2026 INSC 603

REPORTABLE

IN THE SUPREME COURT OF INDIA
(CIVIL APPELLATE JURISDICTION)

CIVIL APPEAL NO. OF 2026
(Arising out of Special Leave Petition (C) No._____ of 2026)
(Diary No. 26304 of 2019)

PUSHPA & ORS. **... APPELLANT(S)**

versus

DAYAWATI & ORS. **... RESPONDENT(S)**

J U D G M E N T

VIPUL M. PANCHOLI, J.

1. Delay condoned.

2. Leave granted.

3. The present appeal arises out of the impugned judgment and order dated 16.04.2019 passed by the High Court of Delhi in Civil Revision Petition No. 53 of 2018 preferred by respondent No.1 (plaintiff), whereby the High Court, while exercising revisional jurisdiction, set aside the order dated 20.12.2017 passed by the Additional District Judge-04, South-West District, Dwarka Courts, New Delhi and proceeded to decree the

Signature Not Verified
Digitally signed by MOHD IBRAHIM
Date: 2026.05.30 12:01:26 IST
Reason:

suit for recovery of Rs.44,79,167/- with interest against defendant No.3 (late father of the appellants), on the basis of admission of receipt of Rs.3 crores in his Written Statement dated 25.03.2010 in CS (OS) No. 2502 of 2009 before the High Court.

4. The parties to the present proceedings are members of a Hindu family. The family tree is as follows: Shis Ram (Defendant No.1/Respondent No.2) and his wife Chameli (Defendant No.2/Respondent No.3) had five children, namely, Dayawati (Plaintiff/Respondent No.1), Daya Ram (Defendant No.3), Har Prasad (Defendant No.4/Respondent No.4), Ramrati (Defendant No.5/Respondent No.5), and Leelawati (Defendant No.6/Respondent No.6). The present appellants, namely, Pushpa (Appellant No.1), Saroj Kumari (Appellant No.2), and Sudesh (Appellant No.3) are the daughters and legal heirs of Defendant No.3.

5. The brief facts of the case as per the appellants are that in August 2007, agricultural land admeasuring approximately 31 bighas 9 biswas, owned by the family, was sold by respondent No.2 for a total sale consideration of Rs.15,31,25,000/-. The entire amount was received by respondent No.2 in his personal

account.

6. On 21.12.2009, respondent No.1 filed a suit bearing CS (OS) No. 2502 of 2009 before the High Court seeking recovery of Rs.45,00,000/- with interest, partition of family properties and permanent injunction, jointly and severally, against her father, mother, brothers and sisters. The case pleaded in the plaint was that in pursuance of the ancestral agricultural land sold in August 2007 for a consideration of approximately Rs.15 crores, respondent No.1 was entitled to her share in the sale proceeds.

7. On 25.03.2010, defendant No.3 filed his written statement stating that the suit was collusive and through a family settlement, each had received Rs.3 crores out of the total sale proceeds of Rs.15 crore.

8. The High Court passed a preliminary decree for partition on 17.08.2011 holding that the parties were entitled to equal shares in the properties and sale proceeds and granting each party a 1/7th share in the suit property.

9. On 15.03.2013, in FAO (OS) No. 560 of 2011 preferred by defendant No.3, the Division Bench of the High Court modified the preliminary decree for partition granting each party a 1/6th

share in the suit property, since respondent No.6 relinquished her share.

10. Thereafter, by order dated 03.09.2015, a final decree in respect of immovable properties was passed, however, the question relating to recovery of Rs.45,00,000/- with interest was kept open. The High Court framed the following issues and the matter was directed to proceed for evidence:

> *"(1) Whether the plaintiff is entitled to recover a sum of Rs.45 lacs from defendants No.1 to 3 jointly/severally? (OPP)*
>
> *(2) If issue No.(1) is decided in favour of the plaintiff, whether she is entitled to interest on the amount awarded? If so, at what rate and for what period? (OPP)*
>
> *(3) Relief."*

11. On 16.10.2015, respondent No.1 filed an application under Order XII Rule 6 read with Section 151 of the Code of Civil Procedure, 1908 (for brevity "*the CPC*") seeking recovery of Rs.45,00,000/- through a decree on admission against defendant No.3 alone on the basis of the averments made in the written statement. It was stated that defendant No.3 admitted that each party received an amount of Rs.3 crores in 2007 out of sale proceeds of agricultural land of about Rs.15 crores from respondent No.2 and *vide* the order dated 15.03.2013, respondent No.1 has 1/6th share in the suit property

(Rs.2,55,20,833/-) and in that case, defendant No.3 received more than his share (Rs.44,79,167/-) and thus is liable to pay an amount of Rs.45,00,000/- to respondent No.1.

12. Subsequently, the suit was transferred to the District Court as the pecuniary jurisdiction of the High Court of Delhi was increased.

13. The Additional District Judge, by order dated 20.12.2017, dismissed the application under Order XII Rule 6 of the CPC holding that the controversy required trial and that the issues already framed could be adjudicated only upon appreciation of evidence.

14. Aggrieved thereby, respondent No.1 filed a Civil Revision Petition No. 53 of 2018 before the High Court.

15. *Vide* the impugned judgment and order dated 16.04.2019, the High Court allowed the revision petition and decreed the suit against defendant No.3 for recovery of Rs.44,79,167/- together with interest @ 6% per annum from the date of filing of the suit.

16. Aggrieved by the impugned judgment and order, the appellants (since defendant No.3 is deceased and now represented by his legal representatives) have preferred the present appeal.

17. Mr. Rakesh Kumar, learned counsel appearing on behalf of the appellants, submitted that the High Court has exceeded its limited revisional jurisdiction under Section 115 of the CPC. The revisional jurisdiction cannot be exercised to reverse a finding of fact rendered by the Trial Court that the suit involves triable issue and there is no unequivocal admission which entitles respondent No.1 a decree without trial. Reliance is placed on ***Pandurang Dhondi Chougule v. Maruti Hari Jadhav***,[1] ***DLF Housing & Construction Co. (P) Ltd. v. Sarup Singh***,[2] and ***Sher Singh v. Jt. Director of Consolidation***.[3]

18. It is further submitted that there exists no clear, unambiguous or unequivocal admission on the part of defendant No.3 which would, in law, entitle respondent No.1 to a decree for recovery of Rs.45,00,000/- against defendant No.3 and reliance is placed on ***Vikrant Kapila v. Pankaja Panda***.[4]

19. It is contended that a joint reading of paragraphs 2, 12 and 13 of the plaint indicates that respondent No.2 received the entire sale consideration of Rs.15,31,25,000/-, out of which a sum of

---

[1] 1965 SCC Online SC 83 (Para 10)
[2] (1969) 3 SCC 807 (Para 5)
[3] (1978) 3 SCC 172 (Paras 10-12)
[4] (2024) 18 SCC 695 (Paras 29-40)

Rs.3 crores, is alleged to have been given to defendant No.3. It is an undisputed position that defendant No.3 did not receive any amount directly from the purchaser of the suit property. It is stated that the present suit is instituted with a motive to harass defendant No.3, as any suit for recovery, if maintainable at all, would lie only against respondent No.2.

20. It is further contended that there is nothing on record to establish that respondent No.2 had distributed Rs.12,31,25,000/- amongst the other respondents. The plaint is silent as to why respondent No.1 has not claimed the undistributed sale proceeds of Rs.12,31,25,000/- from respondent No.2. Thus, whether respondent No.1 has any enforceable claim against defendant No.3 raises serious disputed questions of fact, which can only be adjudicated after trial, including leading of evidence and hence the same constitutes a triable issue.

21. It is stated that neither the pleadings nor any material on record discloses that the amount claimed by respondent No.1 was ever held by defendant No.3 in the capacity of a predecessor in interest for the benefit of respondent No.1. In the absence of such proof, it cannot be assumed that any money given by a

father to his son was not from his own share and respondent No.1 cannot claim, without any evidence, that such amount legally belongs to her.

22. It is further stated that the present suit for recovery is not maintainable against defendant No.3, as there exists no privity of contract or any legal relationship between respondent No.1 and defendant No.3 giving rise to a cause of action for recovery of money. In the absence of any direct transaction, obligation or binding arrangement, no legal liability can be fastened upon defendant No.3 by the claim of respondent No.1.

23. The High Court *vide* order dated 03.09.2015 took note of the contention of respondent No.1 that defendant No.3 in his written statement had admitted receipt of Rs.3 crores which was in access particularly in light of the amount of Rs.1,73,75,000/- received in 2007 from respondent No.2. It is submitted that even assuming such receipt, the present suit for recovery is not maintainable against defendant No.3 on the said basis, as the said transaction originates from respondent No.2 and thus any claim, if at all, would lie only against respondent No.2 and not against defendant No.3.

24. Therefore, it is lastly submitted that the impugned judgment is arbitrary and unsustainable in law and prayed that the impugned judgment and order is liable to be set aside.

25. Mr. Anand Yadav, learned counsel appearing on behalf of respondent No.1, supported the impugned judgment and submitted that defendant No.3 in his own written statement filed in CS (OS) No. 2502 of 2009 unequivocally admitted receiving Rs.3 crores out of the sale proceeds of Rs.15 crores which admission was reiterated in multiple proceedings. This admission being clear and unambiguous squarely attracts the provisions of Order XII Rule 6 of the CPC which empowers the Court to pronounce judgment on the basis of admission.

26. It is further submitted that vide the order dated 15.03.2013, each party is entitled to 1/6th share in the suit property amounting to Rs.2,55,20,833/-. Since defendant No.3 admittedly received Rs.3 crores, he has received Rs.44,79,167/- (approximately Rs.45,00,000/-) more than his lawful 1/6th share. The said admission is clear, unambiguous and unequivocal and entitles respondent No.1 to a decree under Order XII Rule 6 of the CPC.

27. It is contended that in Suit No. 414 of 2009 filed by defendant No.3 himself in the District Court, Dwarka, he had claimed that the suit property was sold with his consent and that he received half share of the sale proceeds. The said inconsistency in his own pleadings further reinforces the admission that he received an excess amount.

28. It is further contended that the preliminary decree determining the 1/6th share of each party has attained finality and cannot be challenged or questioned at this stage and the appellants, being legal representatives of defendant No.3, are bound by the admission made in the written statement.

29. Therefore, it is lastly submitted that the impugned judgment and order passed by the High Court is just, proper and legal and does not require any interference by this Court and thus the present appeal is liable to be dismissed.

30. Having heard learned counsel appearing on behalf of the parties at length and having carefully perused the material on record, the moot question which arises for consideration is whether the averments made by defendant No.3 in the written statement amount to a clear, unequivocal and unconditional admission so

as to justify a decree for recovery under Order XII Rule 6 of the CPC.

31. The controversy in the present case centres around the scope and ambit of Order XII Rule 6 of the CPC and the nature of admission required for passing a decree without trial. Order XII Rule 6 of the CPC reads as under:

> "***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."*

32. The definition of "admission" under Sections 17 and 18 of the Evidence Act, 1872, reads as under:

> "***17. Admission defined.****—An admission is a statement, oral or documentary or contained in electronic form, which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons, and under the circumstances, hereinafter mentioned.*
>
> ***18. Admission by party to proceeding or his agent.****— Statements made by a party to the proceeding, or by an agent to any such party, whom the Court regards, under the circumstances of the case, as expressly or impliedly authorised by him to make them, are admissions."*

33. A plain reading of Order XII Rule 6 of the CPC indicates that the provision confers a discretionary power upon the Court to pronounce judgment on the basis of admission made either in pleadings or otherwise however the exercise of such power is conditioned upon the existence of a clear admission of fact. The object of the provision is to enable a party to obtain speedy relief where there is no substantial dispute requiring trial. At the same time, the provision cannot be invoked in a manner so as to deprive a party of adjudication where the controversy involves disputed questions of fact requiring evidence.

34. The term "admission" has been defined under Sections 17 and 18 of the Evidence Act, 1872, an admission is a statement which suggests any inference as to a fact in issue or relevant fact and is made by a party to the proceeding or by a person authorised by such party however every statement made by a party cannot automatically result in a decree under Order XII Rule 6 of the CPC. Thus, the admission must be categorical, unambiguous, unconditional and unequivocal.

35. This Court in several decisions has consistently held that before passing a decree on admission, the Court must be fully satisfied that the admission relied upon leaves no room for controversy

and if the alleged admission requires interpretation, inferential reasoning or examination of surrounding circumstances, the matter ought to proceed to trial and it is similarly well settled that where substantial triable issues arise, the parties cannot be denied the opportunity to lead evidence. Recently, this Court in ***Vikrant Kapila v. Pankaja Panda (supra)*** reiterated the principles under Order XII Rule 6 of the CPC, the relevant paragraph reads as under:

> "***40.*** *In Himani Alloys Ltd. v. Tata Steel Ltd. [Himani Alloys Ltd. v. Tata Steel Ltd., (2011) 15 SCC 273 : (2014) 2 SCC (Civ) 376] it is held that "Admissions" should be categorical and intentional, as Order 12 Rule 6CPC allows discretion rather than obligation. Admissions result in judgments without trial which permanently deny any remedy to the defendant, by way of an appeal on merits. Therefore, unless the admission is clear, unambiguous, and unconditional, the discretion of the court is not exercised to deny the valuable right of a defendant to contest the claim. Hence, discretion should be used only where there is a clear and unequivocal admission. The relevant paragraphs read thus: (SCC pp. 276-77, para 11)*
>
> > *"11. It is true that a judgment can be given on an "admission" contained in the minutes of a meeting. But the admission should be categorical. It should be a conscious and deliberate act of the party making it, showing an intention to be bound by it. Order 12 Rule 6 being an enabling provision, it is neither mandatory nor peremptory but discretionary. The court, on examination of the facts and circumstances, has to exercise its judicial discretion, keeping in mind that a judgment on admission is a judgment without trial which permanently denies any remedy to the defendant, by way of an appeal on merits. Therefore, unless the admission is clear, unambiguous and unconditional, the discretion of the Court should not be exercised to deny the valuable right of a defendant to contest the claim. In short the discretion should be used*

only when there is a clear "admission" which can be acted upon. There is no such admission in this case."

(emphasis supplied)"

36. Keeping the aforesaid principles in view, we may now examine the facts of the present case.

37. The foundation of the claim of respondent No.1 rests upon the statement made by defendant No.3 in the written statement that, through a family settlement, he had received Rs.3 crores out of the total sale proceeds of Rs.15 crores. According to respondent No.1, since each party was ultimately held entitled to 1/6th share in the suit property pursuant to the order dated 15.03.2013 passed by the Division Bench of the High Court, the share of each party amounted to Rs.2,55,20,833/-. It is, therefore, the case of respondent No.1 that defendant No.3 had received an excess amount of Rs.44,79,167/- and was consequently liable to refund the same. The said statement is reproduced as under:

"***2.*** *That when the agricultural land of the family was sold in the month of august 2007 the all members of the family i.e. Plaintiff and defendants had entered into a family settlement whereby Plaintiff and defendant No. 5 & 6 have agreed to not claim any right in the ancestral property and Defendant 1 & 2 has agreed to live with Defendant 4 and the answering Defendant was given Rs. 3 Crore from the total sale proceed of Rs. 15 Crore and 1/2 share in Plot measuring 145 sq. Yards described in Para 6 (i) of the plaint; 100% share in plot measuring 178 sq. Yards*

described in Para 6(ii); 60x20 sq. feet area in Plot measuring 480 sq. yards as described in Para 6 (iii) of the Plaint and 1/2 share in Khasra No. 65 as described in Para 7 of the Plaint."

38. A careful reading of the above reproduced averment makes it clear that defendant No.3 had not admitted any liability towards respondent No.1, whereas, the statement was made in the context of a family settlement and distribution arrangement amongst the family members, wherein respondent Nos. 5 and 6 had agreed not to claim any share in the suit property. The said statement merely indicates that defendant No.3 had received certain amounts and properties pursuant to such arrangement and it nowhere records any admission that the amount so received was in excess of his lawful entitlement or that he was liable to refund any amount to respondent No.1.

39. While examining the question as to whether the aforesaid statement constitutes an admission within the meaning of Order XII Rule 6 of the CPC, it becomes necessary to read the written statement as a whole. We have, therefore, carefully examined the entirety of the written statement filed by defendant No.3. In our considered opinion, the approach adopted by the High Court in isolating a single portion of the written statement and construing the same as an unequivocal

admission of liability is legally unsustainable, as it is well settled that pleadings cannot be read in a piecemeal manner and must be construed holistically. A further perusal of the written statement reveals that the claim of respondent No.1 was specifically and categorically disputed by defendant No.3. Defendant No.3 had also consistently asserted that the suit itself was collusive in nature and that the parties had already entered into a family settlement in the year 2007. In fact, defendant No.3 specifically stated that he had received "only his share" in paragraph 12 of the said settlement. Thus, the reproduced statement relied upon by respondent No.1 was neither unconditional nor unequivocal admission so as to justify a decree on admission under Order XII Rule 6 of the CPC.

40. It is further required to be noted that the entire sale consideration of Rs.15,31,25,000/- was admittedly received by respondent No.2 in his personal account and thus the liability sought to be fastened upon defendant No.3 is, therefore, dependent upon several disputed factual assumptions, namely, whether respondent No.2 had in fact distributed unequal shares, whether the amount received by defendant No.3 represented money belonging to respondent No.1 and whether

respondent No.1 retained any enforceable claim against defendant No.3. However, there is no material on record to conclusively establish that the amount received by defendant No.3 was held by him for and on behalf of respondent No.1 or in any fiduciary capacity and there is also no evidence to indicate that the said amount was not received by defendant No.3 towards his own share under the family arrangement. Thus, the said questions necessarily require adjudication upon evidence and cannot be conclusively determined merely on the basis of pleadings.

41. It is pertinent to note that the plaint itself sought relief jointly and severally against defendant Nos. 1 to 6 and no specific pleading was raised that defendant No. 3 alone was exclusively liable to satisfy the claim of the plaintiff/respondent No.1. Thus, the very nature of the claim involved adjudication of inter se rights and liabilities amongst the family members, which constitutes a substantial triable issue and therefore, a decree based on admission does not resolve the dispute.

42. In our view, a significant circumstance which completely weighs against exercise of jurisdiction under Order XII Rule 6 of the CPC is the order dated 03.09.2015 passed by the High Court

itself whereby specific issues, as reproduced hereinabove, were framed for trial, namely, whether respondent No.1 was entitled to recover Rs.45,00,000/- from defendant Nos. 1 to 3 jointly and severally and whether she was entitled to interest thereon. Thereafter, the matter was directed to proceed for evidence. The need for framing of the aforesaid issues demonstrates that the Court itself found existence of disputed questions of fact requiring adjudication after appreciation of evidence and thus once the Court had concluded that triable issues existed and directed parties to lead evidence, it was inappropriate to subsequently invoke Order XII Rule 6 of the CPC and decree the suit without trial.

43. The Additional District Judge, by order dated 20.12.2017, while dismissing the application under Order XII Rule 6 of the CPC, rightly observed that the controversy required adjudication after trial and appreciation of evidence and the discretion exercised by the Trial Court was in consonance with settled principles governing Order XII Rule 6 of the CPC and did not suffer from any perversity or jurisdictional infirmity.

44. However, the High Court, while exercising revisional jurisdiction under Section 115 of the CPC, could not have substituted its

own interpretation merely because another view was possible as the scope of revisional jurisdiction is limited. This Court in several decisions, namely, ***Pandurang Dhondi Chougule v. Maruti Hari Jadhav (supra)***, ***DLF Housing & Construction Co. (P) Ltd. v. Sarup Singh (supra)*** and ***Sher Singh v. Joint Director of Consolidation (supra)***, held that the revisional court cannot act as an appellate court and reassess findings of fact or substitute conclusions unless jurisdictional error or material irregularity is demonstrated. In the present case, the High Court reassessed the factual matrix and proceeded to substitute its own interpretation of the pleadings and such an exercise travelled beyond the permissible limits of Section 115 of the CPC.

45. We are also unable to accept the contention raised on behalf of respondent No.1 that inconsistent pleadings taken by defendant No.3 in another suit conclusively establish liability, because such inconsistencies may constitute material for cross-examination and appreciation during trial, however, such disputed factual circumstances of such nature cannot form the sole basis for passing a decree under Order XII Rule 6 of the CPC. It is a well settled law that a judgment on admission is an

exception to the ordinary rule that civil disputes must be adjudicated after parties are afforded full opportunity to lead evidence because a decree under Order XII Rule 6 of the CPC results in denial of a trial and thus the provision must be applied with caution and only in cases where the admission is absolutely clear, categorical and unconditional.

46. In the light of the aforesaid discussion, we are of the considered opinion that the alleged admission relied upon by respondent No.1 were neither categorical nor unequivocal so as to justify a decree for recovery under Order XII Rule 6 of the CPC and the controversy involved substantial disputed questions of fact which necessarily required adjudication upon evidence.

47. Therefore, the High Court committed an error in interfering with the order passed by the Additional District Judge and in decreeing the suit against defendant No.3 solely on the basis of alleged admission relied upon by respondent no.1.

48. For the said reasons, the present appeal is allowed. The impugned judgment and order dated 16.04.2019 passed by the High Court of Delhi in Civil Revision Petition No. 53 of 2018 is set aside.

49. The order dated 20.12.2017 passed by the Additional District Judge-04, South-West District, Dwarka Courts, New Delhi, in an application under Order XII Rule 6 read with Section 151 of the CPC in CS No. 80 of 2016 is restored.

50. It is clarified that the observations made hereinabove are confined solely to the adjudication of the issue arising in the present appeal and shall not be construed as an expression on the merits of the pending civil proceedings concerning the suit property and recovery of money. The Trial Court shall adjudicate the suit independently, uninfluenced by any observations made in the present judgment and strictly in accordance with law.

51. Pending applications, if any, shall stand disposed of.

.....J.
SANJAY KAROL

.....J.
VIPUL M. PANCHOLI

NEW DELHI
29th MAY, 2026