

Judgement on Admissions

Presented by :

Payal singh
Civil Judge, Senior Division,
Kashipur, U.S. Nagar

- Section 17 of the Indian Evidence Act defines, Admissions as a statement made in the oral, documentary or electronic form suggesting an inference to the fact in issue or relevant fact.
- Thus , Admission is statement made by the parties to the legal proceedings either oral or documentary or contained in electronic form which suggest an inference to the fact in issue and relevant fact.
- Section 58 of the Indian Evidence Act speaks, that where a fact has been admitted by the parties or their agents, there would be no requirement to prove such fact, However the proviso to the section states that the court has the discretionary power to require such admitted facts to be proven by means other than such admissions.

Relevant provisions;

- Order 8 rule 5 (1) Civil procedure code
- Order XII rule 6 Civil procedure Code and
- Rule 1 of order XV Civil procedure code

- Order VIII Rule 5 of the Code in this regard reads as under :-
“5. Specific denial :- (1) Every allegation of fact in the plaint, if not denied specifically or by necessary implication, or
- stated to be not admitted in the pleading of the defendant, shall be taken to be admitted except as against a person under disability:
- Provided, that the Court may in its discretion require any fact so admitted to be proved otherwise than by such admission.

(2) Where the defendant has not filed a pleading, it shall be lawful for the Court to pronounce judgment on the basis of the facts contained in the plaint, except as against a person under a disability, but the Court may, in its discretion, require any such fact to be proved.

- Judgment on admissions:

Besides a judgment which could be passed under Order 8 Rule 5 CPC, Order XII Rule 6 and Order XV Rule 1 also relate to the judgment on admissions.

Rule 6 of Order XII reads as under :-

- “6. Judgment on admissions –

(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 up in accordance with the judgment and the decree shall bear the date on which the judgment was pronounced.”

- Rule 1 of Order XV reads as under :-
 1. Parties not at issue – Where at the first hearing of a suit it appears that the parties are not at issue on any question of law or of fact, the Court may at once pronounce the judgment.”

- Order XII Rule 6 of the Code

Relief under Order XII Rule 6 is discretionary in nature. It also confers the court with wide discretion to decree the suit and it is not bound to pass decree in a proper and reasonable case and can call for the evidence before passing the decree.

- Where the averments made in the written statement give rise to the trivial issues, the judgment on admission under Order XII Rule 6 CPC cannot be passed.
- In case R.K. Markan vs. Rajiv Kumar Markan, 2003 AIHC 632 (633) Delhi, wherein it was observed as under :-

“For passing a decree on the basis of admission of the defendants in the pleadings, law is well settled that the admission has to be unequivocal and unqualified and the admission in the written statement should also be taken as a whole and not in part....”

In the judgment in the case of **Himani Alloys Limited vs. Tata Steel Limited 2011(7) SCR 60**, nature and scope of Order XII Rule 6 has been considered by Hon'ble Supreme Court.

In the aforesaid judgment Hon'ble Court has held that the discretion conferred under Order XII Rule 6 of CPC is to be exercised judiciously, keeping in mind that a judgment on admission is a judgment without trial which permanently denies any remedy to the defendant.

- Para 11 of the judgment read as under:-
- “11. 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.

- The object of the provisions of Order XII Rule 6 of the Code were also interpreted in the judgment delivered by Hon'ble Apex court in case of M/s Puran Chand Packaging Industrial Pvt. Ltd. vs. Smt. Sona Devi and another, 2009 (2) C.C.C. 39.

This judgment also indicates that:

(a) the admissions before being placed reliance must be made by the defendant or party to the Proceedings;

(b) it should be unequivocally made in unambiguous manner and

(c) it should not be conditional one or on a different context. The documents containing admissions should be read as a whole and the court is not to take out one or two sentences so as to treat it as admission.

Thank You!