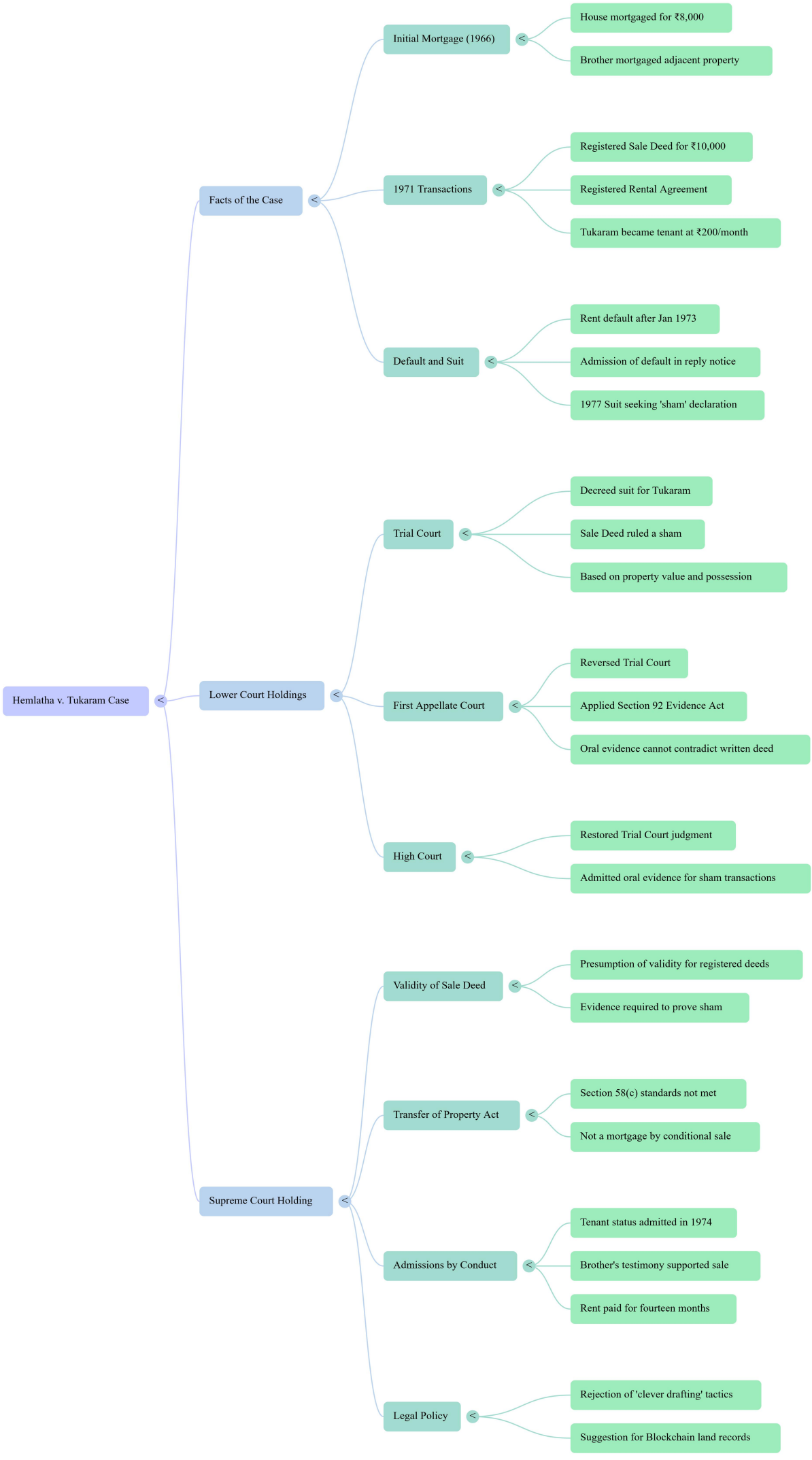
Hemlatha v. Tukaram Case
Facts of the Case
Initial Mortgage (1966)
House mortgaged for ₹8,000
Brother mortgaged adjacent property
1971 Transactions
Registered Sale Deed for ₹10,000
Registered Rental Agreement
Tukaram became tenant at ₹200/month
Default and Suit
Rent default after Jan 1973
Admission of default in reply notice
1977 Suit seeking 'sham' declaration
Lower Court Holdings
Trial Court
Decreed suit for Tukaram
Sale Deed ruled a sham
Based on property value and possession
First Appellate Court
Reversed Trial Court
Applied Section 92 Evidence Act
Oral evidence cannot contradict written deed
High Court
Restored Trial Court judgment
Admitted oral evidence for sham transactions
Supreme Court Holding
Validity of Sale Deed
Presumption of validity for registered deeds
Evidence required to prove sham
Transfer of Property Act
Section 58(c) standards not met
Not a mortgage by conditional sale
Admissions by Conduct
Tenant status admitted in 1974
Brother's testimony supported sale
Rent paid for fourteen months
Legal Policy
Rejection of 'clever drafting' tactics
Suggestion for Blockchain land records