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

+ **RFA(COMM) 519/2025**

M/S SIDDHARTHA LOGISTICS PVT LTD

.....APPELLANT

Through: Ms. Chhavi Khandelwa, Mr.
Chinmoy Chaitanya and Ms. Mrinal
Gopal Elker, Advs.

versus

M/S OVERSEAS LOGISTICS PVT LTD

.....RESPONDENT

Through: None

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE VINOD KUMAR

ORDER

% **02.09.2025**

CM APPL. 55173/2025, CM APPL. 55174/2025, CM APPL. 55175/2025,

1. Exemptions allowed, subject to all just exceptions.
2. The applications are disposed of.

CM APPL. 55176/2025

3. For the reasons stated in the application, the delay of four days in re-filing the appeal is condoned.
4. The application is disposed of.

RFA(COMM) 519/2025 and CM APPL. 55172/2025

5. The challenge in this appeal is to the order/ decree dated 27.05.2025 on an application filed by respondent herein under order XII Rule 6, CPC. The Trial Court has decreed the suit to the extent of Rs.3,08,739.99/-. The



Trial Court, in paragraph 17 onwards has stated as under:

17. At this stage, it would be apposite to reproduce the relevant portions of the cited decision in the case of Delhi Jal Board (supra), wherein Hon'ble Delhi High Court has held as under:-

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6. Judgment on admissions. - (1) Where admissions of fact have been made either in the pleading or otherwise, whether orally or in writing, the Court may at any stage of the suit, either on the application of any party or of its own motion, and without waiting for the determination of any other question between the parties, make such order or give such judgment as it may think fit, having regard to such admissions.

(2) Whenever a judgment is pronounced under sub-rule (1) a decree shall be drawn up in accordance with the judgment and the decree shall bear the date on which the judgment was pronounced.

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8. The provision confers almost sweeping powers on the Court to render a speedy judgment in the suit to save the parties from going through the rigmarole of a protracted trial. The only pre-requisite for this is that there must be admissions of fact arising in the suit, be that in the pleadings or otherwise or orally or in writing. Such admission of facts must be clear and unequivocal, unconditional and unambiguous and may relate to the whole claim or a part of it. These need not be made specifically or expressly and could be a constructive admissions also. Whether or not such admission arose in the suit would depend on the facts and circumstances of the case. If it involved disputed facts, claims and counter claims requiring evidence of parties for determination of issues or where the defense of a party touched the root of the matter, a judgment could not be passed under Order 12 Rule 6 dispensing with the trial because the valuable right of going to trial could not be taken away from the



party unless the claim was admitted. A duty was, therefore, cast on the court to ascertain the admission of facts and to render judgment on these either in respect of the whole claim or a part of it. The court could do so on its own or on the application of a party and without waiting for the determination of any other question between the parties. It could do so at any stage of the suit. Dealing with the scope of provision, Supreme Court said in *Uttam Singh Duggal Vs. Union:-*

"Where a claim is admitted, the court has jurisdiction to enter a judgment for the plaintiff and to pass a decree on admitted claim. The object of the Rule is to enable the party to obtain a speedy judgment at least to the extent of the relief to which according to the admission of the defendant, the plaintiff is entitled. We should not unduly narrow down the meaning of this Rule as the object is to enable a party to obtain a speedy judgment. Where the other party has made a plain admission entitling the former to succeed, it should apply and also wherever there is a clear admission of facts in the face of which it is impossible for the party making such admission to succeed."

9. The test, therefore, is (i) whether admissions of fact arise in the suit, (ii) whether such admission are plain, unambiguous and unequivocal, (iii) whether the defense set up is such that it require evidence for determination of the issues and (iv) whether objections raised against rendering th judgment are such which go to the root of the matter or whether these are inconsequential making impossible for the party to succeed even if entertained. It is immaterial at what stage the judgment sought or whether admissions of fact are found expressly in the pleadings or not because suc admissions could be gathered even constructively for the purpose of rendering a speedy judgment.

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18. Now reverting back to the facts of the present case. As already noted above, the defendant has



made categorical and unambiguous admission of its liability to the tune of Rs.3,08,739.99Paise in its ledger account statement of plaintiff company appearing in its books of account, as filed along with the written statement. Moreover, there is no such plea raised by defendant in its amended written statement that the plaintiff has failed to return back the undelivered consignments to them. It is only for the first time that the defendant company has come up with such plea in reply to the application under consideration.

19. Be that as it may, the defendant company has not filed any document whatsoever either along with written statement or even till date, showing that it is well within its right to dispute its liability to the tune of Rs.3,08,739.99Paise despite such amount being shown as due and outstanding against it in its ledger account statement as filed along with written statement and neither any material being placed on record, nor any such defence being raised in its written statement.

20. There cannot be any dispute to the proposition of law laid down/discussed in the authorities cited on behalf of defendant, however, none of the said judgments helps the case of the defendant, for the reasons stated hereinbefore, while recording its satisfaction that there is direct, specific and unambiguous admission of its liability on the part of defendant towards the plaintiff, to the tune of Rs.3,08,739.99 Paise.

21. Accordingly, this Court is of the view that it is a fit case where the plaintiff is entitled to judgment on admission to the extent of Rs.3,08,739.99Paise. Hence, the application under consideration is hereby allowed and stands disposed off accordingly. Consequently, a decree for a sum of Rs.3,08,739.99 Paise is hereby passed in favour of the plaintiff and against the defendant. Decree sheet be prepared accordingly.”

6. A perusal of the above paragraphs would reveal that the order under



Order XII Rule 6 was passed on admission on the basis of acknowledgement of the liability to the tune of Rs.3,08,739.99/- in the ledger account statement of the respondent company as filed in the written statement by the appellant/ defendant.

7. The plea of learned counsel for the appellant is that the appellant has stated that the plaintiff/ respondent has failed to return the undelivered consignment to them and as such, the respondent is not entitled to decree. On a specific query to the learned counsel for the appellant/ defendant as to what was the cost of the consignment, she fairly states, it is roughly around Rs.20,000/-. That being the cost of the consignment which, according to the counsel, has not been returned, surely the decree for a larger amount cannot be objected that too when there is an admission in terms of the ledger account statement which aspect has not been denied.
8. In view of the above, we are of the view that the decree, on the basis of admission cannot be faulted. We do not find any merit in the appeal.
9. The appeal and pending applications are dismissed.

V. KAMESWAR RAO, J

VINOD KUMAR, J

SEPTEMBER 2, 2025

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