

CO. 769 of 2026

12.03.26
D/L
Sl-12
Ct. 06
(Samar)

Paharpur Cooling Towers Ltd.
v.
United Hotels and Properties Pvt. Ltd.

Mr. Bodhisatta Biswas,

....for the Petitioner.

1. This revisional application is directed against an order dated February 10, 2026 passed by the learned Civil Judge (Senior Division) 1st Court, Alipore, South 24 Parganas, in Money Suit No. 296 of 2025 whereby the petitioner's application under Order XII Rule 6 of the Code of Civil Procedure, 1908 has been rejected.
2. Learned advocate appearing for the petitioner submits that the order impugned is bad in law inasmuch as the same has been passed without appreciating the scope of Order XII Rule 6 of the Code.
3. It is submitted that the plaintiff-petitioner has produced emails dated December 02, 2022 together with trail mails as appendages/ annexures to the plaint as well as the application under Order XII Rule 6 of the Code, in support of the plaintiff's contention that the defendant/opposite party had admitted the plaintiff's claim but the court wrongly disbelieved the same and rejected the application

under Order XII Rule 6 while asking the plaintiff to produce the documents suggesting admission following the procedure of *digital evidence*.

4. Heard learned advocate appearing for the petitioner and considered the material on record.
5. From the material available on record and the order impugned it is evident that the petitioner had produced before the Court photostat copies of print out of the emails asserted by the plaintiff petitioner to have been containing statements that evinced admission of claim of the plaintiff by the defendant.
6. The learned Trial Court has found that since written statement had not been filed and the suit was being proceeded with ex-parte, therefore the documents filed by the plaintiffs (all being photostat copies), were required to be proved in evidence following the procedure of electronic evidence.
7. There is nothing wrong in such finding returned by the court. Indeed judgment on admission can be passed in terms of Order XII Rule 6 of the Code but then the Court would act very well within its jurisdiction in emphasizing to test the genuineness of the document on the basis of which admission has been claimed by the plaintiff.
8. In such view of the matter, the necessity of proving of the documents in evidence as indicated by the Court cannot be said to be wrongly stressed by the Court.

9. The order impugned therefore does not appear to be illegal or materially irregular so as to warrant interference of this court under Article 226 of the Constitution of India.
10. CO. 769 of 2026 stands dismissed, without any order as to costs.
11. The learned Trial court is requested to dispose of the suit as expeditiously as the business of the learned Trial Court would permit.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)