



WEB COPY

CRP No. 176 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

**CRP No. 176 of 2025
and C.M.P.No.1257 of 2025**

T.N.Loganathan

..Petitioner

Vs

T.R.Krishnan

..Respondent

PRAYER – This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 27.11.2024 made in I.A.No.6 of 2024 in O.S.No.149 of 2012 on the file of the District Munsif Cum Judicial Magistrate, Pallipattu.

For Petitioner(s):

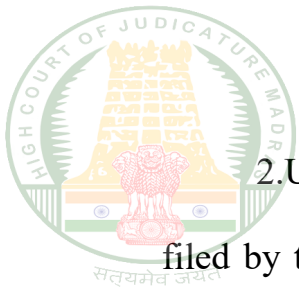
Mr.N. Manokaran

For Respondent(s):

Mr. G. Thyagarajan

ORDER

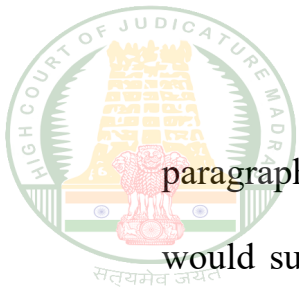
This Civil Revision Petition has been filed challenging the impugned order dated 27.11.2024 passed by the District Munsif Cum Judicial Magistrate Court, Pallipattu, in I.A.No.6 of 2024 in O.S.No.149 of 2012.



2. Under the aforesaid order, the Trial Court has dismissed the application filed by the plaintiff under Order XII Rule 6 of C.P.C. on the ground that the admission said to have been made by the respondent/defendant is not found to be conclusive.

3. The petitioner is the plaintiff in the suit and the respondent is the defendant. The petitioner contends before this Court in this Civil Revision Petition that the admissions made by the respondent/defendant during his cross-examination submitting to a decree as prayed for by the petitioner in the suit is conclusive and therefore, the Trial Court ought to have decreed the suit under Order XII Rule 6 of C.P.C. However, the same is disputed by the learned counsel for the respondent/defendant, who would submit that the respondent/defendant is an illiterate person and cannot read or write. He also submits that when the respondent/defendant had taken a categorical defence in the written statement that he is not liable for the suit claim, the question of decreeing the suit under Order XII Rule 6 of C.P.C. does not arise.

4. The learned counsel for the petitioner drew the attention of this Court to a recent decision of the Hon'ble Supreme Court of India dated 07.05.2026 passed in Special Leave to Appeal No.19868 of 2022 and he would rely upon



paragraph Nos.14 and 15 of the said judgment of the Hon'ble Apex Court and would submit that a decree can be passed under Order XII Rule 6 of C.P.C., based on an admission, whether it is contained on the pleadings or elsewhere and such an admission may be in writing or may even be oral and no particular form of admission is necessary.

5. In the case on hand in the written statement, the respondent/defendant had specifically denied his liability to the plaintiff as claimed by the plaintiff in the suit. The respondent/defendant is also an illiterate person, who cannot read or write. Even in the cross-examination of the respondent/defendant, the respondent/defendant has agreed to the passing of the decree as prayed for in the suit. The said deposition made by the respondent/defendant is inconsistent with the pleadings made by the respondent/defendant in the written statement where the respondent/defendant has categorically denied that he is liable as per the suit claim made by the plaintiff. When there are inconsistencies in the evidence placed on record before the Trial Court with regard to liability of the defendant to the plaintiff as prayed for in the suit, this Court is of the considered view that the plaintiff has not conclusively established in the Order XII Rule 6 application filed by the petitioner that the defendant is liable for the suit claim. The Trial Court has rightly held in the impugned order that the petitioner has not conclusively established through the application filed under Order XII Rule



6 of C.P.C that the decree has to be passed as prayed for by the plaintiff in the suit against the respondent/defendant. The Trial Court has rightly held that only after full fledged trial, the suit can be decided one way or the other. This Court does not find any infirmity in the findings of the Trial Court. The decision of the Hon'ble Apex Court relied on by the petitioner does not deal with the similar set of facts and therefore, the same does not apply to the facts of the instant case.

6. Accordingly, this Civil Revision Petition is dismissed. However, it is made clear that the Trial Court shall decide the main suit uninfluenced by any observations made by this Court in this Civil Revision Petition. No costs. Consequently, connected Miscellaneous Petition is closed.

10-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GSA

To
The District Munsif Cum Judicial Magistrate,
Pallipattu.



WEB COPY

CRP No. 176 of 2



ABDUL QUDDHOSE, J.

GSA

**CRP No. 176 of 2025
and C.M.P.No.1257 of 2025**

10-06-2026