



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.9511 of 2025 (O&M)

Smt. Enu Chawla

.....Petitioner

Vs.

Gurmeet Singh

.....Respondent

1.	Judgment reserved on	25.02.2026
2.	Judgment pronounced on	22.05.2026
3.	Judgment uploaded on	25.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced.	Full
5.	The delay, if any of the pronouncement is full judgment and reason thereof.	Nil

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Argued By:-Mr. Aakriti Mittal, Advocate with
Ms. Kashish, Advocate for the petitioner.

Mr. Gurmeet Singh, respondent in person
(through V.C.).

Yashvir Singh Rathor, J.

1. The present revision has been instituted under Article 227 of the Constitution of India for setting aside of the order dated 20.11.2025 (Annexure P.11) passed by the learned Civil Judge (Junior Division), Gurugram in Civil Suit No.CS-2153-2025 titled “*Enu Chawla Vs. Gurmeet Singh*” (Annexure P-7),



whereby the application filed by the petitioner under order XII Rule 6 of the Code of Civil Procedure, 1908 was rejected and the plaintiff- petitioner was called upon to lead evidence.

2. I have heard learned counsel for the petitioner and respondent in person and have gone through the material placed on record.

3. Case of plaintiff is that she alongwith her brother Sh. Manjeet Singh, was the joint owner of Flat No.101 and Flat No.102, situated in House No.131/9, Shivpuri, Gurugram, by virtue of registered sale deeds dated 08.12.2017 in equal shares. Her brother Sh. Manjeet Singh died on 05.01.2025, who was unmarried and issueless & his $\frac{1}{2}$ share in the suit properties devolved equally upon his surviving siblings i.e. the plaintiff and the defendant to the extent of $\frac{1}{4}^{\text{th}}$ each, thereby making the plaintiff – owner of $\frac{3}{4}^{\text{th}}$ share. It is further alleged that by way of an oral family settlement subsequently affirmed vide compromise deed (Annexure P-9), the defendant voluntarily relinquished his $\frac{1}{4}^{\text{th}}$ share in favour of plaintiff. Thereafter, plaintiff instituted a civil suit for declaration to the effect that she is owner in possession of the suit property wherein defendant filed written statement admitting her claim and further made a prayer that he has no objection in case the suit is decreed as prayed for. However, the learned trial Court vide impugned order dated 20.11.2025 declined the plaintiff's application under Order XII Rule 6 CPC for judgment on admissions, on the ground that the matter requires adducing of evidence to substantiate the claim.

4. Feeling aggrieved, the plaintiff has approached this Court assailing the said order being illegal, null and void and seeking directions for the expeditious disposal of the case.



5. Before proceeding further, the impugned order dated 20.11.2025 is hereby reproduced as under:-

“Written statement is filed on behalf of the defendant. An application is moved under order 12 rule 6, CPC for passing judgment on the basis of facts admitted by the defendant, on behalf of the plaintiff.

Pleadings perused. According to the plaintiff, the parties have arrived at a mutual settlement as per which the defendant has agreed to transfer his share in the properties as mentioned in para no. 2(i) and (ii) of the plaint, the plaintiff seeks a decree of declaration to the effect that plaintiff is owner and in possession of the suit properties as fully detailed and described in para no. 2(i) and (ii) of the plaint. However, upon a further and careful perusal of the plaint, it emerges that the plaintiff along with her real brother, claims ownership and possession over the properties enumerated in para nos. 2(i) and 2(ii) of the plaint. In view of this position, the court is of the considered opinion that the plaintiff is required to lead evidence to substantiate her claim, and that a declaratory decree cannot be granted solely on the basis of the written statement, even if certain admissions are alleged. Furthermore, perusal of written statement filed by defendant reveals that the plaintiff’s case has not been admitted in its entirety. The written statement raises some contested aspects of the plaintiff’s claim. Consequently, the matter necessitates the adducing of



evidence, and the relief sought under Order XII Rule 6 CPC cannot be granted at this stage.

Considering the nature of dispute, the court finds it appropriate to call for Evidence from both sides and to settle the issues to be established through such evidence. Accordingly, the following issues is here by framed:

1. Whether the plaintiff is entitled to a decree of declaration to the effect that the plaintiff is absolute and exclusive owner in possession of suit property mentioned in para no. 2(i) and (ii) of the plaint, as prayed for? -OPP

List on 02.01.2026 for plaintiff evidence, to be led at plaintiff's own responsibility. If the plaintiff wishes to summon any witnesses, process fee, diet money, etc. be deposited, and file list of witnesses within 15 days from the date of this order.”

6. A perusal of the plaint annexed with the petition shows that as per version of plaintiff, she alongwith her brother Manjeet Singh was owner of the suit properties in equal shares. Her brother Manjeet Singh was unmarried and issueless who died on 05.01.2025 leaving behind plaintiff and defendant as the only surviving legal heirs. Their mother and father had already died on 29.04.2021 and 30.8.1996 as reflected in the death certificates. Thereafter, plaintiff obtained a Family Member Certificate which has been issued by Deputy District Magistrate Sadar, Bareilly for District Magistrate vide certificate No.595/A-Nazir-2025 2025 dated 5.3.2025 in which it has been categorically mentioned that deceased – Manjeet Singh was unmarried and sssueless. It is



further alleged that a family settlement took place between plaintiff and defendant in which defendant relinquished his 1/4th share in favour of plaintiff in the said oral settlement in May, 2025 and since then plaintiff is owner in possession of the suit property. Later on, he started resiling from the said settlement which necessitated the present suit. A perusal of the written statement filed by the defendant shows that the defendant has admitted the claim of the plaintiff regarding ownership and relinquishment of 1/4th share by him in her favour on the basis of the family settlement. He has further made a prayer that he has no objection in case the suit is decreed.

7. Once defendant has admitted the claim of the plaintiff, parties were not at dispute either on a question of fact or law and the suit could have been disposed of on the basis of the admission in terms of Order 12 Rule 6 CPC. particularly because the admission made by defendant in the written statement is clear, unambiguous, unequivocal and unconditional. Hon'ble Supreme Court in 2025 SCC Online SC 751 – **Rajiv Ghosh Vs. Satya Naryan Jaiswal**, while interpreting the provision contained in Order 12 Rule 6 CPC has held as under:-

“36. A Division Bench of the Delhi High Court very correctly laid down the following interpretation of the provision of O. 12, R. 6, [CPC](#), in the decision of ITDC Limited v. Chander Pal Sood and Son, reported in (2000) 84 DLT 337 (DB): (2000 AIHC 1990):

“Order 12, R. 6 of Code gives a very wide discretion to the Court. Under this rule the Court may at any stage of the suit either on the application of any party or of its own motion and without determination of any other question between the



parties can make such order giving such judgment as it may think fit on the basis of admission of a fact made in the pleadings or otherwise whether orally or in writing.”

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 dehors 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.

38. Rule 6 of Order XII, before the amendment, allowed judgment on admission only on an application by a party. The Law Commission, however, suggested that a judgment may be pronounced either on an application by a party or even suo motu [See: Throp (supra)]

39. This rule authorizes the court to enter a judgment where a claim is admitted and to pass a decree on such admitted claim. This can be



done at any stage. [See: [Uttam Singh](#) (supra)]. Thus, a plaintiff may move for judgment upon admission by the defendant in his written statement at any stage of the suit although he has joined issue on the defence.” [See: *Brown v. Pearson*, (1882) 21 Ch D 716]. Likewise, a defendant may apply for dismissal of the suit on the basis of admission by the plaintiff in rejoinder.”

8. Besides this, Hon’ble Supreme Court in (2000) 7 Supreme Court Cases 120 – **Uttam Singh Duggal & Co. Ltd Vs. Union Bank of India** has held that meaning of Order 12 Rule 6 CPC should not be unduly narrowed down, because the object of Rule 6 is to enable a party to obtain a speedy judgment.

9. In the present case, the parties are not at issue over any question of fact or law. Oral family settlement has been entered into between the parties and defendant has admitted the claim of plaintiff and has further made a prayer that he has no objection in case the suit is decreed. No doubt Order 12 Rule 6 CPC empowers the Court to call upon the parties to lead evidence and judgment based on admission cannot be claimed as an absolute right but such a recourse should be adopted only in the cases where the admission is not unambiguous, clear and unequivocal. This provision empowers the Court to deliver a judgment based on clear and categorical admission of fact made by the parties at any stage of the suit. As already mentioned above, defendant is the brother of the plaintiff and as per version of plaintiff, suit property fell in her share in an oral family settlement wherein defendant relinquished his 1 1/4th share in her favour. It is well settled that if a pre-existing family settlement is admitted, the suit can be decreed on the basis of the same and it even does not require any registration under Registration



Act. In view of law laid down by Hon’ble Supreme Court in AIR 1976 SC 807-
Kale Vs. Deputy Director and others, and a co-ordinate Bench of this Court in
2009(3) CCC 418 – **Chanan Singh and others Vs. Surjit Singh and others**.

10. As a result of afore-aid discussion, I am of the considered opinion
that the impugned order suffers from manifest error and material illegality has
been committed while rejecting the application under Order 12 Rule 6 CPC and
the impugned order dated 20.11.2025 (Annexure P.11) is set aside so far as the
parties have been called upon to adduce evidence. Learned Trial Court is directed
to decide the suit in hand accordingly, in the light of the observations made above.
No order as to costs.

11. Pending misc. applications, if any, shall stand disposed of.

(Yashvir Singh Rathor)
Judge

May 22, 2026
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No