

17.
14-07-2025
(Ct. no.06)
debajyoti
(Bench ID
265719)

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction
APPELLATE SIDE
CO 2445 of 2025

Golam Kuddus Mondal & Ors.
Vs.
Abu Bakkar Bora & Ors.

Mr. Md. Nure Zaman,
Mr. Jahangir Badsha

... For the Petitioners.

1. This application under Article 227 of the Constitution of India is at the instance of the defendants and is directed against an order being No.305 dated 03rd June, 2025 passed by the learned Civil Judge, Senior Division, Kalna, in Title Suit No.16 of 2000. By the order impugned, the application under Order XII Rule 6 of the Code of Civil Procedure and the application under Order VI Rule 12 of the Code of Civil Procedure stood rejected.

2. Learned advocate appearing for the petitioners submits that the petitioners are really aggrieved by the portion of the order by which the application under Order XII Rule 6 of the Code of Civil Procedure stood rejected. He submits that the plaintiffs filed a suit for partition claiming that they have acquired shares in respect of the suit property by virtue of inheritance. The learned advocate further submits that the plaintiff no.2 subsequently filed an application stating that the original owner transferred the suit property in favour of the some of the defendants and the plaintiff no.2 by virtue of a deed of gift. He, therefore, submits that in view of such admission in the application, a judgment on admission under Order XII Rule 6 of the Code of Civil Procedure is to be passed.

3. After going through the plaint, this Court finds that the specific case made out in the plaint is that the plaintiffs including the plaintiff no.2 have acquired share in the property by virtue of inheritance. It is well-settled that admission, in order to attract the provisions of Order XII Rule 6 of the Code of Civil Procedure, has to be clear and unambiguous one.
4. After going through the plaint and the other documents, this Court finds that there is no clear and unambiguous admission either in the pleading or otherwise in order to attract the provisions of Order XII Rule 6 of the Code of Civil Procedure.
5. The learned trial Judge assigned cogent reasons for rejecting such application. This Court does not find any reason to interfere with the same.
6. Accordingly, CO 2445 of 2025 stands dismissed. There shall be, however, no order as to costs.
7. Parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
8. Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Hiranmay Bhattacharyya, J.)