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## **ABOUT US**

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**Case Commentary - Mangala**  
**Waman Karandikar (D) TR. LRS. vs.**  
**Prakash Damodar Ranande 2021**  
**[C.A.No. 10827/2010]”**

Authored By - Arpit Garg

**INTRODUCTION**

In this case Honourable Supreme Court Of India held that section 92 and section 95 of the Indian Evidence Act that deals with the exclusion of the oral agreements and the evidence to document in the meaning of the existing facts respectively and also when the contract provisions are simple and evident then there is no necessity for looking in the extrinsic evidence.

**Facts**

In this case it emerged on the contract which is between the respondent and the petitioner. In this case petitioner husband is died and he was running a business in the name of “Karandikar Siblings” after the death of the husband wife maintained the business of the husband, when she was not able to maintain that business wife let the respondent to deal with it after that wife and the respondent went into a contract which was also stretched out occasionally. In 1980 wife served a notice to the respondent to leave the premises by 31<sup>st</sup> January 1981, after that respondent asserted that the contract was the rent arrangement in a strict sense after this appealing party went to the court of joint civil judge and filed a civil suit. The trial court which is also a civil court gave the judgement in favour of the petitioner and also held that agreement was to create sales in the business and also court held that to surrender the property to the petitioner, after that respondent went to the honourable Bombay High Court and High Court held that the respondent went into a licence arrangement under section 15A of the Bombay rent act.

## **ISSUES**

Issues which was analyzed by the Honorable Court was whether the proviso to the section 95&92 will be applied if the document is not clear or ambiguous.

### **Judgement Analysis**

Appeal which is filed by the lady against the judgement of the High Court ,Supreme Court held that it was obvious from perusing of the contract that parties had expected to move its business to the respondent from the appellant and was also not implied as a rent or also not give the any type of permit to the respondent to lead the business.

Supreme Court also held that dependent on the provision 6 to the section 92 of the Indian Evidence act and also section 95 of the Indian Evidence Act was not call in this case because the document was clear in its importance.

Chief Justice Of India Justice NV Ramana held that in any type of case where an archive is clear and also not present any type of difficulty in understanding it then the proviso does not matter then in such manner, we may express section 95 just expand on the section 92 proviso 6.

If any contrary view is received as it will deliver the section 92 of the Indian Evidence Act it also amplifies the ambit of the proviso beyond the primary section itself, such type of interpretation given by the Honourable High Court violate the fundamental tenant of lawful interpretation and also section 92 of the Indian Evidence Act prohibits the evidence of any agreement which is oral which will also differ, subtract, add, repudiate from its term. Justice Surya Kant and Justice Aniruddha Bose also give their opinion oral evidence can be gotten to show that the conditions of the record was fully different from those which was communicated in that and also it will add to agreeing with the authorities to offer the evidence to shift those terms or negate those terms and also it comes to surprisingly near to the section 92 of the Indian Evidence Act and also it can't be hypothesised that legislature which proposed to nullify the object of the section 92 of the Indian Evidence Act by enacting exemptions for that section.

Supreme Court set aside the judgement of the High Court and re-establishes the judgement of the trial court which held that respondent to surrender the premises to the petitioner.

## Conclusion

Supreme Court of India after hearing both the parties held that contractual interpretation depend on the intention express by the parties and bringing out the actual meaning is iterative process for the courts, while dredging out intention of the parties court held that there will be a there was the transparent transfer of business to the respondent from the appellant and also it had never been meant as a licence or a lease the opinion of this case was based on the Rohitash Kumar v. Om Prakash Sharma 2012 in this case court held that if the interpretation of the high court will be taken then there would violates the fundamental tenants of legal interpretation and also enlarge the scope of proviso beyond the section further in this case it was also held that section 92 of the Indian Evidence Act prohibits any oral evidence which can be contradict subtract, vary or increase the terms it also went to carry the ambit of the section 95 of the Indian Evidence Act which isn't appreciated by the honourable high court and by which court doesn't appreciate the ambiguous language of the contract and only appreciate the evidence which amount to breach of contract.

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