



2025:DHC:11859



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

Date of decision: 08th DECEMBER, 2025

IN THE MATTER OF:

+ **CS(OS) 285/2019**

KAVITA SHARMA & ORS.

.....Plaintiffs

Through: Mr. Rajiv Baskhi, Mr. Pranav Pareek
and Mr. R.P. Rai, Advs.

versus

KANTA SHARMA & ANR.

.....Defendants

Through: Mr. Sunil Malhotra and Mr. Deepak
Rawat, Advocates
Mr. Brijender S. Dhull and Mr.
Sachin Kumar, Advocates for D-2

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT (ORAL)

I.A. 33608/2024

1. That the plaintiffs have filed the present case seeking 1/3rd share in the Property being No. E-186, East of Kailash, New Delhi admeasuring 125 sq. yds. comprising of built-up Ground Floor, First Floor and a barsati floor on the Second Floor [“**Suit Property**”].
2. Before proceeding ahead, it is pertinent to understand the genealogy of the parties to the present Suit. Late Sh. Chajju Ram and his wife Late Smt. Vidyawati had three sons namely Late Sh. Joginder Mohan Sharma, Late Sh. Jagmohan Sharma & Sh. Lalit Mohan Sharma (Defendant No.2 herein) and five daughters. Plaintiff No.1 is the wife of Late Sh. Jagmohan



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Sharma and Plaintiffs No.2 & 3 are their children. Defendants No.1A is the wife of Late Sh. Joginder Mohan Sharma and Defendants No.1B, 1C and 1D are their children

3. Facts as stated in the Complaint are as under:

- i. Late Sh.Chajju Ram was allotted a plot of land bearing no. E-186, East of Kailash, New Delhi admeasuring 125 sq. yds. and a lease dated 21.05.1968 was duly registered on 30.05.1968 in the office of Sub-Registrar Delhi at Serial No.3528 in Book No.1, Volume No.1984 at pages 83 - 88 in favor of Late Sh. Chajju Ram. It is stated that in the year 1970, Late Sh. Chajju Ram constructed ground floor on the aforesaid allotted plot.
- ii. Sh. Chajju Ram Sharma passed away on 23.08.1973 as such the aforesaid property E-186, East of Kailash, New Delhi was mutated in favor of his wife Late Smt. Vidyawati. It is submitted that the said lease hold property was converted into a free hold property *vide* Conveyance Deed dated 24.11.2000 executed by DDA in favor of Late Smt. Vidyawati. In pursuant to Conveyance Deed dated 24.11.2000, Late Smt. Vidyawati i.e., the mother-in-law of Plaintiff No.1, became the lawful and absolute owner of the Suit Property.
- iii. At the time of marriage of Plaintiff No.1 in the year 1990,the husband of Plaintiff No.1 and his brothers namely Late Shri Joginder Mohan Sharma, the Defendants No.1 A to 1D, Sh. Lalit Mohan Sharma (Defendant No.2), Late Smt. Vidyawati and her one unmarried daughter Smt. Krishna used to reside in the Suit Property, which was constructed upto ground floor



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only. The other four daughter of Late Smt. Vidyawati were already married and settled at their respective matrimonial homes.

- iv. In the year 1990 First Floor of the Suit Property was constructed by Late Shri Joginder Mohan Sharma (elder brother of Plaintiff No. 1's husband), with financial assistance from Late Smt. Vidyawati and Plaintiff No.1's husband.
- v. During her lifetime, Late Smt. Vidyawati, out of her free will executed a Will duly registered at registration No. 7327 in additional Book No.III, Volume No. 230 on pages 101-103 dated 28.11.2000. As per this Will, Late Smt. Vidyawati bequeathed the Suit Property to her three sons namely Late Shri Joginder Mohan Sharma, Late Shri Jagmohan Sharma and Shri Lalit Mohan Sharma in equal shares to the exclusion of her married daughters.
- vi. On 06.01.2005 Late Smt. Vidyawati passed away and on the basis of the registered Will dated 28.11.2000, her three sons namely late Shri Joginder Mohan Sharma, Late Shri Jagmohan Sharma and Shri Lalit Mohan Sharma *vide* their letter dated 07.02.2005 made a joint request to Assistant Assessor and Collector, South Zone, R.K. Puram, New Delhi for mutation of the suit property jointly in the name of all the three brothers and this Application was duly signed by all the aforesaid brothers.
- vii. On the basis of joint request made by Late Shri Joginder Mohan Sharma, Late Shri Jagmohan Sharma and Shri Lalit Mohan Sharma, the Suit Property was mutated jointly in their name.



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The same is evident from the property tax receipts issued by Municipal Corporation of Delhi.

- viii. Since, the Plaintiffs have been in the possession of ground floor of the suit property along with the Defendant No.2, the Plaintiffs being the class I legal heirs of Late Shri Jagmohan Sharma are entitled for their 1/3rd share so that they can peacefully enjoy their share without any disturbance and interference by any of the Defendants. Therefore, the Plaintiff No.1 has been discussing and requesting the defendants since 2012 for 1/3rd share of Plaintiffs in the suit property but the defendants always evaded the legitimate demand of the Plaintiffs for 1/3rd share in the suit property which is already in a dilapidated condition. It is submitted that in December, 2018 the Plaintiff No.1 asked Defendant No.1A about Plaintiffs' share in Suit Property and she received a surprise answer that in case any demand of share is made in future, Plaintiff No.2 would lose his government job as he would be falsely implicated in some case.
- ix. In this backdrop, asserting subsisting cause of action and denial of their lawful share, the Plaintiffs instituted the present Suit in 2019 seeking partition, permanent injunction, and consequential reliefs in respect of the Suit Property.
4. Summons were issued and Written Statement was filed by the Defendants.
5. In the Written Statement filed by the Defendants No.1A to 1D it is stated that though the ground floor of the Suit Property was constructed with



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the joint funds, substantial financial contribution was made by Late Shri Joginder Mohan Sharma, who was then employed as a Junior Engineer. It is stated that after the death of Shri Chajju Ram in 1973, the responsibility of the family and the property devolved upon Late Shri Joginder Mohan Sharma, who was the eldest son. It is stated that after the death of Shri Chajju Ram, a Conveyance Deed of the Suit Property was executed in favour of Late Smt. Vidyawati. It is stated that the Conveyance Deed was arranged and fully financed by Late Shri Joginder Mohan Sharma. It is stated that during Vidyawati's lifetime, further construction in the Suit Property took place and the first floor of the Suit Property was constructed exclusively by Late Shri Joginder Mohan Sharma from his own funds and no financial contribution was made by Late Shri Jagmohan Sharma, i.e. the husband of Plaintiff No.1 or by Late Smt. Vidyawati. It is stated that a significant turning point came in October 2005, when, an oral and mutual partition took place among the three brothers wherein it was decided that the ground floor of the Suit Property would fall to the share of Late Shri Jagmohan Sharma, the first and second floors of the Suit Property would fall to the share of Late Shri Joginder Mohan Sharma, and the terrace above the second floor of the Suit Property would fall to the share of Defendant No.2. It is further stated that Late Shri Joginder Mohan Sharma paid the agreed monetary consideration to his brothers pursuant to this settlement, and that the arrangement was fully acted upon, with no objections raised by any brother at any stage. It is stated that after this oral partition, Late Shri Joginder Mohan Sharma carried out further construction on the second floor from his own funds, including additional rooms to accommodate his children. It is stated that Late Shri Joginder Mohan Sharma also continued to



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pay property tax, maintenance expenses, and repair costs of the entire Suit Property during his lifetime. It is the case of Defendants No.1A to 1D that neither the Plaintiffs nor Defendant No.2 ever contributed financially towards construction, maintenance, or taxes of the Suit Property. It is, therefore, stated that the prayer of the Plaintiffs that they are entitled to a $1/3^{\text{rd}}$ undivided share in the entire Suit Property is untenable as the Plaintiffs are already in exclusive possession of the ground floor of the Suit Property.

6. In the replication filed by the Plaintiffs have relied upon a Will dated 28.11.2000, executed by Late Smt. Vidyawati, whereby she expressly bequeathed the Suit Property in three equal one-third shares to her sons. It is the case of the Plaintiffs that this Will was executed voluntarily, free from coercion, which is strengthened by the fact that Defendant No.1C is an attesting witness to the said Will. It is stated by the Plaintiffs that this Will conclusively governs succession and negates any subsequent claim of exclusive ownership or oral partition of the Suit Property. It is stated that following the death of Late Smt. Vidyawati, an Indemnity Bond dated 05.02.2005 and a joint mutation letter dated 07.02.2005 were submitted to the Municipal Corporation of Delhi by all three sons, including Late Shri Joginder Mohan Sharma. The Plaintiffs rely heavily on these documents to contend that Late Shri Joginder Mohan Sharma unequivocally admitted the Will and equal one-third shares of three brothers in the Suit Property and, therefore, the plea of oral partition in October 2005 is contradictory. The Plaintiffs vehemently deny the existence of any oral or mutual partition in October 2005. It is the case of the Plaintiffs that no meeting ever took place, no consideration was paid, and no partition—oral or otherwise—was acted upon during the lifetime of Late Smt. Vidyawati or thereafter. According to



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the Plaintiffs, the story of oral partition has been concocted subsequently to defeat the rights of the Plaintiffs which flow from the registered Will dated 28.11.2000.

7. The present Application under Order XII Rule 6 CPC has been filed by the Plaintiffs seeking a preliminary decree of partition, declaring that the Plaintiffs, the Defendants No.1A to 1D, and Defendant No.2 each hold one-third undivided share in the Suit Property on the basis of admissions made by the Defendants No.1A to 1D in their Written Statement. It is stated in the Application that during his lifetime Late Shri Joginder Mohan Sharma never disputed the Will dated 28.11.2000, and in fact expressly admitted its existence and validity by executing the Indemnity Bond and signing the joint mutation letter. It is further stated that the Defendant No.1C (Rajiv Sharma) is himself an attesting witness to the Will dated 28.11.2000, which, according to the Plaintiffs, further reinforces the admission of testamentary succession. It is stated that despite these admissions, disputes arose between the parties when Defendants No.1A to 1D began asserting exclusive rights over substantial portions of the Suit Property on the basis of alleged construction and oral partition. It is stated that in their Written Statement, the Defendants, have neither denied the execution of the Will dated 28.11.2000, nor did they deny the joint Mutation dated 07.02.2005. It is stated that in the Written Statement, the Defendants No.1A to 1D have acknowledged that the mutation letter was made “to avoid disputes,” thereby admitting the Will dated 28.11.2000 and the Mutation dated 07.02.2005. It is stated that this admission in the Written Statement, read with the admitted documents—namely the registered Will, Indemnity Bond dated 05.02.2005, and joint Mutation letter dated 07.02.2005, conclusively establish that each branch of



Late Smt. Vidyawati's sons is entitled to an equal one-third share in the Suit Property, leaving no triable issue on the question of title and shares.

8. The law relating to Order XII Rule 6 of the CPC has been crystallized by the Apex Court in several Judgments. In its latest Judgment in Rajiv Ghosh v. Satya Naryan Jaiswal, **2025 SCC OnLine SC 751**, the Apex Court, after tracing the history of Order XII Rule 6 of the CPC has observed as under:

“19. Order XII Rule 6 of the CPC reads thus:

6. Judgment on admissions.—(1) Where admissions of fact have been made either in the pleading or otherwise, whether orally or in writing, the Court may at any stage of the suit, either on the application of any party or of its own motion and without waiting for the determination of any other question between the parties, make such order or give such judgment as it may think fit, having regard to such admissions.

(2) Whenever a judgment is pronounced under sub-rule (1) a decree shall be drawn up in accordance with the judgment and the decree shall bear the date on which the judgment was pronounced.

LEGISLATIVE CHANGES

20. By the Code of Civil Procedure (Amendment) Act, 1976, the following changes had been effected:

(1) Original Rule 6 had been substituted and redrafted into sub-rule (1) and

(2) Sub-rule (2) had been newly inserted,



OBJECT OF AMENDMENTS

21. Rule 6, as originally enacted, enabled a court to pronounce judgment or admission “either in pleading or otherwise”. It read thus:

“6. Judgment on admissions.— Any party may, at any stage of a suit. where admissions of facts have been made, either on pleadings or otherwise, apply to the Court for such judgment or order as upon such admissions he may be entitled to, without waiting for the determination of any other question between the parties and the Court may upon such application make such order or give such judgment, as the Court may think just.”

22. The Law Commission considered the provision. With a view to clarify the position as to admission and also to empower the court to pronounce a judgment : suo motu and to draw a decree on such judgment, recommended to modify the rule. It stated:

“Where a claim is admitted, a court has jurisdiction under Order XII Rule 6 to enter a judgment for the plaintiff, and to pass a decree on the admitted claim (with liberty to the plaintiff to proceed with the suit in the ordinary way as to the remainder of the claim).

The object of the rule is to enable a party to obtain speedy judgment, at least to the extent of the relief to which, according to the admission of the defendant, the plaintiff is entitled.

The rule has been held to be wide enough to cover oral admissions. The use of the words ‘or otherwise’ in Rule 6, without the words ‘in writing’ which are used in Rule 1 of Order XII, shows that a judgment may be



given even on an oral admission. It is desirable to codify this interpretation.

It may be noted that under the present rule, a judgment on admission can be passed only on an application. According to a local amendment, the Court may, on the application of any party or of its own motion, make such order or give such judgment. This is a useful amendment, and should be adopted.

In our view, it is also desirable to provide that a decree shall follow or “judgment on admissions.” (See: Law Commission's Fifty-fourth Report, p. 145)

23. *In Statement of Objects and Reasons, it had been stated:*

“Clause 65, sub-clause (ii)- Under Rule 6, where a claim is admitted, the Court has jurisdiction to enter a judgment for the plaintiff and to pass a decree on the admitted claim. The object of the rule is to enable a party to obtain speedy judgment at least to the extent of relief to which, according to the admission of the defendant, the plaintiff is entitled. The rule is wide enough to cover oral admissions. The rule is being amended to clarify that oral admissions are also covered by the rule” (See : Notes on Clauses, Gazette of India, dt. 08-04-1974, Pt. II, S. 2, Extra., p. 316)

24. *Rule 6(1) empowers the court to pronounce a judgment upon admissions made by parties without waiting for the determination of other questions.*

25. *Rule 6(2) states that a decree shall be drawn up in accordance with the judgment.*

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 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.

34. Negating the contentions and referring to the object of Order 12, Rule 6, the Court observed that "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 scope of Rule 6 should not be narrowed down where a party applying for judgment is entitled to succeed on a plain admission of the opposite party. The admission by the defendant was



clear, unambiguous, unequivocal and unconditional. The courts below were, therefore, right in decreeing the suit of the plaintiff.”

35. The words “or otherwise” are wide enough to include all cases of admissions made in the pleadings or de hors the pleadings. Under Rule 6, as originally enacted, it was held that the words “or otherwise” without the words “in writing” used in Rule 1 showed that a judgment could be given upon oral or verbal admission also. [See : Beeny, re, (1894) 1 Ch D 499] The Amendment Act of 1976, however, made the position clear stating that such admissions may be “in the pleading or otherwise” and “whether orally or in writing”. Thus, after the amendment in Rule 6, the admissions are not confined to Rule 1 or Rule 4 of Order 6, but are of general application. Such admissions may be express or implied (constructive); may be in writing or oral; or may be before the institution of the suit, after the suit is brought or during the pendency of proceedings.

36. A Division Bench of the Delhi High Court very correctly laid down the following interpretation of the provision of O. 12, R. 6, CPC, in the decision of ITDC Limited v. Chander Pal Sood and Son, (2000) 84 DLT 337 (DB) : (2000 AIHC 1990):

“Order 12, R. 6 of Code gives a very wide discretion to the Court. Under this rule the Court may at any stage of the suit either on the application of any party or of its own motion and without determination of any other question between the parties can make such order giving such judgment as it may think fit on the basis of admission of a fact made in the pleadings or otherwise whether orally or in writing.”



37. *The use of the expression 'otherwise' in the aforesaid context came to be interpreted by the High Court. Considering the expression the Court interpreted the said word by stating that it permits the Court to pass judgment on the basis of the statement made by the parties not only on the pleadings but also dehors the pleadings i.e. either in any document or even in the statement recorded in the Court. If one of the parties' statement is recorded under O. 10, Rr. 1 and 2 of the Code of Civil Procedure, the same is also a statement which elucidates matters in controversy. Any admission in such statement is relevant not only for the purpose of finding out the real dispute between the parties but also to ascertain as to whether or not any dispute or controversy exists between the parties. Admission if any is made by a party in the statement recorded, would be conclusive against him and the Court can proceed to pass judgment on the basis of the admission made therein.*

38. *Rule 6 of Order XII, before the amendment, allowed judgment on admission only on an application by a party. The Law Commission, however, suggested that a judgment may be pronounced either on an application by a party or even suo motu [See : Throp (supra)]*

39. *This rule authorizes the court to enter a judgment where a claim is admitted and to pass a decree on such admitted claim. This can be done at any stage. [See : Uttam Singh (supra)]. Thus, a plaintiff may move for judgment upon admission by the defendant in his written statement at any stage of the suit although he has joined issue on the defence." [See : Brown v. Pearson, [L.R.] 21 Ch. 716]. Likewise, a defendant may apply for dismissal of the suit on the basis of admission by the plaintiff in rejoinder.*



40. The court may, in an appropriate case, give a judgment at an interlocutory stage of the proceedings on admission by a party. [See : *Balraj Taneja v. Sunil Madan*, (1999) 8 SCC 396]. But if the case involves questions which cannot conveniently be disposed of at a motion stage, the court may not give judgment at that stage. [See : *Simla Wholesale Mart (Supra)*]

41. Sub-rule (2) of Rule 6 as inserted by the Code of Civil Procedure (Amendment) Act, 1976 requires the court to draw up a decree in accordance with the judgment on admission. Sub-rule (2) is thus consequential and logical sequence to sub-rule (1).

42. Since the object of sub-rule (1) is to enable the plaintiff to get judgment on admission of the defendant to the extent of such admission, he must get the benefit thereof immediately without waiting for the determination of “non-admitted claim”. Sub-rule (2) makes it imperative for the court to draw up a decree in terms of judgment on admission which can be executed by the plaintiff.” [See : *Uttam Singh (supra)*]. In such cases, there may be two decrees; (i) in respect of admitted claim; and (ii) in respect of “non-admitted” or contested claim. [See : *Bai Chanchal v. United Bank of India*, (1970) 3 SCC 124 : AIR 1971 SC 1081].

43. A decree under Rule 6 may be either preliminary or final. [See : *Sivalinga v. Narayani*, AIR 1946 Mad 151]

44. We are of the view having regard to the clear and unequivocal admission made by the defendant in his written statement, the High Court committed no error much less any error of law in decreeing the suit applying Order XII Rule 6 of the CPC.

45. At this stage we should take note of the submission



canvassed by the learned counsel that the petitioner is not governed by the provisions of the West Bengal Premises Tenancy Act, 1997 and therefore the entire discussion as regards Section 2(g) of the Act, 1997 was unnecessary. In other words, the attempt on the part of the learned counsel was to persuade us to accept the argument that if Section 2(g) of the Act, 1997 is not applicable then in such circumstances the petitioner has a right to continue in occupation of the premises in question as the legal heir of the original tenant.”

9. Applying the settled principles governing the exercise of jurisdiction under Order XII Rule 6 CPC, this Court is unable to agree with the contention of the Plaintiffs that the pleadings of the Defendants No.1A to 1D contain clear, unequivocal and unconditional admissions warranting a judgment on admissions. While it is correct that the Defendants do not dispute the existence of the Will dated 28.11.2000 or the factum of joint mutation dated 07.02.2005, a holistic reading of the Written Statement reveals that such acknowledgements are accompanied by specific explanations and qualifications which directly impinge upon the Plaintiffs' claim of absolute entitlement to one-third share.

10. The Defendants No.1A to 1D have categorically pleaded that the Will dated 28.11.2000 was not a voluntary testamentary act but was executed under coercion and undue influence. They have further asserted that the mutation proceedings undertaken pursuant to the said Will were carried out only for fiscal and administrative convenience and were never intended to crystallise *inter se* proprietary rights of the parties. Whether the Will was voluntary, whether it represents the true intention of Late Smt. Vidyawati, and whether the mutation constitutes an admission of title or not are all



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disputed questions of fact which cannot be summarily adjudicated without evidence.

11. It is also the specific case of the Defendants that a subsequent oral family arrangement/partition took place in October 2005, whereby the suit property stood divided floor-wise, with the ground floor falling to the share of Late Shri Jagmohan Sharma, the first and second floors to the share of Late Shri Joginder Mohan Sharma, and the terrace to the share of Defendant No.2. It is the Defendants' case that this arrangement was acted upon, consideration was exchanged, and the parties have since remained in exclusive possession of their respective portions. Once a plea is raised that the Suit Property already stood partitioned by a family arrangement which was accepted and acted upon, the question whether the Suit Property continues to remain joint and whether the Plaintiffs are entitled to seek a further partition becomes a substantial and triable issue. The existence, validity and effect of the alleged oral partition cannot be determined merely on the basis of pleadings or documents relied upon by the Plaintiffs. Adjudication of this issue requires appreciation of evidence. Such a defence, even if ultimately found to be untenable, cannot be brushed aside at the threshold while considering an application under Order XII Rule 6 CPC.

12. The law is well settled that an admission, to justify a decree under Order XII Rule 6 CPC, must be plain, unambiguous, unconditional and incapable of more than one interpretation. An admission accompanied by an explanation which, if accepted, would disentitle the plaintiff to relief, ceases to be an admission for the purposes of the said provision. In the present case, the Defendants' pleadings, when read as a whole, do not constitute a surrender of their defence but rather disclose a complete and consistent



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challenge to the Plaintiffs' assertion of an undivided one-third share in the entire suit property.

13. This Court is conscious that the power under Order XII Rule 6 CPC is discretionary and must be exercised with circumspection. Where the Court is of the opinion that it would not be safe or just to pronounce judgment without permitting the parties to lead evidence, particularly in matters involving family arrangements, testamentary disputes and allegations of coercion, the Court must refrain from exercising such discretion. In the facts of the present case, the admissions relied upon by the Plaintiffs fall short of the threshold required for granting a judgment on admissions.

14. Accordingly, this Court finds no merit in the present application. The application under Order XII Rule 6 CPC is dismissed. The parties shall proceed to trial, and all rights and contentions are left open to be adjudicated in accordance with law.

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15. List before the Joint Registrar on 17.12.2025.

SUBRAMONIUM PRASAD, J

DECEMBER 8, 2025

Rahul/Ap