
(1996) 12 DEL CK 0067

In the Delhi High Court

Case No : Regular First Appeal No. 436 of 1996

Punjab National Bank and Another

APPELLANT

Vs

S. Kartar Singh

RESPONDENT

Date of Decision : 04-12-1996

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 12 Rule 6

Citation : (1997) 66 DLT 857

Hon'ble Judges : Mahinder Narain, J

Bench : Single Bench

Advocate : A.P.S. Ahluwalia and S.K. Chaudhary, for the Appellant;

Judgement

Mahinder Narain, J.

(1) We find that the judgment and decree which has been passed by the Court below is not justifiable in the facts and circumstances of the case inasmuch as issues in the matter have been framed and the plaintiff had completed the evidence which was to be led. It is at this stage that an application was filed under Order Xh Rule 6, Cpc, for decreeing the suit on the basis of the alleged admissions in the written statement.

(2) Where evidence has started after parties are at issue and issues framed by the Court, it is necessary to go through the entire trial before pronouncing the judgment. The judgment and decree of the Court below is set aside and the matter is remanded for purposes of trial to the Court below. The trial shall commence from the stage where the matter was at the time of passing of impugned judgment and decree on the basis of an application under Order Xii Rule 6, CPC. Parties are directed to appear before the Trial Court concerned on 20th January, 1997.