

Res ipsa loquitur

By IASToppers | 2022-11-08 17:35:00



Res Ipsa Loquitur

Res ipsa loquitur

In public accidents like the Morbi tragedy, the maxim res ipsa loquitur must be applied.

RES IPSA LOQUITUR



[Ref-Legal Bites]

Res ipsa loquitur

- It is a doctrine in the **common law and Roman-Dutch law jurisdictions** under which a court can **infer negligence from the very nature of an accident or injury** in the absence of direct evidence on how any defendant behaved in the context of tort litigation.
- The principal function of the maxim is to **prevent the injustice which would result if a plaintiff were compelled to prove the precise cause of the accident** and the defendant responsible for it even when the facts bearing on these matters are at the outset unknown to him and often within the knowledge of the defendant.

There are provisions like Section 113 A and B in the Evidence Act which raise a presumption against the accused to provide speedy justice to the victims.

Section 113 A (Presumption as to abetment of suicide by a married woman)

- When the question is whether the commission of suicide by a woman had been abetted by her husband or any relative of her husband and it is shown that she had committed suicide within a period of seven years from the date of her marriage and that her husband or such relative of her husband had subjected her to cruelty, **the Court may presume**, having regard to all the other

circumstances of the case, that such suicide had been abetted by her husband or by a such relative of her husband.

Section 113 B (Presumption as to dowry death)

- Under Section 113B of the Evidence Act, the legislature has chosen to use the expression '**shall presume**' as a presumption of law, which indicates that it is mandatory and obligatory for the Court to draw the inference and no option is left. But it is rebuttable, though at the same time it is not lightly to be repelled.
 - The evidence for the purpose of rebutting or repelling it must be strong, distinct, satisfactory, and of a conclusive nature.