

JUDGEMENT ON ADMISSIONS.

ORDER XII – Rule-6, Civil Procedure Code, 1908


**Presented by
Urvashi Rawat
Judicial Magistrate- I
District Dehradun**



ORDER XII – Rule-6, Civil Procedure Code, 1908

(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.



Meaning Of Admission

Civil Procedure Code, 1908 does not define the expression “admission”. Section 17 of the Indian Evidence Act, 1872 defines *admission as a statement made in the oral, documentary or electronic form suggesting an inference to a fact-in-issue or relevant fact. Thus, An admission is a statement made by the parties to a legal proceeding, either oral, documentary or contained in electronic form, which suggests an inference with respect to any fact in issue or relevant fact. In case of a clear admission which cannot even entertain the possibility of a different view, a summary judgment on admission can be passed without trial.*

Section 23 of the Indian Evidence Act lists the circumstances under which an admission will not be relevant in civil cases. Section 58 of the Indian Evidence Act provides that where a fact has been admitted by the parties or their agents, there would be no requirement to prove such facts. However, the proviso to the Section states that the Court has a discretionary power to require such admitted facts to be proven by means other than such admission.

Purpose of the Rule


The purpose of Order XII rule 6 of Civil Procedure Code is to avoid waiting by the plaintiff for part of the decree, when there is a clear, unequivocal, unambiguous and unconditional admission of the defendant in respect of the claim. This rule was enacted for the purpose of and in order to expedite the trials.

The rule only secures that if there is no dispute between the parties, and if there is on the pleadings or otherwise such an admission as to make it plain that the plaintiff is entitled to a particular order or judgment he should be able to obtain it at once to the extent of admission.

Essentials for Judgment on Admission

Admission has to be unambiguous, clear and unconditional and the law would not permit admission by inference as it is a matter of fact. Admission of a fact has to be clear from the record itself and cannot be left to the interpretative determination by the Court, unless there was a complete trial and such finding could be on the basis of cogent and appropriate evidence on record. In order to seek a judgment on admission under Order XII Rule 6, the party making such an application would have to satisfy the Court on the following essentials of an admission: -

- Admission must be categorical, unequivocal, unconditional, unambiguous and should be essentially a question of fact.
- Admission should be a conscious and deliberate act of the party and should not be left to the interpretative determination by the Court means Admission should be made with an intention to be bound by it.

- Such admissions should be valid independently i.e., without having to be proved by adducing evidence and should entitle the other party to succeed without a trial.
 - Admissions in pleading should be read as a whole to determine the admission, and to make any deductions or inference as to any relevant fact or fact-in-issue.
 - Admissions of the fact must be clear from the record itself and cannot be left to the interpretative determination by the court.
 - The object of the Rule is to enable the party to obtain a speedy judgment at least to the extent of the relief to which according to the admission of the defendant, the plaintiff is entitled.
- 

Nature of Relief

Order XII Rule 6 of the Civil Procedure Code, 1908 provides for judgment on admissions and being an enabling provision, it is not mandatory but discretionary. The court, on examination of the facts and circumstances, must exercise its judicial discretion, keeping in mind that a judgement on admission is a judgment without trial, which permanently denies any remedy to the defendant, by way of an appeal on merits.

Rule 6 confers a discretionary power on the court to pass a decree based on the admission made by the parties without determining any questions raised by the parties. However, the remedy under this Rule cannot be claimed as a matter of right as this provision is enabling and discretionary in nature. A judgement based on admissions can be passed at any stage of the proceedings.

Supreme Court of India in *Himani Alloys Ltd vs Tata Steel Ltd* [2011] 7 SCR 60 has observed *that*


“10. It is true that a judgment can be given on an admission contained in the minutes of a meeting. But the admission should be categorical. It should be a conscious and deliberate act of the party making it, showing an intention to be bound by it. Order 12 Rule 6 being an enabling provision, it is neither mandatory nor peremptory but discretionary. The court, on examination of the facts and circumstances, has to exercise its judicial discretion, 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. Therefore unless the admission is clear, unambiguous and unconditional, the discretion of the Court should not be exercised to deny the valuable right of a defendant to contest the claim. In short the discretion should be used only when there is a clear admission which can be acted upon.”

Circumstances in which Judgment on Admission can be Declined

- It is wholly inappropriate to permit any party to employ this provision where vexed and complicated questions or issues of law had arisen.
- The rule is not intended to apply where there are serious questions of law to be asked and determined.
- Unless all essential ingredients of an admission are satisfied before such a decree is passed in favor of any of the parties to the suit. Therefore, where questions of law and fact have been raised, which can be decided only at the time of trial, a Judgment under Order XII Rule 6 cannot be pronounced on the basis of alleged admissions in the written statement. Thus, in spite of admission of a fact having been made by a party to the suit, the Court may still require the plaintiff to prove the fact which has been admitted by the defendant.

Conclusion

It is pertinent to note here that the Order XII Rule 6 of the Civil Procedure Code, 1908 provides that the court “*may*” pass a judgement or order based on the admission. Thus, it is clear that the legislative intent is to confer a discretionary power on the Court and judgement based on admission cannot be claimed as a matter of right. The legislative intent is further clarified by the proviso to Order 8, Rule 5. The proviso provides that even where a fact has been admitted by an admission, the Court has discretionary power to require the admitted fact to be proved by any other means.



Thank You.