



CPC O. 12 R. 6 - Unless the admission is clear, unambiguous and unconditional, the discretion of the Court should not be exercised. [SC]

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“10. 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.”

Supreme Court of India in **Himani Alloys Ltd vs Tata Steel Ltd [2011] 7 SCR 60**

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