



CIVIL

Order XII Rule 6 in Action: Supreme Court Rules on decree on admissions and Eviction Rights

AUTHOR Rahul Sundaram

PUBLISHED 11 April 2025

The Supreme Court of India recently delivered a judgment in the case of *Rajiv Ghosh v. Satya Naryan Jaiswal*, a dispute relating to tenancy rights and eviction under the West Bengal Premises Tenancy Act, 1997 (1997 Act) and the Code of Civil Procedure, 1908 (CPC). The case was presided over by Justices J.B. Pardiwala and R. Mahadevan, who delivered their verdict on April 7, 2025. The judgment addressed critical questions about the interpretation of statutory tenancy rights and the application of procedural rules governing admissions in civil litigation.

The dispute arose from a property owned by Satya Naryan Jaiswal, the original plaintiff. The premises were initially rented by Ranjan Ghosh, Rajiv Ghosh's late father, who was recognized as a lawful tenant under a monthly rent agreement. Ranjan Ghosh passed away on July 13, 2016, after which his son, Rajiv Ghosh, continued to occupy the premises, claiming inherited tenancy rights. However, Satya Naryan Jaiswal contended that Rajiv Ghosh's tenancy rights, if any, were limited to a statutory five-year period under Section 2(g) of the 1997 Act, which expired on July 13, 2021. Dissatisfied with Rajiv Ghosh's failure to vacate the premises, the plaintiff initiated legal proceedings to recover possession.

The case first went before the City Civil Court in Kolkata, where the plaintiff filed an application under Order XII Rule 6 of the CPC, seeking a judgment based on Rajiv Ghosh's admissions in his written statement. Rajiv Ghosh had admitted in his response that his father was the sole tenant and that the plaintiff was the lawful owner of the property. The trial court granted the plaintiff's application, decreeing eviction on the grounds that Rajiv Ghosh's tenancy rights had expired. Undeterred, Rajiv Ghosh appealed the decision to the Calcutta High Court, which dismissed his appeal in FAT No. 7 of 2024. The High Court upheld the trial court's ruling, affirming that Rajiv Ghosh's statutory tenancy rights under Section 2(g) of the 1997 Act had lapsed, rendering him a trespasser liable for eviction.

Aggrieved by the High Court's decision, Rajiv Ghosh filed a Special Leave Petition (SLP) before the Supreme Court. The petitioner argued that he was not a trespasser and claimed ongoing tenancy rights over the premises. He contended that the lower courts erred in relying solely on his admissions without conducting a full trial. In contrast, the respondent maintained that Rajiv Ghosh's admissions were clear and unequivocal, justifying the eviction decree under Order XII Rule 6 of the CPC. The respondent further emphasized that Rajiv Ghosh had no legal basis to continue occupying the premises after his statutory tenancy rights expired.

The Supreme Court analysed the provisions of Section 2(g) of the 1997 Act, which grants dependent heirs (other than widows) the right to continue as tenants for five years from the original tenant's death. The court concluded that Rajiv Ghosh's tenancy rights expired on July 13, 2021, and he failed to establish any independent right to the premises. The court also examined Order XII Rule 6 of the CPC, which permits courts to pass judgments based on admissions made by parties in pleadings or otherwise. The court held that Rajiv Ghosh's admissions were sufficient to warrant an eviction decree, aligning with precedents such as *Uttam Singh v. United Bank of India* and *Throp v. Holdsworth*, which highlight the importance of resolving uncontested claims promptly.

Rejecting Rajiv Ghosh's argument that the 1997 Act did not apply, the court noted that he had previously invoked the Act to file applications related to rent payments. The court emphasized that once a tenant's statutory rights expire and no further claims are made, the landlord is entitled to possession without additional adjudication. The Supreme Court ultimately dismissed the SLP, upholding the lower courts' judgments. Rajiv Ghosh was granted three months to vacate the premises, after which the plaintiff would be at liberty to proceed with execution.

This judgment reinforces the principle that admissions in pleadings can form the basis for a decree under the CPC and clarifies the time-bound nature of statutory tenancy rights under the 1997 Act. The court's decision emphasises the importance of finality in litigation and the need to prevent unnecessary delays, ensuring that parties cannot indefinitely prolong proceedings by contesting issues that have already been admitted and are no longer in contention.

For further details write to contact@indialaw.in