

ENGLAND AND WALES / JUDGMENT

Jasbinder Weerasekera v Satinder Rait

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Neutral Citation Number: [2025] UKUT 368 (LC) IN THE UPPER TRIBUNAL (LANDS CHAMBER) AN APPEAL AGAINST A DECISION OF THE FIRST-TIER TRIBUNAL (PROPERTY CHAMBER) Ref: 2025/0024/0025 Royal Courts of Justice, Strand, London, WC2A 2LL Case Nos: LC-2025-197 TRIBUNALS, COURTS AND ENFORCEMENT ACT 2007 LAND REGISTRATION - PRACTICE AND PROCEDURE – WITHDRAWAL - REINSTATEMENT 30 October 2025 BETWEEN: MRS JASBINDER WEERASEKERA Appellant -and- SATINDER RAIT Respondent 52 The Warren, Heston, Hounslow, TW5 0JN His Honour Judge Neil Cadwallader Determination on written representations © CROWN COPYRIGHT 2025 The following cases were referred to in this decision: Scott Brothers Ltd v Revenue and Customs Commissioners [2025] UKFTT 01206 (TC)

Introduction

1. This is an appeal to be determined on written submissions against an order made on the appellant's seeking and obtaining permission to withdraw from two references to which she was party in the First-tier Tribunal (Property Chamber) (Land Registration) ("the FTT") The facts
2. The two references were, firstly, a disputed application by Satinder Rait, Arun Rait and Kirun Rait to register the Assent dated 3 January 2024 of No 52 The Warren, Heston, Hounslow (TW5 0JN) registered under Title No. MX451666 ("the Property") in their favour; and, secondly, the disputed application of the appellant dated 5 July 2025 to remove Tejinder Rait as the registered proprietor of the Property.
3. On 10 February 2025, the appellant sought to withdraw from both references by reason of what she termed 'financial constraints'. Her wish to do so was confirmed by letter from her then solicitors.
4. On 17 March 2025 the First -tier Tribunal ("the FTT") granted the appellant permission to withdraw from both references, and consequently directed that the Chief Land Registrar should give effect to the application to register the Assent as if no objection had been received, and to cancel the appellant's application.

5. On 24 March 2025, a week later, the appellant, now acting in person, wrote to the FTT raising various substantive matters relating to the substance of the underlying dispute, stating “I urge the appropriate authorities to carefully review this matter to ensure a just and lawful resolution” and concluding ‘I appreciate your time and consideration in reviewing this appeal. Please let me know if further or information or documentation is required.’
6. On 31 March 2025, the FTT responded in the following terms. “The Tribunal can consider an application for permission to appeal against that order, although it would be unusual for someone to appeal against an order which resulted from their own withdrawal. Our understanding, however, is that you are asking the Tribunal to conduct a wider review of the surrounding circumstances. The Tribunal cannot undertake any such review, no matter how strong (or weak) the case for a review might be. You are free to seek legal advice as to what the appropriate body to conduct such a review might be (if any) from a solicitor, public access barrister, Law Centre or Citizens Advice Bureau. The Tribunal therefore proposes to take no further action. If, however, you do wish to ask for permission to appeal against the 17 March order, please let us know.” 7. 8. It is apparent from the terms of the FTT decision dated 24 April 2025 that the applicant pressed her application, in some form, but the terms in which she did so are not before this Tribunal. It was considered on 24 April 2025. The FTT treated it as an application for permission to appeal. Concluding that the appeal was unlikely to be successful, the FTT refused permission to appeal. The appellant was informed that she might apply to this Tribunal for permission to appeal that decision, which she did. Explaining why there had been a delay in doing so, her application referred to her difficult family circumstances, which it unnecessary to recite here, and to her “battling with a lawyer requiring money.”
9. On 29 May 2025, this Tribunal asked the appellant for a copy of the email dated 24 March 2025, which she supplied on 30 May 2025. It was in the following terms. “Over the years, Tejinder Rait systematically withdrew and controlled funds from our parents’ accounts, primarily from my late father, Mr. Hardy Rait. My younger brother, Satvinder Rait, who has a condition, lived with my father in a derelict house with no proper heating or hot water. Despite this, Tejinder continued to finance his own lifestyle while leaving our father in poor living conditions. Our family home at 52 The Warren has always been central to our upbringing. However, discrepancies surrounding the TR1 transfer document raise serious concerns. If this document was forged, it raises the question of whether our father’s Will may also have been manipulated. I believe that emails from social services will provide evidence of Tejinder’s actions and his intent to obtain full control over our parents’ assets. Upon Tejinder’s passing, his Will left everything to Mrs. Gurdip Rait, but it was not properly executed. Given the nature of their relationship—including a Consent Order obtained in 2015—it is questionable whether his wishes were genuinely reflected in this Will. Notably, Satinder, Arun, and Kirun were not mentioned in the Will, despite being direct family members. Additionally, Tejinder had accumulated close to half a million pounds from Mr. Hardy Rait’s accounts, and these funds should be properly accounted for in the estate distribution. A major concern remains the future of my younger brother, Satvinder Rait,

who is now at risk of becoming homeless. Given his condition, I feel a personal responsibility to ensure a fair distribution of assets to protect his welfare. In 2007, during a period when my father struggled with drinking issues, Tejinder manipulated his finances. The social workers' emails will further illustrate this exploitation. Consequently, a Lasting Power of Attorney (LPA) was granted to me to safeguard my father's interests. Despite this, Tejinder continued to use family funds for his personal benefit without LPA. The situation left by Tejinder is complex, and now his wife and children are attempting to claim full control over his estate and the assets he had accumulated from my father. I have recordings, photographs, and supporting evidence that demonstrate the state of the property and the financial exploitation that took place. I urge the appropriate authorities to carefully review this matter to ensure a just and lawful resolution. Two signatures sent of Mr Hardy Rait does not match. I appreciate your time and consideration in reviewing this appeal. Please let me know if further information or documentation is required."

10. On 9 July 2025, this Tribunal granted permission to appeal out of time. So far as presently material, it stated "3. The ground of appeal on which I grant permission concerns the FTT's treatment of the applicant's email of 24 March as if it was an application for permission to appeal its order of 17 March, by which it had given consent to the applicant to withdraw her case. By rule 22(5) of the FTT's Rules, a party who has withdrawn their case may apply to the FTT within 28 days for the case to be reinstated. The FTT made no reference to that rule in its decision of 24 April and did not determine the application by reference to the overriding objective, but instead considered only whether there was a realistic prospect of a successful appeal against the order of 17 March. The issue is therefore whether the FTT was entitled to treat the email of 24 March as an application for permission to appeal rather than as a request to reinstate the proceedings under rule 22(5). The applicant has a realistic prospect of success on that issue... "7. The appeal will be a review of the decision of the First-tier Tribunal with a view to redetermination and will be conducted under the Tribunal's written representations procedure. If the appeal is successful the Tribunal will determine whether the application which was permitted to be withdrawn on 17 March should be reinstated and remitted to the FTT for determination. This Tribunal will not determine the merits of the dispute over the validity of the transfer of the disputed property.
8. By 22 August 2025, the appellant may make any further written representations on the appeal (these should deal only with the issue identified in paragraph 3 above). The applicant should explain why she applied for permission to withdraw her application on 20 January (by her solicitors) and on 9 February and why she changed her position and asked the FTT to "carefully review this matter" on 24 March. She should also provide a copy of the application made by her solicitors to HM Land Registry (reference P153WLT) and any subsequent correspondence she or her solicitors received from the Land Registry including its case summary and its reference of the matter to the FTT." 11. The respondent, Satinder Rait, had suggested: "It is also relevant that the claimant previously withdrew their application, with written confirmation from their solicitors to that effect (please see attached). This action strongly indicates a lack of confidence in their strength and validity of their case. The

withdrawal, now followed by a renewed appeal without any new or credible evidence, reinforces that the case lacks legal merit and should be dismissed.” The Appellant had responded on 7 July 2025 that: “The claimant has faced significant emotional and financial strain as a result of the opposition’s conduct, including false allegations and threats, as outlined in the attached correspondence and police reports. These actions raise serious concerns about the motives behind the opposition’s stance.” 12. Further written representations were made. I refer only to those parts which are relevant: much of the material sent in on both sides was directed to the substantive merits of the underlying case, contrary to the directions which are quoted above. 13. On 14 July 2025, the appellant sent the FTT and the respondent and email with 10 attachments, all of which were directed to the substantive merits of the dispute, and none of which were directed to why she had sought permission to withdraw, and why she had changed her position. It appears that she had not understood the terms upon which permission to appeal had been granted. On 15 July 2025, this Tribunal therefore responded 14. 15. “The only issue on which the Tribunal has given permission to appeal is the procedural issue of whether the FTT should have considered your request as if it were an application for permission to appeal rather than a request for your application to be reinstated. That means that the underlying dispute about the rights of the parties in relation to your father's property will not be considered during the appeal. Please do not send further commentary on that issue. The Tribunal has also already directed that the appeal will be dealt with in writing so there is no need for you to request a further direction.” On 5 August 2025 Satinder Rait wrote to this Tribunal setting out a number of matters irrelevant to the question now under consideration, but demonstrating an anxiety to place on record that a criminal investigation was ongoing in relation to the Appellant’s conduct, with allegations including the creation and use of a forged will, banking fraud, unlawful access and use of funds belonging to the deceased's estate, and the misappropriation of estate and trust property. This supports the appellant’s reference to there having been allegations against her in her email of 7 July 2025. On 8 August 2025, Satinder Rait filed a respondent’s notice seeking an oral hearing. In it, he describes the sole issue before this tribunal is being whether the FTT would construe the appellant’s email dated 24 March 2025 as a request for permission to appeal, rather than as an application for reinstatement under rule 22 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013. He made the point that her email made no reference to that rule, and did not express a desire to reinstate the proceedings, or set out the grounds necessary to ‘trigger’ the rule. The proceedings being concluded, the Tribunal was entitled to treat her email as a request for permission to appeal rather than a request to reopen proceedings. He adopts the decision of the FTT in refusing permission to appeal where it says that no attempt has been made to explain why the withdrawal order was wrong or should not have been made, so that it could not be said to be an error. He submits that the appellant’s grievances principally concerned family and estate matters unrelated to land registration or title disputes and fell outside the jurisdiction of the FTT: that being so, they could not be a good ground for reinstatement. There was no procedural unfairness in treating her application as an application for permission to appeal, and no new evidence or exceptional justification

has been presented to support reinstatement. The respondents, who had replied on the finality of the withdrawal order, would be unfairly prejudiced if the appellant were allowed to circumvent establish procedural requirements. By seeking permission to appeal before exhausting remedies within the FTT, the appellant was undermined in the proper procedure and wasting Tribunal resources. Her conduct was inconsistent and opportunistic, which undermined her substantive claims, and therefore weighed against reopening the references. Repeated attempts to re-litigate settled matters through informal or improper means was an abuse of process. 16. On 20 August 2025, the appellant wrote to this Tribunal in the following terms. “I wish to explain the reasons for my earlier withdrawal of proceedings and why I subsequently sought to have the matter reconsidered. At the time of the withdrawal, I was experiencing financial constraints and also serious health issues within my immediate family. These circumstances created a high level of stress for me personally. In those conditions, I felt unable to continue with the demands of the case and therefore instructed my solicitors to withdraw the application. My focus then was on prioritising the health and wellbeing of my family rather than facing the additional strain of litigation. However, once the immediate pressures eased, I came to recognise that the withdrawal had been made under difficult personal circumstances rather than because of any lack of merit in my case. It also became increasingly clear to me that the position I faced was wholly unjust. I had compelling evidence in support of my case, and it would be wrong for such evidence to remain unheard simply because I was, for a short time, overwhelmed by family health concerns and financial pressures. For these reasons, on 24 March I wrote to the Tribunal asking it to “carefully review” the matter. My intention was not to appeal the withdrawal order, but to ask that my application be reinstated under Rule 22(5) so that the case could be determined fairly on its merits. I therefore respectfully submit that my change of position was reasonable and justified, and that the overriding objective of ensuring justice supports the reinstatement of the proceedings.” 17. On 8 October 2025, the Appellant emailed a copy letter from the police legal representative following her voluntary interview on 14 June 2023 indicating there would be no further action on a complaint, and another copy letter containing no material relevant for present purposes. The law 18. Rule 3 of the 2013 Rules states that the overriding objective of those Rules is to enable the Tribunal to deal with cases fairly and justly. It specifies that dealing with a case fairly and justly includes –

- (a) dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties and of the Tribunal;
- (b) avoiding unnecessary formality and seeking flexibility in the proceedings;
- (c) ensuring, so far as practicable, that the parties are able to participate fully in the proceedings;
- (d) using any special expertise of the Tribunal effectively; and

- (e) avoiding delay, so far as compatible with proper consideration of the issues. The Rule requires the FTT to seek to give effect to the overriding objective when it exercises any power under those rules or interprets any rule or practice direction. 19. Rule 22 of the 2013 Rules provides as follows. “(1) Subject to paragraph (2), a party may give notice of the withdrawal of its case, or any part of it—
 - (a) orally at a hearing; or
 - (b) by sending or delivering to the Tribunal a written notice of withdrawal.
- (2) A written notice of withdrawal must—
 - (a) be signed and dated;
 - (b) identify the case or part of the case which is withdrawn;
 - (c) state whether any part of the case, and if so what, remains to be determined;
 - (d) confirm that a copy of the notice of the withdrawal has been provided to all other parties and state the date on which this was done;
 - (e) include the written consent of any of the other parties who have consented to the withdrawal.
- (3) Notice of withdrawal will not take effect unless the Tribunal consents to the withdrawal.
- (4) The Tribunal may make such directions or impose such conditions on withdrawal as it considers appropriate.
- (5) A party which has withdrawn its case may apply to the Tribunal for the case to be reinstated.
- (6) An application under paragraph (5) must be made in writing and be received by the Tribunal within 28 days after—
 - (a) the date of the hearing at which the case was withdrawn orally under paragraph (1)(a); or
 - (b) the date on which the Tribunal received the notice under paragraph (1)(b).
- (7) The Tribunal must notify each party in writing of a withdrawal under this rule.
- (8) Any party may, within 28 days after the date of receipt of notification by the Tribunal under paragraph (7), apply for a case, or part of a case, which has been withdrawn under this rule to be re-instated.” 20. 21. No restriction is placed on the discretion of the tribunal as to whether or not to reinstate a case, in whole or in part, after permission has been withdrawn. In *Scott Brothers Ltd v Revenue and Customs Commissioners* [2025] UKFTT 01206 (TC), a decision of the First-tier Tribunal (Tax Chamber) under rule 17 of the First-tier Tribunal (Tax Chamber) Rules 2009 (as amended), concerning a rule similar to rule 22 of the 2013 Rules, in which that Tribunal accepted that such an application should not be considered as a relief from sanctions application, but continued “We also agree ... that helpful guidance has been given regarding the application of [the] discretion [under Rule 2 – the overriding objective]

to the facts of the appellant's case by Mrs Justice Proudman in the Upper Tribunal decision in *Pierhead Purchasing v HMRC* [2014] UKUT 321 ("Pierhead") in which she said: "23.

Although, as I have said, there is no guidance in the rules, the FTT applied the additional principles set out (in the context of delay in lodging an appeal) in *Former North Wiltshire DC v. HMRC* [2010] UKFTT 449 (TC). Those were the criteria formerly set out in CPR 3.9

- (1) for relief from sanctions: see the decision of the Court of Appeal in *Sayers v. Clarke Walker* [2002] EWCA Civ 645 at [21]. In *North Wiltshire* (see [56]- [57]) the FTT concluded that it was not obliged to consider these criteria but it accepted that it might well in practice do so. The same reasoning applies to the present case. The criteria were,
 - The reasons for the delay, that is to say, whether there is a good reason for it.
 - Whether HMRC would be prejudiced by reinstatement
 - Loss to the appellant if reinstatement were refused.
 - The issue of legal certainty and whether extending time would be prejudicial to the interests of good administration
 - Consideration of the merits of the proposed appeal so far as they can conveniently and proportionately be ascertained.
24. I was asked by Mr Jones to provide guidance as to the principles to be weighed in the balance in the exercise of discretion to reinstate. Because of the view I have formed I do not think it is appropriate to set any views in stone. I agree with the FTT in the *Former North Wiltshire* case that the matters they took into account are relevant to the overriding objective of fairness. I also believe that the guidance given in *Mitchell v. News Group Newspapers Limited* [2013] EWCA Civ 1537 in relation to relief from sanctions is helpful. It is perhaps instructive that CPR 3.9 (which does not of course apply to Tribunals in any event) does not now exist in its original form. Fairness depends on the facts of each case, all the circumstances need to be considered and there should be no gloss on the overriding objective." 22. I consider these observations to be of assistance in the present case. Decision 23. The decision of the FTT's to treat the appellant's email of 24 March 2025 was wrong, and it could and should have treated it as a request to reinstate the proceedings under rule 22(5). Albeit it referred to an appeal, the email was unclear and ambiguous about what it meant by that; and, more importantly, about the power of the FTT which it sought to engage. That is not surprising given that it came from a litigant in person. It was the FTT, in its letter of 31 March 2025, which referred unambiguously to an appeal, a suggestion which, not surprisingly, the appellant appears to have adopted. The FTT's communication did not refer at all to the right to make a request to reinstate the proceedings under rule 22(5). Although the appellant now says that was what she wanted, it is likely that neither she nor the writer of that letter had that power specifically in mind at all. Although the writer referred to an appeal as unusual, given that the withdrawal had followed the appellant's own request, there would have been nothing unusual about a request to reinstate the proceedings under rule

22(5), since the Rules specifically provide for it.

24. What was clear from the appellant's email of 24 March 2025, however, was that the appellant wished after all to continue to take an active part in the references before the FTT as if she had not withdrawn from them. That did not require an appeal. An appeal against the grant of permission to withdraw which she herself had sought was inappropriate. What it required was an order for reinstatement. The FTT had that power but did not consider whether it should regard the email in question as seeking an order for reinstatement, or whether it should exercise it, as the only appropriate power which it had. It was open to the FTT to treat the email as seeking such an order because the relief which it effectively sought required such an order. In the view of this Tribunal, the overriding objective required it to do so. Accordingly, the decision of the FTT dated 17 March 2025 will be set aside, and this Tribunal will redetermine the application. It is of course entitled to do so on the information now before it, some of which was not before the FTT. Evidently, the appellant's reason for wishing to continue to take part in the proceedings is that she made a mistake in withdrawing while overwhelmed by considerable personal and financial pressure, some of which emanated from the opposing members of her family, and some from her own lawyers. Within a week, when the pressures had eased, she realised it, and a week after the order of the giving permission to withdraw she made her application. There is no material to support the submission of the respondent that her conduct was opportunistic. Her application was not an abuse of process. There is no evidence of prejudice to the respondent beyond natural and legitimate disappointment that a matter which he thought had been settled in his favour would be reopened if an order for reinstatement were made. That is to be borne in mind, but is not a factor of overwhelming weight. The public interest in the finality of litigation is also to be considered, but this is a situation for which the 2013 Rules specifically provide, and there is no reason for supposing that the administration of justice would be prejudiced if an order were made. 25. 26. 27.
28. While it certainly appears (on the limited information before this Tribunal) that the ambit of the disputed matters raised by the appellant may well extend beyond the range of matters with which the FTT can deal, and of the references themselves, it also appears that with appropriate case management the dispute can be contained within that range. Such case management would be a matter for the FTT. This is not a good reason to refuse a reinstatement order. 29. 30. Given the nature of the dispute, it is not appropriate to attempt to consider the merits of the proposed appeal, as indeed the order granting permission to appeal contemplated. Taking everything into account and weighing it together, it appears appropriate to substitute for the decision of the FTT an order reinstating the appellant's case. His Honour Judge Neil Cadwallader 30 October 2025 Right of appeal Any party has a right of appeal to the Court of Appeal on any point of law arising from this decision. The right of appeal may be exercised only with permission. An application for permission to appeal to the Court of Appeal must be sent or delivered to the Tribunal so that it is received within 1 month after the date on which this decision is sent to the parties (unless an application for costs is made within 14 days of the decision being sent to the parties, in

which case an application for permission to appeal must be made within 1 month of the date on which the Tribunal's decision on costs is sent to the parties). An application for permission to appeal must identify the decision of the Tribunal to which it relates, identify the alleged error or errors of law in the decision, and state the result the party making the application is seeking. If the Tribunal refuses permission to appeal a further application may then be made to the Court of Appeal for permission.

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