

INDIAN EVIDENCE ACT, 1872

Unit 2

ADMISSION

BY

ROUNAK SHRIVASTAVA

SOS LAW

JIWAJI UNIVERSITY

Admission

- **Sec.17. Admission defined**
- An admission is a statement, [oral or documentary or contained in electronic form], which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons, and under the circumstances, hereinafter mentioned.

Admission

- Very Important role in Judicial Proceedings
- **Sec. 18. Admission- by party to proceeding or his agent**
- Statements made by party to the proceeding, or by an agent to any such party, whom the Court regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions. By suitor in representative character — Statements made by parties to suits, suing or sued in a representative character, are not admissions, unless they are made while the party making them held that character.

Admission

- **Sec.19. Admissions by persons whose position must be proved as against party to suit**
- Statements made by persons whose position or liability it is necessary to prove as against any party to the suit are admissions, if such statements would be relevant as against such persons in relation to such position or liability in a suit brought by or against them, and if they are made whilst the person making them occupies such position or is subject to such liability.

Illustrations

- A undertakes to collect rents for B.
- B sues A for not collecting rent due from C to B.
- A denies that rent was due from C to B.
- A statement by C that he owed B rent is an admission, and is a relevant fact as against A, if A denies that C did owe rent to B.

Admission

- **Sec. 20. Admissions by persons expressly referred to by party to suit**
- Statements made by persons to whom party to the suit has expressly referred for information in reference to a matter in dispute are admissions.
- Illustration
- The question is, whether a horse sold by A to B is sound.
- A says to B- " Go and ask C, knows all about it"
C's statement is an admission.

Admission

- **Kedar Nath Bejoria v. State of West Bengal**, AIR 1954 SC 660
- The rules of admissibility are the same for the trial of civil and criminal cases. Whatever the agent does, within the scope of the authority binds his principle and is deemed his act.
- Relation of master and servant relationship must be strictly proved.

Admission

- **Venkata v. Bhashya** 22 Mad.553
- Admissions by Pleaders,attorneys abd counsels in civil cases.
- **Krishna Swami v. Rajya Pal**,18 Mad 73
- An admission of law,where it is erroneous, by the vakil is not binding on the client.

Ram Sahai and Others v. Jai Prakash and others AIR 1973 MP 147.

- A person who had the power of attorney for the tenant accepted the arrears of rent. This acceptance was made binding upon tenant because this was the statement of person referred by plaintiff.

THANK

YOU