



2026:AHC:50026

AFR

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTER UNDER ARTICLE 227 NO. 3024 OF 2026

Smt. Reena Gupta

.....Petitioners(s)

Versus

Thakur Hanuman Ji
Maharaj Private Trust
Virajman Temple

.....Respondents(s)

Counsel for Petitioners(s)	:	Ashish Goyal
Counsel for Respondent(s)	:	

Court No. - 35

HON'BLE DR. YOGENDRA KUMAR SRIVASTAVA, J.

Heard Sri Prashant Pandey, holding brief of Sri Ashish Goyal, learned counsel for the petitioner.

2. The present petition has been filed under Article 227 of the Constitution of India, laying challenge to the legality and validity of the order dated 28.01.2026 passed by the Court of the Additional District Judge, Court No. 5, Hathras in SCC Revision No. 31 of 2020 (Thakur Hanuman Ji Maharaj Private Trust vs. Smt. Reena Gupta), whereby the revisional court has allowed the revision, set aside the order dated 27.08.2020 passed by the Civil Judge (Senior Division)/Judge Small Causes, Sadabad, District Hathras in Misc. Case No. 01 of 2020, and directed the trial court to register the proposed Small Causes Court suit and proceed with the matter after issuing notice to the opposite party.

3. The case originates from a plaint filed on 27.05.2020 by Devkinandan Agrawal, adopted son of Shri Damodardas, claiming to be the Managing Trustee of Thakur Hanuman Ji Maharaj Private Trust Virajman Temple situated at Dharamshala Motiram Ji, Village Sherpur, Vinoba Nagar, Salempur Road, Tehsil Sadabad, District Hathras. In the plaint it was alleged that the said trust is the owner and landlord of a shop situated at Sherpur, Salempur Road, Vinoba Nagar, Sadabad, District Hathras and that the defendant, Smt. Reena Gupta, is a tenant in the said premises at a monthly rent of Rs.1500/- inclusive of 10% water tax and 10% house tax with effect from 16.02.2017.

4. It was further pleaded that an agreement dated 15.01.2017 had been entered between the parties under which the rent was to be enhanced by 10% after every three years and in case of default in payment of rent for four months the tenant would be liable to pay interest at the rate of Rs.2 per hundred. The plaintiff asserted that the rent from 16.11.2019 onwards had fallen due and that despite repeated demands the tenant failed to make payment. It was also pleaded that a legal notice dated 18.03.2020 was sent to the defendant through registered post demanding arrears of rent and calling upon her to vacate the premises. According to the plaintiff, despite receipt of the notice the defendant neither paid the arrears of rent nor vacated the premises. Consequently, the plaintiff sought eviction of the defendant and recovery of arrears of rent amounting to Rs.15,329/- along with other consequential reliefs.

5. The plaint was presented before the Court of Civil Judge (Senior Division)/Judge Small Causes, Sadabad, District Hathras on 29.05.2020. Upon presentation of the plaint, the trial court observed that the plaintiff, namely Devkinandan Agrawal, claiming himself to be the Managing Trustee of the trust, had not clearly specified the basis on which he had been appointed as trustee or how he was authorized to institute the suit on behalf of the trust. On this premise the trial court did not register the case as a Small Causes Court suit but instead treated the plaint as a miscellaneous matter and registered it as Misc. Case No.01 of 2020. The

trial court further directed the plaintiff to produce evidence regarding his authority to institute the proceedings on behalf of the trust.

6. Thereafter the trial court proceeded to hear the plaintiff on the question of admission of the case. During the course of such proceedings, the trial court examined certain documents which were produced by the plaintiff including the trust deed dated 09.09.1941, certain meeting agenda dated 07.09.1971 and minutes of the meeting. Upon examining those documents the trial court came to the conclusion that Devkinandan Agrawal was not a party to the original trust deed and that the documents relied upon by him did not satisfactorily establish his appointment as Managing Trustee or his authority to institute the suit on behalf of the trust. On that basis the trial court, by order dated 27.08.2020, dismissed the case at the stage of admission itself holding that the plaintiff had failed to establish his authority to manage the trust and therefore had no right to institute the suit.

7. Aggrieved by the aforesaid order, the plaintiff preferred SCC Revision No.31 of 2020 under Section 25 of the Provincial Small Causes Courts Act before the Court of Additional District Judge, Court No.5, Hathras. In the revision it was contended that the trial court had committed a manifest error of law in questioning the authority of the Managing Trustee at the stage of filing of the suit and in treating the plaint as a miscellaneous application instead of registering it as a Small Causes Court suit. It was argued that the trial court had no jurisdiction to examine the internal management of the trust or the authority of the Managing Trustee at the stage of institution of the suit, particularly when the defendant had not yet been put to notice and had not raised any objection regarding the status of the plaintiff.

8. The revisionist further contended that the trust had been in existence since 1941 and that the trust deed was a registered document. According to the revisionist, the trial court had unnecessarily entered into questions relating to renewal of the trust deed and the internal administration of the trust, which were not matters required to be examined at the threshold stage of institution of the suit. It was therefore contended that the trial

court had acted illegally and arbitrarily in dismissing the matter at the admission stage without registering the suit.

9. The respondent-tenant appeared in the revision proceedings and filed objections contending that the revision itself was not maintainable under Section 25 of the Provincial Small Causes Courts Act since the impugned order had been passed in a miscellaneous application and not in a registered Small Causes Court suit. It was further contended that the trial court had correctly observed that Devkinandan Agrawal had failed to produce any document establishing his appointment as Managing Trustee of the trust and therefore had no authority to institute the proceedings. The respondent pointed out that although the trust deed dated 09.09.1941 and certain meeting agendas and minutes of meetings were produced, the trial court had found that Devkinandan Agrawal was not a party to the original trust deed and that the documents relied upon did not clearly establish the legal basis on which he had been appointed as Managing Trustee. On that basis it was contended that the trial court had rightly dismissed the case.

10. The revisional court considered the rival submissions and examined the record of the case. It was noted that the plaint which had been presented before the trial court was essentially a suit seeking eviction of a tenant and recovery of arrears of rent, which was triable by the Court of Small Causes. The revisional court further observed that the trial court, instead of registering the case as a Small Causes Court suit and issuing notice to the defendant, had treated it as a miscellaneous application and had undertaken an enquiry regarding the authority of the Managing Trustee even before the defendant had been put to notice.

11. Upon an appraisal of the proceedings before the trial court, the revisional court found that questions regarding the status of Devkinandan Agrawal as Managing Trustee had been raised suo motu and the plaintiff had been directed to produce evidence in support of his claim. The trial court thereafter examined documents relating to the trust deed, minutes of meetings and proceeded to record findings regarding the authority of the plaintiff. According to the revisional court, the entire process of collecting and evaluating evidence and recording findings had been undertaken by

the trial court on its own initiative without first registering the suit and without issuing notice to the defendant.

12. Having regard to these circumstances, the revisional court held that the procedure adopted by the trial court was contrary to the settled legal norms governing the institution and trial of Small Causes Court suits. It was observed that the primary questions which ordinarily arise for determination in such suits relate to the existence of the landlord-tenant relationship and the grounds for eviction, and such questions are required to be examined only after the suit is registered and the parties are given an opportunity to lead evidence. Questions relating to the authority of a person to institute proceedings on behalf of a trust or other juristic entity could appropriately be raised by the defendant during the course of the proceedings and decided by the court after considering the evidence that may be led by the parties.

13. On these considerations the revisional court concluded that the trial court had exceeded its jurisdiction by undertaking a suo motu enquiry into the authority of the Managing Trustee and by dismissing the case at the admission stage without registering the suit and without issuing notice to the defendant. The revisional court accordingly set aside the order dated 27.08.2020 and directed the trial court to register the suit as a Small Causes Court suit and proceed with it in accordance with law after issuing notice to the opposite party.

14. This Court has heard learned counsel for the petitioner and has perused the material brought on record. The controversy involved in the present petition lies within a narrow compass and essentially turns upon the legality of the procedure adopted by the trial court while dealing with the plaint presented before it.

15. The core question which arises for consideration is whether the trial court was justified in undertaking a suo motu enquiry regarding the authority of the person instituting the suit on behalf of the trust at the stage of institution of the suit and in dismissing the case at the admission stage without registering it as a Small Causes Court suit and without issuing notice to the defendant.

16. At this stage it would be appropriate to notice the procedural framework governing the institution and trial of civil suits. The presentation of a plaint and the trial of a suit constitute distinct stages in civil proceedings, each governed by its own procedural discipline. While the stage of institution involves a preliminary scrutiny of the plaint, the adjudication of disputed factual questions ordinarily arises only after the defendant has been put to notice and the parties have completed their pleadings.

17. Learned counsel appearing for the petitioner has not been able to dispute the factual position emerging from the record that the plaint presented before the trial court was not registered as a Small Causes Court suit and that the trial court proceeded to examine the authority of the plaintiff to institute the proceedings even before notice was issued to the defendant. The record also indicates that the trial court recorded findings on the basis of documents relating to the internal administration of the trust and dismissed the matter at the admission stage itself.

18. The approach adopted by the trial court in doing so cannot be sustained in law. When a plaint is presented before a civil court, the court is ordinarily required to examine whether the plaint discloses a cause of action and whether any legal bar to the entertainment of the suit is apparent on the face of the record. If the plaint discloses a cause of action and no such bar is apparent, the court is required to register the suit and proceed in accordance with law by issuing notice to the defendant so that the dispute may be adjudicated upon after the parties have had an opportunity to present their respective cases.

19. In the present case the trial court, instead of following this settled procedure, embarked upon an enquiry into the internal management of the trust and the authority of the plaintiff to institute the proceedings. The trial court examined documents such as the trust deed, meeting agenda and minutes of meetings and recorded findings regarding the authority of the Managing Trustee. This entire exercise was undertaken by the trial court without the defendant having been put to notice and without any challenge having been raised by the defendant regarding the authority of the plaintiff.

20. This Court finds that the approach adopted by the trial Court was fundamentally flawed. It is evident from the record that by initiating an evidentiary enquiry regarding the internal administration of the trust on its own motion, the trial court effectively assumed the role of both judge and adversary in the proceedings. In the considered opinion of this Court, such an exercise was wholly beyond the limited scrutiny permissible at the stage of institution of the suit. in the proceedings. The trial Court undertook the exercise of collecting and evaluating evidence on its own initiative even before the suit had been registered and before notice had been issued to the defendant. Such a course of action runs contrary to the adversarial structure of civil proceedings where disputed questions of fact are to be examined only after the parties have been afforded an opportunity to raise their respective pleas and lead evidence in support thereof.

21. The principle which clearly emerges in this regard is that at the stage of institution of a suit the court performs only a limited and preliminary scrutiny of the plaint. The object of such scrutiny is merely to ascertain whether the pleadings disclose a cause of action and whether any legal bar to the entertainment of the suit is apparent on the face of the record. The court is not expected at that stage to undertake an adjudicatory exercise involving appreciation of evidence or determination of disputed questions of fact. Questions relating to the authority of a person to institute proceedings on behalf of a juristic entity such as a trust ordinarily require examination of the trust deed, resolutions, minutes of meetings or other documents evidencing appointment or authorization. The determination of such matters necessarily involves consideration of factual material and surrounding circumstances and therefore constitutes a mixed question of fact and law. In the ordinary course such objections are required to be raised by the defendant in the written statement, whereupon the court may frame an appropriate point or issue for determination and decide the same after the parties have been afforded a fair opportunity to adduce evidence. Any attempt by the court to undertake such an enquiry at the threshold stage, particularly in the absence of notice to the opposite party, amounts to a departure from the settled procedural framework governing civil trials.

22. A civil court, at the stage of institution of a suit, is required to confine itself to a *prima facie* examination of the plaint and cannot undertake a *suo motu* enquiry into disputed factual issues or questions requiring appreciation of evidence, particularly in the absence of notice to the defendant.

23. Applying the aforesaid principles to the facts of the present case, it becomes evident that the trial court travelled far beyond the limited scrutiny permissible at the stage of institution of the suit. Instead of registering the plaint and issuing notice to the defendant, the trial court embarked upon an enquiry into the internal management of the trust and recorded findings regarding the authority of the Managing Trustee. Such an exercise necessarily involved examination of documents and evaluation of evidence, which could properly arise only during the course of trial.

24. The revisional court has merely corrected the procedural irregularity committed by the trial court. It has not undertaken any final adjudication of the rights of the parties but has only directed that the plaint be registered as a Small Causes Court suit and that the matter proceed in accordance with law after issuing notice to the defendant. Such a direction ensures that the dispute between the parties is examined after completion of pleadings and upon consideration of the evidence that the parties may choose to lead.

25. The direction issued by the revisional court does not prejudice the rights of the petitioner in any manner. All objections that may be available to the petitioner, including any objection regarding the authority of the person instituting the suit on behalf of the trust, remain open to be raised before the trial court and decided in accordance with law during the course of the trial.

26. It may also be observed that the procedural discipline governing civil adjudication recognizes the ‘institution of a suit’ and the ‘trial of a suit’ as two distinct stages of the proceedings, each governed by its own limited scope and procedural framework. At the stage of institution, the court is required to undertake only a *prima facie* scrutiny of the plaint for the purpose of determining whether the pleadings disclose a cause of action and whether any legal impediment to the entertainment of the suit is

apparent on the face of the record. The stage of institution is not intended to become a forum for adjudication of contested questions of fact. The determination of such questions necessarily belongs to the stage of trial, where pleadings are complete and both parties are afforded an opportunity to produce evidence in support of their respective stands.

27. It is equally well settled that questions relating to the authority of a person to institute proceedings on behalf of a juristic entity, such as a trust, society or company, ordinarily involve examination of documents relating to appointment, internal resolutions, or governing instruments of the entity concerned. The determination of such questions, therefore, ordinarily constitutes a mixed question of fact and law which cannot appropriately be resolved without the benefit of pleadings and evidence from both sides. Where such issues arise, they are to be raised by the defendant in the written statement and thereafter determined by the court upon framing an appropriate point or issue and considering the evidence that may be led by the parties.

28. The present case illustrates the difficulties that may arise when the court, at the threshold stage of institution of the suit, undertakes a suo motu enquiry into matters which properly fall within the domain of trial. By examining documents relating to the internal management of the trust and recording findings regarding the authority of the Managing Trustee without issuing notice to the defendant, the trial court effectively undertook an evidentiary exercise at a stage when such an enquiry was neither required nor procedurally permissible. Such an approach is inconsistent with the settled procedural framework governing civil trials and may result in denial of an opportunity to the parties to properly present their respective cases.

29. The revisional court, in setting aside the order of the trial court and directing registration of the suit followed by issuance of notice to the defendant, has merely restored the proceedings to the stage at which the trial court ought to have proceeded in accordance with law. The revisional court has thus ensured that the dispute between the parties is adjudicated

through the normal process of pleadings, framing of issues and appreciation of evidence.

30. Consequently, this Court finds that the revisional court rightly interfered with the order passed by the trial court and merely restored the proceedings to the stage at which they ought to have proceeded in accordance with law, namely registration of the suit and issuance of notice to the defendant so that the dispute may be adjudicated upon after completion of pleadings and consideration of evidence.

31. No material illegality, jurisdictional error or perversity has been demonstrated in the order passed by the revisional court so as to warrant interference by this Court in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India.

32. The petition is devoid of merit and is, accordingly, **dismissed**.

33. It is clarified that this Court has not expressed any opinion on the merits of the claims or defences of the parties. All questions including the authority of the person instituting the suit on behalf of the trust, the existence of the landlord-tenant relationship, and the entitlement of the plaintiff to the reliefs claimed shall remain open to be raised before and determined by the trial court in accordance with law. The trial court shall proceed with the matter after registering the suit and issuing notice to the defendant and shall make an endeavour to conclude the proceedings expeditiously, in accordance with law.

(Dr. Yogendra Kumar Srivastava,J.)

March 11, 2026

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