

By admissions are  
relevant: sections 18,  
19



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By suitor in representative character: Statements made by parties to suits, suing or sued in a representative character, are not admissions, unless they were made while the party making them held that character. Statements made by: (1) Party interested in subject-matter: Persons who have any proprietary or pecuniary interest in the subject-matter of the proceeding, and who make the statement in their character of persons so interested, or (2) Person from whom interest derived: Persons from whom the parties to the suit have derived their interest in the subject-matter of the suit, are admissions, if they are made during the continuance of the interest of the persons making the statements. Comments: Principle and scope: Persons by whom admissions must be made and whose admissions are relevant: Sections 18, 19 and 20 lay down a list of persons who can make admissions. Proceeding under this section may be civil or criminal.

But the general rule is that the statements are admissible against the party only making them and not against any other person. When Sections 18, 19 and 20 are put together it provide a long list of persons whose admissions also become relevant: 1. Parties to the proceeding (Section 18). 2. Agents authorized by such parties (Section 18). 3. Persons occupying representative character (Section 18). 4.

Persons having pecuniary or proprietary interests [Section 18(1)]. 5. Persons from whom the parties derived interest [Section 18(2)]. 6. Persons whose position is in issue or is relevant to the issue (Section 19).

7. Persons expressly referred to by the party to the suit (Section 20). 1.

Parties to the proceeding: Parties to the proceeding include not only those

who appear on the record, but also persons who are not parties on the record, and they are interested in the subject matter of the suit. They are considered by law as real parties in interest. It is the basic principle that all statements of the party in a suit or proceedings are relevant. Defendant was seeking declaration as only legally married wife of the deceased. She also admitted that plaintiff was also legally married wife of the deceased.

Admission of defendant was substantive evidence in support of marriage between plaintiff and deceased. The list of properties allotted, as per partition, to the share of each of the parties proved on behalf of the defendants was held admissible under Section 12 of the Evidence Act. The written statements of a party in an earlier proceeding were held to be relevant in the subsequent proceeding. Where there are more than one plaintiffs or defendant to a suit the statements of one plaintiff or defendant should not bind co-plaintiffs or co-defendants. Admission by one of the co-owners that the other co-owner had one-third share in the joint properties can be relied upon.

The Supreme Court opined that even if it is relevant due to concern pecuniary interest much weight cannot be attached to against the co-parties. The party is bound by his statement only to the extent of his own interests. An admission is only best evidence against the party making it. Admission made by a witness cannot be regarded as an admission made by the party who called him. Documents partake character of disputed document cannot be treated as admission for purpose of decree order.

2. Agents authorized by the parties: The statements of the agent are admissible against the principal according to law of agency or which govern the statements of coparcener. The agent, of course, should have expressed or implied authority to make such statement and the statements of the agent can bind the principal only during the continuance of the agency. But, the fact of the agency must be proved before the admission of agent can be received. The agency must be proved before the admission of the agent.

Where a station master of a railway company while reporting loss of goods to the police and gave the name of a missing porter as a suspect, it was held to be admission against the railway company. The admission by a party or his agent in a proceeding is admissible under section 18 of the Evidence Act and by Boards of decisions of the Apex Court and various High Courts it has now settled that the facts admitted by a party in its pleading need not be proved. The lawyer is appointed by the client to conduct his case and any statement as to the facts made by him with full authority of the client is an admission against the client.

In criminal cases there is no provision for an admission by a council. An admission by one partner made in a representative capacity is an evidence against the firm provided it is made in the ordinary course of business, where several persons are jointly interested in the subject matter of the suit an admission of any one of them is receivable not against himself but against others whether they are suing or sued. 3. Persons occupying representative character: The statements made by a person who sues or issued, in a representative character is relevant if it was made during the time when he was holding such character. " This principle is grounded on the

fact that a statement against the interest of a person making it will not be made unless truth compelled it." The person's occupied representative character includes trustees, receivers, assignee of an insolvent's estate, executors, administrators, guardian etc. In regard to ancestral property admission by father would be admissible against the son, the former being the representative interest.

4. Persons having pecuniary or proprietary interests: Under section 18(1) the statements of persons who, though not parties to the proceeding, have a pecuniary or proprietary interest in the subject matter, is relevant provided the statement is made by him in the character of a person jointly interested. For example, when certain goods were consigned for carriage, then both the consigner and consignee have interest in goods. " The requirement of identity in legal interest persons is of fundamental importance." In a suit for declaration of title, the statement of the suitor's father that the defendant was in possession is admitted.

Admission regarding partition of the joint family property made by one of the beneficiaries to the property is admissible in proof of partition assented subsequently. 5. Persons from whom parties derived interest: Under section 18(2) the statements of person from whom the parties to the suit derive their interest in the subject matter of the suit are admissible. " It has to be shown that such statements were made during the continuance of their interest in the subject matter of the suit.

A person of this kind is known as " predecessor in title." No admission could be made after parting with the interest. 6. Persons whose position is in issue

or is relevant to the issue (S. 19): Section 19 forms an exception to the rule that certain statement made by strangers to the proceeding are not admission as against the parties. It deals with such statements of the third person whose position is in issue.

Under this section the party to the proceeding can use the statement of the third party, if the statement of the third party contained in the admissions goes against him in connection with the matter involving the position or liability affected by that admission. When a statement is made in a document by a third person alleged to be agent of the accused before the document and its recitals can be used against the accused, such agency must be satisfactorily proved. The Illustration to the section shows the liability of A to pay arising from the liability of Ñ to B. Therefore, if A states that he owed rent to it will be admissible against A provided that the statement was made while the liability against Ñ was existing. If at the time when Ñ admitted the liability, the debt against him was time barred, the statement will not be relevant. 7. Persons expressly referred to by the party to the suit (S.

20): Section 20 is referring to the statements of a referee who is also a third person to the suit or proceeding. The statements made by a third person are also admissible and the rule is another exception to the general rule laid down in Section 18 that the admissions by strangers to the suit are not relevant. The reason is that when a party refers to another person for a statement of his views, the party approves of his utterance in anticipation and adopts that as his own. The principle is that a party makes a reference to a third person for 'information,' any statement by that person about the <https://assignbuster.com/by-admissions-are-relevant-sections-18-19/>

subject matter of the reference is admissible against the party making the reference. According to the illustration, if the question is whether a horse sold by A to B is sound. A says to B —“ you go and ask C who knows about it.

” The statement of C is an admission. The word “ information” in this section means a statement of fact and not decision of any kind and the information must be related to the subject matter. Explaining the term “ information,” the Supreme Court held; “ the word ‘ information’ occurring in Section 20 is not to be understood in the sense that the parties desired to know something which none of them had any knowledge of where there is a dispute as regards a certain question and the court is in need of information regarding the truth of that point, any statement that the reference may make is nevertheless information within the meaning of Section 20.” The information need not be specially within the knowledge of the person referred to. In an eviction suit where person having power of attorney for tenant admits arrears of rent the tenant subsequently cannot resile from such admission. Whereas a party may not be permitted to resile from his admission at a subsequent stage of same proceeding, it is also trite that an admission made company to law shall not be binding on the state.