



The Indian Journal for Research in Law and Management

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Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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JYOTI SHARMA

VS

VISHNU GOYAL & ANR. (2025) – A CRITICAL ANALYSIS

Author – Harshaa S, 5th year B.A.; LL.B.(Hons.),

SASTRA Deemed University

ABSTRACT

Landlord-Tenant disputes occupy a significant space in civil litigation often raising complex questions of title, possession and the rights of parties spanning generations. The Doctrine of Tenant Estoppel is enshrined in Section 122 of the Bharatiya Sakshya Adhiniyam, 2023 serves as the foundational principle preventing tenants from denying the title of the landlord who inducted them into possession. An equally well-established principle is that eviction proceedings do not require the same standard of proof of ownership as declaratory or title suits. This paper examines such case where the Supreme Court reaffirmed these principles arising from an eviction suit that had subsisted since 1953.

KEYWORDS: Tenant Estoppel, Bona Fide Need, Adverse Possession, Probate, Eviction, Transfer of Property Act, Perverse Findings.

Case Title	Jyoti Sharma v. Vishnu Goyal & Anr.
Case No.	CA @SLP (C) No.29500 of 2024
Citation	2025 INSC 1099
Date of the Order	11 th September 2025

Jurisdiction	Supreme Court of India
Quorum	Hon'ble Mr. Justice JK Maheshwari; Hon'ble Mr. Justice K. Vinod Chandran
Author of Judgement	Justice K. Vinod Chandran
Appellant	Jyoti Sharma
Respondent	Vishnu Goyal & Anr.
Acts and Sections	Section 122 of the Bharatiya Sakshya Adhiniyam, 2023 (Previously Section 116 of Indian Evidence Act, 1872) and Code of Civil Procedure Order XLI Rule 27

INTRODUCTION

The nature of relationship between a landlord and a tenant in India is fundamentally contractual in nature. It is governed by the Tenancy Agreement, the applicable rent control legislation of the state and the Transfer of Property Act, 1882. It is a well settled principle that the tenant has an obligation to acknowledge and respect the title of the landlord who gave them the possession. It is not of good faith but an obligation enforced through Section 122 of the Bharatiya Sakshya Adhiniyam, 2023.

However, despite such position, Indian courts have witnessed recurring tenancy issues which involve the same question of law that the landlord was never the true owner of the property. The judgment in *Jyoti Sharma v. Vishnu Goyal & Anr.* (2025 INSC 1099) was delivered by a bench comprising Hon'ble Mr. Justice Jitendra Kumar Maheshwari and Hon'ble Mr. Justice K. Vinod Chandran. The opinion was authored by Justice Vinod Chandran.

FACTS OF THE CASE

The original tenancy was created in 1953 when a shop was let out by one Ramji to one Kishan Lal for the purpose of carrying on a grocery business and following Kishan Lal's death, his sons, the respondents, continued the tenancy. On 12 May 1999, Ramji Das executed a Will

bequeathing the disputed shop to his daughter-in-law, Jyoti Sharma, the appellant. After the death of Ramji Das, her husband began collecting rent on her behalf and registered notices were sent to the tenants informing them of the bequest. The appellant sued for eviction on grounds of default of rent payment and a Bonafide need to expand her business from the adjacent shop into the tenanted premises.

The respondents opposed, contending that Ramji Das himself had no title to the shop, the property originally belonged to his paternal uncle, and that the Will in the appellant's favour was therefore ineffective. The trial court dismissed the suit; first appellate court reversed and remanded; the High Court restored the dismissal in second appeal. The appellant approached the apex court by Special Leave Petition.

ARGUMENTS OF THE PARTIES

ARGUMENTS ON BEHALF OF THE APPELLANT

- Valid title was derived through the Will of Ramji Das, which had been taken to probate in Probate Case No. 8 of 2013.
- The respondents, having paid rent to the same family for decades, were estopped under Section 116 of the Indian Evidence Act from disputing the landlord's title.
- The standard of proof in eviction suits is lower than in declaratory suits; the courts below had erred in applying the more stringent standard.
- Registered notices sent to the tenants established valid attornment.
- Bona fide need was genuine and courts should not act as business advisors to landlords.
- Concurrent findings were perverse as they ignored the relinquishment deed and the admitted tenancy relationship.

ARGUMENTS ON BEHALF OF THE RESPONDENTS

- Ramji Das himself had no title, as the property originally belonged to his paternal uncle.
- The probate order was obtained after proceedings commenced and was rightly rejected by the High Court under Order XLI Rule 27 CPC.
- Concurrent findings of the trial court and High Court were well-reasoned and did not warrant interference.
- The alleged bona fide need was not genuine and was a pretext for eviction.

ORDER OF THE COURT

- The Supreme Court allowed the appeal and decreed eviction in favour of the appellant, recording the following key findings:
- The concurrent findings were perverse — the courts below had ignored critical documents, including the relinquishment deed and the admitted landlord–tenant relationship, arriving at conclusions based on surmises and conjectures.
- Tenant estoppel applies conclusively: a tenant who has paid rent for decades cannot subsequently deny the landlord’s title. Section 116 of the Indian Evidence Act bars such a denial.
- The standard of proof in eviction suits is lower than in declaratory suits. Proof of sufficient title to maintain the action is all that is required.
- A Will taken to probate carries legal sanctity; appellate courts cannot reject such an order on technical grounds.
- Service of a registered notice gives rise to a legal presumption of receipt, establishing valid attornment. Bona fide need was established. The Court observed that it is not the function of courts to act as business advisors to landlords or to second-guess genuine expansion plans.
- Eviction was decreed with rent arrears from January 2000. The tenants were granted six months to vacate, subject to an undertaking to pay all arrears within one month.

CRITICAL ANALYSIS

The judgement provides a judicial manifestation for the statutory proposition that a tenant cannot deny the title of the landlord who let him into position. (Section 116 of Indian Evidence Act). The court had effectively reaffirmed the doctrine like it had it in *Jaspal Kaur Cheema and Another v. Industrial Trade Links and Others*¹ and *Sri Ram Pasricha v. Jagannath*² decades prior. The tenant admitting the origin of the tenancy while simultaneously denying the lessor’s title is logically inconsistent, and court rightly catches on to this while pointing out how the 1953 relinquishment deed had gone unexamined. This landlord-tenant relationship spanned through multiple decades of rent control regimes, generational succession on both the sides and shift in property value and this causes a dilemma on the longevity of the possession – Landlords

¹ *Jaspal Kaur Cheema v. Indus. Trade Links*, (2017) 8 S.C.C. 592 (India)

² *Sri Ram Pasricha v. Jagannath*, (1976) 4 S.C.C. 184 (India).

longevity of more years of rent received from tenants or Tenants longevity of generations of livelihood out of the shop. The court chooses in favour of the landlord but at the same time grants the tenants with 6 months grace period as a token nod to seventy years of tenancy. The court clearly states that duration creates no right but only an obligation of estoppel.

The Supreme Court held that suspicion of the will merely because it was not left to the widow of testator rather to daughter in law was a baseless speculation. Indian succession law requires specific things like proof of fraud, undue influence or lack of testamentary capacity and so on to challenge a will- not a judge's personal sense of what a "normal" bequest should look like. The catch however is that, although Supreme Court does reject the trial courts' reasoning, it does not replace it with a stronger evidence-based explanation. Instead of relying on assumptions, the Court could have relied on the fact the widow never challenged the will despite being a legal heir. This would have been a legally and doctrinally stronger reasoning.

The weakest link of the judgment is the probate given legal sanctity despite being time barred. The court does not address the diligence requirement under Order 41 Rule 27 of Civil Procedure Code, 1908. This reasoning indicates a long-established pattern of how Indian families do not formalize inheritance until a dispute forces it. This leads to tenants dealing with landlords whose legal status stays unsettled for years.

According to Article 136 of the Constitution, Apex court does not ordinarily re-examine facts once three lower courts have agreed upon it. Here the departure is justified as perverse findings of how the lower courts ignored material evidence – the relinquishment deed. Though this was a strong ground for "perverse" findings, the rejection of the will-suspicion was more a disagreement with trial court finding rather than truly perverse finding. By treating both equally baseless, it has stretched the narrow perverse findings further than it can justify. This could lead to future applications with weaker case filing for perverse findings by taking this as a precedent.

CONCLUSION

The judgement is best understood as a competent fact driven correction of weak lower courts' reasoning, not a landmark in legal doctrine. Though it's reasoning of tenant estoppel, lower standard of proof in eviction suits and evidentiary value of probates are strongly supported by statutory and judicial precedents, its weakness lies in its treatment of the belated probate order and perverse finding standard. Though it is a "Non-Reportable" order, it has the legal

commentary and news coverage equivalent of a Reportable case. One could only conclude that whether these reasonings harden into settled practice or isolated correction now rests on how future benches decide to treat it.