



2025:DHC:1122



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 466/2020**

Date of Decision: **19.02.2025**

IN THE MATTER OF:

BLS INFRASTRUCTURE LTD.

.....Plaintiff

Through: Mr. Jaideep Malik, Mr. Praveen
Kumar and Mr. Nitesh Dhankar,
Advs.

versus

RAJWANT SINGH & ORS.

.....Defendants

Through: Mr. Amit Punj and Mr. Archit Arora,
Advs.

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

JUDGEMENT

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

I.A. 3160/2024 (filed on behalf of the plaintiff under Order 12 Rule 6 of CPC)

1. Heard Mr. Jaideep Malik, learned counsel appearing for the plaintiff and Mr. Amit Punj, learned counsel appearing for the defendants.
2. Mr. Malik while taking this Court through the written statement tries to indicate that the defendants have taken inconsistent stands in their written statement inasmuch as he has not denied the execution of the agreement dated 27.04.2009 and 04.05.2010. He specifically placed reliance on paragraph Nos.6 (ii to vi), 10, 11 & 18 and contends that if the execution of the agreement dated 04.05.2010 and the challenge thereto, has failed in civil



suit bearing No. 10/2023, the suit be decreed construing the admission of the defendants in terms of the order XII Rule 6 of the Code of Civil Procedure [‘CPC’].

3. I have considered the aforesaid submissions and perused the record.

4. A bare perusal of the provisions of order XII Rule 6 of the CPC would indicate that the Court must, at the outset, determine whether the admission of the fact is clear, unambiguous, and unequivocal. In case, the issue raised involved mixed questions of fact and law, such an issue must be resolved by allowing the parties to adduce the evidence in accordance with the principle of natural justice. The said exercise is necessary to ensure fair opportunity for all the parties.

5. Order XII Rule 6 of the Civil Procedure Code allows for the expeditious resolution of cases based on clear admissions by the defendant. The Supreme Court, in cases such as *Uttam Singh Duggal & Co. Ltd.*¹ v. *Union of India*, *Himani Alloys Ltd. v. Tata Steel Ltd*², and *Rajesh Mitra v. Karnani Properties Ltd*³, emphasized that this provision is discretionary and not mandatory. Courts must exercise caution and ensure that the *admissions are unequivocal, unambiguous, and unconditional* before passing a judgment without trial. *The rule aims to speed up judicial proceedings but must be applied sparingly to avoid unjustly denying the right of the defendant to contest the claim on merits.* The overarching principle is to balance the need for efficiency with the protection of the rights of the defendants.

6. If the facts of the present case are considered in the aforesaid context,

¹ (2000) 7 SCC 120

² (2011) 15 SCC 273



it would indicate that there does not seem to be a clear and unequivocal admission by the defendants so far as the claim raised by the plaintiff. There may have been some discrepancy with respect to the averments of execution of the agreement, however, the same shall remain the subject matter of trial.

7. Leaving all questions open, at this stage, the Court does not find it appropriate to decree the civil suit. Accordingly, the application stands disposed of.

CS(COMM) 466/2020 & I.A. 9748/2020

8. Let the hearing of this case be expedited and evidence be completed with due expedition.

9. I.A. 9748/2020 shall be considered during the course of trial.

10. List before the concerned Joint Registrar on 03.04.2025.

PURUSHAINDR KUMAR KAURAV, J
FEBRUARY 19, 2025/P/DP

Click here to check corrigendum, if any