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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ MAT.APP.(F.C.) 123/2016

DAULAT RAM GUPTA Appellant
Represented by: Appellant in person

versus

USHA GUPTA Respondent
Represented by: None

CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **30.08.2016**

1. The appellant appears in person and states that he has taken back the file from his counsel because the counsel engaged by him is not interested to argue the matter. The appellant says that he does not want a lawyer through legal aid.
2. Accordingly we have heard the appellant. The respondent is the wife of the appellant. Impugned order dated March 16, 2012 dismisses an application filed under Order 12 Rule 6 of the Code of Civil Procedure. Appellant sought decree for possession against his wife on admission allegedly made by her. The appellant has filed a suit for possession against his wife.
3. We have gone through the pleadings in the suit and find no admission made by the wife which would require a decree to be passed against her under Order 12 Rule 6 of the Code of Civil Procedure. The appellant seeks to find an admission against the wife in proceedings initiated by her under

Section 125 Cr.P.C. We find no such admission made and on the contrary we find that in the memo of parties the wife has disclosed her address as the one for which appellant claims a decree for possession. The appellant's address disclosed is WZ-171/4, Rajasthan Cloth House, Ram Chowk, Palam Colony. This is the address at which the appellant resides even today. The only admission by the respondent concerning the suit property is that it was their matrimonial house.

4. It is settled law that a decree on admission can be passed where an admission, either in a pleading or a document, is clear, unimpeachable and unequivocal.

5. Finding none we dismiss the appeal but without any order as to cost.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

AUGUST 30, 2016

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