SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPMS/98/2019 Harihar Mandir Trust --Petitioner **Versus** Rakesh Kumar --Respondent **Hon'ble Manoj Kumar Tiwari, A.C.J.** There is no representation for the petitioner. 2. This writ petition is directed against the judgment and order dated 03.10.2016 passed by learned Judge, Small Cause Court and the judgment dated 16.05.2018 passed by learned Second ADJ in a Revision Petition filed under Section 25 of Provisional Small Cause Courts Act, 1887. 3. Petitioner filed a suit for recovery of rent and ejectment against the respondent. Written statement was filed by the respondent. Based on pleadings, following three points for determination were formulated by learned Trial Court (Small Cause Court): 1) Whether the shop in question is owned by a public religious trust, if yes, then its effect? 2) Whether Shiv Kumar Sharma has the authority to file suit on behalf of the trust? 3) Whether the plaintiff is entitled to the reliefs claimed? 4. As regards the first issue, learned Trial Court held that Harihar Mandir Trust was created

			by a will, but the will does not indicate that the shop in question belongs to a public religious trust; the objects of the trust are not mentioned in the amended rules of the trust and the certificate of registration of trust in original has not been produced. Thus it was held that the shop in question cannot be held to be property of a public religious trust, as such the provisions of U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 are applicable to the shop in question. 5. Issue no. 2 was also decided against the petitioner by holding that as per amended bye-laws of the trust, Chairman has the power to authorize one of the trustee to file suit on behalf of the trust but Shiv Kumar Sharma who filed the suit on behalf of the trust was not authorized by the Chairman of the trust to file suit on behalf of the trust. 6. As regards issue no. 3, learned Trial Court held that defendant has paid the entire rent to the petitioner till December, 2012 and rent for four months was deposited by the respondent on the first date of hearing of the suit, therefore plaintiff (petitioner) is not entitled to the reliefs claimed by him.

7. Learned Revisional Court affirmed the judgment rendered by learned Trial Court (Small Cause Court).

8. Learned Trial Court has considered and discussed all relevant aspects, including the material available on record for arriving at its findings. The findings, therefore, cannot be said to be perverse.

9. Learned Revisional Court has also considered the matter in detail and has given valid reason for dismissing the revision petition filed by petitioner.

10. Law is well settled that this Court, while exercising power of superintendence under Article 227, cannot re-appreciate or re-weigh the evidence or facts upon which the determination under challenge is based.

11. The legal position on the point has been discussed by Hon'ble Supreme Court in the case of *Garment Craft v. Prakash Chand Goel*, reported as *(2022) 4 SCC 181.* Relevant extract of said judgment is reproduced below:-

> ***"15.*** *Having heard the counsel for the parties, we are clearly of the view that the impugned order [Prakash Chand Goel v. Garment Craft, 2019 SCC OnLine Del 11943] is contrary to law and cannot be sustained for several reasons, but primarily for deviation from the limited jurisdiction exercised by the High Court under Article 227 of the Constitution of India. The High Court exercising supervisory jurisdiction does not act as a court of first appeal to reappreciate, reweigh the evidence or facts upon which the determination under challenge is based. Supervisory jurisdiction is not to correct every error of fact or even a legal flaw when the final finding is justified or can be supported. The High*

Court is not to substitute its own decision on facts and conclusion, for that of the inferior court or tribunal. [Celina Coelho Pereira v. Ulhas Mahabaleshwar Kholkar, (2010) 1 SCC 217 : (2010) 1 SCC (Civ) 69] The jurisdiction exercised is in the nature of correctional jurisdiction to set right grave dereliction of duty or flagrant abuse, violation of fundamental principles of law or justice. The power under Article 227 is exercised sparingly in appropriate cases, like when there is no evidence at all to justify, or the finding is so perverse that no reasonable person can possibly come to such a conclusion that the court or tribunal has come to. It is axiomatic that such discretionary relief must be exercised to ensure there is no miscarriage of justice.

16. *Explaining the scope of jurisdiction under Article 227, this Court in Estralla Rubber v. Dass Estate (P) Ltd. [Estralla Rubber v. Dass Estate (P) Ltd., (2001) 8 SCC 97] has observed : (SCC pp. 101-102, para 6)*

"6. The scope and ambit of exercise of power and jurisdiction by a High Court under Article 227 of the Constitution of India is examined and explained in a number of decisions of this Court. The exercise of power under this article involves a duty on the High Court to keep inferior courts and tribunals within the bounds of their authority and to see that they do the duty expected or required of them in a legal manner. The High Court is not vested with any unlimited prerogative to correct all kinds of hardship or wrong decisions made within the limits of the jurisdiction of the subordinate courts or tribunals. Exercise of this power and interfering with the orders of the courts or tribunals is restricted to cases of serious dereliction of duty and flagrant violation of fundamental principles of law or justice, where if the High Court does not interfere, a grave injustice remains uncorrected. It is also well settled that the High Court while acting under this Article cannot exercise its power as an appellate court or substitute its own judgment in place of that of the subordinate court to correct an error, which is not apparent on the face of the record. The High Court can set aside or ignore the findings of facts of an inferior court or tribunal, if there is no evidence at all to justify or the finding is so perverse, that no reasonable person can possibly come to such a conclusion, which the court or tribunal has come to."

12. Thus there is no scope for interference with the concurrent judgment while exercising power under Article 227 of the Constitution of India.

13. The writ petition thus fails and is dismissed.

(Manoj Kumar Tiwari, A.C.J.)
21.11.2026

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MAHINDER SINGH

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