

### **Illustrations**

A and B make a contract in writing that B shall sell A certain cotton, to be paid for on delivery. At the same time they make an oral agreement that three months credit shall be given to A. This could not be shown as between A and B, but it might be shown by C, if it affected his interest.

**110. Saving of provisions of Succession Act relating to wills:** Nothing in this Chapter contained shall be taken to affect any of the provisions of the Succession Act, 1925 (XXXIX of 1925) as to the construction of wills.

## **PART II**

### **ON PROOF**

#### **CHAPTER VII**

#### **FACTS WHICH NEED NOT BE PROVED**

**111. Fact Judicially noticeable need not be proved:** No fact of which the Court will take judicial notice need be proved.

**112. Facts of which Court must take judicial notice:** (1) The Court shall take judicial notice of the following facts: —

(a) All Pakistan laws;

(b) Articles of War for the Armed Forces;

(c) The course of proceeding of the Central Legislature and any Legislature established under any law for the time being in force in Pakistan;

(d) The seals of all the Courts in Pakistan and of all Courts out of Pakistan established by the authority of the Federal Government or the Government representative, the seals of Court of Admiralty and Maritime Jurisdiction and of Notaries Public and all seals which any person is authorised to use by any Act or Regulation having the force of law in Pakistan ;

(e) The accession to office, names, titles, functions and signatures of the persons filling for the time being any public office in Pakistan, if the fact of their appointment to such office is notified in the official Gazette;

(f) The existence, title and national flag of every State of Sovereign recognised by the Federal Government;

(g) The divisions of time, the geographical divisions of the world, and public festivals, facts and holidays notified in the official Gazette;

(h) The territories under the dominion of Pakistan;

(i) The commencement, continuance and termination of hostilities between Pakistan and any other State or body of persons;

(j) The names of the members and officers of the Court and of their deputies and Subordinate officers and assistants, and also of all officers acting in execution of its process, and of all advocates and other persons authorized by law to appear or act before it;

(k) The rule of the road on land or at sea.

(2) In all cases referred to in clause (1), and also on all matters of public history, literature, science or art, the Court may resort for its aid to appropriate books or documents of reference.

(3) If the Court is called upon by any person to take judicial notice of any fact, it may refuse to do so unless and until such person produces any such book or document as it may consider necessary to enable it to do so.

**113. Facts admitted need not be proved:** No fact need be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing, or which before the hearing, they agree to admit by any writing under their hands, or which by any rule or pleading in force at the time they are deemed to have admitted by their pleadings:

Provided that the Court may in its discretion, require the facts admitted to be proved otherwise than by such admissions.

## **CHAPTER VIII ESTOPPEL**

**114. Estoppel:** 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.

### **Illustrations**

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.

**115. Estoppel of tenant and of licensee of person in possession:** No tenant of immovable property, or person claiming through such tenant, shall, during the continuance