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**(2025) 10 RAJ CK 0043**

**Rajasthan HC**

**Case No:** Civil Revision Petition No. 37 Of 2025

Padmavati Art And Creation Pvt.  
Ltd

APPELLANT

Vs

Bhagwati Prasad Bang

RESPONDENT

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**Date of Decision:** Oct. 15, 2025

**Acts Referred:**

- Code of Civil Procedure, 1908 &mdash; Section 115, Order 12 Rule 6, Order 7 Rule 11
- Negotiable Instruments Act, 1881 &mdash; Section 138
- Evidence Act, 1872 &mdash; Section 58

**Hon'ble Judges:** Farjand Ali, J

**Bench:** Single Bench

**Advocate:** OP Mehta, Hemant Kumar Ballani, Moti Singh, Hamendra Singh, Sidharth Mewara

**Final Decision:** Disposed Of

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**Judgement**

Farjand Ali, J

1. The present civil revision petition has been preferred under Section 115 of the Code of Civil Procedure. At the outset, an application under Section 5 of the Limitation Act has been moved by the petitioner seeking condonation of delay of 76 days in filing the instant revision petition.

2. It is submitted that the delay occurred on account of a communication lapse, as the petitioner was under the bona fide belief that the pending revision petition No. 57/2024, arising out of the earlier order dated 16.11.2023, also encompassed the subsequent order dated 14.08.2024 passed under Order 12 Rule 6 CPC. Owing to this misunderstanding, the present revision petition could not be filed within the prescribed

limitation period.

3. Having considered the contents of the application and the reasons furnished therein, and being satisfied that the delay was neither intentional nor deliberate, but due to the aforementioned circumstances, the application is allowed. The delay of 76 days in filing the revision petition is hereby condoned.

4. Accordingly, the revision petition is treated as having been filed within limitation.

5. Now, turning to the merits of the matter, this revision petition challenges the order dated 14.08.2024 passed by the learned Additional District Judge No. 3, Jodhpur Metropolitan, in Original Suit No. 48/2012 (Bhagwati Prasad Bang vs. Shiv Kanya & Ors.), whereby the petitioner's application under Order 12 Rule 6 of the CPC has been rejected.

6. The facts leading to the present revision petition, in brief, are that the respondent no. 1-plaintiff, Bhagwati Prasad Bang, instituted a civil suit for specific performance of a compromise agreement and permanent injunction against the petitioner company, seeking a direction to execute a sale deed in his favour for 1600 square yards of land and also seeking injunction against the petitioner. The case of the plaintiff was founded upon an alleged compromise agreement purportedly executed by one Shri Ramnarayan Dhoot, who was claimed to have acted as the authorized agent and power of attorney holder of the petitioner company. It was averred that Shri Dhoot had agreed on behalf of the petitioner to execute the sale deed and to pay Rs. 3 crores to the plaintiff, and in this regard, cheques were issued as security, out of which one cheque of Rs. 50 lakhs was allegedly encashed. The plaintiff claimed that despite repeated requests and reminders, the sale deed was not executed, and after the death of Shri Dhoot, the petitioner company declined to honour the alleged compromise. The petitioner, in its written statement and counterclaim, denied execution of any such compromise or agreement, asserting that Ramnarayan Dhoot was neither a director nor authorized by any board resolution or power of attorney of the company, and that the plaint was based on vague, fabricated assertions creating an illusion of cause of action. The petitioner also claimed that the plaintiff, being a chartered accountant, had obtained the cheques fraudulently and was attempting to misuse them to extract money. Consequently, the petitioner sought rejection of the plaint under Order 7 Rule 11 CPC for want of cause of action and also filed a counterclaim for refund of Rs. 1.40 crores.

7. While the application under Order 7 Rule 11 CPC was pending, the petitioner filed another application under Order 12 Rule 6 CPC on the basis of alleged clear admissions made by the plaintiff in separate proceedings under Section 138 of the NI Act against respondent no. 4, Kishan Chand Dhoot, wherein the plaintiff had admitted that there was no agreement with the petitioner company and that he had neither seen any power of attorney nor any board resolution authorizing Shri Dhoot to act on behalf of the petitioner. The petitioner contended that these admissions were sufficient to dispose of the suit under Order 12 Rule 6

CPC. The plaintiff, however, opposed the application, contending that the statements given in criminal proceedings could not be treated as unambiguous admissions in civil proceedings and that such evidence could not be the sole basis for deciding the civil suit. The Trial Court, after hearing both sides, held that although no authorization or power of attorney in favour of Ramnarayan Dhoot was available on record, the issue could not be conclusively determined at the interlocutory stage, as the alleged compromise itself described him as an authorized agent and there were references to payment transactions. The Trial Court further observed that the statements made in criminal proceedings did not constitute clear, unconditional admissions sufficient for judgment under Order 12 Rule 6 CPC, and therefore rejected the application vide order dated 14.08.2024. Aggrieved by this order, the petitioner has preferred the present civil revision petition under Section 115 CPC.

8. Heard learned counsels present for the parties and gone through the materials available on record.

9. This Court has also carefully perused the judgments relied upon by the learned counsel for the parties, including

Mayawanti v. Kaushalya Devi, (1990) 3 SCC 1; Satish Kumar v. Karan Singh & Anr., Civil Appeal No. 4145 of 1984; and Sambhajirao v. Vimlesh Kumari Kulshrestha, First Appeal No. 159 of 1999. However, the ratio of the aforesaid decisions is not attracted to the present case at this interlocutory stage. The issue presently before this Court is confined to the applicability of Order XII Rule 6 CPC, i.e., whether certain statements made in separate criminal proceedings constitute clear and unequivocal admissions warranting judgment on admission. The question of validity or enforceability of the alleged compromise agreement is a matter to be examined at trial on the basis of evidence. Hence, while the cited precedents correctly enunciate the principles governing suits for specific performance, they do not bear direct relevance to the narrow controversy involved in this revision petition.

10. Upon a comprehensive and meticulous consideration of the pleadings, the material placed on record, and the rival submissions advanced on behalf of both parties, this Court finds that the principal controversy revolves around the precise legal ambit of Order XII Rule 6 of the Code of Civil Procedure, 1908 (hereinafter, "CPC"). More specifically, the core issue is whether the statements allegedly made by the plaintiff in independent criminal proceedings either pending or disposed of at different court under Section 138 of the Negotiable Instruments Act could, in law, be treated as "clear, unequivocal, and unambiguous admissions" within the meaning of Order XII Rule 6 CPC, so as to justify the pronouncement of judgment on admission and the consequent summary dismissal of the suit for specific performance and injunction.

The Legal Framework of Admissions under Order XII <li>Code Of Civil Procedure, 1908 &mdash; Section </li> Order XII Rule 6 CPC:

11. For ready reference and deeper analysis, Order XII Rule 6 CPC provides:

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.

12. It is a well-settled proposition of law that the power conferred upon the Court under Order XII Rule 6 CPC is discretionary in nature and must be exercised with great circumspection and caution. The fundamental object underlying this salutary provision is to enable a court to pronounce judgment based on admissions that are so unequivocal, unambiguous, unconditional, and express that they render any further detailed adjudication in the matter wholly unnecessary and superfluous. This power, being in the nature of an exceptional measure for summary disposal, cannot be invoked where the alleged admissions are in any manner doubtful, qualified, or susceptible to multiple interpretations. The expression “admission” under this Rule presupposes a conscious, deliberate, and explicit acknowledgment by one party of the truth of the case or a fact asserted by the other party. The Court, before invoking this stringent provision, must be satisfied beyond cavil that the admission is of a conclusive nature and does not hinge upon the proof or disproof of any other collateral fact in issue. The Interplay with Order XII Rules 4 and 5 CPC

13. The scope of the term “otherwise” in Order XII Rule 6(1) must be strictly construed and understood in the context of the related provisions of the same Order, particularly Rules 3A, 4 and 5, which provide a clear mechanism for eliciting formal admissions. For ready reference and deeper analysis, Order XII Rule 4 and 5 CPC provides Rule 4. Notice to admit facts.- Any party, may, by notice in writing, at any time not later than nine days before the day fixed for the hearing, call on any other party to admit, for the purposes of the suit only, any specific fact or facts, mentioned in such notice. And in case of refusal or neglect to admit the same within six days after service of such notice, or within such further time as may be allowed by the Court, the costs of proving such fact or facts shall be paid by the party so neglecting or refusing, whatever the result of the suit may be, unless the Court otherwise directs:

Provided that any admission made in pursuance of such notice is to be deemed to be made only for the purposes of the particular suit, and not as an admission to be used against the party on any other occasion or in favour of any person other than the party giving the notice.

Rule 5. Form of admissions. - A notice to admit facts shall be in Form No. 10 in Appendix C, and admission of facts shall be in Form No. 11 in Appendix C, with such variations as circumstances may require.

14. It is expedient to note that Forms 10 and 11 are prescribed in the Code itself (Appendix C), which are reproduced herein for ready reference.

*Form No. 10*

*No. 10*

*NOTICE TO ADMIT FACTS*

*(O. 12, r. 5.)*

*(Title as in No. 1, supra)*

*Take notice that the plaintiff [or defendant] in this suit requires the defendant [or plaintiff] to admit, for the purposes of this suit only, the several facts respectively hereunder specified; and the defendant [or plaintiff] is hereby required, within six days from the service of this notice, to admit the said several facts, saving all just exceptions to the admissibility of such facts as evidence in this suit.*

*G.H. pleader [or agent] for plaintiff [or defendant].*

*To E.F., pleader [or agent] for defendant [or plaintiff].*

*The facts, the admission of which is required, are-*

*1. That M. died on the 1st January, 1890.*

*2. That he died intestate.*

*3. That N. was his only lawful son.*

*4. That O. died on the 1st April, 1896.*

*5. That O. was never married.*

*Form No. 11*

*No. 11*

*ADMISSION OF FACTS PURSUANT TO NOTICE*

*(O. 12, r. 5.)*

*(Title as in No. 1, supra)*

*The defendant [or plaintiff] in this suit, for the purposes of this suit only, hereby admits the several facts respectively hereunder specified, subject to the qualifications or limitations, if any, hereunder specified, saving all just exceptions to the admissibility of any such facts, or any of them, as evidence in this suit:*

*Provided that this admission is made for the purposes of this suit only, and is not an admission to be used against the defendant [or plaintiff] on any other occasion or by any one other than the plaintiff [or defendant, or party requiring the admission].*

*E. F., pleader [or agent] for defendant [or plaintiff].*

*To G. H., pleader [or agent] for plaintiff [or defendant].*

*Facts admitted*

*Qualifications or limitations, if any,*

*subject to which they are admitted*

1. That M. died on the 1st 1 .....

January, 1890.....

2. That he died 2 .....

intestate.....

3. That N. was his lawful son 3. But not that he was his only

..... lawful son.

4. That O. died..... 4. But not that he died on the 1st

April, 1896.

5. That O. was never 5 .....

married.....

15. From a perusal of Rules 4 and 5 of Order XII, it is manifest that a notice under Rule 4 must strictly conform to the format prescribed in Form No. 10, and any admission in response must correspond to Form No. 11. The procedural protocol is explicit: the notice must be served not later than nine days before the date fixed for hearing, and the admission must be furnished within six days from the receipt of such notice. Non-compliance with this protocol renders the purported admission incapable of being treated as an admission under Order XII CPC.

16. It is further evident that in the context of this provision, whether it's in accordance with rule 2, 3A or 4, the notice is to be given or the court would ask under rule 3A for making admission pertaining exclusively to the pleadings and documents of that particular suit. Consequently, any admission allegedly made by a party to the suit at any other forum of judicial proceeding cannot, by itself, be treated as operative or binding on the party to the suit. The protocol clearly underscores that such admissions are for the purpose of the particular suit alone and cannot be extrapolated to proceedings in a different forum, thereby preserving the sanctity and specificity of the trial process.

17. The structured scheme of Order XII contemplates admissions of fact arising from three primary sources for the purpose of a summary decree:

- Admissions in the pleadings.
- Formal admissions elicited in response to a Notice to Admit Facts (Form No. 10, Appendix C) leading to an Admission of Facts (Form No. 11, Appendix C).
- Admissions made before the Court in the same proceeding, whether oral or written (e.g., in a statement recorded by the Court or by way of a written application).

18. The term 'otherwise' in Rule 6, when interpreted ejusdem generis with other forms of admission, such as those made through an application containing an express admission, or by directly commenting on a document whether it is admitted or denied and appending one's signature is often understood to encompass formal admissions made through the mechanisms provided in Rules 3A and 4, or other admissions made directly to the Court in the course of the suit. If the term "otherwise" were to be construed loosely or expansively, it would open a floodgate of litigation, allowing any party to claim that the opposite party, at some unspecified point in time, had admitted a fact before another court/tribunal in a distinct proceeding, before a third person or in some peripheral document, and on the strength of such an unproved or extrajudicial admission, would seek a summary decree. This cannot be the legal intendment, and if allowed would open a new and unintended avenue not contemplated by the framers of the law. An alleged oral or documentary admission, not forming part of the formal mechanism provided by Rules 3A, 4 and 5 or the pleadings, must, at the very least, be duly proved as evidence in accordance with the Indian Evidence Act, 1872, and satisfy the rigorous test of conclusiveness before it can become the bedrock for a decree under Order XII Rule 6. It is pertinent to note that while Order XII is procedural in nature, it incorporates, by reference, certain foundational principles of the Evidence Act. Section 58 of the Evidence Act, which provides that "facts admitted need not be proved," underlies the rationale of summary adjudication based on admission. However, the law does not intend that a statement or fact, once disputed by a party, can nevertheless be treated as an admission for the purposes of passing a decree. Where a fact is disputed/objected/controverted, its truth or falsity can only be conclusively determined after trial. The procedural mechanism, therefore, safeguards against prematurely treating disputed statements or alleged admissions as binding, ensuring that the civil process is not stifled on the basis of contested assertions.

19. Specifically, sub rule (2) of Rule 6 clearly stipulates that the decree shall be drawn up in accordance with the judgment, which, by necessity, must rest upon the facts expressly admitted by the opposite party, either in the pleadings or in the reply to the notice to admit facts (Form No. 11, Appendix C) or otherwise through express admission. The Court is therefore duty-bound to ensure that these conditions are strictly fulfilled before passing a summary judgment.

20. In the present case, the petitioner sought to invoke the summary jurisdiction of this Court under Order XII Rule 6 CPC by relying upon certain statements purportedly made by the plaintiff in independent criminal proceedings before a criminal court relating to the dishonour of cheques. The petitioner avers that the plaintiff therein allegedly stated that there was no agreement with the petitioner company and that he had not seen any power of attorney or board resolution authorizing the representative to act on behalf of the petitioner.

21. Such statements, may be; if isolated and read de hors their context, appear to cast a shadow of doubt upon the existence of the privity of contract central to the civil suit when the evidence is made to appreciation in trial. Nonetheless, a critical legal inquiry pertains to the nature, context, and evidentiary status of such statements within the framework of the civil suit and Order XII Rule 6 CPC would require. It must be borne in mind that where the party whose statement is relied upon disputes the alleged admission and seeks to explain the attendant circumstances or the reasons behind such statement, the same can only be examined and evaluated during the course of a trial. Whether under Section 58 of the Evidence Act or Order XII Rule 6 CPC, the essence of an admission lies in the unequivocal acceptance of a fact, document, or pleading as asserted by the opposite party. If there exists an objection, denial, or a plea of explanation by the party purportedly making the admission, the statement cannot be treated as an admission in law sufficient enough to pass a decree under this provision . Such disputed assertions may, at best, constitute matters for adjudication at trial, where the party may even establish that the earlier statement was made under a mistaken or different understanding of facts. At the nascent stage of the proceedings, however, such controverted statements cannot be treated as clear or unambiguous admissions justifying the invocation of Order XII Rule 6 CPC.

22. This Court is of the view that the expression “otherwise” in Rule 6 cannot be stretched ad infinitum to include statements made in independent criminal proceedings before a different forum. Such statements are neither part of the pleadings in the present suit nor have they been formally admitted by the plaintiff in response to a Notice to Admit Facts (Form No. 10/11) in the manner prescribed by the CPC. A document or statement recorded in another proceeding, unless duly exhibited and proved as admissible evidence during the trial of the civil suit in accordance with the law of evidence, cannot ipso facto constitute an admission that is conclusive and dispensatory of the requirement of proof under Order XII Rule 6 CPC. Such material may certainly constitute a “piece of evidence” or a “relevant circumstance” to be meticulously tested during the course of a full-fledged trial, but it possesses neither the conclusive character nor the formality requisite for a definitive admission warranting a summary decree.



23. The learned Trial Court, therefore, made a legally sound observation when it noted that the few extracted lines from testimony in a criminal proceeding cannot, by any stretch of judicial interpretation, be treated as a definitive, unqualified acknowledgment of the plaintiff's lack of a cause of action, especially when the overall dispute involves complex factual and legal questions relating to authorization, agency, and financial transactions which require the full compass of a trial.

24. This Court concurs with the finding that the statements relied upon by the petitioner do not qualify as the clear, unqualified, and unambiguous admissions contemplated within the strict legal meaning of Order XII Rule 6 CPC. These statements, being neither part of the pleadings nor expressly admitted by the plaintiff in the current proceedings in accordance with the prescribed procedure, cannot form the sole basis for the summary dismissal of the suit.

25. Accordingly, it is held that the learned Trial Court, by its reasoned order dated 14.08.2024, has rightly concluded that the suit for specific performance and injunction cannot be dismissed merely on the strength of the plaintiff's statements recorded in a separate criminal proceeding. The principle that unless an admission is categorical, express, and unconditional, it cannot justify a judgment under Order XII Rule 6 CPC is correctly enunciated in the impugned order. The said order, therefore, suffers from no legal infirmity and the matter is mandatorily required to proceed to trial, where the evidentiary value and probative force of all such statements and documents may be meticulously tested and evaluated in accordance with law.

26. Hence, the present revision petition is hereby dismissed.

27. Pending applications , if any are also disposed of.