

## CHAPTER 28A

### NOTICES TO ADMIT AND NOTICES OF NON-ADMISSION

#### Notices to admit and notices of non-admission

**28A.1.**-(1) At any time after the record has closed, a party may intimate to any other party a notice or notices calling on him to admit for the purposes of that cause only-

- (a) such facts relating to an issue averred in the pleadings as may be specified in the notice;
- (b) that a particular document lodged in process and specified in the notice is-
  - (i) an original and properly authenticated document; or
  - (ii) a true copy of an original and properly authenticated document.

(2) Where a party on whom a notice is intimated under paragraph (1)-

- (a) does not admit a fact specified in the notice, or
- (b) does not admit, or seeks to challenge, the authenticity of a document specified in the notice,

he shall, within 21 days after the date of intimation of the notice under paragraph (1), intimate a notice of non-admission to the party intimating the notice to him under paragraph (1) stating that he does not admit the fact or document specified.

(3) The party intimating a notice under paragraph (1) or (2) shall lodge a copy of it in process.

(4) The court may, at any time, allow a party to amend or withdraw an admission made by him on such conditions, if any, as it thinks fit.

(5) A party may, at any time, withdraw in whole or in part a notice of non-admission by intimating a notice of withdrawal.

#### Consequences of failure to intimate notice of non-admission

**28A.2.**-(1) A party who fails to intimate a notice of non-admission under paragraph (2) of rule 28A.1 shall be deemed to have admitted the fact or document specified in the notice intimated to him under paragraph (1) of that rule; and such fact or document may be used in evidence at a proof if otherwise admissible in evidence, unless the court, on special cause shown, otherwise directs.

(2) A deemed admission under paragraph (1) of this rule shall not be used against the party by whom it was deemed to be made other than in the cause for the purpose for which it was deemed to be made or in favour of any person other than the party by whom the notice was given under rule 28A.1(1).