

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Second Appeal No. 102 of 2025

Subhash Chandra Poddar Appellant
Versus
Anant Prakash Gupta Respondent

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellant : Mr. Sunit Kumar Chatterjee, Advocate

03/12.08.2025

Heard the learned counsel appearing on behalf of the appellant.

2. The learned counsel for the appellant has submitted that though there are concurrent findings regarding landlord tenant relationship by both the courts, but substantial question of law arises in this case. He has submitted that it was the specific case of the plaintiff that the defendant was the tenant of Smt. Baiyaso Devi who is the vendor of the plaintiff and the learned Trial Court has travelled beyond pleadings in as much as the learned Trial Court has relied upon the judgment passed in Title Suit No. 125 of 1989 wherein it was recorded that the defendant had claimed that he was paying rent to Guru Bux Kaur and Dilawar Singh. The learned counsel has further submitted that the Trial Court has relied upon the compromise decree in which certain transactions of money was also recorded but the same could not be relied upon as it was an unregistered document and hit by Section 17 of the Registration Act. In view of the submissions made by the learned counsel for the appellant, this appeal is **Admitted** for final hearing on the following substantial question of law:-

- (i) *Whether the judgement passed by the learned Courts is vitiated on account of courts travelling beyond the pleadings of the respective parties?*
- (ii) *Whether the judgment of Title Suit No. 125 of 1989 could be used to rely on the evidence of the Defendant (Appellant) in absence of certified copy of the deposition and whether statements recorded in the judgment can be treated to be an admission?*

(iii) Whether the learned courts have erred in relying upon the unregistered compromise decree passed in F.A. No. 268 of 1995 (R) and holding that there is no need of attornment of tenancy without properly considering that the deed of compromise was hit by Section 17 of the Registration Act and inadmissible in evidence?

3. Issue notice to the respondent under speed post as well as ordinary process for which requisites etc. be filed by the appellant by 14.08.2025.
4. Dasti in addition.
5. Post this case on 28.08.2025 awaiting service report.
6. Office to track speed post-delivery and prepare appropriate office note regarding service of notice.
7. It will be opened to the appellant to serve notice to the respondent through the counsel who may be appearing before the executing court representing the respondent.
8. The affidavit regarding service of notice through Dasti be also filed before this court at the earliest and much prior to the next date of hearing.

(Anubha Rawat Choudhary, J.)

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