

The Doctrine of Estoppel Under Indian Evidence Act.

Introduction and Meaning of Estoppel

The doctrine of Estoppel is based on the principle of equity. S.115, S.116 and S.117 of Indian evidence Act deals with the provision doctrine Estoppel. It would be most inequitable and unjust if one person is allowed to speak contrary to his earlier statement. As it would cause loss and injury to the person who has acted on such statement.

Meaning of Estoppel -

" Estopped means stopped, which means a person is not allowed or permitted to speak contrary to his earlier statement. "

Definition of Estoppel

S.115 of the Indian evidence Act defined Estoppel as follows,

" When one person has by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed, in any suit or proceeding between himself and such person or his representative, to deny the truth of that thing."

- **Illustration :**
- 'A' intentionally and falsely leads 'B' to believe that certain land belongs to A, and thereby induces B to buy and pay for it.
- The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He must not be allowed to prove his want of title

Conditions for Application of Doctrine of Estoppel -

- 1) There must be a representation made by one person to another person.
- 2) The representation must have been made as to fact and not as to law.
- 3) The representation must be as to an existing fact.
- 4) The representation must be intended to cause a belief in another.
- 5) The person to whom the representation is made must have acted upon that belief and must have suffered a loss.

S.116. Estoppel of tenant and of license of person in possession

- No tenant of immovable property or person claiming through such tenant shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immovable property; and not person who came upon any immovable property by the license of the person in possession thereof, shall be permitted to deny that such person has a title to such possession at the time when such license was given.
- S.116 prevents and disables the tenant from denying the title of the landlord at the beginning. No tenant in possession shall be permitted to challenge or question the title of landlord

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at the time of commencement of Tenancy. And no person who came upon any immovable property by the licence of the person in possession thereof, shall be permitted to deny that such person had a title at the time when the licence was given. Thus no licensee shall be permitted to question or challenge the grant or licence at the time of granting the licence.

- In **Kuldeep Singh vs Shrimati Balwant Kaur**, AIR 1991 P & H. 291, when the tenant became wealthy of the property portion of which was let out to him, under the sale deed registered prior to one registered in favour of other. denied by him of relationship of tenant and landlord between him and subsequent vendor. It was held that tenancy right is not extinguished.

S.117 Estoppel of acceptor of bill of exchange, bailee or licensee

- No acceptor of a bill of exchange shall be permitted to deny that the drawer had authority of draw such bill or to endorse it; nor shall any bailee or licensee be permitted to deny that his bailor or licensor had, at the time when the bailment or license commenced, authority to make such bailment or grant such license.
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- **Explanation (1)**
- The acceptor of a bill of exchange may deny that the bill was really drawn by the person by whom it purports to have been drawn.
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- **Explanation (2)**
- If a bailee delivers the goods bailed to a person other than the bailor, he may prove that such person had a right to them as against the bailor
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Case Laws

- **Rajesh Wadhwa vs Dr.(Mrs) Sushma Goyal AIR 1989 Delhi 144.**

In this case, the lease deed executed by land lady's father on behalf of the landlady. Eviction petition by father under power of attorney of the landlady. The tenant was estopped from taking the plea that the land lady's father was not duly constituted attorney to file the eviction petition.

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- **Ambika Prasad Mohanty Vs Orissa Engineering College and others AIR1989 Orissa 173.**

In this case, the plea was against cancellation of admission of student admitted in private Engineering College after the selection. The cancellation of his admission was on the ground that he had secured minimum marks in the qualifying examination as prescribed in college prospectus. The university regulation does not prescribe any minimum marks for eligibility for admission to the engineering college estopped from canceling the admission.

Conclusion

The principle of estoppel is a rule which prevents a person from taking up the inconsistent position from what he has pleaded or asserted earlier. The principle Estoppel is based on equity and good conscience the object of this principle is to prevent for and to manifest good faith amongst the parties. only parties and no stranger can take advantage of it. Estoppel is only a rule of law. It does not give rise to a cause of action.