**Case Title and Petitions/Appeals:**

**Title:** Mary Pushpam v. Telvi Curusumary & Ors.

**Petitions/Appeals:** Civil Appeal No. 9941 of 2016

**Court:**

Supreme Court of India

**Judges:**

Justices Vikram Nath and Rajesh Bindal

**Sections/Articles and Laws Used:**

* Doctrine of Judicial Discipline and Propriety
* Doctrine of Precedent
* Doctrine of Merger

**Parties:**

* **Plaintiff/Appellant:** Mary Pushpam
* **Defendant/Respondent:** Telvi Curusumary & Ors.

**Background Details:**

The case revolves around a property dispute concerning 8 cents of land and a construction on it. Mary Pushpam, the appellant, sought a declaration of title, possession, and a permanent injunction against the respondents.

**Brief Facts:**

In 1976, the respondents filed a suit for ejectment against Mary Pushpam, which was dismissed at various levels, culminating in a final dismissal by the High Court on 30.03.1990. This judgment became final. Mary Pushpam continued to possess the disputed property. In 1995, due to interference from the respondents, she filed a suit for declaration of title and possession. The trial court decreed in her favor only for the portion with the house. The Sub-Judge, on appeal, granted her title and possession over the entire property. The High Court later set aside this decision, leading to the present appeal.

**Issues Involved:**

* Whether the lower courts can contradict the decisions of higher courts.
* Whether the property description in a possession suit needs to be accurate for the suit to be valid.
* The applicability and interpretation of the doctrines of judicial discipline, precedent, and merger.

**Plaintiff/Petitioner Arguments:**

Mary Pushpam argued that the High Court’s 1990 judgment pertained to the entire 8 cents of land and its constructions, not just the house. She contended that the trial court and the High Court erred by limiting their consideration to the construction alone, ignoring the broader scope of the earlier judgment.

**Defendant/Respondent Arguments:**

The respondents maintained that the original 1976 suit involved only the constructions on the land, not the land itself. They asserted that their purchase of the 8 cents of land was legitimate and that the appellant had no title over the entire property.

**Judgment:**

The Supreme Court set aside the High Court’s judgment, restoring the Sub-Judge’s decision granting Mary Pushpam title and possession over the entire 8 cents of land. The Court emphasized the importance of judicial discipline, stating that lower courts must adhere to higher court decisions to maintain consistency and certainty in the legal system. The appeal was allowed without any order as to costs.

**Present Status:**

The judgment is concluded with the Supreme Court restoring the Sub-Judge’s 2003 decision.

**Previous Referenced Cases:**

* Kunhayammed & Ors. v. State of Kerala & Anr.
* State of Punjab & Anr. v. Devans Modern Breweries Ltd. & Anr.
* Central Board of Dawoodi Bohra Community & Anr. vs. State of Maharashtra & Anr.

**Conclusion:**

This case underscores the importance of judicial discipline and the binding nature of higher court decisions on lower courts. It reinforces the principle that once a decision attains finality, it should guide subsequent related judgments to ensure legal certainty and consistency.

Case Title: Anjum Ara v. The State of Bihar and Others

Petitions/Appeals: The present appeal arises from Special Leave Petition (Civil) No. 2233 of 2023.

Court: Supreme Court of India

Judges: The case was presided over by Justices B.R. Gavai and Sandeep Mehta.

Sections/Articles and Laws Used: The case involved the interpretation and application of Articles 14 and 16 of the Constitution of India. It also scrutinized Clause 4.9 of the Anganwari Sevika Guidelines, 2011.

Parties: The appellant in the case is Anjum Ara, while the respondents are the State of Bihar and others, including respondent No. 8, who contested Anjum Ara's appointment.

Background Details: The dispute centers around the selection and appointment of Anganwari Workers/Sevika in Katihar District, Bihar, following a notice issued on October 17, 2012. Anjum Ara, the appellant, was selected based on her merit, securing 80.60 marks, significantly higher than respondent No. 8, who secured 48.60 marks.

Brief Facts involved in case: Anjum Ara was appointed to the post of Anganwari Sevika on July 2, 2013. Respondent No. 8, dissatisfied with this appointment, filed a representation challenging Ara's appointment on the grounds that her father was a Panchayat Teacher earning Rs. 6,000 per month, which, under Clause 4.9 of the 2011 Guidelines, disqualified her from the post. This representation was initially rejected by the District Programme Officer, Katihar. However, the Appellate Authority, Joint Commissioner-cum-Secretary, Regional Transport Authority, Purnea, overturned this decision on July 30, 2015, and canceled Ara's appointment. Ara subsequently challenged this decision in the High Court of Patna through CWJC No. 17585 of 2015, but her petition was dismissed. She then filed an appeal (LPA No. 1853 of 2016), which was also dismissed by the Division Bench of the Patna High Court.

Issues Involved: The central legal issue was the validity of Clause 4.9 of the 2011 Guidelines, which imposed restrictions on the eligibility of candidates whose family members were employed by the state government or its organizations. The validity of Anjum Ara's appointment, despite her father's employment, was also a key issue.

Plaintiff/Petitioner Arguments: The appellant argued that the High Court had previously struck down Clause 4.9 of the 2011 Guidelines in CWJC No. 13210 of 2014 on September 27, 2022, declaring it violative of Articles 14 and 16 of the Constitution. Therefore, Ara contended that her disqualification based on a clause that no longer held legal validity was erroneous. She also argued that since the clause had been invalidated, it was not necessary for her to have separately challenged it in her case.

Defendant/Respondent Arguments: The respondents, including the State of Bihar and respondent No. 8, supported the impugned judgments, asserting that Ara's disqualification was justified under the 2011 Guidelines. They argued that the appellant did not challenge Clause 4.9 during her appeal, which they believed was a necessary step for contesting her disqualification.

Judgment: The Supreme Court found that both the learned Single Judge and the Division Bench of the High Court erred in dismissing Ara's petitions. The Court held that once Clause 4.9 was struck down by the High Court in a separate case, it ceased to exist, and Ara was not required to challenge it again. Consequently, the Supreme Court allowed the appeal, set aside the impugned judgments of the High Court, and quashed the order passed by the Appellate Authority on July 30, 2015. The Court directed that Anjum Ara be reinstated forthwith but without back wages for the period she was out of employment. However, she would be entitled to continuity in service for all other purposes.

Present Status: The judgment is concluded, and Anjum Ara has been ordered to be reinstated to her position.

Previous Referenced Cases: The judgment referenced the High Court's decision in CWJC No. 13210 of 2014, which struck down Clause 4.9 of the 2011 Guidelines.

Conclusion: The Supreme Court's decision underscores the importance of judicial consistency and the principle that once a legal provision is declared unconstitutional, it ceases to have any effect. This case highlights the protection of constitutional rights under Articles 14 and 16, ensuring that invalidated laws cannot be used to justify adverse decisions. The judgment reinstates Anjum Ara to her position, affirming the invalidation of discriminatory employment guidelines.

Case Title: Radhey Shyam Yadav & Anr. Etc. v. State of U.P. & Ors.

Petitions/Appeals: Civil Appeal Nos. 20-21 of 2024

Court: Supreme Court of India

Judges: J.K. Maheshwari and K.V. Viswanathan, JJ.

Sections/Articles and Laws Used: Service Law

Parties: Radhey Shyam Yadav & Anr. (Appellants) v. State of U.P. & Ors. (Respondents)

Background Details: The case revolves around the abrupt stoppage of salaries for three assistant teachers appointed at a Junior High School in Uttar Pradesh. The dispute arose when their salaries were stopped from October 2005 without any valid justification.

Brief Facts involved in the case: Radhey Shyam Yadav, Lal Chandra Kharwar, and Ravindra Nath Yadav were appointed as assistant teachers in a Junior High School in Uttar Pradesh on 25th June 1999. Their salaries were abruptly stopped from October 2005. The school management and the State had differing claims regarding the number of sanctioned positions for assistant teachers, leading to allegations of manipulation.

Issues Involved: The primary issue was whether the State was justified in abruptly stopping the salaries of the appellants. Other issues included the validity of the selection process and the responsibility for any alleged manipulation.

Plaintiff/Petitioner Arguments: The appellants argued that they were bona fide applicants and were not responsible for any manipulation regarding the sanctioned posts. They contended that they were unfairly targeted by the State's decision to stop their salaries.

Defendant/Respondent Arguments: The State argued that only two posts were sanctioned, and any manipulation regarding the third post was the responsibility of the school management. They contended that the selection process was tainted by irregularities.

Judgment: The Supreme Court ruled in favor of the appellants, stating that there was no evidence to suggest their involvement in any manipulation. The Court directed the State to pay the appellants' salaries in full from June 25, 1999, to January 2002, and 50% of back wages from October 2005. The appellants were declared to be in service, and all consequential benefits were granted to them.

Present Status: The judgment has been concluded, and the State is directed to comply with the court's orders within four weeks.

Previous Referenced Cases: Chief Engineer, M.S.E.B and Another vs. Suresh Raghunath Bhokare (2005) 10 SCC 465; Vikas Pratap Singh and Ors. vs. State of Chhattisgarh and Ors. [2013] 10 SCR 1114; Anmol Kumar Tiwari and Others vs. State of Jharkhand and Others, 2021 INSC 101; Dr. M.S. Mudhol and Another vs. S.D. Halegkar and Others, [1993] 1 Suppl. SCR 115

Conclusion: The case highlights the importance of procedural fairness in employment disputes. It reaffirms the principle that employees should not suffer unjustly due to administrative irregularities beyond their control. The judgment sets a precedent for ensuring that employees are not unfairly penalized for actions beyond their knowledge or responsibility.

Case Title: Neeraj Sharma v. State of Chhattisgarh

Petitions/Appeals: Criminal Appeal No.1420 of 2019

Court: Supreme Court of India

Judges: Sudhanshu Dhulia and Satish Chandra Sharma, JJ.

Sections/Articles and Laws Used: Indian Penal Code, 1860 - Sections 307, 120B, 364, 364-A, 392, 397; Code of Criminal Procedure, 1973 - Sections 357(1), 357-A

Parties: Neeraj Sharma (appellant) v. State of Chhattisgarh (respondent)

Background Details: The case involved the abduction and attempted murder of a Class 12 student for ransom, resulting in severe injuries including the loss of one leg. The prosecution alleged that the appellants, Neeraj Sharma and Ashwani Kumar Yadav, kidnapped the victim, Arjit Sharma, with the intent to extort ransom.

Brief Facts involved in the case: Neeraj Sharma and Ashwani Kumar Yadav abducted Arjit Sharma, a Class 12 student, under the guise of a motorcycle ride. They attempted to strangle him with a clutch wire, then set him on fire after looting his belongings. Arjit miraculously survived but sustained severe burn injuries, leading to the amputation of his leg.

Issues Involved: The primary legal question was whether the appellants were guilty of the offence under Section 364-A of the IPC, which involves abduction for ransom and threat to life. Additionally, the court examined the adequacy of compensation for the victim under Section 357(1) and 357-A of the CrPC.

Plaintiff/Petitioner Arguments: The prosecution contended that the appellants abducted the victim with the intention of extorting ransom, as evidenced by a phone call demanding ransom. They argued that the injuries sustained by the victim corroborated the prosecution's case.

Defendant/Respondent Arguments: The defence challenged the evidence supporting the charge under Section 364-A, highlighting the lack of proof of ransom demand. They argued that the injuries sustained by the victim were not sufficient to establish the offence beyond a reasonable doubt.

Judgment: The Supreme Court acquitted the appellants of the charge under Section 364-A but convicted them under Section 364 IPC for abduction with intent to murder. The court upheld the remaining convictions for offences under Sections 307, 120B, 392, and 397 of the IPC. It directed the appellants to serve ten years of rigorous imprisonment each and pay a fine, with the fine to be remitted to the victim as compensation.

Present Status: The judgment has been concluded.

Previous Referenced Cases: Balu Sudam Khalde v. State of Maharashtra, Vikram Singh v. Union of India, Shaik Ahmed v. State of Telangana.

Conclusion: The case underscores the importance of careful evaluation of evidence, particularly in cases involving injured witnesses. While the conviction under Section 364-A was overturned, the conviction under Section 364 IPC affirmed, emphasizing the seriousness of abduction with intent to murder. The judgment also highlights the obligation of the state to provide adequate compensation to victims of crime.

Case Title: State of NCT of Delhi v. Raj Kumar @ Lovepreet @Lovely

Petitions/Appeals: Criminal Appeal No. 43 of 2024

Court: Supreme Court of India

Judges: Vikram Nath and Rajesh Bindal, JJ.

Sections/Articles and Laws Used: Unlawful Activities (Prevention) Act, 1967; Indian Penal Code, 1860; Arms Act, 1959; Code of Criminal Procedure, 1973

Parties: State of NCT of Delhi (Appellant) v. Raj Kumar @ Lovepreet @Lovely (Respondent)

Background Details: The case revolves around the granting of default bail to the respondent under section 167(2) of the Code of Criminal Procedure, 1973, by the High Court of Delhi. The respondent was accused of offenses under various sections including the Unlawful Activities (Prevention) Act, 1967, and the Arms Act, 1959.

Brief Facts involved in the case: Following the registration of FIR No. 154 of 2020 against the respondent, he was arrested on 18.06.2020 and remanded to judicial custody. The period of 90 days for investigation expired on 15.09.2020. Subsequently, the investigating officer requested and obtained extensions for investigation, but the respondent applied for bail on 11.11.2020, which was rejected by the Trial Court. However, the High Court granted default bail, prompting the appellant to appeal.

Issues Involved: The main issue was whether the High Court erred in granting default bail to the respondent, considering the extensions sought for investigation and the provisions under the relevant laws.

Plaintiff/Petitioner Arguments: The appellant argued that the High Court's reliance on a judgment related to TADA was misplaced as the present case involved UAPA, with different provisions for extension of investigation. They also highlighted errors in the recording of facts and the consideration of reasons for detention.

Defendant/Respondent Arguments: The respondent likely argued in favor of the High Court's decision, contending that their detention exceeded the statutory period without completion of the investigation.

Judgment: The Supreme Court allowed the appeal, setting aside the High Court's order granting default bail to the respondent. The court found errors in the High Court's reasoning, particularly its reliance on an irrelevant precedent and misconceptions regarding the status of sanctions for investigation.

Present Status: The judgment is concluded, and the respondent is directed to be taken into custody if not already so.

Previous Referenced Cases: Hitendra Vishnu Thakur and others v. The State of Maharashtra and others; State of Maharashtra v. Surendra Pundlik Gadling and others

Conclusion: The case establishes the importance of adherence to specific provisions of law in granting bail, highlighting the need for courts to accurately interpret relevant statutes and consider the circumstances of each case individually.

Case Title: Rajendhiran v. Muthaiammal @ Muthayee & Ors.

Petitions/Appeals: Civil Appeal No.37 of 2024

Court: The Supreme Court of India

Judges: Vikram Nath and Rajesh Bindal, JJ.

Sections/Articles and Laws Used: Indian Evidence Act, 1872; Indian Succession Act, 1956; Code of Civil Procedure, 1908

Parties: Rajendhiran (appellant) v. Muthaiammal @ Muthayee & Ors. (respondents)

Background Details: The case revolved around a suit for declaration filed by the respondents seeking nullification of a sale deed and claiming ownership of a property based on an alleged oral partition. The respondents contended that the property originally belonged to Avinashi Gounder and was bequeathed to them through an oral partition. However, the defendants, including the appellant, contested these claims.

Brief Facts involved in the case: The respondents claimed ownership of the property based on an alleged oral partition among Avinashi Gounder's sons. They asserted that the property was subsequently bequeathed to them through a will. However, the defendants denied the existence of such an oral partition and challenged the respondents' claims in court.

Issues Involved: The primary legal question in this case was whether the High Court was justified in allowing the second appeal filed by the respondents and setting aside the judgments of the trial court and subordinate court.

Plaintiff/Petitioner Arguments: The respondents argued that an oral partition had taken place among Avinashi Gounder's sons, and they were entitled to ownership of the property based on this partition and the subsequent will. They presented documentary evidence to support their claims.

Defendant/Respondent Arguments: The defendants contested the existence of the oral partition and challenged the validity of the respondents' claims. They argued that the evidence presented by the respondents was insufficient to prove the alleged partition.

Judgment: The Supreme Court held that the High Court's judgment allowing the second appeal was incorrect. It found that the High Court's decision was based on a misinterpretation of the evidence presented. The Court emphasized that the documents provided by the respondents were unrelated to the specific property in question and did not prove the existence of the alleged oral partition. Therefore, the Court set aside the High Court's judgment and confirmed the decisions of the trial court and subordinate court, dismissing the suit of the respondents.

Present Status: The judgment is concluded.

Previous Referenced Cases: None mentioned in the document.

Conclusion: The case highlights the importance of evidence in property disputes and the need for clear documentation to substantiate claims of ownership. The Supreme Court's decision reaffirms the principle that judgments must be based on a thorough examination of the evidence presented, ensuring fairness and justice in legal proceedings.

Case Title: Bharti Airtel Limited and Another v. Vijaykumar V. Iyer and Others Petitions/Appeals: Appeals Court: Supreme Court of India Judges: Not specified in the provided document Sections/Articles and Laws Used: Insolvency and Bankruptcy Code (IBC), Liquidation Regulations Parties: Bharti Airtel Limited and Another (Appellants) vs. Vijaykumar V. Iyer and Others (Respondents) Background Details: The case involves appeals brought by Bharti Airtel Limited and Another against Vijaykumar V. Iyer and Others regarding the interpretation and application of provisions within the Insolvency and Bankruptcy Code (IBC) and Liquidation Regulations in the context of corporate insolvency resolution proceedings. Brief Facts involved in the case: The case revolves around the issue of whether set-off of certain amounts owed by the corporate debtor, Aircel entities, to Bharti Airtel Limited and Another, should be permitted in the corporate insolvency resolution process. The appellants argued that set-off of amounts due under various agreements prior to the commencement of the insolvency process should be allowed. The respondents contended against allowing such set-offs, asserting that the moratorium under Section 14 of the IBC aims to protect the assets of the corporate debtor. Issues Involved: The key legal questions revolve around the permissibility of set-off of pre-commencement debts in the corporate insolvency resolution process and the interpretation of relevant provisions of the IBC and Liquidation Regulations. Plaintiff/Petitioner Arguments: The appellants argued for the allowance of set-off based on contractual and equitable grounds, emphasizing the legitimacy and fairness of the set-off amounts owed to them by the corporate debtor. Defendant/Respondent Arguments: The respondents opposed the allowance of set-off, highlighting the protective nature of the moratorium under Section 14 of the IBC and the need to safeguard the assets of the corporate debtor during the insolvency resolution process. Judgment: The Supreme Court dismissed the appeals, ruling against the appellants. The court held that statutory set-off or insolvency set-off, as provided for in Regulation 29 of the Liquidation Regulations, does not apply to Part II of the IBC, under which the corporate insolvency resolution process operates. The court reasoned that the IBC constitutes a complete code in itself, and the relevant provisions do not allow for statutory or insolvency set-off. Present Status: The judgment is concluded. Previous Referenced Cases: Not specified in the provided document Conclusion: The case establishes precedent regarding the interpretation and application of provisions within the Insolvency and Bankruptcy Code and Liquidation Regulations concerning the permissibility of set-off in corporate insolvency resolution proceedings. It clarifies that statutory set-off or insolvency set-off is not applicable in the context of the corporate insolvency resolution process governed by Part II of the IBC.

Case Title: Darshan Singh v. State of Punjab

Petitions/Appeals: Criminal Appeal No. 163 of 2010

Court: Supreme Court of India

Judges: B. R. Gavai, Pamidighantam Sri Narasimha, Aravind Kumar

Sections/Articles and Laws Used: Penal Code, 1860 – s. 302 rw s. 34, Code of Criminal Procedure, 1973 – s. 161

Parties: Darshan Singh (Appellant), State of Punjab (Respondent)

Background Details: The appellant, Darshan Singh, was accused of murdering his wife, Amrik Kaur, allegedly with the assistance of Rani Kaur, with whom he was involved in an extramarital relationship. The prosecution contended that on the night of 18.05.1999 and 19.05.1999, Darshan Singh and Rani Kaur administered poison to Amrik Kaur, resulting in her death.

Brief Facts involved in case: Darshan Singh was accused of murdering his wife Amrik Kaur, with the prosecution alleging that he, along with his accomplice Rani Kaur, administered poison to her. The case primarily rested on circumstantial evidence, as there were no eyewitnesses to the incident.

Issues Involved: The key legal question revolved around whether the prosecution had proven beyond reasonable doubt the entire chain of circumstances, leaving no room for the appellant to escape conviction.

Plaintiff/Petitioner Arguments: The appellant's counsel argued that the prosecution's case was based on unreliable circumstantial evidence and highlighted various omissions and contradictions in the testimonies of prosecution witnesses. They contended that there was reasonable doubt regarding the appellant's presence at the crime scene and the motive attributed to him.

Defendant/Respondent Arguments: The prosecution argued that the circumstantial evidence, including witness testimonies and the appellant's motive, pointed towards his guilt beyond reasonable doubt. They emphasized the consistency of their case and sought to establish the appellant's presence at the scene of the crime.

Judgment: The Supreme Court overturned the conviction of the appellant, Darshan Singh, citing insufficient evidence and flaws in the prosecution's case. The Court emphasized that in cases relying solely on circumstantial evidence, every link in the chain of circumstances must be firmly established. Due to various omissions and contradictions in the prosecution's case, the Court concluded that the appellant was entitled to the benefit of doubt and acquitted him of all charges.

Present Status: The judgment is concluded.

Previous Referenced Cases: Trimukh Maroti Kirkan v. State of Maharashtra, Rohtash Vs. State of Haryana, Sunil Kumar Shambhu Dayal Gupta Vs. State of Maharashtra, Rudrappa Ramappa Jainpur Vs. State of Karnataka, Vimal Suresh Kamble Vs. Chaluverapinake, Bhimsingh Vs. State of Uttarakhand.

Conclusion: The case of Darshan Singh v. State of Punjab underscores the importance of proving each link in the chain of circumstantial evidence beyond reasonable doubt. It highlights the need for consistency and reliability in witness testimonies and the potential consequences of omissions and contradictions in the prosecution's case. The judgment serves as a precedent for cases relying on circumstantial evidence and reinforces the principle of 'innocent until proven guilty.'

Case Title: Sarfaraz Alam v. Union of India & Ors.

Petitions/Appeals: Criminal Appeal No. 45 of 2024

Court: Supreme Court of India

Judges: M. M. Sundresh and Aravind Kumar, JJ.

Sections/Articles and Laws Used: Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974; Constitution of India - Article 22(5)

Parties: Sarfaraz Alam (Appellant) v. Union of India & Others (Respondents)

Background Details: The case revolves around the detention of Sarfaraz Alam under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA Act). Sarfaraz Alam was detained following the discovery of a consignment containing gold and foreign currencies, leading to his arrest and subsequent detention order.

Brief Facts involved in case: Sarfaraz Alam was detained under the COFEPOSA Act after authorities discovered a consignment containing gold and foreign currencies. The detention order was issued against him on September 5, 2023, and he was subsequently detained on September 19, 2023. The authorities attempted to serve the grounds of detention on multiple occasions, but Sarfaraz Alam refused to receive them initially. Eventually, the documents were received by him.

Issues Involved: The primary issue in the case revolved around the validity of the detention order and whether Sarfaraz Alam was adequately informed of his right to make a representation against the detention order.

Plaintiff/Petitioner Arguments: The appellant argued that Sarfaraz Alam was not adequately informed of his right to make a representation against the detention order. It was contended that both oral and written communication regarding this right were necessary, and the detaining authority failed to fulfill this obligation.

Defendant/Respondent Arguments: The respondents contended that due procedure was followed, and Sarfaraz Alam was provided with ample opportunities to make a representation. They argued that the detenue's refusal to receive the grounds of detention initially was deliberate, and he was well aware of his rights.

Judgment: The Supreme Court, after examining the arguments and facts presented, dismissed the appeal. The Court held that Sarfaraz Alam was adequately informed of his right to make a representation against the detention order. The refusal to receive the grounds of detention was considered deliberate, and the procedure followed by the respondents was found to be in compliance with the law.

Present Status: The judgment has been concluded.

Previous Referenced Cases: Lallubhai Jogibhai Patel v. Union of India; State of Bombay v. Atma Ram Shridhar Vaidya; Harikisan v. State of Maharashtra.

Conclusion: The case reaffirmed the importance of ensuring that detained individuals are adequately informed of their rights, particularly regarding making a representation against detention orders. It also emphasized the need for detaining authorities to adhere to due process while issuing detention orders.

Case Title: S.V. Samudram v. State of Karnataka & Anr

Petitions/Appeals: Appeal filed against the judgment of the lower court modifying an arbitral award.

Court: Supreme Court of India

Judges: Not specified

Sections/Articles and Laws Used: Arbitration and Conciliation Act, 1996 (Sections 34, 37)

Parties: S.V. Samudram (Appellant/Plaintiff) v. State of Karnataka & Anr (Respondent/Defendant)

Background Details: The case involves a dispute over an arbitral award dated February 18, 2003, related to a contract. The appellant challenged the judgment of the lower court, which modified the arbitral award.

Brief Facts involved in case: The appellant, S.V. Samudram, was dissatisfied with the modification of the arbitral award by the lower court. The court had found the award to be contrary to public policy due to delays on the part of the contractor in completing the work. The appellant contended that the modification lacked legal basis and was unjustified.

Issues Involved: The key legal issues revolved around whether the lower court's modification of the arbitral award was justified under the provisions of Sections 34 and 37 of the Arbitration and Conciliation Act, 1996.

Plaintiff/Petitioner Arguments: The appellant argued that the modification of the arbitral award by the lower court was unwarranted and lacked legal basis. They contended that the delays in the project did not justify the modification and that the court had exceeded its jurisdiction.

Defendant/Respondent Arguments: The respondent, State of Karnataka, defended the modification of the arbitral award, citing delays in project completion as grounds for finding the award contrary to public policy.

Judgment: The Supreme Court allowed the appeal, setting aside the judgment of the lower court. It held that the modification of the arbitral award lacked legal basis and was not justified under the provisions of the Arbitration and Conciliation Act, 1996. The original arbitral award dated February 18, 2003, was restored.

Present Status: The judgment has been concluded.

Previous Referenced Cases: Not specified

Conclusion: The case of S.V. Samudram v. State of Karnataka & Anr underscores the importance of adhering to the provisions of the Arbitration and Conciliation Act, 1996, in modifying arbitral awards. It reaffirms the principle that courts must exercise caution and restraint when considering modifications to arbitral awards and must ensure compliance with legal standards and jurisdictional limits.

Case Title: Pradeep Kumar v. State of Haryana

Petitions/Appeals: Criminal Appeal No. 1338 of 2010

Court: Supreme Court of India

Judges: B. R. Gavai and Pamidighantam Sri Narasimha

Sections/Articles and Laws Used: Indian Penal Code, 1860 (Section 302 read with Section 34)

Parties: Pradeep Kumar (appellant) v. State of Haryana (respondent)

Background Details: The appellant, Pradeep Kumar, was convicted under Section 302 read with Section 34 of the Indian Penal Code, 1860 for the murder of one Samsher Singh. The conviction was based solely on circumstantial evidence.

Brief Facts involved in case: The prosecution alleged that the appellant was involved in the murder of Samsher Singh, based on witness testimonies and circumstantial evidence. Witnesses claimed to have seen the appellant in the company of the deceased on the night of the incident. However, the evidence presented by the prosecution was challenged by the appellant's counsel.

Issues Involved: The primary issue in this case was whether the circumstantial evidence presented by the prosecution was sufficient to establish the guilt of the appellant beyond a reasonable doubt.

Plaintiff/Petitioner Arguments: The prosecution argued that the circumstantial evidence, including witness testimonies and recoveries made during the investigation, pointed towards the guilt of the appellant. They contended that the evidence was consistent with the hypothesis of the appellant's guilt.

Defendant/Respondent Arguments: The appellant's counsel argued that the prosecution failed to establish a clear link between the appellant and the crime. They raised doubts about the reliability of the witness testimonies and the veracity of the circumstantial evidence presented.

Judgment: The Supreme Court, after carefully analyzing the evidence and testimonies presented, found that there was a "yawning gap" between the charges against the appellant and the evidence provided by the prosecution. The court concluded that the prosecution had not established the appellant's guilt beyond a reasonable doubt. Therefore, the appellant was acquitted of all charges.

Present Status: The judgment has been concluded, and the appellant has been acquitted.

Previous Referenced Cases: Pritinder Singh @ Lovely v. The State of Punjab; Sharad Birdhichand Sarda v. State of Maharashtra

Conclusion: The case of Pradeep Kumar v. State of Haryana is significant as it underscores the importance of establishing guilt beyond a reasonable doubt, especially in cases relying solely on circumstantial evidence. The judgment serves as a reminder of the principles of justice and the burden of proof on the prosecution in criminal cases.

Case Title: Gurdev Singh Bhalla v. State of Punjab & Ors Petitions/Appeals: Criminal Appeal No. 120 of 2024 Court: Supreme Court of India Judges: Vikram Nath and Rajesh Bindal, JJ. Sections/Articles and Laws Used: Code of Criminal Procedure, 1973 (s. 319); Indian Penal Code, 1860; Prevention of Corruption Act, 1988. Parties: Appellant - Gurdev Singh Bhalla; Respondents - State of Punjab & Others. Background Details: The case stemmed from a complaint lodged by the Punjab Agro Foodgrains Corporation Ltd. against Devraj Miglani for alleged misappropriation of paddy. The investigation was assigned to the appellant, Gurdev Singh Bhalla, who was an Inspector in the police department. Subsequently, allegations emerged that Bhalla and three other police officials had demanded money from Devraj Miglani and his family. Brief Facts involved in the case: The informant, Puneet Miglani, Devraj Miglani's son, alleged that police officials, including Bhalla, demanded money from his family following Devraj's arrest. The demand was purportedly for benefits such as not torturing Devraj, not seeking further police remand, assisting with bail, and ensuring good treatment during custody. The appellant challenged the summoning order issued against him under Section 319 of the CrPC, contending lack of sanction, procedural irregularities, and vindictive motives of the informant. Issues Involved: The key issues revolved around the validity of the summoning order under Section 319 CrPC, the sufficiency of evidence, the necessity of sanction, and the appellant's claims of vindictiveness. Plaintiff/Petitioner Arguments: The appellant argued that the summoning order lacked legal basis, procedural irregularities existed, and the informant's actions were vindictive due to the appellant's role in another case involving Devraj Miglani. Defendant/Respondent Arguments: The respondents contended that the lower courts correctly appreciated the evidence, highlighting consistent statements by witnesses and alleging harassment and torture by the appellant and other officials. Judgment: The Supreme Court upheld the summoning order, citing prima facie evidence based on consistent witness statements and allegations of harassment and torture. The Court declined to interfere with the lower court's decision, dismissing the appeal. Present Status: The judgment is concluded. Previous Referenced Cases: Hardeep Singh vs. State of Punjab (2014) 1 RCR 623. Conclusion: The case underscores the importance of procedural fairness and the need for thorough examination of evidence. It reaffirms the court's role in ensuring accountability and fairness in law enforcement, highlighting the significance of witness testimony and consistency in establishing prima facie evidence.

Case Title: Alagammal and Ors. v. Ganesan and Anr.

Petitions/Appeals: Civil Appeal No. 8185 of 2009.

Court: Supreme Court of India.

Judges: Vikram Nath and Ahsanuddin Amanullah.

Sections/Articles and Laws Used: Specific Relief Act, 1963.

Parties: Appellants - Alagammal and Ors.; Respondents - Ganesan and Anr.

Background Details: The appellants entered into a registered Agreement of Sale with the respondents for a property, with a fixed time-frame for completion. However, the appellants executed a Sale Deed with a third party before completing the transaction with the respondents, leading to a dispute.

Brief Facts involved in the case: The appellants agreed to sell a property to the respondents for a specified consideration, with a six-month completion period. Subsequently, the appellants executed a Sale Deed with a third party. The respondents initiated legal action for specific performance of the Agreement.

Issues Involved: The key issue was whether time was the essence of the contract and if the respondents demonstrated readiness and willingness to fulfill their obligations within the stipulated timeframe.

Plaintiff/Petitioner Arguments: The respondents argued that they fulfilled their obligations by making partial payments and sending a legal notice for execution of the Agreement. They contended that the appellants failed to act within the agreed timeframe.

Defendant/Respondent Arguments: The appellants argued that the respondents failed to fulfill their obligations within the specified timeframe, and subsequent payments were not proven. They contended that time was of the essence and sought forfeiture of the advance payment.

Judgment: The Supreme Court held that the respondents did not fulfill their obligations within the specified timeframe, and subsequent payments were not proven. The Court ruled that time was of the essence, and the respondents were not entitled to specific performance of the Agreement.

Present Status: The judgment is concluded.

Previous Referenced Cases: K.S. Vidyanadam v Vairavan; Godhra Electricity Company Limited v State of Gujarat.

Conclusion: The case establishes the importance of adhering to agreed timelines in contracts and highlights the need for parties to demonstrate readiness and willingness to fulfill their obligations. It clarifies the circumstances under which specific performance of an agreement can be enforced and sets a precedent for similar cases involving contract disputes.

Case Title: State of Haryana v. Mohd. Yunus & Ors.

Petitions/Appeals: Criminal Appeal No.1307 of 2012; Criminal Appeal No.1308 of 2012

Court: Supreme Court of India

Judges: M. M. Sundresh and Prashant Kumar Mishra

Sections/Articles and Laws Used: Indian Penal Code, 1860; Code of Criminal Procedure, 1973

Parties: State of Haryana (Appellant), Mohd. Yunus, Mohd. Jamil, Ghasita, Akhtar Hussain (Respondents)

Background Details: The case stemmed from an incident on January 9, 1999, resulting in the death of Akbar and injuries to Deenu, Ahmad, and Harun. Initially, three accused were tried, convicted, and later, a fourth accused, Akhtar Hussain, was tried separately. The trial court convicted some but acquitted Akhtar Hussain. Subsequent appeals and revisions followed.

Brief Facts involved in the case: The incident involved the accused, armed with weapons, assaulting the deceased and others. The witnesses gave statements detailing the assault. However, discrepancies emerged during the trial regarding the reliability of witness testimonies and the recovery of weapons.

Issues Involved: The key legal questions included the reliability of witness statements, the sufficiency of evidence for conviction, and the credibility of weapon recoveries.

Plaintiff/Petitioner Arguments: The State argued for the conviction of all accused based on witness testimonies and evidence of weapon recoveries. They contested the acquittal of some accused and sought harsher sentences.

Defendant/Respondent Arguments: The accused challenged the reliability of witness testimonies, highlighted discrepancies, and questioned the sufficiency of evidence for conviction. They sought acquittal or reduced sentences.

Judgment: The Supreme Court found inconsistencies in witness testimonies and insufficient evidence for conviction beyond reasonable doubt. It overturned some convictions and maintained others based on the quality of evidence and credibility of witnesses.

Present Status: The judgment is concluded, with Criminal Appeal No. 1307 of 2012 dismissed, and Criminal Appeal No. 1308 of 2012 partly allowed.

Previous Referenced Cases: The judgment referenced the trial court's findings and previous proceedings related to the case.

Conclusion: The case underscores the importance of robust evidence and witness credibility in criminal trials. It exemplifies the judiciary's commitment to ensuring fair trials and upholding the principles of justice. The judgment's impact lies in its clarification of legal standards for conviction and acquittal based on evidence quality.

Case Title: Perumal Raja @ Perumal vs. State of Puducherry

Petitions/Appeals: Criminal Appeal by Special Leave (Crl.) No. 863 of 2019

Court: Supreme Court of India

Judges: Justice Sanjiv Khanna and Justice S.V.N. Bhatti

Sections/Articles and Laws Used: Indian Evidence Act, 1872

Parties: Appellant - Perumal Raja @ Perumal (Defendant/Respondent), Respondent - State of Puducherry (Plaintiff/Petitioner)

Background Details: The case involves the murder of Rajaram and his son, Rajini @ Rajinikanth, in Puducherry. The appellant, Perumal Raja @ Perumal, was accused of the murder.

Brief Facts involved in the case: Rajini @ Rajinikanth went missing before his father, Rajaram, returned from France to India. Upon Rajaram's return, he found the property where Rajini used to reside scattered, and Rajaram was murdered the next day. The appellant, a close relative of Rajini and Rajaram, was suspected due to property disputes.

Issues Involved: The main issue revolved around whether the circumstantial evidence presented by the prosecution was sufficient to prove the guilt of the appellant beyond a reasonable doubt.

Plaintiff/Petitioner Arguments: The prosecution argued that the circumstantial evidence, including the recovery of human body parts and the appellant's connection to the victims, pointed towards his guilt. They relied on Section 27 of the Indian Evidence Act regarding the admissibility of statements leading to the discovery of facts.

Defendant/Respondent Arguments: The appellant denied all accusations but failed to provide a satisfactory explanation regarding his knowledge of the locations where the body parts were recovered.

Judgment: The Supreme Court upheld the conviction of the appellant, Perumal Raja @ Perumal, based on the circumstantial evidence presented by the prosecution. The court found the evidence sufficient to establish the appellant's guilt beyond a reasonable doubt.

Present Status: The judgment is concluded.

Previous Referenced Cases: The judgment referenced various legal precedents regarding the admissibility of evidence, including State (NCT of Delhi) v. Navjot Sandhu.

Conclusion: The case sets a precedent regarding the use of circumstantial evidence in criminal proceedings and highlights the importance of thoroughly analyzing the evidence presented by both parties.

Case Title: Adani Group Securities Fraud Investigation

Petitions/Appeals: Multiple petitions related to alleged securities fraud by the Adani Group.

Court: Supreme Court of India

Judges: Dr. Dhananjaya Y Chandrachud, J. B. Pardiwala, Manoj Misra

Sections/Articles and Laws Used: Indian Constitution, Securities and Exchange Board of India Act, relevant regulations

Parties: Petitioners alleging securities fraud against the Adani Group, Securities and Exchange Board of India (SEBI) as the regulatory authority.

Background Details: The case involves allegations of securities fraud against the Adani Group, a prominent business conglomerate in India. The petitioners raised concerns about potential violations of securities regulations, leading to an investigation by SEBI.

Brief Facts involved in the case: The Adani Group faced allegations of manipulating stock prices, failure to disclose related party transactions, and other violations of securities regulations. SEBI conducted investigations into these allegations, issuing interim and final reports on its findings.

Issues Involved: The key legal questions revolved around the adequacy of SEBI's investigation, the need for a transfer of investigation to another agency, and allegations of conflict of interest against members of an Expert Committee appointed to assess the situation.

Plaintiff/Petitioner Arguments: The petitioners argued that SEBI's investigation was inadequate, citing reports by third-party organizations and alleging regulatory failure. They also raised concerns about delays in SEBI's submission of investigation reports and conflict of interest among members of the Expert Committee.

Defendant/Respondent Arguments: SEBI defended its investigation, stating that it followed due process and submitted comprehensive reports on its findings. The regulatory authority refuted allegations of inaction and argued against transferring the investigation to another agency. SEBI also addressed concerns about conflict of interest among Expert Committee members.

Judgment: The Supreme Court ruled in favor of SEBI, stating that its investigation was thorough and conducted in accordance with the law. The Court rejected the petitioners' arguments regarding inadequacy and directed SEBI to expedite the completion of pending investigations. Allegations of conflict of interest against Expert Committee members were deemed unsubstantiated.

Present Status: The judgment has been concluded, and SEBI is instructed to complete pending investigations expeditiously.

Previous Referenced Cases: The judgment referenced previous legal precedents regarding the scope of judicial review over regulatory policies and the threshold for transferring investigations to other agencies.

Conclusion: The case underscores the importance of regulatory oversight in securities markets and the need for thorough investigations into alleged violations. It clarifies the role of the judiciary in reviewing regulatory actions and highlights the challenges of proving inadequacy or bias in investigations.

Case Title: Dinesh Gupta vs. The State of Uttar Pradesh & Anr.

Petitions/Appeals: Criminal Appeal No. of 2024 (Arising out of S.L.P.(Crl.) No.3343 of 2022) and Criminal Appeal No. of 2024 (Arising out of S.L.P.(Crl.) No.564 of 2023)

Court: Supreme Court of India

Judges: Vikram Nath and Rajesh Bindal

Sections/Articles and Laws Used: Sections 420, 467, and 120-B of the Indian Penal Code (IPC), along with provisions of the Companies Act, 1956.

Parties: Dinesh Gupta (appellant), Rajesh Gupta (appellant), The State of Uttar Pradesh (respondent), Karan Gambhir (complainant), and others.

Background Details: The case involves allegations of financial fraud and misuse of the criminal justice system. The complainant, Karan Gambhir, accused Dinesh Gupta, Rajesh Gupta, and others of inducing his company to extend loans to certain companies, which were later converted into equity shares under false pretenses. Subsequent actions, including the merger of the companies without proper notice to the complainant, led to a criminal complaint alleging cheating and forgery.

Brief Facts involved in the case: Karan Gambhir's company allegedly extended loans to companies owned by the appellants, Dinesh Gupta and Rajesh Gupta, under the guise of short-term investments. Later, these loans were converted into equity shares at exorbitant prices. The complainant alleged that when he demanded repayment, he was misled with excuses of market slumps, and ultimately ignored. Criminal proceedings were initiated, leading to the filing of an FIR against the appellants.

Issues Involved: The key legal questions revolved around whether the actions of the appellants constituted cheating and forgery as alleged by the complainant, and whether the criminal complaint was an abuse of the legal process.

Plaintiff/Petitioner Arguments: The appellants argued that the investments made by the complainant's company were based on resolutions passed by the company's board, and thus, the allegations of cheating and forgery were false. They also contended that the complainant concealed material facts and delayed taking legal action, indicating ulterior motives.

Defendant/Respondent Arguments: The respondent, represented by the State of Uttar Pradesh, supported the complainant's allegations of fraud and argued for the continuation of criminal proceedings.

Judgment: The Supreme Court allowed the appeals, quashing the FIR and subsequent proceedings against the appellants. The court found the FIR to be an abuse of the legal process and ordered the complainant to pay costs of ₹25 lakhs within four weeks.

Present Status: The judgment has concluded the case, and there are no pending appeals.

Previous Referenced Cases: The judgment did not reference any previous cases or legal precedents.

Conclusion: The case highlights the importance of maintaining the integrity of the legal system and preventing its misuse for personal vendettas. By quashing the FIR and imposing costs on the complainant, the court sends a message discouraging frivolous litigation and abuse of legal remedies.

**Case Title:** Omdeo Baliram Musale & Ors. v. Prakash Ramchandra Mamidwar & Ors.

**Petitions/Appeals:** Special Leave Petition (C) No. 11258/2015

**Court:** Supreme Court of India

**Judges:** Pamidighantam Sri Narasimha and Aravind Kumar

**Sections/Articles and Laws Used:** Order IX Rule 2, Order IX Rule 4, Order IX Rule 9 of the Code of Civil Procedure (CPC)

**Parties:** The petitioners, Omdeo Baliram Musale & Ors., were the plaintiffs/petitioners. Prakash Ramchandra Mamidwar & Ors. were the respondents/defendants.

**Background Details:** The case involved a suit filed in 1982 by the petitioners seeking a declaration that a property belonging to the joint family was wrongly sold by their father to third parties in 1980. The suit was dismissed for default in 1993, leading to a series of legal proceedings for restoration and condonation of delay.

**Brief Facts involved in the case:** The suit was dismissed for default in 1993 due to non-payment of process fee for service of notice. The petitioners filed an application for restoration, which was dismissed in 2000. An appeal against this order was dismissed in 2003. Subsequently, a revision petition was filed, which was pending in the High Court. Due to issues serving one of the respondents, a peremptory order was passed by the High Court in 2005, leading to the dismissal of the revision petition. Despite efforts for restoration, including an application filed in 2013, the High Court dismissed the application for restoration in 2014.

**Issues Involved:** The key legal issue was whether the petitioners were entitled to restoration of their suit after multiple dismissals for default and delay in legal proceedings.

**Plaintiff/Petitioner Arguments:** The petitioners argued for restoration and condonation of delay, citing various reasons for the delays in the legal proceedings.

**Defendant/Respondent Arguments:** The respondents likely opposed the petitioners' applications for restoration, citing procedural issues and the long delay in pursuing the case.

**Judgment:** The Supreme Court dismissed the Special Leave Petition, noting that the suit filed in 1982 had become virtually infructuous due to the passage of time and the multiple dismissals and delays in legal proceedings.

**Present Status:** The judgment is concluded, and the Special Leave Petition was dismissed.

**Previous Referenced Cases:** The case referred to various orders and applications filed in the lower courts, indicating a history of legal proceedings.

**Conclusion:** The case highlights the challenges and complexities involved in civil court proceedings, particularly regarding restoration of suits and condonation of delay. It underscores the need for efficient and timely resolution of legal disputes to prevent cases from becoming infructuous due to procedural delays.

Case Title: [Appellant Wife vs. Respondent No. 2] Petitions/Appeals: [Appeal against the judgment of the High Court and Trial Magistrate's decision] Court: [High Court and Trial Magistrate's Court] Judges: [Justices Surya Kant and Dipankar Datta] Sections/Articles and Laws Used: [Sections 420, 468, 471 of the Indian Penal Code (IPC) and Section 12(b) of the Passports Act, 1967] Parties: [Appellant Wife (Petitioner) vs. Respondent No. 2 (Defendant/Respondent)] Background Details: The case involves a marital dispute between the appellant wife and respondent No. 2, her husband. The dispute escalates over allegations of cheating, forgery, and the issuance of a passport for their minor child. Brief Facts involved in the case: The appellant wife applied for a passport for her minor child, intending to travel with him to London to stay with respondent No. 2, the child's father. However, the respondent allegedly took the passport away clandestinely. The respondent later filed a complaint accusing the appellant of forgery and fabrication. Issues Involved: The primary legal questions revolve around whether the appellant wife's actions constitute cheating or forgery, and if so, whether they warrant criminal prosecution. Plaintiff/Petitioner Arguments: The appellant argues that her actions were not deceitful and were essential for the welfare of the minor child. She contends that the allegations of cheating and forgery lack substantial evidence and are part of a marital dispute. Defendant/Respondent Arguments: Respondent No. 2 alleges that the appellant committed forgery by obtaining the passport for the minor child without his consent and accuses her of dishonesty. Judgment: The court finds that the appellant's actions were not deceitful or intended to cause harm. It dismisses the charges of cheating and forgery, stating they are baseless and rooted in the marital discord. The court quashes the FIR against the appellant and directs respondent No. 2 to pay costs to the appellant. Present Status: The judgment is concluded, and there are no pending appeals. Previous Referenced Cases: The judgment references relevant sections of the Indian Penal Code and the Passports Act, 1967, along with legal precedents. Conclusion: The case sets a precedent by emphasizing the importance of discerning motives in marital disputes and highlights the need for evidence-based legal proceedings rather than allegations rooted in personal conflicts.

Case Title: Bombay Mercantile Cooperative Bank Ltd. v. M/s U.P. Gun House & Ors.

Petitions/Appeals: Civil Appeal Nos. 6244-6245 of 2021

Court: Supreme Court of India, Civil Appellate Jurisdiction

Judges: Justice Sanjiv Khanna and Justice Dipankar Datta

Sections/Articles and Laws Used: Security Interest (Enforcement) Rules, 2002; Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002

Parties: Bombay Mercantile Cooperative Bank Ltd. (Appellant) and M/s U.P. Gun House & Ors. (Respondents)

Background Details: In 1996, Saeedul Hasan Khan, the sole proprietor of the Gun House, obtained a loan of Rs. 2,00,000 from the Cooperative Bank to start a firearms business. The loan was secured by mortgaging immovable property. However, the loan became a Non-Performing Asset in 2002, and various legal actions were taken by the Bank to recover the outstanding amount.

Brief Facts involved in the case: The Bank initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) after the borrower failed to repay the loan. Despite several attempts at settlement, the borrower defaulted, leading to possession notices, auctions, and legal challenges.

Issues Involved: The key legal question revolved around the validity of the auction process and the adequacy of notice provided to the borrower.

Plaintiff/Petitioner Arguments: The Bank argued that it had followed legal procedures and that the borrower was aware of the auction process.

Defendant/Respondent Arguments: The respondent challenged the validity of the auction process, arguing that proper notice was not served.

Judgment: The Supreme Court found lapses in the Bank's record-keeping regarding notice but noted that the borrower was aware of the auction. In a compromise ruling, the Court directed the Bank to pay Rs. 54,00,000 to the respondent, settling the matter.

Present Status: The judgment has been concluded, and the Bank is ordered to make the specified payment to the respondent within a specified timeframe.

Previous Referenced Cases: Mathew Varghese v M. Amritha Kumar & Ors. (2014) 5 SCC 610

Conclusion: The case highlights the importance of adherence to legal procedures in loan recovery processes and emphasizes the court's power to issue compromise judgments to settle disputes. It underscores the need for proper documentation and notice in financial transactions to ensure fair outcomes for all parties involved.

Case Title: Balraj Taneja & Ors. vs. Sunil Madan & Anr.

Petitions/Appeals: Civil Appeal No. 7875 of 2010

Court: Supreme Court of India

Judges: Hon'ble Mr. Justice B.R. Gavai, Hon'ble Mr. Justice Dipankar Datta, Hon'ble Mr. Justice Aravind Kumar

Sections/Articles and Laws Used: Order VIII, Rule 10 of the Civil Procedure Code (CPC), Section 9 of the CPC

Parties: Appellants: Balraj Taneja & Ors., Respondents: Sunil Madan & Anr.

Background Details: The case originated from a dispute regarding the decree passed by the Trial Court in a property-related suit. The appellants contended that the Trial Court had erroneously decreed the suit against one of the defendants, Samiullah, without jurisdiction.

Brief Facts involved in the case: The plaintiffs had filed a suit against the defendants for claiming ownership of a property. One of the defendants, Samiullah, failed to file a written statement, and the Trial Court decreed the suit against him under Order VIII, Rule 10 of the CPC. The appellants, who were subsequent purchasers of the property, challenged this decree on the grounds that the Trial Court had no authority to pass such a decree against Samiullah.

Issues Involved: The key issue was whether the Trial Court had the jurisdiction to decree the suit against Samiullah under Order VIII, Rule 10 of the CPC.

Plaintiff/Petitioner Arguments: The appellants argued that the Trial Court had erred in decreeing the suit against Samiullah without proper jurisdiction. They contended that Samiullah had filed a written statement denying the allegations in the plaint, and therefore, the suit should have been decided on merit.

Defendant/Respondent Arguments: The respondents argued that the Trial Court had the authority to pass the decree under Order VIII, Rule 10 of the CPC since Samiullah had failed to file a written statement despite multiple opportunities.

Judgment: The Supreme Court held that the Trial Court had no authority to decree the suit against Samiullah under Order VIII, Rule 10 of the CPC. The Court emphasized that jurisdiction is not only about the power to entertain and try a suit but also about the authority to grant the relief sought. Since Samiullah had filed a written statement denying the allegations, the suit should have been decided on merit after proper evidence was adduced.

Present Status: The judgment is concluded, and the appeal stands dismissed.

Previous Referenced Cases: The judgment referred to several previous cases, including Balvant N. Viswamitra v. Yadav Sadashiv Mule and Rafique Bibi v. Sayed Waliuddin, to clarify the distinction between a decree passed without jurisdiction and one passed with an error in the exercise of jurisdiction.

Conclusion: The case of Balraj Taneja & Ors. vs. Sunil Madan & Anr. clarifies the importance of jurisdiction in civil suits and emphasizes that a court must have both the authority to entertain and try a suit and the authority to grant the relief sought. It also highlights the need for courts to carefully consider jurisdictional issues, especially when passing decrees in suits where defendants have failed to file written statements.

Case Title: Container Corporation of India Ltd. v. Ajay Khera & Ors.

Petitions/Appeals: Civil Appeal No. 3798 of 2019

Court: Supreme Court of India, Civil Appellate Jurisdiction

Judges: Justice Abhay S. Oka, Justice Pankaj Mithal

Sections/Articles and Laws Used: National Green Tribunal Act, 2010 (Sections 14, 15, 18(1)); Article 21 of the Constitution of India

Parties: Container Corporation of India Ltd. (Appellant) vs. Ajay Khera & Ors. (Respondents)

Background Details: The case revolves around a petition filed by Ajay Khera, a former Executive Director of the Central Warehousing Corporation, before the National Green Tribunal (NGT). Khera raised concerns about pollution caused by the Inland Container Depot (ICD) at Tughlakabad due to the inflow of trucks/trailers not destined for Delhi.

Brief Facts involved in case: Khera's petition highlighted the increased air pollution in Delhi National Capital Region (NCR) attributed to emissions from trucks/trailers at the Tughlakabad ICD. He sought a directive to shift non-Delhi-bound operations from the ICD and to restrict diesel vehicles' entry, promoting the use of cleaner fuels.

Issues Involved: The core legal issues included assessing the environmental impact of the Tughlakabad ICD, determining the feasibility of shifting operations, and balancing logistical needs against environmental concerns.

Plaintiff/Petitioner Arguments: Khera argued for the relocation of non-Delhi-bound operations from the ICD, citing adverse health effects of pollution on citizens' fundamental rights.

Defendant/Respondent Arguments: The Container Corporation contended that the ICD's location was ideal for serving Delhi's needs without disrupting residential areas, emphasizing logistical efficiency.

Judgment: The Supreme Court upheld the NGT's order, directing the gradual shift to cleaner vehicles and restricting diesel vehicles' entry at the Tughlakabad ICD. The judgment emphasized the importance of environmental protection and citizens' right to a pollution-free environment under Article 21.

Present Status: The judgment was issued on January 11, 2024, with instructions for compliance by the appellant and the Ministry of Transport and Highways.

Previous Referenced Cases: No specific reference to previous cases was noted in the judgment.

Conclusion: The case sets a precedent for balancing industrial logistics with environmental concerns, highlighting the judiciary's role in safeguarding citizens' fundamental rights to a clean and healthy environment. It underscores the need for proactive measures to mitigate air pollution, particularly in densely populated urban areas like Delhi NCR.

Case Title: Delhi Development Authority vs. Hello Home Education Society

Petitions/Appeals: Civil Appeal Nos. 3659 - 3660/2023

Court: Supreme Court of India

Judges: Justice Vikram Nath, Justice Rajesh Bindal

Sections/Articles and Laws Used: Relevant provisions of Delhi Development Authority (Disposal of Developed Nazul Land) Rules, 1981

Parties: Delhi Development Authority (Appellant) vs. Hello Home Education Society (Respondent)

Background Details: The case pertains to the Delhi Development Authority (DDA) and Hello Home Education Society's dispute over the allotment of land for the establishment of a Junior High School in the Jasola area of New Delhi.

Brief Facts involved in the case: Hello Home Educational Society sought to establish a school in Jasola, New Delhi, and obtained an Essentiality Certificate and Sponsorship Letter for the same. However, despite these documents being issued for Jasola, there was a recommendation for land allotment in Vasant Kunj. This discrepancy led to objections and complaints regarding the illegality of the allotment.

Issues Involved: The key legal questions revolved around the validity of the land allotment in Vasant Kunj despite documents being issued for Jasola, the retrospective application of policy changes, and the legitimacy of the petitioner's claims.

Plaintiff/Petitioner Arguments: The Delhi Development Authority argued that the land allotment in Vasant Kunj was contrary to established procedures and policy changes mandating auction or tender for land allocation.

Defendant/Respondent Arguments: Hello Home Education Society contended that the previous approval for land allotment in Vasant Kunj should be honored, invoking principles of legitimate expectation and parity with similar cases.

Judgment: The Supreme Court ruled in favor of the Delhi Development Authority, overturning the decisions of the lower courts. It held that the land allotment in Vasant Kunj was not valid due to discrepancies in documentation and policy changes mandating auction or tender for land allocation. The court emphasized that mere internal notings or in-principle approvals do not confer vested rights until converted into final orders and communicated to the concerned parties.

Present Status: The judgment has been concluded, and there are no pending appeals.

Previous Referenced Cases: The judgment referenced previous cases such as Bhachhittar Singh v. State of Punjab, Sethi Auto Service Station v. Union of India, and Municipal Committee, Barwala v. Jai Narayan and Company.

Conclusion: The case sets a precedent emphasizing the importance of adherence to procedural requirements and policy changes in land allotment matters. It clarifies that internal notings or in-principle approvals do not confer vested rights until formal orders are communicated to the concerned parties. The judgment reinforces the principle of fairness and transparency in administrative actions concerning land allocation.

Case Title: Dashrath Sahu v. State of Chhattisgarh

Petitions/Appeals: Criminal Appeal @ SLP(Crl.) No(s). 6367 of 2023

Court: Supreme Court of India

Judges: B.R. Gavai, Prashant Kumar Mishra, Sandeep Mehta

Sections/Articles and Laws Used: Indian Penal Code, 1860; Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989; Code of Criminal Procedure, 1973

Parties: Dashrath Sahu (Appellant), State of Chhattisgarh (Respondent)

Background Details: The appellant, Dashrath Sahu, challenged the order dated 21st March 2023, passed by the High Court of Chhattisgarh, Bilaspur, in Criminal Appeal No. 1088 of 2002. He was convicted by the Special Judge under various sections of the Indian Penal Code and the SC/ST Act, arising from allegations made by the complainant, a woman belonging to a Scheduled Caste.

Brief Facts involved in the case: The appellant was convicted for offenses under the IPC and the SC/ST Act based on allegations of outraging the modesty of a woman belonging to a Scheduled Caste. During the pendency of the appeal, a joint application under Section 320 of the CrPC was filed, seeking to compound the offenses. The High Court accepted the compromise for some offenses but rejected it for the offense under the SC/ST Act, reducing the sentence accordingly.

Issues Involved: The key issue was whether the conviction under Section 3(1)(xi) of the SC/ST Act was justified, considering the intent requirement of the offense.

Plaintiff/Petitioner Arguments: The appellant argued that the offense under the SC/ST Act required proof of intent to commit the offense against a person belonging to a Scheduled Caste, which was not established in this case.

Defendant/Respondent Arguments: The State argued that the offense was established based on the complainant's testimony and the provisions of the SC/ST Act.

Judgment: The Supreme Court quashed the conviction under Section 3(1)(xi) of the SC/ST Act, finding that the intent to commit the offense against a Scheduled Caste person was not proven. The appellant was acquitted of this charge.

Present Status: The judgment is concluded.

Previous Referenced Cases: Masumsha Hasanasha Musalman v. State of Maharashtra

Conclusion: The case sets a precedent clarifying the intent requirement for offenses under the SC/ST Act, ensuring that convictions are based on solid evidence and legal principles. It highlights the importance of establishing intent in cases involving allegations under protective legislation.

Case Title: The State of M.P. and Others vs. Vijay Kumar Tiwari and Others

Petitions/Appeals: Civil Appeal No. 17 of 2024 (Arising out of SLP (CIVIL) No.105 of 2024) Diary No.20723 of 2021

Court: Supreme Court of India, Civil Appellate Jurisdiction

Judges: B.R. Gavai, J. and Sandeep Mehta, J.

Sections/Articles and Laws Used: The case involved interpretation and application of relevant laws and principles governing the classification of medical students and the determination of stipend, without specific mention of sections or articles.

Parties: The appellants were The State of M.P. and Others, while the respondents were Vijay Kumar Tiwari and Others.

Background Details: The case pertains to a writ petition filed by students pursuing their Master’s Degree Course in Ayurveda from an Autonomous Ayurveda College. The petitioners alleged discrimination in stipend compared to students pursuing the same level of education in Allopathy.

Brief Facts involved in case: The students pursuing Ayurveda argued that despite similar duties compared to their Allopathy counterparts, they were receiving lower stipends, indicating discriminatory treatment by the State.

Issues Involved: The core legal issues revolved around whether the duties performed by Post Graduate students in Ayurveda were indeed equivalent to those in Allopathy, thereby warranting equal stipend, and whether the State's actions amounted to discrimination.

Plaintiff/Petitioner Arguments: The petitioners argued that their duties were comparable to those in Allopathy and, therefore, they deserved equal stipend treatment.

Defendant/Respondent Arguments: The State contended that there were substantial differences in the duties and responsibilities of Ayurveda and Allopathy students, justifying differential treatment in stipends.

Judgment: The Supreme Court analyzed the nature of duties performed by students in both streams of medicine and cited a previous judgment (State of Gujarat and Others v. Dr. P.A. Bhatt and Others) to establish that the duties were not equivalent. Consequently, the Court held that the State's differential treatment in stipends was justified, overturning the High Court's decision.

Present Status: The judgment stands concluded, with the writ petition filed by the respondents dismissed.

Previous Referenced Cases: The judgment referenced the case of State of Gujarat and Others v. Dr. P.A. Bhatt and Others (2023 SCC Online SC 503) to establish precedent regarding the nature of duties in Ayurveda compared to Allopathy.

Conclusion: The case establishes the principle that the determination of stipends for medical students must consider the differences in the nature of duties between different streams of medicine. It affirms the authority of the State to classify students based on their field of study and allocate stipends accordingly, ensuring parity with the responsibilities they undertake.

Case Title: Raja Gounder and Others v. M. Sengodan and Others

Petitions/Appeals: Civil Appeal No. ... of 2024 (SLP(C) No. 13486 of 2007)

Court: Supreme Court of India, Civil Appellate Jurisdiction

Judges: S.V.N. Bhatti, J. and M.M. Sundresh, J.

Sections/Articles and Laws Used: Hindu Succession Act, 1956; Hindu Marriage Act, 1955

Parties: Appellants - Raja Gounder and Others; Respondents - M. Sengodan and Others

Background Details: The case originated from O.S. No. 357 of 1985 before the Court of the Subordinate Judge, Sankari, Coimbatore District, Tamil Nadu. The suit was filed for partition and separate possession of agricultural land by Respondent Nos. 1 and 2, who claimed entitlement as heirs of the propositus, Muthusamy Gounder, upon his demise.

Brief Facts involved in the case: The dispute revolved around the familial relationship and inheritance rights concerning the plaint schedule properties, which were claimed as ancestral by Respondent Nos. 1 and 2. The Appellants, however, challenged these claims, contesting the status of marriage between the propositus and Respondent No. 2 and denying the existence of a coparcenary.

Issues Involved: The central legal questions included the determination of the status of marriage between the propositus and Respondent No. 2, the validity of the claim for coparcenary rights, and the entitlement of the parties to a share in the inheritance.

Plaintiff/Petitioner Arguments: The Plaintiff asserted their rights as heirs of Muthusamy Gounder based on a claimed coparcenary and challenged the Appellants' denial of the marriage between Muthusamy Gounder and Respondent No. 2.

Defendant/Respondent Arguments: The Defendants contested the validity of the marriage and the existence of coparcenary rights, claiming entitlement to a share in the inheritance as legal heirs of Muthusamy Gounder.

Judgment: The Supreme Court, after reviewing the evidence, held that while the marriage between Muthusamy Gounder and Respondent No. 2 was not proven, the children of Muthusamy Gounder through extended family were entitled to a share in the inheritance. The Court cited legal principles from previous cases, including the binding nature of admissions by a common ancestor and the provisions of the Hindu Succession Act, 1956.

Present Status: The judgment concluded with the passing of a preliminary decree of partition, granting equal shares to the children of Muthusamy Gounder through extended family, and the case has been concluded.

Previous Referenced Cases: Revanasiddappa v. Mallikarjun (2023) 10 SCC 18; AIR 1994 Kar 247

Conclusion: The case sets a precedent regarding the inheritance rights of children from void or voidable marriages, affirming their entitlement to a share in ancestral property. It highlights the importance of establishing familial relationships and the binding nature of admissions by common ancestors in inheritance disputes under Hindu law.

Case Title: Judicial Service Association of Jammu & Kashmir v. Union of India & Ors.

Petitions/Appeals: Writ Petition (Civil) No. 49133/2015

Court: Supreme Court of India

Judges:

1. Dr. Dhananjaya Y. Chandrachud
2. J. B. Pardiwala
3. Manoj Misra

Sections/Articles and Laws Used:

* Article 142 of the Indian Constitution
* Various recommendations by the Sixth Central Pay Commission (CPC) and Seventh CPC
* Judicial Officers' Associations' recommendations and grievances
* Various administrative and financial regulations relevant to the judiciary

Parties:

* Judicial Service Association of Jammu & Kashmir (Plaintiff/Petitioner)
* Union of India & Ors. (Defendant/Respondent)

Background Details: The case revolves around the disparity and inadequacy in the financial and administrative provisions for judicial officers across India, particularly in Jammu & Kashmir and other states. The petitioner, Judicial Service Association of Jammu & Kashmir, raised concerns about the insufficient housing, medical, travel, and other allowances provided to judicial officers, affecting their well-being and performance.

Brief Facts involved in the case: The petition highlights several grievances, including inadequate housing, medical facilities, travel allowances, and administrative support for judicial officers. These issues have been persistent and have hindered the effective functioning of the judiciary in various states.

Issues Involved: The key legal questions revolve around whether the recommendations and provisions made by various Pay Commissions and administrative bodies adequately address the needs and concerns of judicial officers. Additionally, the case addresses whether the disparity in allowances and facilities violates the constitutional rights of judicial officers.

Plaintiff/Petitioner Arguments: The petitioner argued that the recommendations made by the Sixth and Seventh CPCs, as well as administrative bodies, fail to meet the basic needs of judicial officers, impacting their ability to perform their duties effectively. They stressed the importance of equitable treatment and adequate provisions for judicial officers to uphold the integrity of the judiciary.

Defendant/Respondent Arguments: The defendants, represented by the Union of India and others, defended the existing recommendations and provisions, citing budgetary constraints and administrative limitations. They argued that the current allowances and facilities provided to judicial officers are reasonable and in line with government regulations.

Judgment: The Supreme Court, after careful consideration of the arguments and recommendations presented, ruled in favor of the petitioner. The court recognized the inadequacy of existing provisions and directed the government to implement various reforms, including revisions in housing, medical, travel allowances, and administrative support for judicial officers. The court also emphasized the importance of periodic review and updates to ensure the well-being and effectiveness of the judiciary.

Present Status: The judgment has been concluded, and the directives issued by the Supreme Court are to be implemented by the concerned authorities. Compliance monitoring committees have been established to ensure timely execution of the court's orders.

Previous Referenced Cases: The judgment references previous cases related to judicial reforms and administrative provisions for government employees, highlighting the evolving jurisprudence surrounding the rights and privileges of judicial officers.

Conclusion: The case sets a significant precedent for the equitable treatment and adequate provisions for judicial officers across India. It underscores the fundamental importance of a well-functioning judiciary and the need for continuous review and improvement of administrative and financial regulations to support judicial independence and efficiency.

Case Title: Civil Appeal No.10846 of 2018

Petitions/Appeals: Civil Appeal No.10846 of 2018

Court: Supreme Court of India

Judges: Justice Vikram Nath and Justice Ahsanuddin Amanullah

Sections/Articles and Laws Used: Sections 15 and 6(2) of the Registration Act; relevant provisions of the Karnataka Societies Registration Act, 1960

Parties: Appellant - Unknown; Respondent - Contesting respondent, possibly a member of the Society in question

Background Details: The case involves a dispute within a society governed by specific bye-laws and the Registration Act. The primary contention revolves around the legitimacy of a meeting held by the society on 08.09.2002 for electing office bearers.

Brief Facts involved in the case: The dispute arises from the convening of a meeting on 08.09.2002 for elections within the society. The appellant argues that the meeting was validly convened despite objections raised by certain members regarding the authority of the individual who convened the meeting.

Issues Involved:

1. Validity of the meeting convened by the Working President
2. Entitlement of certain members to notice for the meeting
3. Effect of lack of notice on the validity of the meeting
4. Membership status of certain individuals involved in the election process
5. Locus standi of the contesting respondent in challenging the election process

Plaintiff/Petitioner Arguments: The appellant contends that the meeting was properly convened and conducted, and objections raised by certain members are unfounded. They argue that the contested meeting should be deemed valid.

Defendant/Respondent Arguments: The respondent contests the validity of the meeting, questioning the authority of the individual who convened it and raising issues regarding membership status and procedural irregularities.

Judgment: The Supreme Court held in favor of the appellant, ruling that the objections raised were not substantial enough to invalidate the meeting. The court found that the meeting was properly convened and conducted, and the objections raised by the respondent lacked merit. As a result, the court directed that the Change Report be accepted, setting aside previous adverse judgments.

Present Status: The judgment has concluded, and fresh elections have been directed to be held within six months under the supervision of the Charity Commissioner.

Previous Referenced Cases: Hyderabad Karnataka Education Society (supra)

Conclusion: This case sets a precedent regarding the validity of meetings within societies governed by specific bye-laws and registration acts. It underscores the importance of adhering to procedural requirements and addresses issues related to membership status and the authority to convene meetings. Additionally, the judgment emphasizes the need for fair, transparent, and legal processes within such societies.

Case Title: J.N. PURI vs. STATE OF UTTAR PRADESH & ORS.

Petitions/Appeals: Civil Appeal arising out of Special Leave Petition (SLP) No. \_\_\_ of 2024.

Court: Supreme Court of India.

Judges: Mehta, J. (writing the judgment), with B.R. Gavai, J.

Sections/Articles and Laws Used: The case involves the interpretation and application of laws related to land acquisition and procedural rules of the High Court of Uttarakhand.

Parties: J.N. PURI (appellant/petitioner) vs. STATE OF UTTAR PRADESH (NOW STATE OF UTTARAKHAND) & ORS. (respondents/defendants).

Background Details: The appellant, J.N. Puri, challenged the acquisition of his land by the respondents, which was initiated in 1987. Despite the dismissal of his writ petition in 1992 due to non-prosecution, Puri claimed to be under the impression that the case was still pending due to certain observations made in a separate proceeding. Upon discovering the dismissal of his petition, Puri sought restoration of the case, alleging procedural irregularities.

Brief Facts involved in the case: The appellant's land was acquired by the respondents in 1987. His writ petition challenging the acquisition was dismissed in 1992 for non-prosecution. Puri subsequently filed applications seeking restoration of his petition, citing reasons such as his advocate's name not being listed in the cause list and a judge's potential conflict of interest. Despite his efforts, these applications were dismissed.

Issues Involved: The primary issue revolved around the timeliness of the appellant's applications for restoration of his dismissed writ petition, as well as the validity of the reasons cited for seeking restoration.

Plaintiff/Petitioner Arguments: Puri argued that his applications for restoration were filed within a month of the dismissal and that procedural irregularities, such as his advocate's name not being listed and a potential conflict of interest involving a judge, justified restoration.

Defendant/Respondent Arguments: The respondents opposed Puri's arguments, maintaining that his applications for restoration were untimely and lacked merit.

Judgment: The Supreme Court found that Puri's applications for restoration were filed within a month of dismissal and that procedural irregularities warranted further consideration of his case on merits. The Court set aside the lower court's orders and remitted the case to the High Court of Uttarakhand for expedited review.

Present Status: The judgment is concluded, and the case has been remitted back to the High Court of Uttarakhand for further proceedings.

Previous Referenced Cases: The judgment does not reference any previous cases or legal precedents.

Conclusion: The case highlights the importance of procedural regularity in legal proceedings and underscores the right of litigants to have their cases heard on merits. It also serves as a reminder to courts to consider applications for restoration diligently, especially when potential irregularities are raised.

Case Title: [To be provided] Petitions/Appeals: [Not specified] Court: [To be provided] Judges: [Not specified] Sections/Articles and Laws Used: [To be provided] Parties: [Not specified] Background Details: The case revolves around the reassessment of income tax for the petitioner for three assessment years. The assessing officer initiated reassessment proceedings based on the belief that the income of the petitioner had escaped assessment. The reassessment was challenged by the petitioner, leading to legal proceedings.

Brief Facts involved in the case: The assessing officer initiated reassessment proceedings based on a comparison between the petitioner's balance sheet for a previous assessment year and subsequent years. The petitioner's balance sheet submitted to the bank for obtaining credit was deemed unreliable by the Commissioner of Income Tax in earlier proceedings. The officer concluded that there was income escapement and initiated reassessment proceedings.

Issues Involved: The key legal issues include whether the reassessment was justified, considering the reliability of the petitioner's balance sheet and the absence of regular books of account with the returns.

Plaintiff/Petitioner Arguments: The petitioner argued that the reassessment was unwarranted as the balance sheet submitted earlier was unreliable and disregarded in previous proceedings. They contended that the officer's conclusion was based on subjective analysis rather than false declarations by the petitioner.

Defendant/Respondent Arguments: The defendant's arguments are not specified in the provided document.

Judgment: The Tribunal concluded that the reassessment for the three assessment years was not justified. The High Court, however, reversed this decision. The Supreme Court set aside the High Court's order and restored the Tribunal's decision, finding that the reassessments were not justified.

Present Status: The judgment has been concluded.

Previous Referenced Cases: No specific previous cases or legal precedents are referenced in the provided document.

Conclusion: The case highlights the importance of reliable evidence and proper procedure in reassessment proceedings. It establishes the principle that reassessment cannot be based on unreliable or discarded documents from earlier proceedings. This judgment provides clarity on the assessment process and protects taxpayers from arbitrary reassessment actions.

Case Title: Rajasthan Renewable Energy Corporation Ltd. vs Rajasthan Electricity Regulatory Commission & Ors.

Petitions/Appeals: Civil Appeal No. 6503 of 2022, Civil Appeal No. 6502 of 2022, Civil Appeal No. 4612 of 2023.

Court: Supreme Court of India

Judges: Justice B.R. Gavai, Justice Prashant Kumar Mishra

Sections/Articles and Laws Used: Sections 62, 63, 79(1)(b) of the Electricity Act, 2003; Article 14 of the Indian Constitution.

Parties: Rajasthan Renewable Energy Corporation Ltd. (Appellant) vs. Rajasthan Electricity Regulatory Commission & Ors. (Respondents)

Background Details: The case revolves around the procurement of electricity/power by the Rajasthan Renewable Energy Corporation Ltd. from various bidders. Disputes arose regarding the interpretation of provisions under the Electricity Act, 2003, particularly Sections 62 and 63, concerning the determination and adoption of tariffs through transparent bidding processes.

Brief Facts involved in the case: The Rajasthan Renewable Energy Corporation Ltd. engaged in procurement of electricity/power from bidders as per guidelines under Section 63 of the Electricity Act. Disagreements arose regarding the adherence to bidding guidelines and the market-aligned tariff. The High Court directed the appellants to accept supply from MB Power at quoted rates, leading to appeals before the Supreme Court.

Issues Involved: The key issues included the interpretation of Sections 62 and 63 of the Electricity Act, focusing on the role of the appropriate commission in tariff determination and adoption, adherence to bidding guidelines, and the scope of judicial review concerning market-aligned tariffs.

Plaintiff/Petitioner Arguments: The appellants argued that adherence to bidding guidelines and market-aligned tariffs should be ensured by the appropriate commission. They contended that the High Court's direction to accept supply from MB Power at quoted rates was erroneous.

Defendant/Respondent Arguments: The respondents argued that the appropriate commission's role was limited to adopting tariffs determined through transparent bidding processes. They contended that the High Court's decision was in line with the provisions of the Electricity Act.

Judgment: The Supreme Court allowed the appeals, quashing the High Court's judgment and directing MB Power to pay costs. The Court emphasized the importance of adherence to bidding guidelines and market-aligned tariffs while interpreting provisions of the Electricity Act.

Present Status: The judgment is concluded.

Previous Referenced Cases: Energy Watchdog vs. CERC & Ors., Chief Inspector of Mines vs. Lala Karam Chand Thapar, Banwarilal Agarwalla vs. State of Bihar, Tej Kiran Jain vs. N. Sanjiva Reddy, LDA vs. M.K. Gupta, K.P. Mohammed Salim vs. CIT.

Conclusion: The case establishes precedent regarding the interpretation of provisions under the Electricity Act, emphasizing the role of appropriate commissions in tariff determination and adoption. It highlights the importance of transparent bidding processes and adherence to market-aligned tariffs for fair procurement practices in the energy sector.

Case Title: Kusha Duruka v. The State of Odisha

Petitions/Appeals: Criminal Appeal No. 303 of 2024 (Arising out of S.L.P. (Crl.) No. 12301 of 2023)

Court: Supreme Court of India

Judges: Rajesh Bindal, J. and Vikram Nath, J.

Sections/Articles and Laws Used: The judgment references various legal principles regarding contempt of court, suppression of facts, and the importance of truth in the judicial process.

Parties: Kusha Duruka (Appellant) v. The State of Odisha (Respondent)

Background Details: The case involves an appellant, Kusha Duruka, who was charged with criminal offenses under the Indian Penal Code and the Prevention of Money Laundering Act, 2002. He challenged the rejection of his bail application by the High Court.

Brief Facts involved in the case: The appellant had previously filed a bail application before the High Court, which was rejected. However, in the subsequent bail application, he did not disclose the rejection of his earlier application. The appellant concealed material facts regarding the status of his previous bail application.

Issues Involved: The primary issue was whether the appellant's concealment of material facts in his bail application constituted an abuse of the court's process and justified the rejection of his appeal.

Plaintiff/Petitioner Arguments: The appellant argued for the grant of bail, but he failed to disclose the rejection of his earlier bail application, leading to allegations of suppression of facts.

Defendant/Respondent Arguments: The State of Odisha opposed the appeal, pointing out the appellant's failure to disclose relevant information regarding his previous bail application.

Judgment: The Supreme Court dismissed the appeal as infructuous due to the appellant's conduct of concealing material facts. While the Court did not cancel the appellant's bail in this instance, it imposed a token cost of ₹10,000, emphasizing the importance of transparency and honesty in court proceedings.

Present Status: The judgment is concluded.

Previous Referenced Cases: The judgment cites previous cases such as Chandra Shashi v. Anil Kumar Verma, K.D. Sharma v. Steel Authority of India Limited, Dalip Singh v. State of Uttar Pradesh, and Moti Lal Songara v. Prem Prakash @ Pappu, among others, to highlight the importance of truth in the judicial process.

Conclusion: The case underscores the significance of truthfulness and transparency in court proceedings. It serves as a reminder that attempts to deceive the court or suppress material facts can result in adverse consequences, such as the imposition of costs or cancellation of bail. The judgment emphasizes the duty of litigants to conduct themselves honestly and the need for courts to ensure the integrity of the judicial process.

Case Title: Jitendra Kumar Mishra @ Jittu v. The State of Madhya Pradesh

Petitions/Appeals: Criminal Appeal No. 1348 of 2011 and Criminal Appeal No. 1347 of 2011

Court: Supreme Court of India

Judges: Abhay S. Oka and Pankaj Mithal

Sections/Articles and Laws Used: Section 302 read with Section 34 of the Indian Penal Code (IPC)

Parties: Appellant - Jitendra Kumar Mishra @ Jittu; Respondent - The State of Madhya Pradesh

Background Details: The case revolves around an incident that occurred on 08.06.2007 near Machchu Hotel, within the jurisdiction of Police Station Ghamapur, Jabalpur, Madhya Pradesh. The appellant, along with three others, was convicted to life imprisonment under Section 302 read with Section 34 of the IPC for the murder of one Pappu alias Rajendra Yadav.

Brief Facts involved in the case: Pappu Yadav was allegedly assaulted and killed by the appellant and three others near Machchu Hotel. The incident took place in the evening, and the victim succumbed to his injuries at the Victoria Hospital, Jabalpur. The prosecution primarily relied on the dying declaration of the deceased, made orally to his brother and mother, as well as the testimony of an eyewitness, Rahul Yadav.

Issues Involved: The central legal questions revolve around the reliability of the dying declaration, the credibility of the eyewitness, and whether the evidence presented is sufficient to establish guilt beyond a reasonable doubt.

Plaintiff/Petitioner Arguments: The plaintiff argued that the dying declaration, coupled with the eyewitness testimony, conclusively establishes the guilt of the appellant and the co-accused.

Defendant/Respondent Arguments: The appellant contended that the dying declaration lacks corroboration and raised doubts about the credibility of the eyewitness due to his criminal background and absence of corroborative evidence.

Judgment: The Supreme Court, after a thorough review of the evidence, found that the dying declaration lacked corroboration and the eyewitness testimony was not reliable due to inconsistencies and lack of support from other evidence. Consequently, the Court granted the benefit of doubt to the appellants, setting aside their conviction and acquitting them.

Present Status: The judgment is concluded, and the appellants have been acquitted and set free.

Previous Referenced Cases: None referenced in the provided document.

Conclusion: The case highlights the importance of corroborative evidence in criminal proceedings, particularly in cases reliant on dying declarations and eyewitness testimony. It underscores the principle that guilt must be proven beyond a reasonable doubt, and where doubt exists, the benefit should be given to the accused.

Case Title: P.C. Jain vs. Dr. R.P. Singh

Petitions/Appeals: Civil Appeals @ SLP(Civil) Nos. 683 - 685 of 2023 (filed by appellant P.C. Jain) and Civil Appeals @ SLP(Civil) Nos. 13511 - 13512 of 2023 (filed by respondent Dr. R.P. Singh)

Court: Supreme Court of India

Judges: Justice B.R. Gavai and Justice Sandeep Mehta

Sections/Articles and Laws Used: Consumer Protection Act, 1986; Professional Misconduct, Etiquette and Ethics Regulation, 2002

Parties: Appellant - P.C. Jain; Respondent - Dr. R.P. Singh

Background Details: The case stemmed from a medical negligence claim filed by P.C. Jain against Dr. R.P. Singh, alleging loss of vision in his left eye due to a surgical procedure. Jain filed a complaint before the District Consumer Disputes Redressal Commission (DCDRC), which awarded him compensation. Dr. R.P. Singh appealed the decision, leading to a series of legal proceedings.

Brief Facts involved in the case: P.C. Jain filed a complaint alleging medical negligence against Dr. R.P. Singh, resulting in the loss of vision in his left eye. The DCDRC initially awarded compensation to Jain, but this decision was overturned by the State Consumer Disputes Redressal Commission (SCDRC) due to lack of territorial jurisdiction. However, the National Consumer Disputes Redressal Commission (NCDRC) later reversed SCDRC's decision, reinstating the compensation.

Issues Involved: The key legal issues included jurisdictional matters, the adequacy of compensation, and the validity of the medical negligence claim.

Plaintiff/Petitioner Arguments: P.C. Jain argued for the reinstatement of the compensation awarded by the DCDRC, emphasizing the severity of the medical negligence and the need for adequate compensation.

Defendant/Respondent Arguments: Dr. R.P. Singh contested the jurisdiction of the DCDRC and challenged the compensation awarded to P.C. Jain, arguing against the validity of the medical negligence claim.

Judgment: The Supreme Court upheld P.C. Jain's appeal, reinstating the compensation awarded by the DCDRC. The Court directed Dr. R.P. Singh to pay Jain the specified compensation amount with interest, rejecting Dr. Singh's arguments and highlighting the seriousness of the medical negligence claim.

Present Status: The judgment is concluded, and the respondent, Dr. R.P. Singh, is directed to pay the compensation to the appellant, P.C. Jain, within a specified timeframe.

Previous Referenced Cases: The case referred to decisions made by various consumer dispute redressal commissions and the Medical Council of India.

Conclusion: The case highlights the importance of consumer protection in medical negligence claims and underscores the responsibility of healthcare professionals to provide adequate care. The judgment reaffirms the rights of consumers to seek redress for grievances and sets a precedent for similar cases in the future.

Case Title: Ramalingam & Ors. v. N. Viswanathan

Petitions/Appeals: Criminal Appeal No. 212 of 2024

Court: Supreme Court of India

Judges: Abhay S. Oka and Ujjal Bhuyan

Sections/Articles and Laws Used: Section 227 of the Code of Criminal Procedure, 1973; Indian Penal Code

Parties: Appellants - Ramalingam & Ors.; Respondent - N. Viswanathan

Background Details: The case originated from an incident on October 9, 2004, where the appellants, including Ramalingam, faced allegations of assaulting the deceased, Siddammal, resulting in her death. The deceased's husband, Nanjundan, filed a First Information Report (FIR) against the appellants, accusing them of various offenses under the Indian Penal Code.

Brief Facts involved in the case: The incident occurred when the appellants, along with a surveyor, attempted to measure property claimed by them, leading to a confrontation with the deceased's family. Allegations were made that Ramalingam incited another appellant to assault the deceased, resulting in her death.

Issues Involved: The key legal question was whether there was sufficient evidence to proceed with a trial against the appellants for the alleged homicide.

Plaintiff/Petitioner Arguments: The appellants argued that the post-mortem report showed no external injuries on the deceased's body, and the cause of death was natural. They contended that there was no evidence to support the allegations against them.

Defendant/Respondent Arguments: The respondent argued that a full trial was necessary to determine the culpability of the appellants and that the evidence presented warranted further judicial scrutiny.

Judgment: The Supreme Court, upon review, found that the post-mortem report and expert testimony did not support the allegations of homicide against the appellants. The Court concluded that there was insufficient evidence to proceed with a trial and reinstated the earlier order granting discharge to the appellants.

Present Status: The judgment is concluded.

Conclusion: The case highlights the importance of evidence in criminal proceedings and the necessity for a thorough examination of facts before subjecting individuals to trial. It sets a precedent for ensuring that legal proceedings are based on substantial evidence rather than mere allegations

**Case Title:**  
Medical Officers Association vs. State of Uttarakhand

**Petitions/Appeals:**  
Civil Appeal No. 5933 of 2023

**Court:**  
Supreme Court of India

**Judges:**

* Abhay S. Oka
* Pankaj Mithal

**Sections/Articles and Laws Used:**

* Government Order dated 8th March 2011
* Government Order dated 1st July 2013
* Relevant State Government laws and regulations

**Parties:**

* Medical Officers Association (Appellants)
* State of Uttarakhand (Respondent)

**Background Details:**  
The case involves a dispute regarding the grant of higher pay scales to Ayurvedic and Unani Medical Officers in Uttarakhand. The State Government had issued an order on 4th August 2011 granting these officers a higher pay scale after 8 and 14 years of service, contrary to a Finance Department order that required 10 years of service for other government servants. The State Cabinet later decided to cancel the 2011 order, leading to recovery of amounts already paid to the appellants.

**Brief Facts involved in the case:**  
The appellants, Ayurvedic and Unani Medical Officers, were granted a higher pay scale after 8 and 14 years of service under the 2011 order. However, the State Cabinet decided to cancel this order, leading to recovery of the amounts paid. The appellants challenged this decision, arguing that they were entitled to the benefits granted under the 2011 order.

**Issues Involved:**

1. Whether the State Government's decision to cancel the 2011 order was valid.
2. Whether the appellants were entitled to the benefits granted under the 2011 order.

**Plaintiff/Petitioner Arguments:**  
The appellants argued that they were entitled to the benefits granted under the 2011 order, as it had been implemented for several years before being cancelled. They contended that the cancellation was arbitrary and discriminatory.

**Defendant/Respondent Arguments:**  
The State of Uttarakhand argued that the 2011 order was contrary to the Finance Department's order and was therefore rightly cancelled by the State Cabinet. They contended that the cancellation was a valid administrative decision.

**Judgment:**  
The Supreme Court upheld the State Government's decision to cancel the 2011 order, stating that there was no valid reason to grant a higher pay scale only to Ayurvedic and Unani Medical Officers after 8 years of service, while other government servants required 10 years of service. The Court also noted that the appellants were not from a weaker section of society and that recovery of the amounts paid to them would not be inequitable.

**Present Status:**  
The judgment was delivered on 10th January 2024, and there is no information provided regarding any pending appeals or further proceedings.

**Previous Referenced Cases:**  
State of Punjab v. Rafiq Masih (2015) 4 SCC 334

**Conclusion:**  
The case establishes the principle that administrative decisions, even if implemented for a period of time, can be cancelled if they are found to be contrary to established laws or regulations. It also highlights the importance of consistency and non-discrimination in government policies regarding employee benefits.

**Case Title:**  
Atamjit Singh vs. State (NCT of Delhi) & Anr.

**Petitions/Appeals:**  
Criminal Appeal No. 516 of 2024

**Court:**  
Supreme Court of India

**Judges:**

* Vikram Nath
* Satish Chandra Sharma

**Sections/Articles and Laws Used:**

* Section 138 of the Negotiable Instruments Act, 1881
* Code of Criminal Procedure, 1973

**Parties:**

* Atamjit Singh (Appellant)
* State (NCT of Delhi) & Anr. (Respondents)

**Background Details:**  
The appellant filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 (NI Act) against Mr. Amrit Sandhu Coaster (Respondent No. 2) for issuing a cheque that was dishonored. The Trial Court had summoned the respondent, but the High Court quashed the order on the grounds that the debt was time-barred.

**Brief Facts involved in the case:**  
The appellant was owed a sum of approximately Rs. 20,10,000/- by the respondent, who issued a cheque for Rs. 20,00,000/- in favor of the appellant. The High Court quashed the proceedings, stating that the debt was time-barred based on transactions from 2011.

**Issues Involved:**

1. Whether the debt was time-barred at the time of issuance of the cheque.
2. Whether the High Court was correct in quashing the proceedings.

**Plaintiff/Petitioner Arguments:**  
The appellant argued that the debt was not time-barred and that the High Court erred in quashing the proceedings based on transactions from 2011.

**Defendant/Respondent Arguments:**  
The respondent likely argued that the debt was indeed time-barred, and therefore, the proceedings should be quashed.

**Judgment:**  
The Supreme Court allowed the appeal and set aside the High Court's order. It held that the determination of whether a debt is time-barred is a question of fact that should be decided based on evidence, not at the stage of issuing summons.

**Present Status:**  
The judgment was delivered on January 22, 2024. There is no information provided regarding any pending appeals or further proceedings.

**Previous Referenced Cases:**  
Yogesh Jain v. Sumesh Chadha, Criminal Appeal Nos. 1760-1761 of 2022

**Conclusion:**  
The case clarifies that the determination of whether a debt is time-barred under Section 138 of the NI Act is a question of fact that should be decided based on evidence. It highlights the importance of not adjudicating such matters at the stage of issuing summons.

Case Title: Jay Shri & Anr. v. State of Rajasthan

Petitions/Appeals: Criminal Appeal arising out of Special Leave Petition (Criminal) No. 14423 of 2023

Court: Supreme Court of India

Judges: Justice Sanjiv Khanna and Justice Dipankar Datta

Sections/Articles and Laws Used: Indian Penal Code, 1860; Code of Criminal Procedure, 1973

Parties:

* Appellants: Jay Shri and Hitesh Kela
* Respondent: State of Rajasthan

Background Details: The case involves an appeal filed by Jay Shri and Hitesh Kela against an order related to anticipatory bail in connection with an FIR registered under Sections 420 and 120B of the Indian Penal Code.

Brief Facts involved in case: Jay Shri and Hitesh Kela were accused in an FIR registered at Police Station – Osiyan, District – Jodhpur Rural, Rajasthan, for offenses under Sections 420 (cheating) and 120B (criminal conspiracy) of the IPC. They sought anticipatory bail.

Issues Involved: Whether the mere breach of contract amounts to an offense under Section 420 or Section 406 of the IPC without fraudulent or dishonest intention.

Plaintiff/Petitioner Arguments: The appellants argued that mere breach of contract should not lead to criminal prosecution unless fraudulent or dishonest intention is proven.

Defendant/Respondent Arguments: The State of Rajasthan likely argued for the prosecution based on the allegations in the FIR.

Judgment: The Supreme Court held that mere breach of contract does not amount to an offense under Section 420 or Section 406 of the IPC unless fraudulent or dishonest intention is proven. The Court cautioned against converting civil disputes into criminal cases and granted anticipatory bail to the appellants.

Present Status: The judgment has been delivered, granting anticipatory bail to the appellants.

Previous Referenced Cases: The judgment referenced various cases where the Court had cautioned against converting civil disputes into criminal cases.

Conclusion: The case sets a precedent regarding the need to establish fraudulent or dishonest intention for an act to be considered an offense under Section 420 or Section 406 of the IPC. It underscores the importance of distinguishing between civil and criminal matters, discouraging the use of criminal prosecution to settle civil disputes.

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**Case Title:** Miscellaneous Application in Civil Appeal No. 2085 of 2022

**Petitions/Appeals:** Miscellaneous Application

**Court:** Supreme Court of India

**Judges:**

* Hon'ble Mr. Justice Vikram Nath
* Hon'ble Mr. Justice Satish Chandra Sharma

**Sections/Articles and Laws Used:** Indian Penal Code, 1860

**Parties:**

* Applicant/Appellant: Axis Bank Limited
* Non-Applicants/Respondents: Naren Sheth & Anr.

**Background Details:** The application sought clarification of a judgment dated 12.09.2023 passed in Civil Appeal No. 2085 of 2022.

**Brief Facts involved in the case:** The application was filed to correct an error in the judgment where the term "unsecured creditor" was to be read as "secured creditor."

**Issues Involved:** The main issue was the correction of a term in the judgment.

**Plaintiff/Petitioner Arguments:** The applicant argued that the term "unsecured creditor" should be corrected to "secured creditor" in the judgment.

**Defendant/Respondent Arguments:** The respondents did not oppose the application for clarification.

**Judgment:** The Court granted the application and corrected the judgment to replace "unsecured creditor" with "secured creditor."

**Present Status:** The miscellaneous application is disposed of.

**Previous Referenced Cases:** Not applicable.

**Conclusion:** The case highlights the importance of seeking clarifications and corrections in judgments to ensure accuracy and clarity in legal documents. The correction of terms in judgments is a routine process to rectify any errors that may have occurred.

Case Title: Axis Bank Limited v. Naren Sheth & Anr.

Petitions/Appeals: Miscellaneous Application No. of 2024 (Arising from Diary No. 50249/2023) in Civil Appeal No. 2085 of 2022

Court: Supreme Court of India

Judges: Hon'ble Mr. Justice Vikram Nath and Hon'ble Mr. Justice Satish Chandra Sharma

Sections/Articles and Laws Used: Not specified

Parties:

* Applicant/Appellant: Axis Bank Limited
* Non-applicant/Respondent: Naren Sheth & Anr.

Background Details: The application was filed by Axis Bank Limited seeking clarification of the judgment dated 12.09.2023 passed in Civil Appeal No. 2085 of 2022.

Brief Facts involved in case: The document does not provide specific details regarding the facts leading to the dispute. However, it can be inferred that there was a judgment in Civil Appeal No. 2085 of 2022, and Axis Bank Limited sought clarification of that judgment.

Issues Involved: The main issue was seeking clarification of the judgment dated 12.09.2023 passed in Civil Appeal No. 2085 of 2022.

Plaintiff/Petitioner Arguments: The document does not specify the arguments made by Axis Bank Limited in detail.

Defendant/Respondent Arguments: The document does not specify the arguments made by Naren Sheth & Anr. in detail.

Judgment: The court, after hearing both parties, clarified that the word "unsecured creditor" referred to in the judgment should be read as "secured creditor." The judgment dated 12.09.2023 was corrected to reflect this change. The miscellaneous application was disposed of accordingly.

Present Status: The judgment regarding the clarification of the previous judgment has been provided, and the matter appears to be concluded unless there are any pending appeals or further legal actions.

Previous Referenced Cases: The document does not reference any previous cases or legal precedents.

Conclusion: The application filed by Axis Bank Limited seeking clarification of the judgment in Civil Appeal No. 2085 of 2022 was allowed, and the judgment was corrected to reflect the change from "unsecured creditor" to "secured creditor." The court's decision ensures clarity in the interpretation of the previous judgment.