



long ago. The only remaining instance of it is that, if an original document is available in one's hands, one must produce it; that one cannot give secondary evidence by producing a copy. Nowadays we do not confine ourselves to the best evidence. We admit all relevant evidence. The goodness and badness of it goes only to weight, and not to admissibility... (Comment)

3. In *Murphy v Stone Wallwork (Charlton) Ltd* [1969] 2 All ER 949 at 952, [1969] 1 WLR 1023, HL, Lord Pearce said that:

"...the assessment of damages for the future is necessarily compounded of prophecy and calculation. The court must do the best it can to reach what seems to be the right figure on a **reasonable balance of the probabilities**, avoiding undue optimism and undue pessimism."

Although this statement was made in the context of future loss, the standard of proof is the same regardless of the type of loss suffered. (Comment)

4. It is the first principle upon which all Courts of Equity proceed, that if parties who have entered into definite and distinct terms involving certain legal results – certain penalties or legal forfeiture – afterwards by their own act or with their own consent enter upon a course of negotiation which has the effect of leading one of the parties to suppose that the strict rights arising under the contract will not be enforced, or will be kept in suspense, or held in abeyance, the person who otherwise might have enforced those rights will not be allowed to enforce them where it would be inequitable having regard to the dealings which have thus taken place between the parties. (Discuss)
5. In general, the rules of evidence in civil & criminal cases are the same, but some provisions in QSO are peculiar to criminal and other peculiar to civil cases. Comment strictly to the extent of Article (117 and 118). (Discuss)

KEY TO SUCCESS

**DO NOT REPEAT MISTAKES OF FORMATIVE. FOR GUIDANCE
SEE THE COMMENTS & SUGGESTIONS!**

GOOD LUCK!!!!



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