

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2695/2017

CHANCHALA BAI

Appellant(s)

VERSUS

GHANSHYAM SINGH & ORS.

Respondent(s)

O R D E R

The present appeal has been preferred against the judgment of the High Court by which the concurrent findings rendered by the lower Courts were set aside on the premise that there is no landlord-tenant relationship that exists.

Learned counsel appearing for the appellant submits that the High Court has exceeded its jurisdiction in setting aside the concurrent findings of fact rendered by the lower Courts. The predecessor in interest of the respondent himself purchased the disputed property for a sum of Rs.3000/-, ten years prior to the execution of the sale deed by him in favour of the appellant. Therefore, the sale consideration of Rs.3000/- cannot be found fault with.

Learned counsel appearing for the respondents submits that the agreement for re-conveyance entered into between the parties, would confirm the nature

of the financial transaction between the parties. This is a case of a loan transaction and in order to secure the loan, a sale deed had been executed. That is the reason why the sale deed, the agreement for reconveyance and the rent note have all been executed on the same date-14.12.1970. The High Court has also rightly considered the fact that the Municipal Corporation records continued to stand in the name of the respondent(s). Thus, there is no need to interfere with the impugned judgment.

We have perused the impugned judgment and also the judgments passed by the lower courts. The High Court, in our considered opinion, rightly took note of the perversity in the findings rendered by the lower courts. In fact, the circumstances under which the documents have been executed have not been taken into consideration by the lower courts. The agreement for reconveyance, entered into between the parties, would throw light on the nature of the transaction. As stated, all these documents have been executed on the same date and there is no explanation as to why the revenue records were allowed to continue in the name of the respondent(s).

Considering the above facts and circumstances, we are not inclined to interfere with the impugned judgment.

However, we make it clear that the dismissal of this appeal will not stand in the way of the appellant seeking an appropriate remedy, in the manner known to law.

Accordingly, the appeal stands dismissed.

Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[RAJESH BINDAL]

NEW DELHI;
FEBRUARY 20, 2025.

ITEM NO.101

COURT NO.8

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2695/2017

CHANCHALA BAI

Appellant(s)

VERSUS

GHANSHYAM SINGH & ORS.

Respondent(s)

IA No. 85729/2023 - EXEMPTION FROM FILING O.T.

IA No. 85727/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 20-02-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE RAJESH BINDAL

For Appellant(s) Mr. Praveen Chaturvedi, AOR
Mr. Shashidhar Tripathi, Adv.
Ms. Anvita, Adv.

For Respondent(s) Mr. Ramesh Sonwane, Adv.
Mr. Shishir Deshpande, Adv.
Mr. Amit Yadav, Adv.
Ms. Sujata Kurdukar, AOR

UPON hearing the counsel the Court made the following
O R D E R

The appeal stands dismissed in terms of the
signed order.

Pending application(s), if any, shall stand
disposed of.

(ASHA SUNDRIYAL)
DEPUTY REGISTRAR

(POONAM VAID)
ASSISTANT REGISTRAR

[Signed order is placed on the file]