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Parasram Vs. Santosh Kumar

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Court : Madhya Pradesh

Decided On : Oct-30-2012

Appellant : Parasram

Respondent : Santosh Kumar

Judgement :

(1) S.A.No.97/2001 HIGH COURT OF M.P.PRINCIPAL SEAT AT JABALPUR Single Bench : Hon'ble Shri Justice A.K.Shrivastava Second Appeal No.97/2001 Appellant Parasram Dubey, S/o.

Guruprasad Defendant alias Gola Maharaj, R/o.

Nehru Ward (Bargawan).Tehsil Katni District Jabalpur.

versus Respondent Santosh Kumar, S/o.

Radhika Plaintiff Prasad Paroha, Occupation resident of Village Amkuhi, Tehsil Katni, District Jabalpur (M.P.) _____ Shri Pranay Verma, Advocate for appellant.

Shri Divesh Jain, Advocate for respondent.

_____ Date of hearing :

13. 9/2012 Date of judgment :

30. 10/2012

JUDGMENT
(Delivered on this 30th day of October, 2012) For the reasons stated in FiRs.Appeal No.94/1998 (Parasram Dubey v.

Santosh & Anr.) there is (2) S.A.No.97/2001 no merit in this appeal.

Apart from this, since I have already held that the transaction between the parties was not a mortgage but an outright sale, therefore, the substantial question of law no.1 is thus answered that registered sale-deed dated 28.07.1987 (Ex.P-1) was out right sale.

Since the execution of rent note is not disputed between the parties and the rent was also not deposited in the Court as well as it was not paid to the defendant before filing the suit, therefore, relationship of landlord and tenant exists between the parties.

The substantial question of law no.2 is thus answered that learned two Court below rightly arrived at a finding that relationship of landlord and tenant between the parties has been proved.

2. This second appeal is accordingly dismissed with no order as to costs.

(A.K.Shrivastava) Judge SS

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