

DLND010069712025



IN THE COURT OF DISTRICT JUDGE- 01,  
NEW DELHI DISTRICT, PATIALA HOUSE COURTS,  
NEW DELHI  
Presided over by :- SH. DHARMENDER RANA (DHJS)

RCA DJ No. 42/2025

Sh. Jagdish Ram  
S/o Sh. Nandu Ram,  
Residing at Room & Kitchen, Shri Guru Ravidas Dharamsthan,  
Moti Bagh-I, New Delhi-110021

Vs.

Guru Ravidas Dharamsthan Prabandhak Committee (Regd.)  
Through its President,  
Shri Guru Ravidas Dharamsthan, Moti Gagh-I  
New Delhi-110067

|                     |                 |
|---------------------|-----------------|
| Appeal presented    | On : 02.09.2025 |
| Arguments Concluded | On : 15.12.2025 |
| Judgment Pronounced | On : 15.12.2025 |

Present : Sh. Kamakhya Kr. Jha, Ld. Counsel for the appellant.  
Sh. Ajay Kumar and Shivam, Ld. Counsels for the  
respondent.

## JUDGMENT (ORAL)

- 1 Briefly stated: The appellant herein assails the order of the Ld. Trial Court dated 04.08.2025, whereby upon an application under Order XII Rule 6 CPC of the plaintiff/respondent herein, the suit for the relief of possession was decreed.
- 2 The facts necessary for disposal of the instant appeal is adumbrated hereas under:

### **Plaintiff/respondent case:**

Brief facts of the case as averred in the plaint are noted as follows:

- i. The plaintiff committee was formed to look after Shri Guru Ravidas Dharamsthan at Moti Bagh-I, New Delhi and was registered vide registration no. S/11144 dated 30.08.1980. The President Sh. Shanti Lal has been duly authorized to file the present suit vide resolution dated 06.12.2019.
- ii. Shri Guru Ravidas Dharamsthan came into existence prior to 1970. In the year 1999, the defendant, who is an electrician by profession, had requested the committee to provide him a job at the Mandir and upon his request, he was allowed to work as Pujari, so that he can have some place to live and therefore he was provided a room therein.

iii. On 26.01.2000, the General Body Meeting of Shri Guru Ravidas Prabandhak Committee was held and the defendant was appointed as Pujari with the conditions that he will perform religious duty at the Dharamsthan and would be liable to pay the bills of water and electricity. As per the condition of appointment, the defendant had to vacate the premises of Dharamsthan after expiry of one month notice, served on him by the Prabandhak Committee.

iv. The defendant was provided a room at the ground floor as a licensee, to live there alongwith his family.

v. The defendant failed to take care of his duties, so the committee in its meeting dated 02.06.2019, asked the defendant to vacate the premises as he was not performing his duties and failed to pay electricity bills. The decision of the committee was duly communicated to the defendant and he was asked to vacate the premises by 31.07.2019. The defendant has no concern with the ownership of Shri Guru Ravidas Dharamsthan, which was developed by Sh. Shanti Lal and is now under the control of committee.

vii. The defendant has failed to pay the electricity charges from last 03 years and therefore, vide meeting dated 02.06.2019, he was called upon to vacate the room, by 31.07.2019. He agreed to the same, however, he filed a

police complaint with false averments and also filed a suit for permanent injunction against the plaintiff. The plaintiff has failed to vacate the room in question and therefore, present suit has been filed, seeking mandatory injunction, declaration and recovery of water and electricity charges.

**Appellant/defendant's case:**

2. Written statement has been filed by defendant and it has been submitted as follows:-

(a) The present suit is liable to be stayed as another suit is already pending between the parties.

(b) The defendant is Pujari of Shri Guru Ravidas Dharamsthan and residing therein alongwith his family for last 22 years. The plaintiff has been performing his duties as Pujari since 1999.

(c) The plaintiff trust was created to manage the Mandir only and does not have the control over the Pujari or the Mandir. The Pujariship is a hereditary religious office. The plaintiff does not have any right to remove the defendant.

(d) The defendant has been paying electricity bill and other charges to Sh. Shanti Lal since 1999. The plaintiff has threatened the defendant and his family to leave the

Mandir premises and the defendant filed a police complaint on 29.07.2019.

(e) The defendant has denied the averments made in the plaint.

- 3 Eventually, during the course of trial, plaintiff/respondent filed an application under Order XII Rule 6 CPC, which came to be allowed vide impugned order dated 04.08.2025, hence the instant appeal.
- 4 Aggrieved by the impugned order dated 04.08.2025, the appellant herein has filed the instant appeal assailing the order on the following grounds. It is forcefully argued by the Id. counsel for the appellant that the foundation of the plaintiff's case before the Ld. Trial Court is that the appellant has defaulted in making the payments of the electricity dues. It is submitted that the alleged 'misconduct' regarding the pending electricity dues constitute the foundation of the plaintiff's claim. It is submitted that the appellant has been regularly making the payments and unless the alleged 'misconduct' is proved, the respondent/plaintiff is not entitled for a summary decree under Order XII Rule 6 CPC. It is submitted that cause of action before the Ld. Trial Court cannot be proved without permitting the defendant to lead evidence and thus Ld. Trial court has erred by mechanically decreeing the suit of the

plaintiff under Order XXII Rule 6 CPC. It is submitted that the respondent herein has been serving the temple management for past 26 long years, without any remuneration, and now decreeing the suit against the appellant, would socially uproot him. Relying upon paragraph no. 9 of the judgment of the Hon'ble Apex Court in the matter of S.M. Asif Vs. Virender Kumar Bajaj, Civil Appeal No. 6106-6108 of 2015, DOD: 12.08.2015. Para no. 9 of the said judgment reads as under:

*“9. The words in Order XII Rule 6 CPC “may” and “make such order...” show that the power under Order XII Rule 6 CPC is discretionary and cannot be claimed as a matter of right. Judgment on admission is not a matter of right and rather is a matter of discretion of the Court. Where the defendants have raised objections which go to the root of the case, it would not be appropriate to exercise the discretion under Order XII Rule 6 CPC. The said rule is an enabling provision which confers discretion on the Court in delivering a quick judgment on admission and to the extent of the claim admitted by one of the parties of his opponent’s claim. In the suit for eviction filed by the respondent-landlord, appellant-tenant has admitted the relationship of tenancy and the period of lease agreement; but resisted respondent-plaintiff’s claim by setting up a defence plea of agreement to*

*sale and that he paid an advance of Rs.82.50 lakhs, which of course is stoutly denied by the respondent-landlord. The appellant-defendant also filed the Suit for Specific Performance, which of course is contested by the respondent-landlord. When such issues arising between the parties ought to be decided, mere admission of relationship of landlord and tenant cannot be said to be an unequivocal admission to decree the suit under Order XII Rule 6 CPC.”*

- 5 Counsel for the appellant has forcefully argued that the relief under Order XII Rule 6 CPC is a discretionary relief and cannot be claimed by the plaintiff as the matter of right. It is submitted that the written statement in the instant matter was duly filed and yet Ld. Trial court, instead of considering the written statement has decreed the suit of the plaintiff/respondent under Order XII Rule 6 CPC.
- 6 It is thus argued that the impugned order has been mechanically passed and is not sustainable in the eyes of law.
- 7 On the contrary, counsel for the respondent/plaintiff straightaway addressed arguments supporting the impugned order. It is submitted that Ld. Trial Court has passed a well reasoned and detailed order and calls for no interference. It is submitted that it is established on record that the status of the appellant in the impugned property is a merely of a licensee

and upon revocation of license, he has no right to remain in the suit property. It is submitted that upon determination of the license, the Ld. Trial Court has rightly passed a decree under Order XII Rule 6 CPC. It is submitted that the premises in question is a public property and the appellant cannot be permitted to usurp the same. It is thus prayed that the appeal is bereft of merits and deserves to be dismissed.

- 8 During the course of dictating the order, this Court has confirmed from both the counsels whereupon they fairly submit that all their contentions have been duly taken note of and correctly paraphrased hereas above. I accordingly proceed to decide the appeal.
- 9 From the undisputed deposition of the appellant dated 07.12.2022, recorded in Civil Suit No. 1018/2018, relied upon by the Ld. Trial Court, the jural relationship of licensor- licensee between the parties stands credibly established on record. Once it is established that the appellant was merely a licensee in the disputed premises, he obviously is not left with any right to reside in the said premises upon revocation of the license. Section 60 of the Indian Easement Act merely provides that the grantor/licensor can revoke the license at any point of time, subject to the exceptions carved out in the said section. Section 60 of the Indian Easement Act reads as under:

*“60. License when revocable.—A license may be revoked by the grantor, unless— (a) it is coupled with a transfer of property and such transfer is in force; (b) the licensee, acting upon the license, has executed a work of a permanent character and incurred expenses in the execution.”*

- 10 Admittedly, the case of the appellant/defendant is not covered within the exception carved out under section 60. Whether the electricity dues have been paid or not is inconsequential for the purpose of revocation of license. There cannot be any quarrel with the proposition that the relief under Order XXII Rule 6 CPC is discretionary in nature but the discretion is required to be judiciously exercised by the Ld. Trial Court. In my considered opinion, the discretionary relief cannot be denied merely because it does not suits the appellant.
- 11 Very recently, Hon’ble Apex Court in the matter of Rajiv Ghosh Vs. Satya Narayan Jaiswal, 2025 INSC 467, has observed hereas under:

*“42. Since the object of sub-rule (1) is to enable the plaintiff to get judgment on admission of the defendant to the extent of such admission, he must get the benefit thereof immediately without waiting for the determination of “non-admitted claim”. Sub-rule (2)*

*makes it imperative for the court to draw up a decree in terms of judgment on admission which can be executed by the plaintiff.” [See: Uttam Singh (supra)]. In such cases, there may be two decrees; (i) in respect of admitted claim; and (ii) in respect of “non-admitted” or contested claim. [See: Bai Chanchal v. United Bank of India, AIR 1971 SC 1081].” (Emphasis supplied)*

- 12 Thus, I do not find any merits in the contentions of the ld. counsel for the appellant. The appeal is found to be bereft of merits and dismissed accordingly.
- 13 Copy of order be given *dasti* to the parties concerned.

**(Dharmender Rana)**  
**District Judge – 01**  
**PHC/New Delhi/15.12.2025**