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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 246/2023, I.A. 2181/2024 & I.A. 44366/2024**

**NISHA CHANDOLA & ANR.** .....Plaintiff

Through: Plaintiff in person alongwith husband.

versus

**MANOJ SHARMA AND ANR.** .....Defendants

Through: Mr. Jai Sahai Endlaw and Ms.  
Shambhari Kale, Advocates for D-1.  
Mr. Rajat Prakash and Mr. Sarthak  
Sehgal, Advocates for D-2.

**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

% **15.07.2025**

**I.A. 44366/2024 (Application under Order XII Rule 6 of the Code of Civil Procedure, 1908 for passing of the Judgment on Admission)**

1. The present application has been filed by the Plaintiffs under Order XII Rule 6 of the Code of Civil Procedure, 1908 ('CPC') for passing of judgment on admissions against the Defendants.

***Contention of the Plaintiffs***

2. It is stated in this application that Plaintiffs have obtained a handwriting expert's opinion with respect to the alleged Will dated 25.06.2021, propounded by Defendant No. 1 in his written statement, purported to have been executed by late Sh. Ramesh Chandra Sharma. It is stated that the said opinion of the handwriting expert shows that the signatures of the testator i.e., late Sh. Ramesh Chandra Sharma on the Will



dated 25.06.2021, as well as signatures of both the witnesses on the said Will are forged.

2.1. It is stated that there is a material contradiction in the stands taken by Defendant No. 1 in the written statement with respect to the shares held by late Sh. Ramesh Chandra Sharma in M/s. Ambika Garments Pvt. Ltd. It is stated that while the written statement alleges that these shares were inherited under the Will dated 25.06.2021 whereas the record of the said Company shows that the shares of late Sh. Ramesh Chandra Sharma in M/s. Ambika Garments Pvt. Ltd were transferred in the name of Defendant No. 1 during lifetime of Sh. Ramesh Chandra Sharma. It is stated that, therefore, the facts pertaining to transfer of shares of M/s. Ambika Garments Pvt. Ltd. have not been faithfully disclosed by the Defendant to this Court.

2.2. It is further stated that though late Sh. Ramesh Chandra Sharma held Fixed Deposits ('FDs') of Rs. 15.24 Crores (approximately) in Bank of Baroda, the facts pertaining to the nomination of the Defendant No.1 in the said FDs has not been truthfully disclosed to this Court. It is stated that the Plaintiff verily believes that the nomination form submitted to Bank of Baroda has been forged by Defendant No. 1. It is stated that the Plaintiffs have also made a complaint to the relevant authorities with respect to forgery of the nomination form submitted to the Bank of Baroda by Defendant No.1. It is stated that Defendant No. 1 has also not made a full disclosure of the FDs held with Bank of Baroda and has also not disclosed about bank account/FDs held by the deceased in any other bank.

2.3. It is stated that Defendant No. 1's conduct in continuing to operate the bank accounts held by the proprietorship firm M/s. New Samudra Art Centre even after the said proprietorship firm had stopped carrying on business is



fraudulent.

2.4. It is stated that Defendant No. 1 has also been operating the bank accounts belonging to late Sh. Ramesh Chandra Sharma and withdrawing sums even during the pendency of this suit without making any disclosure to this Court.

2.5. It is stated that Defendant No. 1 has also in the written statement failed to make a full disclosure of the Life Insurance Policies whereas, the perusal of the savings bank account shows that several insurance related payments were made.

2.6. It is stated that assertion of Defendant No. 1 with respect to the date of disclosure of late Sh. Ramesh Chandra Sharma's Will to the Plaintiff and Defendant No. 2 is also incorrect and unbelievable.

*Arguments by husband of Plaintiff No.1 i.e., Dr. Vidhu Shekhar*

3. Plaintiff No.1 is represented through her husband Dr. Vidhu Shekhar Chandola, who has elected to address arguments himself.

3.1. He states that it is correct that the averments in the applications are not based on any admissions of the Defendant No.1 in the written statement.

3.2. He, however, states that since the denials of Defendant No. 1 in the written statement are vague and evasive, the Plaintiffs herein are entitled to judgment on admissions and in this regards he relies upon the Judgment of the Supreme Court in **Maria Margarida v. Erasmo Jack De Sequeria**<sup>1</sup>, **Uttam Singh Duggal v. United Bank of India**<sup>2</sup>, and **H. Venkatachala Iyengar v. B.N. Thimmajamma & Ors.**<sup>3</sup>

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<sup>1</sup> (2012) 5 SCC 370.

<sup>2</sup> 1958 SCC OnLine SC 31.

<sup>3</sup> (2000) 7 SCC 120.



### *Analysis and Findings*

4. This Court has perused the pleadings and has considered the submissions of the Plaintiff No.1's representative i.e., her husband.

5. Before considering the averments made in the application and the argument of the Plaintiffs in support thereof, it is imperative to refer to the recent decision of the Supreme Court in the case of **Rajiv Ghosh v. Satya Narayan Jaiswal**<sup>4</sup>, wherein the Supreme Court held that when the Court is of the opinion that a case involves question which cannot be dealt with and decided while considering an application Order XII Rule 6 CPC, the Court is entitled to refuse to pass a judgment and the Court may even insist upon clear proof of admitted facts. The relevant paragraphs of the said judgment reads as under:

“26. The primary object underlying Rule 6 is to enable a party to obtain speedy judgment at least to the extent of admission. Where a plaintiff claims a particular relief or reliefs against a defendant and the defendant makes a plain admission, the former is entitled to the relief or reliefs admitted by the latter. [See : **Uttam Singh v. United Bank of India**, (2000) 7 SCC 120]

27. As observed in the Statement of Objects and Reasons for amending Rule 6, “where a claim is admitted, the court has jurisdiction to enter a judgment for the plaintiff and to pass a decree on admitted claim. 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.”

28. The provisions of Rule 6 are enabling, discretionary and permissive. They are not mandatory, obligatory or peremptory. This is also clear from the use of the word “may” in the rule.

29. The powers conferred on the court by this rule are untrammelled and cannot be crystallized into any rigid rule of universal application. They can be exercised keeping in view and having regard to the facts and varying circumstances of each case.

30. **If the court is of the opinion that it is not safe to pass a**

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<sup>4</sup> 2025 SCC OnLine SC 751.



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**judgment on admissions, or that a case involves questions which cannot be appropriately dealt with and decided on the basis of admission, it may, in exercise of its discretion, refuse to pass a judgment and may insist upon clear proof of even admitted facts.**

31. To make order or to pronounce judgment on admission is at the discretion of the court. First, the word “may” is used in Rule 6 and not the word “shall” which prima facie shows that the provision is an enabling one. Rule 6 of Order 12 must be read with Rule 5 of Order 8 which is identical to the Proviso to Section 58 of the Evidence Act. Reading all the relevant provisions together, it is manifest that the court is not bound to grant relief to the plaintiff only on the basis of admission of the defendant. (See : Sher Bahadur v. Mohd. Amin, AIR 1929 Lah 569)

32. In the leading decision of Throp v. Holdsworth, Jessel, [L.R.] 3 Ch. 637 (640) M.R. said: “This rule enables the plaintiff or the defendant to get rid of so much of the action, as to which there is no controversy.”

33. In Uttam Singh (Supra) the plaintiff bank filed a suit for recovery of a large sum of money against the defendant. It also filed an application under Order 12, Rule 6 for judgment upon admission in respect of part of claim. The application was allowed and a decree was passed. An appeal against the decree was also dismissed by the High Court. The defendant approached this Court. It was contended before this Court by the defendant that (i) Rule 6 of Order 12 covers only those admissions made in pleadings; (ii) the effect of the admissions can only be considered at the trial of the suit; and (iii) the provision of Order 12, Rule 6 must be read along with the provisions of Order 8 and the court should call upon the plaintiff to prove its case independent of so called admissions.

(Emphasis supplied)

6. In view of the law laid down as discussed above, this Court is of the considered opinion that the averments made in this application itself shows that the allegations made by the Plaintiffs against Defendant No. 1, would have to be proved at trial as there is no clear and unambiguous admission on part of the Defendant No.1.

7. The averments made in the captioned application are disputed facts based on the assertions of the plaintiff and the opinion of the plaintiff based



on expert opinion obtained by Plaintiffs. In the considered opinion of this Court no judgment on admission can follow and the Plaintiff would have to lead evidence of itself and the expert to prove its allegations of alleged forgery on the Will and the nomination form.

8. The application does not refer to any admission of the Defendant No.1.

9. The judgments relied upon by the Plaintiffs are not applicable to the facts of the present case as in the said judgments the Courts were dealing with a situation where there was clear admission on part of the Defendant No.1 therein.

10. However, the rights and pleas of the Plaintiffs are reserved and Plaintiffs will be at liberty to lead evidence to prove the assertions made in this application.

11. With the aforesaid observation, the application stands dismissed.

**I.A. 2181/2024 (Application under Order VII Rule 14 CPC for filing additional documents on behalf of the Plaintiffs)**

12. This is an application filed by the Plaintiffs for placing on record the additional documents.

13. Learned counsel for the Defendants state that the documents may be taken on record without prejudice to the rights and contentions of the Defendant Nos. 1 and 2. She states that Defendant No. 1 does not admit the assertions made in this application.

14. The application is allowed and the additional documents are taken on record without prejudice to the rights and contentions of the Defendants No. 1.

15. Defendant Nos. 1 and 2 will carry out admission/denial of additional



documents within two (2) weeks.

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16. Having perused the averments in I.A. 44366/2024, this Court is of the considered opinion that it would facilitate the trial if Defendant No. 1 is directed to file an affidavit within two (2) weeks making a full disclosure of the estate inherited by him from his father late Sh. Ramesh Chandra Sharma.

The affidavit will also disclose all assets received by Defendant No.1 by transfer at least one (1) year prior to the death i.e., 28.04.2022.

17. Learned counsel for the Defendant No. 1 states that in the affidavit disclosure qua the M/s Ambika Garments Pvt. Ltd. will be made without prejudice to the rights and contentions of the Defendant No. 1. The statement is taken on record and the right of the Defendant No.1 is reserved.

18. The Plaintiffs are directed to file a Joint Documents Schedule within six (6) weeks.

19. List before the learned Joint Registrar on **18.08.2025** for completing admission/denial of additional documents and recording of exhibits.

20. List before Court on **26.11.2025**.

**MANMEET PRITAM SINGH ARORA, J**

**JULY 15, 2025/mr**