear-say evidence.
- It is based on belief that certain statements are made naturally, spontaneously and without deliberation during the course of an event. They leave little room for misunderstanding or misinterpretation upon hearing by someone else. [ie. by the witness who will later repeat the statement to the court] & thus the court belief that such statement carry a high degree of credibility.

- (2) Facts constituting the occasion, or effect of, or opportunity or state of things for the occurrence of the fact to be proved whether it be a fact or another relevant fact. [Section-7]
 - It provides that, though they are not part of the same transaction, are relevant if they are the occasions caused or effect of facts of an issue.
- (3) Motive, preparation and previous or subsequent conduct. [Section-8]
- Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.
 - Motive : It means which moves a person to act in a particular way.
 - It is different from intention.
 - This is the first step in every investigation.
 - It is psychological fact & the accused's motive, will have to be proved by circumstantial evidence.
 - When the question is as to whether a person did a particular act, the fact that he made preparations to do it, would certainly be relevant for the purpose of showing that he did it

ADDRESS

Insight House, 1st Floor, Bungalow No 2, Shreeji Society, Near naranpura Railway Crossing, Naranpura, Ahmedabad-380013 MOBILE 99745 45456









Conduct : It means behaviour

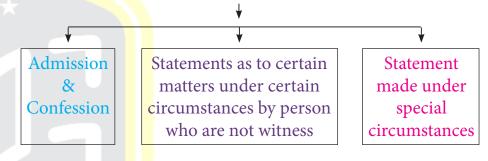
- The conduct of the parties is relevant. The conduct to be relevant must be closely connected with the suit, proceeding, a fact in issue or a relevant fact
- It must influence the decision.
- If these conditions are satisfied it is immaterial whether the conduct was previous to or subsequent to the happening of the fact in issue.
- (4) Facts necessary to explain or introduce relevant facts. [Section-9]

		•	
	+	+	*
Which	Which	which esta <mark>bl</mark> ish	Which show
are	support	the identity of a	the relation
necessary	or rebut	person / t <mark>hing</mark>	of parties
to explain	an	whose ide <mark>nt</mark> ity	by whom
or	inference	is relevan <mark>t,</mark> /	such fact was
introduce	suggested	fix the time	transacted,
a fact in	by a	or place at	are relevant in
issue or	fact in	which any	so far as they
relevant	issue or	fact in issue or	are necessary
fact	relevant	relevant fact	for that
	fact	happened	purpose.

- Facts which establish the identity of an accused person are relevant u/s-9.

Statements About The Facts To Be Proved

The general rule known as the hearsay rule is that what is stated about the fact in question is irrelevant. To this general rule there are three exceptions which are :



1(a) Admissions : [Section-17]

- It is a statement, which can be - oral

documentary

Electronic form

- Which suggests any inference as to any fact in issue or relevant fact,
- Which is made by any of the persons, & under the circumstances mentioned
- Admission may be verbal or contained in documents maps, bills, receipts, letters, books etc.



Insight House, 1st Floor, Bungalow No 2, Shreeji Society, Near naranpura Railway Crossing, Naranpura, Ahmedabad-380013











- An admission may be made by - party, agent,

predecessor in interest of a party, by a person having joint propriety of pecuniary interest in the subject matter

- An admission is the best evidence against the party making the same unless it is untrue
- An admission by the Government is merely relevant and non conclusive -

unless the party whom they are made has acted upon & thus altered his detriment.

- Admission must be clear, precise, not vague or ambiguous.
- Ref : Basant Singh v/s Janky Singh
- 1. Admission cannot be regarded as conclusive & it is open to the party to show that it is not true.
- 2. All the statements made in the plaint are admissible as evidence. The Court is however not bound to accept all the statements as correct.

The Court may accept some of the statements & reject the rest.

Admission : It means conceding something against the person making the admission.

General rule : Admissions must be self-harming [because a

person is unlikely to make a statement which is self-harming unless it is true evidence of such admissions as received in Court

Note : Oral admissions as to the contents of electronic records are not relevant unless the genuineness of the record produced is in question.

1(b) Confessions :

WEBSITE

- Confessions are special form of admissions.
- Every confession must be an admission but every admission may not amount to a confession
- Important provision relating to confession :

	Section	Heading	Details			
1	Section 24	Confession caused by inducement, threat or promise	A confession made by an a accused person is irrelevant in the criminal proceedings if the making of the confession appears to the court			

ADDRESS









2	Section 25	Confession to police officer	to have been caused by any inducement, threat or promise No Confession made to a police officer shall be proved as against a person accused of any offence.	5	Section 28	Confession made after removal of impression caused by inducement, threat or promise.	If a confession is made after removal of impression caused by inducement, threat or promise It is relevant
3	Section 26	Confession by accused while in custody of police	No confession made by any person while he is in the custody of police officer, unless it is made in the immediate presence of the magistrates.	6	Section 29	confession otherwise relevant not to become irrelevant because of promise of	 If a confession is otherwise relevant, it does not become irrelevant merely because it was made under, A promise of secrecy Deception practiced on the accused person for the purpose of obtaining it
4	Section 27	How much of information received from an accused may be proved	When any fact is depost to a discovered in consequences of information received from a person accused from an offence, in a custody of a police officer, so much of such information, whether if	7	Conting	secrecy	 When he was drunk Because it was made in an answer to question which he need not have answered Because he was not warned that he was not band to make such confession, & that evidence of it might be given against him.
			amount to confession or not, as relates the distinctly to a fact there by discovered may be provided.	7	Section 30	Consideration of proved confession affecting person	when more than one person has tried jointly for the same offence & confess is made by one of such person affecting himself

ADDRESS

Insight House, 1st Floor, Bungalow No 2, Shreeji Society, Near naranpura Railway Crossing, Naranpura, Ahmedabad-380013





website www.insightinstitute.co







malring it la	er come other is proved
making it &	& some other is proved,
	the court may take into
under trial for	consideration such confession
same offence	against both.

- According to Section-24, confession caused by inducement, threat or promise is irrelevant. To attract the prohibition contained in Section-24 of Evidence Act the following six facts must be established.

	. ↓			•		
That the	That such	That it	That the	Such	The inducement,	
statement	confession	has been	confession	i <mark>nduc</mark> e-	threat / promise	
in	has been	made	has been	<mark>men</mark> t,	must in the	
question	made by	to a	obtained	threat /	opinion of	
is a	an accused	person in	by reason	p <mark>romise</mark> ,	the Court be	L
confession	person	authority	of any	must	sufficient to	l
			induce-	have	give the accused	l
			ment,	reference	person grounds,	U
			threat /	to the	which would	U
			promise	charge	appear to him	l
			proceeded	against	reasonable for	1
			from a	the	supposing that	М
			person in	accused	by making it	
			authority	person	he would gain	
					any advantage	
					/ avoid any evil	
					of a temporal	
					nature in	
					reference to the	
					proceedings	
					against him.	

→ Confessions v/s Admissions

Г				
		Confessions		Admissions
	1	A Confession is a	1	An admission is
		statement made by		an statment which
ł		an accused person		suggest any inference
		admittin <mark>g th</mark> at he		as to any fact in issue
1		has com <mark>mitt</mark> ed an		or relevant fact
l		offence		
	2	Confessi <mark>on t</mark> o be	2	An admission to be
		relevant		relevant
1		¥		¥
		must be voluntary		need not to be
		· · · · · · · · · · · · · · · · · · ·		voluntary
	3	Confessi <mark>on t</mark> o be	3	Admission can be
		relevant <mark>-</mark> Must be		relevant
		made by accused		-
		himself		Even it it is made by
				an agent or evean a
				stranger
	4	Every confession is	4	Every Admission may
		an admission		not amount to an
				confession
L				

ADDRESS.

Insight House, 1st Floor, Bungalow No 2, Shreeji Society, Near naranpura Railway Crossing, Naranpura, Ahmedabad-380013 MOBILE 99745 45456









Note :

ADDRESS



Judicial Confession Meaning - Are those made before a court or recorded by a magistrate u/s 164 of CPC after the following prescribed procedure

Ref: Ram Khilari v/s State of Rajasthan

Where an extra-judicial confession was made before a witness who was a close relative of the accused & the testimony of said witness was reliable & truthful, the conviction on the basis of extra Judicial Confession is proper.

Extra Judicial confession - Are those which are made either to the police or nay person other than judges & Magistrate as & such.

An extra-judicial confession, if voluntary can be relied upon by the court along with other evidence The value of evidence depends upon the truth-fulness of witness to whom it is made.

Ref : Vinayak Shivajirao Pol v/s State of Maharashtra

- The law does not require that the evidence of an extra-judicial confession should be corroborated in all cases.
- 1. When such confession was proved by an independent witness who was responsible officer & one who bore no animus against the accused, there is hardly any justification to disbelieve it.

- 2. Where the Court finds that the confession made by the accused to his friend was unambiguous & unmistakably conveyed
- The testimony of the truthful, reliable and trustworthy.

Thus, A conviction based on such extra-judicial confession is proper & no corroboration is necessary



Insight House, 1st Floor, Bungalow No 2, Shreeii Society, Near naranpura Railway Crossing, Naranpura, Ahmedabad-380013







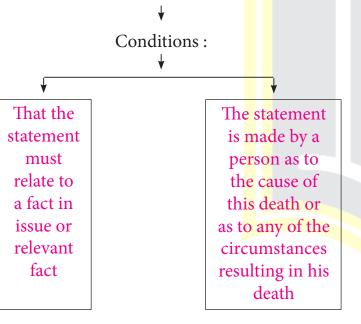




 (2) Statements by persons who cannot be called as witnesses / Statements as to certain matters under certain circumstance by the person who are not witness.

₩

Certain statements made by persons who are dead, or cannot be found or produced without unreasonable delay or expense. - is the second Exception to the General Rule



(3) Statements made under special circumstances

- The following statements become relevant on account of their having been made under special circumstances

L				¥	•
	Section 34	Section 35	Section 36	Section 37	Section 38
ľ	★↓	+	↓	↓ ↓	↓ ↓
L	Entries made	Entrie <mark>s ma</mark> de	Statements	Statement	Statement
L	in books	in p <mark>ublic</mark>	made in	as to fact of	as to any
V	of account,	/ of <mark>fic</mark> ial	published	public nature	foreign law
L	including	recor <mark>ds</mark> / an	maps /	contained	contained
	those	elect <mark>ronic</mark>	charts	in certain	in books
Ш	maintained	record made	generally	Acts or	purporting
L	in electronic	by a <mark>publi</mark> c	offered for	notification	to be
Ľ	form	servant in	the public		printed or
	regularly kept	the dis <mark>char</mark> ge	sale, or		published
Ш	in the course	of his <mark>offic</mark> ial	in maps /		by the
Ш	of business.	duties <mark>,</mark> o <mark>r b</mark> y	plans made		Gov. of
Ľ	Such entries,	any other	under the		the foreign
Ŀ	though	person in	authority of		country, / in
L	relevant,	performance	the CG or		the reports
Ł	cannot,	of a duty	any SG.		of decisions
Ł	alone, be	specially			of that
L	sufficient	enjoined by			country
	to charge a	the law			
	person with				
	liability				

ADDRESS_

Insight House, 1st Floor, Bungalow No 2, Shreeji Society, Near naranpura Railway Crossing, Naranpura, Ahmedabad-380013 MOBILE 99745 45456



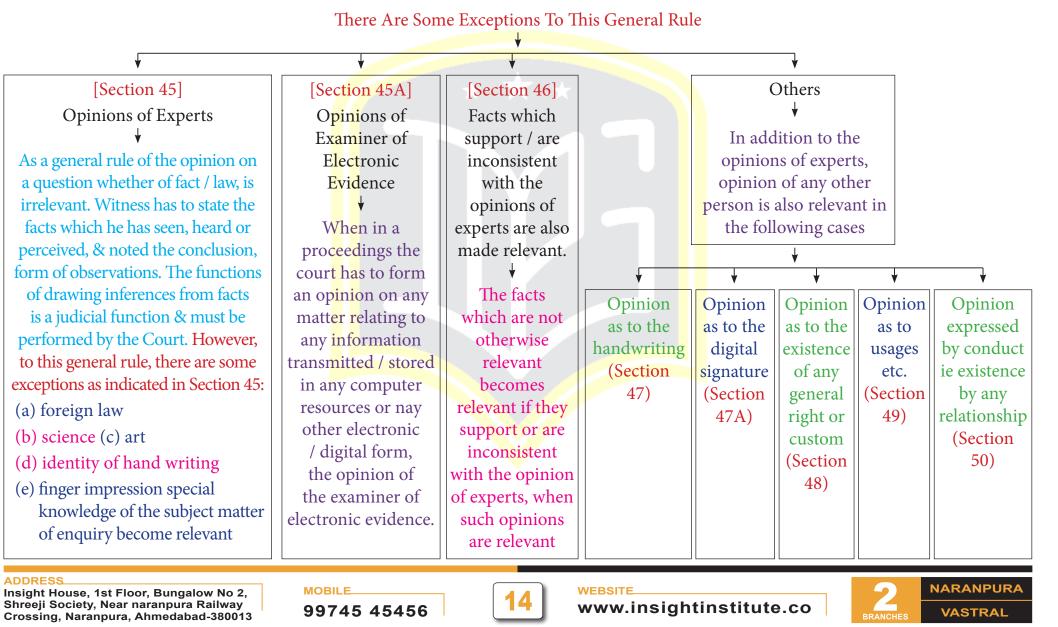






OPINION OF 3rd PERSONS WHEN RELEVANT

General Rule : The opinion of a witness on a question whether of fact or law, is irrelevant.







Facts Of Which Evidence Cannot Be Given

[Privileged Communications]

- There are some facts of which evidence cannot be given though they are relevant
 - Where evidence is prohibited under those Sections. They are also referred to as 'privileged communications'

	Section	Heading	Details
1	Section 121	Evidence of a Judge or Magistrate in regard to certain matters	No Judge / Magistrate shall, except upon the special order of some court to which he is subordinate, he compelled to answering any question as to his non conduct in court as Judge / Magistrate or as to anything which came to his knowledge incourt as such Judge / Magistrate. He may be examined as to other matter which occurred in his presence whilst he was so acting
2	Section 122	Communication during marriage	Communication between the husband & the wife during marriage is privileged & its disclosure cannot be enforced. This provisions is based on the principle of domestic peace and confidence between the married couple.

			This section section contain 2 parts				
			↓				
			↓ ↓				
	*		Deals with the privilege of the witness It deals with the privilege of the husband / wife of the witness				
3	Section	Affairs <mark>of S</mark> tate	Applies only to evidence derived				
	123		from unpublished official record				
			relating to affairs of State.				
			↓				
			No one shall be permitted to				
			give any evidence derived from				
			unpublished official records relating				
			to any affairs of State, except with				
			the permission of the officer at the				
			head of the department concerned,				
			who shall give / withhold such permission as he thinks fit.				
	Cartin	0,6 .:.1					
4	Section 124	Official Communications					
		Communications					
5	Section		Source of information of a				
	125		Magistrate or police officer or				
			Revenue officer as to commission				
			of an offences or Crime.				

ADDRESS

Insight House, 1st Floor, Bungalow No 2, Shreeji Society, Near naranpura Railway Crossing, Naranpura, Ahmedabad-380013











126 & 129	Professional Communication between a client & his barrister attorney or other professor legal	a legal adviser cannot be allowed	CI	RAL, DOC RCUMSTA The Act divides the	NTIAL	EVIDENC
	advisor. This is not absolute & may waived by the clients	without the express consent of his client to disclose oral of documentary communications passing between them in professional confidence. The rule is founded on the impossibility of conducting legal business without professional assistance & securing full & unreserved communication between the two. It neither a legal adviser i.e. a barrister, attorney, pleader / vaki (Section 126) nor his interpreter clerk / servant (Section 128) can be permitted to disclose any communication made to him in the course & for the purpose of professional employment of such legal adviser or to state the contents / condition of any document with which any such person has become acquainted in the course & for the purpose of employment.		Proof of facts other than the contents of documents All facts except of electronic records evidence which mut It means the ev perceived the f The two broad rule All facts except contents of docum may be proved by evidence	including p of docum existenc contents contents of o may be pr ist in all cases ↓ idence of the fact to which es regarding ↓	roved by oral sbe "DIRECT" e person who he deposes

ADDRESS

Insight House, 1st Floor, Bungalow No 2, Shreeji Society, Near naranpura Railway Crossing, Naranpura, Ahmedabad-380013 MOBILE 99745 45456



WEBSITE_ www.insightinstitute.co







Oral evidence : It means statements which the Court permits
 [Section-119] / requires to be made before it by witnesses in relation to matters of fact under inquiry.

But, if a witness is unable to speak he may give his evidence in any manner in which he can make it intelligible as by writing or by signs.

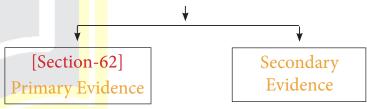
→ Direct Evidence :

- According to Section-60 oral evidence must in all cases whatever be direct; ie. to say.

V	+	↓			
If it	If refers	If it refers to a		If it refers to	
refers	to a fact	fact which cou <mark>ld</mark>		an opinion	
to a fact	which	be perceived by		/ to the	
which	could be	any other sense		grounds on	
could be	heard	or in any other		which that	
seen	↓ ↓	manner		opinion held	
¥	It must	↓ /			
It must	be	It must be		It must be	
be	evidence	evidence of		an evidence	
evidence	of a	a witness		of a witness	
of	witness	who says he		who holds	
witness	who says	perceived by		that opinion	
who says	he heard	any other sense		on those	
he saw it	it	/ that manner		grounds.	

As per Section-60, direct evidence is an Act impliedly enacts what is called the rule against hearsay.

- → Documentary Evidence
- document It means any matter expressed or described upon any substance by means of letters, figures or marks OR
 - by more than one of those means, intended to be used OR
 - which may be used for the purpose of recording that matter.
- Documents produced for the inspection of the Court is called Documentary Evidence.
- Section-61 provides that the contents of a document must be proved either by :



Means, The document itself produced for the inspection of court.

General Rule : Primary evidence of producing documents is commonly said to be based on the best evidence principle & to be supported by the so called presumption that if inferior evidence is produced where better might be given, the latter would tell against the withholder.

ADDRESS

Insight House, 1st Floor, Bungalow No 2, Shreeji Society, Near naranpura Railway Crossing, Naranpura, Ahmedabad-380013 MOBILE 99745 45456









2. Secondary evidence [Section-63]

- It is generally in the form of compared copies, certified copies or copies made by such mechanical processes as in themselves ensure accuracy.

It means and includes

it means and mendes.							
\checkmark							
		V	•				
Certified	Copies made	Copies	Co <mark>unte</mark> rparts	Oral A/c			
copies	from the	made	of documents	of the			
given	original by	from or	a <mark>s aga</mark> inst	contents			
under the	mechanical	compared	th <mark>e</mark> parties	of a			
provisions	processes which	with	wh <mark>o</mark> did not	document			
hereafter	in themselves	original	execute	given			
contained	ensure the			by some			
	accuracy of the			person			
	copy, & copies			who has			
	compared with			himself in			
	such copies			it.			

Illustration : (1) A photo graph of original

- (2) A copy compared with a copy of letter made by copying machine
- Notes : Documents must be proved by primary evidence but in certain cases for Eg. (1) where the document is lost / destroyed
- (2) The original is of such nature as not to easily, movable
- (3) Consists of numerous documents
- (4) Is a public document / under some law by ct copy the existence condition or contents of the document may be proved by secondary evidence.

→ Special Provisions as to Evidence Relating to Electronic Record

- Any information contained in the electronic record which is printed on paper, stored, recorded or copied in optical or magnetic media produced by a computer shall be deemed to be also a document.
- If the conditions mentioned in this Section are satisfied in relation to the information & computer in question & shall be admissible in any proceedings without further proof or production of the original.

→ Circumstantial evidence

- The expression direct evidence is used to signify evidence relating to the 'fact in issue' [factum probandum]
- The terms circumstantial evidence, presumptive evidence and indirect evidence are used to signify evidence which relates only to the "relevant fact" [facta probandum].
- The expression direct evidence, it is not intended to exclude circumstantial evidence of things which could be seen, heard or felt. Before acting on circumstances put forward are satisfactorily proved & whether the proved circumstances are sufficient to bring the guilt to the accused the Court should not view in isolation the circumstantial evidence but it must take an overall view of the matter.

ADDRESS

Insight House, 1st Floor, Bungalow No 2, Shreeji Society, Near naranpura Railway Crossing, Naranpura, Ahmedabad-380013





website www.insightinstitute.co







PRESUMPTIONS

- Rules of presumption are deduced from enlightened human knowledge and experience & are drawn from the connection, relation & coincidence of facts & circumstances.
- A presumption is not in itself an evidence but only makes a prima facie case for the party in whose favour it exists.
- A presumption is a rule of law that courts or juries shall / may draw a particular inference from a particular fact / from particular evidence unless & until the truth of such inference is disproved.
- → Three categories of Presumptions

Presumptions of Presumptions Mixed law. It is a rule of of fact, it is a presumptions, they law that a particular rule of law that consider mainly inference shall be a fact otherwise certain inferences drawn by a court doubtful may be between the from particular inferred from presumptions of law & presumptions of circumstances a fact which is fact proved.

Illustration : When we see a man knocked down by a speeding car and a few yards away, there is a car going, there is a presumption of fact that the car has knocked down the man.

ESTOPPEL

General Rule : When one person has by his declaration, act or omission, intentionally caused or permitted another to believe a thing to be true & to act upon such belief, neither he nor his representative shall be allowed, in any suit or proceeding between himself & such person or his representative to deny the truth of that thing.

- There is no estoppel against the Statute.
- Where the Statute prescribes a particular way of doing something, it has to be done in that manner only.
- → Principle of Estoppel
- It based on the maxim "allegans contratia non est audiendus"

It means ie. a person alleging contrary facts should not be heard.

It says that 'man cannot approbate & reprobate'

OR

'That man cannot blow hot and cold'

OR

'That a man shall not say one thing at one time & later on say a different thing'

ADDRESS

Insight House, 1st Floor, Bungalow No 2, Shreeji Society, Near naranpura Railway Crossing, Naranpura, Ahmedabad-380013











- It is based on principle, that it would be most inequitable & unjust that if one person, by a representation made

ᡟ

has induced another to act as he would not otherwise have done the person who made the representation should not be allowed to deny or repudiate the effect of his former statement to the loss & injury of the person who acted on it.

Ref : Biju Patnaik University of Tech. Orissa v/s Sairam College

→ Different kinds of Estoppel

ł

- Estoppel by attestation
- Estoppel by contract
- Constructive estoppel
- Estoppel by election
- Equitable estoppel
- Estoppel by negligence
- Estoppel by silence

ADDRESS

Insight House, 1st Floor, Bungalow No 2, Shreeji Society, Near naranpura Railway Crossing, Naranpura, Ahmedabad-380013 MOBILE 99745 45456



