

11 CS DJ ADJ 239/25
RITU MALIK Vs. JOGINDER SINGH KOHLI

26.11.2025

Matters of 25.11.2025 and 26.11.2025 are taken up together today in compliance of notification no. 35/G-4/Genl.I/DHC dt. 24.11.2025 issued by Hon'ble High Court of Delhi.

Present: Sh. Subhash Chandra, Ld. Counsel for plaintiff.
Sh. S.K. Tiwari, Ld. Counsel for defendant.

1. An application seeking condonation of delay in filing the WS along with WS filed on behalf of defendant with advance copy to the plaintiff.

2. Submissions heard on application. Though no possible explanation or sufficient cause is mentioned in application seeking condonation of delay in filing of WS, however, in the interest of justice, delay stands condoned and WS is taken on record.

3. At this stage, Ld. Counsel for plaintiff submits that in his WS, defendant duly admitted liability of Rs.1,50,000/- while disputed remaining Rs.4,50,000/-. Hence, it is requested that preliminary decree for Rs.1,50,000/- may be passed. Ld. Counsel for defendant also conceded to this fact.

4. Submission heard. Record perused.

5. It is well settled law that under Order XII Rule 6 CPC, trial court has discretionary power for ensuring speedy

justice on admissions to the extent of the claim admitted by one of the parties in form of pleadings or documents placed on record. However, admission of the facts must be clear, unambiguous and unequivocal for which the court has to examine the material placed before it as a whole.

6. Perusal of record reveals that defendant made specific admissions in following paragraphs of his WS towards liability of Rs.1,50,000/-:-

“5. That the Plaintiff has no locus standi to file the present suit against the Defendant as the payment of Rs.4,50,000/- had already being paid by the Defendant in cash to the plaintiff and only Rs.1,50,000/- is still balance against the defendant. It is submitted that the plaintiff has took three blank signed cheques of Andhra Bank bearing No. 000022, 000031 and 00032 from the defendant as security cheques, later on Andhra Bank merged into Union Bank of India but the plaintiff intentionally and deliberately misused the said cheques and file the present suit against the defendant.

4. That the content of para no. 4 of plaint is wrong, false and hence denied in toto. It is submitted that the plaintiff intentionally and deliberately did not mentioned that she had received Rs.4,50,000/- from the defendant in cash and only Rs. 1,50,000/- is still pending against the defendant and the plaintiff misused the said security cheques of the defendant and file the present suit just to extort money from the defendant”.

7. In view thereof, judgment on admission under Order XII Rule 6 CPC for Rs.1,50,000/- has been passed in favour of plaintiff against the defendant. Preliminary decree shall be drawn accordingly.

8. Considering the facts and circumstances, admission denial of documents is dispensed with as no documents filed on behalf of defendant and defendant did not disputed the receipt of Rs.6,00,000/- and following issues are framed:-

- i. Whether defendant has already refunded Rs.4,50,000/- to the plaintiff? (OPD).*
- ii. If issue no. 1 is in negative, whether plaintiff is entitled for decree of Rs.4,50,000/- against the defendant? (OPP).*
- iii. Whether plaintiff is entitled for pendente lite and future interest on decretal amount? If affirmative, at what rate? (OPP).*
- iv. Whether plaintiff is entitled for cost of the suit? (OPP).*
- v. Relief.*

9. No other issues arrises or pressed upon. Defendant shall lead evidence prior to plaintiff as onus of issue no. 1 is upon defendant. Let evidence by way of affidavit be filed by defendant within 6 weeks with advance copy to plaintiff. List of witnesses be also filed by both parties.

10. Now come up for DE on **18.03.2026**.

(SHILPI M JAIN)
DJ-05 (SW)/Dwarka Courts
New Delhi: 26.11.2025 (sk)