

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**S.A. No. 16 of 2026**

Amulya Singh, aged about 77 years, son of Raghubesh Kumar Singh @ late Raghubansh Kumar Singh, R/o Kothi No. 22, Marwari Argora Arogya Bhawan No. 1, Baraitu Road, P.O.-Baraitu, P.S. Baraitu, District Ranchi, Jharkhand ... **...Defendant /Appellant/Appellant.**

Versus

Marwari Relief Society, a company registered under the Indian Companies Act, 1913, having its registered office at 2255/22 Rabindra Sarnai, P.O. Chitranjan Avenue, P.S. Rabindra Sarani, Calcutta (Kolkata) 700073, West Bengal

**...Plaintiff/ Respondent/Respondent**

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**CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY**

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For the Appellants : Mr. Rupesh Singh, Advocate

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**07/15.01.2026**

This appeal has been filed against the judgment and decree dated 23.12.2024 (decree signed on 02.01.2025) passed in Civil Appeal No. 143 of 2020 passed by learned Additional Judicial Commissioner-II, Ranchi, whereby the learned 1<sup>st</sup> appellate court has upheld the judgment dated 13.03.2020 (decree sealed and signed on 21.03.2020) passed in Eviction Title Suit No. 05 of 1991 now Original Suit No. 2343 of 2019 passed by learned Civil Judge, Junior Division-I, Ranchi whereby the Title Suit seeking eviction was allowed with charges of Rs. 22,464 as well as present, future and pendentelite charges on account of maintenance charges or electricity charges.

2. The learned counsel for the appellant has submitted that though there are concurrent findings recorded by both the courts, the appeal is fit to be admitted for final hearing on the proposed substantial question of law mentioned in paragraph (c) and (d) which is quoted as under:-

*(C) Whether the Judgment of the Trial Court as also the First Appellate Court are perverse, having failed to appreciate that the said power of attorney has not been exhibited/proved and hence the suit of the Plaintiff being a juristic person was not maintainable for want of valid authority and lawful representation, thereby both the learned*

*Trial Court and the 1<sup>st</sup> Appellate Court have committed gross jurisdictional error in view of Order XXIX CPC.*

*(d) Whether the Judgement of the learned Trial Court and the 1<sup>st</sup> appellate court are perverse for having given the finding of default in payment of charges in favour of plaintiff without any evidence, thereby being perverse, going to the root of the basis of relief in the Suit?*

3. The learned counsel for the appellant has submitted that the suit was filed through the alleged power of attorney holder Ram Nandan Prasad but the power of attorney was never exhibited before the court and therefore the suit filed at the instance of Ram Nandan Prasad was itself not maintainable. The learned counsel submits that both the courts have not taken into consideration this aspect of the matter. He has relied upon the judgment passed by the Hon'ble Supreme Court reported in ***(2009) 10 SCC 601 (Rishab Chand Bhandari (dead) by LRS. And Another versus National Engineering Industry Limited paragraph 8 and 9*** which is quoted as under:-

“8. If we interpret the definition of “landlord” in the Act literally it will result in strange consequences. It will mean that even if the owner, who is the natural landlord, does not want to evict a tenant, his agent may do so. Surely this is an absurd situation. It is well settled that if a literal interpretation leads to absurd consequences, it should be avoided and a purposive interpretation be given.

9. In the present case the respondent has not been able to show that it was authorised in writing to act on behalf of the Trust either by a power of attorney or any other written document. Unless there is some documentary proof that the Trust had authorised its agent to file a suit for eviction on its behalf, it cannot be said that the respondent had any right to file such a suit, even though it had actually let out the premises to the appellant and collected rent. The respondent is admittedly not the owner of the premises, and only claims to be the agent of the Trust.”

4. He has also relied upon the judgment passed by the Hon'ble Supreme Court reported in ***(2011) 11 SCC 524 (State Bank of Travancore versus Kingston Computers India Private Limited)*** paragraph 14 which is quoted as under:-

“14. In our view, the judgment under challenge is liable to be set aside because the respondent had not produced any evidence to prove that Shri Ashok K. Shukla was appointed as a Director of the Company and a resolution was passed by the Board of Directors of

the Company to file a suit against the appellant and authorised Shri Ashok K. Shukla to do so. The letter of authority issued by Shri Raj K. Shukla, who described himself as the Chief Executive Officer of the Company, was nothing but a scrap of paper because no resolution was passed by the Board of Directors delegating its powers to Shri Raj K. Shukla to authorise another person to file a suit on behalf of the Company.”

5. The learned counsel has further submitted that decree has also been passed with respect to the payment of Rs. 22,464 against the alleged dues. He has further submitted that the learned courts have failed to take into consideration the exhibits B series and also D series while quantifying the dues. He submits that these exhibits show payment to the electricity department and to Ranchi Municipal Corporation.

6. Arguments concluded.

7. Order is reserved.

**(Anubha Rawat Choudhary, J.)**