**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****127****CR-349-2025 (O&M)****Date of decision: 28.07.2025****Ravinder Kaur****...Petitioner(s)****Vs.****Sh. Harsimran Singh****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Bhawdeep Modi, Advocate for
Mr. Aditya Gautam, Advocate for the petitioner.

*********NIDHI GUPTA, J.**

Present Civil Revision Petition has been filed by the plaintiff against the order dated 25.11.2024 passed by learned Civil Judge (Senior Division), whereby application filed by the petitioner under Order 12 Rule 6 read with Section 151 CPC, has been dismissed.

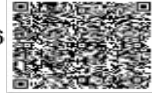
2. Brief facts of the case are that the petitioner had filed a suit dated 27.01.2022 (Annexure P-3) for partition and permanent injunction against the defendant. The defendant had filed written statement dated nil (Annexure P-4) to the said suit. Thereafter, petitioner filed present application dated nil (Annexure P-6) under Order 12 Rule 6 read with Section 151 CPC seeking judgment on admission. The respondent had filed reply dated nil (Annexure P-7) to the said application of the petitioner. Vide impugned order dated 25.11.2024, said application of the petitioner has been dismissed. Hence, the present Civil Revision Petition.



3. It is *inter alia* submitted by learned counsel for the petitioner that trial Court is in patent error in dismissing the application of the petitioner as the respondent/defendant in his written statement has not denied the fact that both, the plaintiff/petitioner and respondent/defendant are joint co-owners of the suit property. It is submitted that defendant had admitted Sale Deed of the suit property duly executed and registered in the joint names of the parties. Defendant had also not denied that the suit property had not been partitioned till date. It is submitted that in face of the above admissions made by the defendant, application of the petitioner could not have been dismissed. It is pointed out that the only objection raised by the defendant in his written statement is that 94% of the sale consideration of the suit property has been paid by the defendant. Learned counsel contends that the defence raised by the respondent is not tenable in law as the Sale Deed neither mentions the share of the parties nor the sale consideration paid by the respective parties. It is reiterated that therefore, in view of the specific admission of the respondent that suit property was joint in nature, judgment on admission had to be passed. It is accordingly prayed that the present Civil Revision Petition be allowed; and the impugned order dated 25.11.2024 be set aside.

4. No other argument is raised on behalf of the petitioner.

5. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions made on behalf of the petitioner in



view of the observations of the learned Civil Judge in para 6 of the impugned order dated 25.11.2024, which reads as follows: -

*“6. The long and short of the matter is that the plaintiff has filed the suit for partition and injunction. It is submitted by way of application in hand that the defendant has admitted the plaintiff to be owner of suit property, hence, partition be ordered. Per contra, the defendant has submitted that plaintiff is only entitled to share equivalent to funds contributed by her towards purchase of property as the sale deed does not disclose-the-extent of share of the parties. That the plaintiff only has 6% share in the suit property. At this juncture, it is pertinent to note that in the case titled as **CREF Finance Ltd. V. Shanthi Homes Pvt. Ltd.** AIR 2006 Karn 54, Hon'ble High Court held that when an application is filed under Order XII Rule 6, objections are filed by the respondents denying in toto, the said documents would partake the character of disputed documents. Under Section 18 of Evidence Act, an opportunity is to be given to the respondents to explain the said admissions. But, however, this is a matter to be decided during course of trial and not at a stage, when the application is being considered under Order XII Rule 6 CPC. Further, it is pertinent to note that judgment on admissions is a discretionary relief which requires the Court to examine facts and circumstances of a case to exercise its judicial discretion while keeping in mind that a judgment on admission is a judgment without trial which permanently denies any remedy to the defendant, by way of an appeal on merits.”*



6. I am in complete agreement with the above said reasoning and observations of the learned trial Court. Hence, I find no ground is made out to interfere in the impugned order dated 25.11.2024.

7. The present Civil Revision Petition is accordingly **dismissed**.

8. Pending application, if any, stands disposed of.

28.07.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No