

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO. 331 OF 2025

Aspi Chinoy

...Applicant

Versus

Government of Maharashtra and anr.

...Respondents

Mr. A. V. Anturkar, Senior Advocate, a/w Joel Carlos, i/b Aditya Joshi, Kaushubh Thipsay and Atharva Date, for the Applicant.

Mr. Dinesh Haldankar, AGP for the State – Respondent No.1.

CORAM: N. J. JAMADAR, J.

DATED: 25th FEBRUARY, 2026

Order:-

1. Heard Mr. Anturkar, the learned Senior Advocate for the applicant and Mr. Haldankar, the learned AGP for the State – respondent No.1.

2. This revision application is directed against an order dated 15th March, 2025, passed by the learned Civil Judge, Alibag, whereby an application preferred by the applicant - plaintiff for a judgment on admission under Order XII Rule 6 of the Code of Civil Procedure, 1908 (“the Code”), came to be rejected.

3. When the application was listed before this Court on 12th September, 2025, this Court had recorded a *prima facie* view that, the learned Civil Judge did not properly appreciate the

ambit of the provisions contained in Order XII Rule 6 of the Code and the learned Judge appeared to have been influenced by the considerations which were not germane for the determination of a prayer for a judgment on admission.

4. The applicant – plaintiff is assailing the notices issued by respondent No.2 on 12th June, 2015 and 10th July, 2015 alleging unauthorized development laced with a threat of demolition of the unauthorized development allegedly carried out by the applicant. The applicant sought declaration that the farm house as shown in the record of rights of the suit property is legal and the consequential relief of injunction.

5. A criminal prosecution was also initiated against the plaintiff. In the said prosecution, during the course of investigation, the Police Inspector had sought a report from the Sub-Divisional Officer, Alibag, regarding the legality of the development. A report was submitted by the Sub-Divisional Officer on 24th May, 2021 to the effect that the plaintiff had carried out repairs of the farm house, having plinth area of 99.74 sq. mtrs. in accordance with the permission granted by the District Collector Raigad-Alibag on 3rd January, 1998. Based on the said report, the plaintiff sought a judgment on admission.

6. The learned Civil Judge rejected the application observing, *inter alia*, that no notice to admit the facts was given by the plaintiff to the defendant in the prescribed form, purportedly as envisaged by Order XII Rules 4 and 5 of the Code. The purported admission was in the letter which was addressed by the Sub-Divisional Officer to the Police Inspector, and it was not supported by an affidavit. Thus, a judgment on admission can not be passed on the basis of such communication.

7. The provisions contained in Order XII Rule 6 are abundantly clear. From the phraseology of the sub-rule (1) of Rule 6 of Order XII it becomes evident that the legislature has designedly conferred jurisdiction on the Court to pass a judgment on admission. The legislature has taken care to ensure that the source of admission is not of decisive significance. Firstly, admissions can be found either in the pleadings or otherwise. Secondly, the insistence on the admission being in writing has been done away with. The admission may be oral or in writing. Thirdly, the stage of the suit does not matter, as the Code expressly empowers the Court to pass a judgment on admission at any stage of the suit. The said aspect is further reinforced by the words, "*without waiting for the determination of any other question between the parties*".

Fourthly, the party, in whose favour the admission is made, need not apply; the Court, on its own motion, can pass a judgment on admission if it comes to the conclusion that the claim, or part of the claim, of one party is admitted by the other. Lastly, the exercise of the said power is undoubtedly discretionary. However, in view of the wide ambit and unhinged nature of the powers conferred on the Court to pass a judgment on admission, the Court may not be justified in refusing the relief where a case falls within the four corners of the said provision. For the ultimate object of the provision is to provide an expeditious relief to a party when its claim is admitted by the adversary.

8. None of the requirements, as perceived by the learned Civil Judge, is borne out by the plain text of Rule 6 of Order XII. The admissions need not be even in writing, nor is it the requirement of law that a notice to admit the facts is necessary before a judgment on admission can be passed. Such a judgment on admission can be passed even *suo moto*.

9. In the case of ***Rajiv Ghosh vs. Satya Narayan Jaiswal***¹, the Supreme Court enunciated that the words, “or otherwise” are wide enough to include all cases of admissions made in the

1 2025 SCC OnLine SC 751.

pleadings or *de hors* the pleadings. The observations in paragraphs 35 and 37 of the said judgment read as under:

“35, The words “or otherwise” are wide enough to include all cases of admissions made in the pleadings or *de hors* the pleadings. Under Rule 6, as originally enacted, it was held that the words “or otherwise” without the words “in writing” used in Rule 1 showed that a judgment could be given upon oral or verbal admission also. [See: Beeny, re, (1894) 1 Ch D 499] The Amendment Act of 1976, however, made the position clear stating that such admissions may be “in the pleading or otherwise” and “whether orally or in writing”. Thus, after the amendment in Rule 6, the admissions are not confined to Rule 1 or Rule 4 of Order 6, but are of general application. Such admissions may be express or implied (constructive); may be in writing or oral; or may be before the institution of the suit, after the suit is brought or during the pendency of proceedings.

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37. The use of the expression ‘otherwise’ in the aforesaid context came to be interpreted by the High Court. Considering the expression the Court interpreted the said word by stating that it permits the Court to pass judgment on the basis of the statement made by the parties not only on the pleadings but also *de hors* the pleadings i.e. either in any document or even in the statement recorded in the Court. If one of the parties' statement is recorded under O. 10, Rr. 1 and 2 of the Code of Civil Procedure, the same is also a statement which elucidates matters in controversy. Any admission in such statement is relevant not only for the purpose of finding out the real dispute between the parties but also to ascertain as to whether or not any dispute or controversy exists between the parties. Admission if any is made by a party in the statement recorded, would be conclusive against him and the Court can proceed to pass judgment on the basis of the admission made therein.”

10. In the light of the aforesaid position in law, the impugned order which proceeds on an incorrect impression of the import of Order XII Rule 6, cannot be sustained. Since the learned Civil Judge has not delved into the question as to whether a judgment on admission can be passed on the basis of the

aforesaid communication by posing unto herself the question, whether the said communication constitutes admission, it would be necessary to remit the application back to the learned Civil Judge for a fresh decision.

11. The revision application, thus, stands partly allowed.

12. The impugned order stands quashed and set aside.

13. The application for judgment on admission (Exhibit-75) stands remitted back to the learned Civil Judge for a fresh decision on merits.

14. The learned Civil Judge is requested to hear and decide the said application as expeditiously as possible and, preferably, within a period of three months from the date of communication of this order.

[N. J. JAMADAR, J.]