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

+ CS(OS) 672/2021, I.A. 16374/2021, I.A. 16375/2021 and I.A. 16378/2021

VINOD KUMARPlaintiff

Through: Mr. Keshav V. Hegde, Adv.

versus

RAJENDER SINGH & ORS.Defendants

Through: Mr. Anuroop P.S. and Mr. Gaurav Bidhori, Advs. for D-1 and 2

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **24.03.2025**

I.A. 16377/2021 (under Section 151 CPC, 1908 for condonation of delay of 7 days in re-fling the suit)

1. For the reasons stated in the application, a delay of 7 days in re-fling the suit, stands condoned.
2. The application stands disposed of.

I.A. 5988/2023 (under Order XII Rule 6 read with Section 151, CPC, 1908 for passing decree on admission)

3. Learned counsel for the plaintiff contends that in view of the admission made in paragraph No.9 by the defendant with respect to the claim of the plaintiff, the instant civil suit deserves to be decreed.
4. *Per contra*, learned counsel for the defendants relies on an order dated 13.02.2025 passed by this Court in CS(OS) 217/2021 titled ***Sumitra Vs. Ganga Ram and Ors.***, and contends that at this point in time, the suit is not



maintainable in view of the provisions of the Delhi Land Reforms Act, 1954. He further contends that the acceptance of the lineage from the Late Sh. Hoshiyar Singh would not determine the claim of the plaintiff.

5. I have considered the aforesaid submissions made by learned counsel for the parties and have perused the record.

6. The purported admission, as per the plaintiff, in paragraph No.9 of the written statement reads as under:-

“9. That in reply to the contents of para No.9, it is submitted that the house vide No.74 is a built-up and the answering defendants have exclusively right over their portion respectively. It is further submitted that the agricultural land bearing Khasra Number 32/3 is under the joint ownership and in actual physical possession of the answering defendants since their father alive.”

7. It is also noted that at the stage of deciding an application under Order XII Rule 6 of the CPC, the Court is required to consider whether the admission is unequivocal and specific by the other party. This Court in CS(OS) 311/2021 titled **Smt Neeru Mehra v. Smt Astha Ghai Walia & Anr**, while discussing the scope of Order XII Rule 6, has held as under:-

“8. Therefore, it is evident from the aforementioned exposition of law that under Order XII Rule 6 of the CPC, the Court must, at the outset, determine whether the admission of facts is clear, unambiguous, and unequivocal. In case the issues raised involve mixed questions of fact and law, these must be resolved through the presentation and evaluation of evidence. More importantly, the discretion vested in the Court under Order XII Rule 6 of the CPC must be exercised in a judicious and non-arbitrary manner, ensuring adherence to the principles of justice and fairness.”

8. However, in the instant case, applying the aforesaid principle, if the averments made on page No.5 of the written statement are seen it would indicate that the defendants are denying the entitlement of the plaintiff for partition, in view of the provisions of Delhi Land Reforms Act, 1954 and



Delhi Land Revenue Act, 1954.

9. It is, thus, seen that the stand of the defendants cannot be looked in piecemeal and the same has to be holistically and comprehensively considered.

10. Leaving all the questions open, at this stage, the Court does not deem it appropriate to decree the suit. However, the plaintiff shall be at liberty to raise all the aforesaid submissions during the trial.

11. With the aforesaid liberty, the instant application stands disposed of.

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12. List before the concerned Joint Registrar on 16.05.2025 for taking necessary steps in accordance with extant rules.

PURUSHAINDR KUMAR KAURAV, J

MARCH 24, 2025

DPA/mjo

Click here to check corrigendum, if any