

Supreme Court of India

Bhura Dula Mall (Dead) By L.Rs. vs Basantibai And Another on 14 July, 1993

Equivalent citations: AIR 1994 SC 1243, 1995 Supp (1) SCC 36

Bench: M M Punchhi, Y Dayal

JUDGMENT

1. This appeal essentially raises a question of fact. The dispute as raised by the appellant, now dead and represented, was that he is a tenant under Basanti Bai and her daughter, the respondents herein. Basanti Bai is by now dead and represented by her daughter, the only respondent now. The case of Basanti Bai and her daughter was that the appellant was their servant and had executed deeds in their favour in the form of Nokar names and Ikrarnamas from time to time. The appellant on the other hand relied on the entries of crop inspection register from the years 1940-41 to the years 1949-50. Nokar names and Ikrarnamas are of a later period. The first two tribunals in the Revenue hierarchy decided against the appellant. But the Maharashtra Revenue Tribunal exercising powers of revision under the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 preferred the word of the appellant and disturbed the finding of fact recorded by the two tribunals below. On challenge by the respondent, the High Court exercising powers under Article 227 of the Constitution, held otherwise, taking the view that the finding of fact had wrongly been disturbed by the Maharashtra Revenue Tribunal on ignoring certain pieces of evidence and in the absence of material evidence. This appeal is directed against the Orders of the High Court passed in such circumstances.

2. As is evident, it is word against word. It does not serve anybody's purpose if we go on a fault finding in the Orders of the Tribunal or that of the High Court. Weighment of evidence cannot be mechanical. It has to be viewed in this backdrop that there were two women, one a widow and the other an unmarried girl, who were pitted against a man, who could either be their servant of a tenant, as alleged. The execution of the Nokar names and Ikrarnamas has not been denied by the appellant and there is no client that these were executed either by fraud or misrepresentation or undue influence. The only plea set up is that those were made up documents. If, in this backdrop the High Court thought, that the Lands Tribunal was wrong, and had failed to view the matter in the right perspective in the absence of material evidence, which could be available, we see nothing wrong in the High Court upsetting that Order. In any case, it is not a matter in which this Court must in all events interfere. For these reasons, we dismiss the appeal, No costs.