

Maharaja Sir Kesho Prasad Singh Bahadur v. Bahuria Mt. Bhagjogna Kuer AIR 1937 PC 69 the Privy Council made the following observations :

“Whether based upon sound general principle or merely supported by reasons of convenience, the rule that so far as regards the truth of the matter decided a judgment is not admissible evidence against one who is a stranger to the suit has long been accepted as a general rule in English law.

* * *

Their Lordships find themselves in agreement with the observation of Ross, J. :

The judgment is not inter partes, nor is it a judgment in rem, nor does it relate to matter of a public nature. The existence of the judgment is not a fact in issue ; and if the existence of the judgment is relevant under some of the provisions of the evidence act it is difficult to see what inference can be drawn from its use under these sections.

Serious consequences might ensue as regards titles to land in India if it were recognized that a judgment against a third party altered the burden of proof as between rival claimants, and much ‘indirect laying’ might be expected to follow therefrom.”

(emphasis supplied)

read in in [1983 PLRonline 0004](#)