

17: *Where a party to the suit does not appear in the witness-box and states his own case on oath and does not offer himself to be cross-examined by the other side, a presumption would arise that the case set up by him is not correct* as has been held in a series of decisions passed by various High Courts and the Privy Council beginning from the decision in **Sardar Gurbakhsh Singh v. Gurdial Singh** [AIR 1927 PC 230 : 32 CWN 119] . This was followed by the Lahore High Court in *Kirpa Singh v. Ajaipal Singh* [AIR 1930 Lah 1 : ILR 11 Lah 142] and the Bombay High Court in **Martand Pandharinath Chaudhari v. Radhabai Krishnarao Deshmukh** [AIR 1931 Bom 97 : 32 Bom LR 924] . The Madhya Pradesh High Court in **Gulla Kharagjit Carpenter v. Narsingh Nandkishore Rawat** [AIR 1970 MP 225 : 1970 MPLJ 586] also followed the Privy Council decision in **Sardar Gurbakhsh Singh case** [AIR 1927 PC 230 : 32 CWN 119] . The Allahabad High Court in **Arjun Singh v. Virendra Nath** [AIR 1971 All 29] held *that if a party abstains from entering the witness-box, it would give rise to an adverse inference against him*. Similarly, a Division Bench of the [punjab and haryana](#) High Court in **Bhagwan Dass v. Bhishan Chand** [AIR 1974 [p&h](#) 7] drew a presumption under Section 114 of the [evidence](#) Act, 1872 against a party who did not enter the witness-box.

Evidence Act S. 114

Vidhyadhar v. Manikrao, (1999) 3 SCC 573

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