

04.08.2025
Item No.50.
Court No.06.
S. De
265719

C.O. 4185 of 2024

Anandi Sharma & Anr.

Vs

Pressco Engineering Private Limited & Ors.

Mr. Rachit Lakhmani,
Mr. Aditya Kanodia,
Ms. Shreya Srivastava, ...for the petitioners.

This application under Article 227 of the Constitution of India is at the instance of the plaintiff praying for a direction upon the learned Civil Judge (Senior Division), 1st Court, Barasat in Money Suit No. 268 of 2017. By the order impugned, the application under Order 12 Rule 6 of the Code of Civil Procedure stood rejected.

The learned advocate appearing for the petitioners submits that the petitioners had paid a sum of Rs.20,00000/- to the credit of the defendant no.1/opposite party herein by RTGS and by way of share application money. He further submits that apart from a sum of Rs.8,50,000/- paid on December 21, 2015, the defendants have not made any other payment. It is the further case of the petitioners that on March 31, 2016 the defendants have acknowledged the debts in favour of the plaintiffs.

The learned advocate appearing for the petitioners further refers to the admission made by the

opposite parties in the written statement that the opposite parties have admitted having issued the statement of confirmation on March 31, 2016. He, therefore, submits that the learned Trial Judge ought to have passed a judgment on admission by invoking the provision of Order 12 Rule 6 of the Code of Civil Procedure.

After going through the averments made in the written statement, this Court finds that it is the specific case of the defendants that they had issued the statement of confirmation on March 31, 2016 and thereafter made payment of the same in cash and as such there is nothing due and payable towards the plaintiffs by the defendants and the plaintiffs are not eligible to any amount as claimed. It was further stated that in the event of liquidation of all debts of the plaintiffs, the charge, if any, held by the plaintiffs are totally illegal.

Upon reading the written statement as a whole, this Court is of the considered view that the claim of the plaintiffs is denied and it is the specific stand of the defendant that the plaintiffs are not entitled to any amount as claimed. There is no clear, unambiguous and unequivocal admission of the plaintiffs' claim.

In order to pass a judgment on admission under Order 12 Rule 6 of the Code of Civil Procedure, the admission should be clear and unequivocal.

As rightly held by the learned Trial Judge that there was no clear, unambiguous and unequivocal admission on the part of the defendant in his written statement.

For the reasons as aforesaid, this Court is of the considered view that the learned Trial Judge was right in not allowing the application under Order 12 Rule 6 of the Code of Civil Procedure.

At this stage, the learned advocate appearing for the petitioners submits that the suit is otherwise ready for hearing and a direction may be passed to dispose of the Money Suit expeditiously.

In the light of the submission made by the petitioners, C.O. 4185 of 2024 stands disposed of by requesting the learned Civil Judge (Senior Division), 1st Court, Barasat to make an endeavour to dispose of the Matrimonial Suit No. 268 of 2017 as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

(Hiranmay Bhattacharyya, J.)