

HIGH COURT FORM NO.(J) 2.
HEADING OF JUDGMENT IN ORIGINAL SUIT / CASE

DISTRICT: SONITPUR

**IN THE COURT OF MUNSIFF NO. 2, SONITPUR,
TEZPUR**

Present: **Smti Priyanka Saikia, AJS,
Munsiff No. 2**

This the 12th day of December, 2022

Title Suit No. 227/2022

1. Ichahak Ali

S/o- Lt. Suruj Ali

Vill. Rupkuria, P.O.- Solamara

Mouza: Haleswar

Dist: Sonitpur, Assam

2. Mubarak Huchain

S/o- Lt. Suruj Ali

Vill. Bihiyagaon, P.O.- Panchmile

Mouza: Haleswar

Dist: Sonitpur, Assam

---Plaintiffs

-versus-

Sri Ram Chetry

S/o- Lt. Kishore Bahadur Chetry

Village- Napam, Mouza- Haleswar

P.O.- Napam, P.S.- Tezpur

Dist: Sonitpur, Assam

---Defendant

This is a suit came up for final hearing on 12-12-2022, in presence of following Advocate:

Counsel for Plaintiffs : Sri S.P. Mishra

Counsel for Defendant : Sri H. Baruah

And having stood for consideration to this day, the Court delivered the following Judgment

ADMISSION JUDGEMENT

1. A suit for Specific performance.

Brief facts of the plaintiff's case:-

2. Plaintiff has entered into an sale agreement to purchase the schedule land with defendant on 01-04-2022 upon total sale consideration of Rs.4,80,000/- and plaintiff has paid in advance an amount of Rs.4,50,000/- only to the defendant in presence of witnesses and defendant has receipt the amount by the said agreement. The defendant has undertaken to obtain requisite permission for sale of the schedule land and to accept the balance sale consideration amount at the time of execution of Registered Sale Deed in favour of the plaintiff. Whenever, plaintiff met the defendant and requested him to executed to execute registered sale deed, the defendant stated that some time will require for the same. On 19-10-222, the defendant refused to accept the balance amount and also refused to sell the schedule land. Hence, the suit.

3. On plaint being admitted summon was issued upon the Defendant has appeared personally today and filed a

petition vide petition no. 2618/2022 on 12.12.2022 under Order XII Rule 6 r/w Section 151 of CPC and admit the pleadings made by the plaintiff and pray to pass judgment and decree on admission under Order XII Rule 6 of the CPC.

4. Heard the defendant personally.

5. Hear the learned counsel for both side and perused the case record.

6. It is seen from the petition that defendant has admitted the whole contentions of the plaint and since there is an admission on the part of the defendant, therefore admission decree is passed in favour of the plaintiff.

7. During the course of trial, i.e. at the stage of appearance of the defendant, the plaintiff has filed a petition bearing no. 2618/2022 under Order XII Rule 6 CPC praying for pronouncement of judgment on admission and passing of decree accordingly on the ground that due to health condition and could not obtain necessary permission from the concerned authority and since the defendant have admitted the case of the plaintiff, so, nothing is left for this court to be decided.

8. I have perused the aforesaid petition and heard the submission of Ld. Counsels. Considering the averment made in petition, wherein he has admitted that defendant

entered into an agreement for sale of land with him on 01.04.2018, therefore, I am of the considered opinion that the ends of justice would be met, if the prayer of the plaintiff is allowed considering the object of Order XII Rule 6 of CPC.

9. As aforesaid provision of law states that –

i) "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.

ii) 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 said judgment was pronounced."

10. Further, the Hon'ble Supreme Court in the case of **Charanjit Lal Mehra -Vs- Kamal Saroj Mahajan** reported in **AIR 2005 SC 2765** also held that, "Order XII Rule 6 CPC is enacted for the purpose of and in order to expedite the trials; if there is any admission on behalf of the defendants or an admission can be inferred from the facts and circumstances of the case without any dispute; then, in such a case in order to expedite and to dispose of the matter such admission can be acted upon.

11. So, keeping in view the aforesaid object of Order XII Rule 6 CPC, I deem it fit to exercise my discretion and pronounce judgment on admission accordingly.

12. Moreso, where it is a settled proposition of law that admitted fact need not be proved. Hence, the suit is decreed on admission.

13. Prepare the admission decree in accordance.

14. Accordingly the suit is disposed of.

(Priyanka Saikia, AJS)
Munsiff No.2
Sonitpur, Tezpur