



2025:DHC:8816



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 22.09.2025

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C.R.P. 271/2025

RAVINDER SINGH

.....Petitioner

Through: Ms. Shyam D. Nandan, Mr. Siddharth
Bambha, Ms. Aroshi Pal, Mr. Rohit
Bohra, Advs.

versus

VIKAS GUPTA & ORS.

.....Respondents

Through: Mr. Shiven Banga, Mr. Ashish Garg
and Ms. Aditi Sharma, Advs. for R-3.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

CM APPL. 60428/2025 and CM APPL. 60429/2025 [Exemption]

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

C.R.P. 271/2025 and CM APPL. 60427/2025

3. The present Petition has been filed under Section 115 of the Code of Civil Procedure, 1908 [hereinafter referred to as "CPC"] impugning the order dated 04.07.2025 passed by the learned Trial Court [hereinafter referred to as "Impugned Order"]. By the Impugned Order, the Application under Order XII Rule 6 of the CPC filed by the Plaintiff/Petitioner has been



dismissed.

4. The principal ground for challenge in the present petition as raised by the learned counsel for the Petitioner is that the Petitioner is the owner of the suit property by virtue of a Registered Sale Deed dated 05.03.2009 [hereinafter referred to as '2009 Sale Deed']. He submits that the Sale Deed was executed by Respondent no. 3 in his favour. However, subsequently, another Sale Deed was registered in favour of Respondent Nos. 1 and 2 on 21.01.2011 [hereinafter referred to as '2011 Sale Deed'].

5. The learned counsel for the Petitioner submits that the Respondents have not denied the existence of the 2009 Sale Deed, thus, there is an unequivocal admission on the part of the respondents entitling him to a judgment on admission.

6. The learned counsel for Respondent no. 3 who appears on advance service submits that in the first instance, there is no confirmation of title of the Petitioner. It is stated that the consideration amount, which was paid by the Petitioner to Respondent No. 3 was returned by Respondent No. 3 to the Petitioner. He further submits that since the consideration amount was returned, the Respondent No. 3 executed a fresh Sale Deed in favour of Respondent Nos. 1 and 2. The learned counsel further seeks to rely upon his written statement to submit that there is no admission of ownership of the petitioner. Thus, he submits that the Impugned Order does not suffer from any infirmity.

7. In addition, the learned counsel for Respondent No. 3 submits that he has also filed a Civil Suit bearing No. Civil DJ 812/2017 captioned "**Ms.**



Rachna Khanna vs. Shri Vikas Gupta & Ors.” for declaration, possession, mandatory and permanent injunction wherein the title of the Petitioner has been challenged.

8. Concededly, there appears to be multiple proceedings between the parties and several disputed issues. The learned Trial Court has found that there is no unambiguous admission on the part of the Respondents, thus, has dismissed the application under Order XII Rule 6 CPC.

9. The learned counsels for the parties also submit that the trial in the matter has already commenced.

10. The record reflects that the decree of suit was filed for possession, declaration, permanent injunction and mesne profit by the Petitioner in the year 2013. Subsequently, in the year 2017, the suit was filed by Respondent No. 3 also seeking a decree of declaration, decree of possession, a decree of mandatory and permanent injunction of the suit property as well as other ancillary reliefs.

10.1 The Written Statement filed by the Respondent No.3 reflects that the ownership of the Petitioner has been denied.

11. The learned counsels for the parties submit that the issues in the first suit were framed in the year 2016. As stated above, it is not disputed by the parties that the matter is at the stage of evidence.

12. Order XII Rule 6 of the CPC confers discretionary power to the Court to pass a judgment on the admissions of a party without waiting for a determination of all issues between the parties. It is settled law that these



powers are discretionary and cannot be claimed as a right. It is apposite to set out the judgment of the Supreme Court in the case of **Karan Kapoor v. Madhuri Kumar**¹ in this regard. The relevant extract of the **Karan Kapoor** case is set out below:

“23. Order 12 Rule 6 confers discretionary power to a court who “may” at any stage of the suit or suits on the application of any party or in its own motion and without waiting for determination of any other question between the parties makes such order or gives such judgment as it may think fit having regard to such admission.

24. Thus, legislative intent is clear by using the word “may” and “as it may think fit” to the nature of admission. The said power is discretionary which should be only exercised when specific, clear and categorical admission of facts and documents are on record, otherwise the court can refuse to invoke the power of Order 12 Rule 6. The said provision has been brought with intent that if admission of facts raised by one side is admitted by the other, and the court is satisfied to the nature of admission, then the parties are not compelled for full-fledged trial and the judgment and order can be directed without taking any evidence. Therefore, to save the time and money of the court and respective parties, the said provision has been brought in the statute. As per above discussion, it is clear that to pass a judgment on admission, the court if thinks fit may pass an order at any stage of the suit. In case the judgment is pronounced by the court a decree be drawn accordingly and parties to the case is not required to go for trial.”

[Emphasis Supplied]

13. It is no longer *res integra* when there are objections raised by the opposite party which go to the root of the matter, a judgment on admissions cannot be passed. In the case of **Hari Steel & General Industries Ltd. & Anr. v. Daljit Singh² & Ors.**, the Supreme Court has held that that the discretion conferred under Order XII Rule 6 CPC is to be exercised judiciously, keeping in mind that a judgment on admission is a judgment without trial which permanently denies any remedy to the defendant. It was

¹ (2022) 10 SCC 496



further held that where the defendants have raised objections, which go to the root of the case, it would not be appropriate to exercise discretion under Order XII Rule 6 CPC. The relevant extract of the *Hari Steel* case is reproduced below:

“25. In the judgment in Himani Alloys Ltd. v. Tata Steel Ltd. [Himani Alloys Ltd. v. Tata Steel Ltd., (2011) 15 SCC 273 : (2014) 2 SCC (Civ) 376], nature and scope of Order 12 Rule 6 has been considered by this Court. In the aforesaid judgment this Court has held that the discretion conferred under Order 12 Rule 6 CPC is to be exercised judiciously, keeping in mind that a judgment on admission is a judgment without trial which permanently denies any remedy to the defendant. Para 11 of the judgment read as under : (SCC pp. 276-77)

“11. It is true that a judgment can be given on an “admission” contained in the minutes of a meeting. But the admission should be categorical. It should be a conscious and deliberate act of the party making it, showing an intention to be bound by it. Order 12 Rule 6 being an enabling provision, it is neither mandatory nor peremptory but discretionary. The court, on examination of the facts and circumstances, has to exercise its judicial discretion, keeping in mind that a judgment on admission is a judgment without trial which permanently denies any remedy to the defendant, by way of an appeal on merits. Therefore unless the admission is clear, unambiguous and unconditional, the discretion of the court should not be exercised to deny the valuable right of a defendant to contest the claim. In short the discretion should be used only when there is a clear “admission” which can be acted upon. (See also Uttam Singh Duggal & Co. Ltd. v. United Bank of India [Uttam Singh Duggal & Co. Ltd. v. United Bank of India, (2000) 7 SCC 120] , Karam Kapahi v. Lal Chand Public Charitable Trust [Karam Kapahi v. Lal Chand Public Charitable Trust, (2010) 4 SCC 753 : (2010) 2 SCC (Civ) 262] and Jeevan Diesels & Electricals Ltd. v. Jasbir Singh Chadha [Jeevan Diesels & Electricals Ltd. v. Jasbir Singh Chadha, (2010) 6 SCC 601 : (2010) 2 SCC (Civ) 745] .) There is no such admission in this case.”

26. In the judgment in S.M. Asif v. Virender Kumar Bajaj [S.M. Asif v. Virender Kumar Bajaj, (2015) 9 SCC 287 : (2015) 4 SCC (Civ) 589] , this Court has held that the power under Order 12 Rule 6 CPC is discretionary and cannot be claimed as a right. It is further held in the aforesaid case that where the defendants have raised objections, which go to the root of

² (2019) 20 SCC 425



the case, it would not be appropriate to exercise discretion under Order 12 Rule 6 CPC. Para 8 of the judgment read as under : (SCC p. 291)

*“8. The words in Order 12 Rule 6 CPC “may” and “make such order ...” show that the power under Order 12 Rule 6 CPC is discretionary and cannot be claimed as a matter of right. Judgment on admission is not a matter of right and rather is a matter of discretion of the court. **Where the defendants have raised objections which go to the root of the case, it would not be appropriate to exercise the discretion under Order 12 Rule 6 CPC. The said rule is an enabling provision which confers discretion on the court in delivering a quick judgment on admission and** to the extent of the claim admitted by one of the parties of his opponent's claim.”*

[Emphasis Supplied]

14. At this stage, the learned counsel for the Petitioner submits that he would be satisfied if the Court passes a direction for expeditious hearing in the matter.

15. Given that the evidence has commenced by the parties, it is directed that no party shall take any unnecessary adjournment before the learned Trial Court. The learned counsels for the Petitioner and Respondent No. 3 agree that they will not take any unnecessary adjournments before the learned Trial Court.

15.1 The parties are bound down by the statement made by their counsel before the Court today.

16. The Respondent Nos. 1 and 2 shall also not take any unnecessary adjournments before the learned Trial Court.

17. The Petition along with pending application is, accordingly, disposed of in the foregoing terms.

18. The parties shall act based on the digitally signed copy of the order.



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SEPTEMBER 22, 2025/ SU/ha

TARA VITASTA GANJU, J