

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-2936-2021 (O&M)

Date of Decision : 21.09.2022

Baljinder Singh

....Petitioner

VERSUS

Gurpreet Singh

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Kanwal Walia, Advocate for the petitioner.

Mr. Jagjit Singh, Advocate for the respondent.

-.-

ALKA SARIN, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 07.04.2021 dismissing the application filed under Order XII Rule 4 Code of Civil Procedure, 1908 (hereinafter referred to as CPC).

Learned counsel for the petitioner would contend that the application has been erroneously dismissed by the Trial Court only on the ground that the same has not been filed within 15 days as provided under Order XII Rule 4 CPC. Learned counsel has drawn the attention of the Court to the provisions of Order XII Rule 4 CPC to contend that there is no such requirement in Order XII Rule 4 CPC.

Per contra, learned counsel for the respondent has supported the order passed by the Trial Court.

Heard.

Order XII Rule 4 CPC reads as under :

“4. NOTICE TO ADMIT FACTS.

Any party, may, by notice in writing, at any time not later than nine days before the day fixed for the hearing, call on any other party to admit, for the purposes of the suit only, any specific fact or facts, mentioned in such notice. And in case of refusal or neglect to admit the same within six days after service of such notice, or within such further time as may be allowed by the Court, the costs of proving such fact or facts shall be paid by the party so neglecting or refusing, whatever the result of the suit may be, unless the Court otherwise directs.”

In the present case, the only ground for dismissal of the application under Order XII Rule 4 CPC was that it has not been filed within 15 days. A perusal of the above-reproduced Section reveals that there is no such requirement that the application ought to have been filed within 15 days. The provision of law is very clear that any party by notice in writing at any time not later than nine days before the day fixed for hearing can call upon the other party to admit for the purposes of the suit, any specific fact or facts.

The order, on the face of it, is erroneous and the same is accordingly set aside. The revision petition is allowed and the Trial Court is directed to decide the application under Order XII Rule 4 CPC afresh, on

merits, in accordance with law. Pending applications, if any, also stand disposed off.

September 21, 2022

(ALKA SARIN)

tripti

JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO