

Comments: of
mortgage deed, then
the mortgagee



**ASSIGN
BUSTER**

Comments: Principle: Section 70 dispenses with the necessity of calling attesting witness when the executant himself admits the execution of the document. This section refers only to admissions as to the execution of documents. Scope: The section lays down that if the executant admits the execution of document it shall be sufficient proof of its execution even if it is required by law to be attested. For example, if the mortgagor admits the execution of mortgage deed, then the mortgagee need not require to adduce any evidence to prove the execution of the document. “ The effect of this section is to make the admission of the executant a sufficient proof of the execution of a document as against the executant himself. It appears that “ admission conferred ‘ in section 70’ is admission of validity of attested document which means that when a party admits execution of the document, he thereby not only admits the mere signing thereof but also the entire series of fact which would give validity to the document concerned”.

The admission of its execution by the person who had executed it shall be sufficient proof of its execution as against him even though the document required to be attested and has been attested in view of Section 70 of the Act. But an admission in such situation should be clear and unqualified.

Section 70 applies only to the document which is duly attested.

The section has laid emphasis on “ a document required by law to be attested”. If the document required by law to be attested is not attested this section does not apply. The borrower admitted the execution of the receipt for payment of money but contented that certain words were interpolated.

The interpolated words will not make it inadmissible.