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

% **Date of Decision: 06<sup>th</sup> May, 2025**

+ **CM(M) 857/2025 & CM APPL. 27524-27525/2025**

**RADHIKA JULKA**

.....Petitioner

Through: **Dr. Aman Hingorani, Sr. Advocate  
with Mr. Naseem Ahmed, Advocates.**

versus

**GAURAV JULKA**

.....Respondent

Through: **None.**

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. Petitioner seeks divorce on the ground of cruelty.
2. Her husband filed written statement/reply to such divorce petition and in view thereof, the petitioner moved application under Order XII Rule 6 CPC praying for admission-decree.
3. The petitioner is aggrieved by dismissal of her such application.
4. During course of the arguments, learned Senior Counsel for the petitioner has, in order to demonstrate such constructive admission, taken the Court through the averments made in the petition and the corresponding reply given by the husband/respondent. It is also contended that her husband has given vague, general and evasive denial to the specific pleadings of the petitioner and such denial is no denial in the eyes of law.
5. This Court has gone through the averments made in the divorce petition as well as the reply filed by her husband.
6. The instances of cruelty have been elaborated in para 6 of the petition



and the corresponding reply would indicate that there is no specific admission, direct or implied, with respect to any instance of cruelty. On the contrary, while replying, the husband has, in no uncertain terms, submitted that the contents of all such paras were wrong and denied.

7. Admittedly, at various places, he has admitted that he got financial help from his in-laws but that, in itself, would not mean and indicate that there was any kind of admission, with respect to any instance of cruelty.

8. Undoubtedly, at times, even a vague denial is deemed to be an admission but may I remind myself, that the present matter is matrimonial in nature and though there are specific instances of cruelty detailed in para 6 of the petition, the denial is there, *albeit*, a short and precise one.

9. A careful perusal of the reply filed by the husband, when read in conjunction with the averments made in the plaint, would, clearly, reflect that there is no direct, specific, implied or constructive admission with respect to any of the alleged instance of cruelty.

10. In absence of any specific, clear and unambiguous admission, the petitioner cannot insist for passing of a decree. Moreover, admission decree cannot be claimed as a matter of right. Reference in this regard be made to *S.M. Asif v. Virender Kumar Bajaj: 2015 SCC OnLine SC 717* wherein the Hon'ble Supreme Court has held that the power under Order 12 Rule 6 CPC is discretionary and cannot be claimed as a matter of right.

11. The scope of interference under Article 227 is very limited and constricted one and interference is possible only when there is any perversity or illegality in any such order passed by the learned Trial Court. The discretion seems to have been exercised in a judicious manner and, therefore, this Court does not find any reason to interfere with the same.



12. The petition is, accordingly, disposed of in aforesaid terms.
13. Pending applications, if any, stand disposed of.

**(MANOJ JAIN)**  
**JUDGE**

**MAY 6, 2025/ss/SS**