

Gujja Lall v. Fattah Lall ILR 1881 6 Cal 171 a Full Bench exhaustively considered the ambit and scope of **Sections 40 to 43 of the Evidence Act** and observed thus :

“On the other hand, when in a law prepared for such a purpose, and under such circumstances, we find a group of several sections prefaced by the title ‘Judgments of Courts of Justice when relevant,’ that seems to me a good reason for thinking that, as far as the Act goes, the relevancy of any particular judgment is to be allowed or disallowed with reference to those sections.

* * *

I have had the opportunity of reading the judgment which the Chief Justice proposes to deliver, as well as the observations of my brother Pontifex, in both of which I generally concur, and for the reasons there stated, and those which I have shortly given, I consider the evidence inadmissible.”

And Garth, C.J., made the observations :

“It is obvious that, if the construction which the respondent’s counsel would put upon Section 13 is right, there would be no necessity for sections 40, 41, and 42 at all. Those sections would then only tend to mislead, because the judgments which are made admissible under them would all be equally admissible as ‘transaction’ under Section 13, and not only those, but an infinite variety of other judgments which had never before been admissible either in this country or in England. And it is difficult to conceive why, under Section 42, judgments though not between the same parties should be declared admissible so long as they related to matters of a public nature, if those very same judgments had already been made admissible under Section 13, whether they related to matters of a public nature or not.

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I am, therefore, of opinion that the former judgment was not admissible in the present suit ; . . .”

(emphasis supplied)

referred in [1983 PLROnline 0004](http://www.PLROnline.in)