

SA Pathan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9688 OF 2023

Jitsan Enterprises Partnership Firm ... Petitioner

V/s.

State of Maharashtra

Through Government Pleader & Anr ... Respondents

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Ms. Sumedha Rao i/by Rumana Bagdadi, for petitioner.

Mr. Sanskar Marathe, for respondents.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 25, 2023

P.C.:

1. The petitioner is the original plaintiff who filed summary suit for recovery of amount of Rs.3,74,963/- for supply of total 5,77,000 spoons to the defendant.
2. In the said suit, the defendant filed written statement.
3. The petitioner had filed an application relying on paragraphs 25 and 26 of the written statement contending that the contents of the said paragraphs amount to admission and therefore, decree under Order 12, Rule 6 of the Code of Civil Procedure, 1908 needs to be quashed.
4. On perusal of the admissions quoted by the Trial Court in paragraph 7 of its impugned order, in the light of averments of the

plaint, I am satisfied that the admissions as contended by the petitioner are not clearly unequivocal and unambiguous as required under Order 12, Rule 6 of the Code of Civil Procedure, 1908. To pass a decree that such admission should be unequivocal and unambiguous. Therefore, in my opinion, there is no error committed by the Trial Court while rejecting application under Order 12, Rule 6 of the Code of Civil Procedure, 1908.

5. The writ petition is, therefore, dismissed.

(AMIT BORKAR, J.)