



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR-2026-2022(O&M)
Date of Decision: July 25, 2025**

Gurbakshish Singh

...Petitioner

Versus

Birjinder Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Petitioner-in-person.

Mr.Damanjit Singh Sandhu, Advocate
for respondent No.1.

ARCHANA PURI, J.

Challenge in the present revision petition is to the order dated 09.02.2022 passed by learned trial Court, whereby, an application filed at the instance of petitioner-defendant No.3, under Order 12 Rule 6 CPC, was dismissed.

The parties are referred to, as making appearance before learned trial Court.

The essential facts, to be noticed, as culled out from the paperbook, are as under:-

That, there is dispute between the parties to the lis, vis-a-vis, inheritance of one Rattan Singh and his wife Bishan Kaur. Both plaintiff-

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Birjinder Singh and contesting defendants are children/grand children of Rattan Singh and Bishan Kaur. Earlier plaintiff-Birjinder Singh had filed a suit, thereby, seeking declaration that he along with defendants No.13, 14 and 15, were the owners in possession to the extent of 1/4th share, as detailed in the headnote of the plaint, copy whereof is Annexure P-1. Then, subsequent suit was also filed by plaintiff-Birjinder Singh, thereby, seeking declaration to the effect that he is owner in possession to the extent of 1/8th share of the suit property. Copy of the plaint whereof is Annexure P-2. In the said suit, he had asserted his right to the property in question, being son of Gurnam Kaur @ Manjit Kaur, his mother, who was the daughter of aforesaid Rattan Singh and Bishan Kaur. Relating to the first suit, RSA is pending before this Court and other suit is still pending before trial Court.

Thereafter, plaintiff-Birjinder Singh had filed third suit for seeking permanent injunction to restrain the defendant No.3-present petitioner as well as his parents and his brother Gurpreet Singh, from collecting rent/lease amount from the tenants, who were arrayed as defendants No.20 to 82 and to restrain them from making payment of rent/lease amount to defendants No.1 to 4. Petitioner Gurbakshish Singh was arrayed as defendant No.3, in the said suit. The copy of the said plaint is Annexure P-3.

During the pendency of the aforesaid suit, an application was filed under Order 12 Rule 6 CPC by defendant No.3-Gurbakshish Singh, for seeking judgment of admissions. The copy of said application is Annexure P-4. Therein, the admissions, so relied upon to seek judgment, were pleaded



in paragraph No.4 of the application, which in verbatim, is hereby reproduced:-

“4. That in the plaint are the following explicit and unambiguous admissions of fact:-

a) the mother of the plaintiff Gurnam Kaur, through whom the plaintiff is claiming a share of the rent, was deprived of her share of the estate of her mother Bishan Kaur and her father Rattan Singh.

b) the title of the estate of Bishan Kaur and Rattan Singh has been mutated ultimately in the name of Harbans Singh, his wife and his two sons i.e. defendant numbers 1 to 4 respectively.

c) the plaintiff claiming through his mother has earlier filed two separate suits for declaration of his title as owner of a part of the estate of Bishan Kaur and Rattan Singh.

d) the aforementioned title suits are pending and civil litigation will take time for its decision.”

The reply to the aforesaid application was filed and after hearing, counsel for the parties, the said application was dismissed by learned trial Court, vide impugned order dated 09.02.2022.

Aggrieved, the petitioner-defendant No.3 had filed the present revision petition.

Upon notice issued, contesting-respondent had made appearance through counsel.

The petitioner-in-person as well as learned counsel for respondent No.1, heard.



As observed aforesaid, certain admissions are asserted to have been made in the plaint and on the basis thereof, judgment of admissions was sought. Order 12 Rule 6 CPC, deals with the admissions, which is reproduced, as herein given:-

“6. Judgment on admission.--(1) Where admissions of fact have been made either in the pleading or otherwise, whether orally or in writing, the Court may at any stage of the suit, either on the application of any party or of its own motion and without waiting for the determination of any other question between the parties, make such order or give such judgment as it may think fit, having regard to such admissions.

(2) Whenever a judgment is pronounced under sub-rule (1) a decree shall be drawn upon in accordance with the judgment and the decree shall bear the date on which the judgment was pronounced.”

However, careful perusal of the plaint, copy whereof is part of the paperbook, reveals that it does not pass muster the test of ‘admission’ visualised in Order XII Rule 6 CPC. It is not that a Court cannot pass a judgment, on the basis of an admission made in the case, but however, at the same time, it has to be kept in mind that Order 12 Rule 6 CPC is an enabling provision conferring wide discretionary powers on the Courts, which cannot be claimed by a party, as a matter of right. The Courts can invoke Order 12 Rule 6 CPC, only in cases, where admissions are unconditional, unequivocal and unambiguous or when admission is based upon undisputed inferences.

This provision of law, which is meant for the expeditious disposal of appropriate cases, should thereby cautiously exercised and it



should not come in the way of any defendant, denying him the valuable right of contesting the claim. It is for the Courts to see whether any statement in the pleadings or otherwise, amounts to an admission of such a nature, as to inspire the confidence of the Court to pass judgment on admission under Order 12 Rule 6 CPC. It will depend upon the content and kind of statement/admission, which may vary from case to case. In other words, it would depend upon the totality of the facts and circumstances of a particular given case.

However, adverting to the case in hand, it is pertinent to mention that the admissions relied upon by the petitioner-defendant No.3 are very sketchy, as reproduced in paragraph No.4 of the application, which has been detailed in earlier portion of the judgment. They are taken up in isolation of the other facts pleaded in the plaint, about the manner of depriving mother of the petitioner, about the inheritance of the property of her parents i.e. Will, which he claims to be forged and fabricated and the said suit is still pending.

In the given circumstances, the part of the contents of the plaint, which suits the petitioner-defendant No.3, as such, cannot be taken to be clear cut admission to emphasize for passing of the judgment on that, on the basis of the said admission. Thus, in any manner, the admissions relied upon, cannot be said to be clear cut admission, which inspires the confidence of the Court to pass the judgment, on the basis thereof.

Now, it is submitted that the cause of action pleaded by the contesting respondent to be entitled to rent, could have been pleaded in the

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earlier suits, but he failed to seek relief of permanent injunction to restrain the petitioner-defendant No.3 for collecting rent of the suit property. May it be so. But this *ipso facto*, has no connection with the application filed to seek judgment of admission, on the basis of the admissions, which as such, have been pleaded by the petitioner by pick and choose of part of the pleadings.

In the context of the same, also it is pertinent to mention that as regards the suit being barred under Order 2 Rule 2 CPC, should not be dealt by the Court, while dealing with the application under Order 12 Rule 6 CPC. However, it should be noticed that bar under Order 2 Rule 2 CPC, if raised, can be examined by the Court, only when the parties lead evidence, proved the pleadings of the previous suit/suits, still further power under Order 2 Rule 2 CPC, is a different provision, which can be resorted to, upon the parties by filing appropriate application.

In fact, as evident from the plaint of the third suit filed by the respondent-plaintiff, it is essential to note that the real dispute between the parties is with regard to the validity of the Wills, judgment and decrees passed by the Court in the year 1970 and 2003. Considering the same, all the contesting parties to the suit, are claiming succession to the property, left by their common ancestors.

In view of the same and also taking into consideration the fact of two suits already pending in the Courts, the so called admissions, are held to be not clear cut admissions.

Therefore, this Court is of the opinion that it is not safe to pass

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judgment on such admissions and that the case involves question, which cannot be appropriately dealt with and decided, on the basis of the admissions. Precisely, on this account, in exercise of this discretion, learned trial Court has appropriately denied to pass a judgment and insisted for the evidence to be brought on record.

The impugned order, as such, warrants no interference. Hence, there is no merit in the revision petition and the same is hereby dismissed.

July 25, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No