

Bail – Conditions – Advocate – Role of – Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order in any language that the petitioner understand

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[Sarfaesi – Proceedings against a dead person – Bad in law. 2021 PLRonline 5302](#)

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[Sarfaesi – Dead person – The proceeding conducted against a dead person is bad in law – LR's of borrowers/respondent not brought on record – Notice to one LR is not notice to all. \(2013 PLRonline 0110 – DRAT\)](#)

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CPC O.8 R.1 – Greater sensitivity must be shown by the court in matrimonial matters which cannot be compared to the standards of ordinary civil litigation

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CPC O. 21 R. 102 clarifies that Rule 98 and Rule 100 do not apply in cases where resistance or obstruction in the execution of a decree is offered by a transferee pendente-lite. [2022 SCeJ 1409, 2022 PLRonline 1410504]

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Mentioning of the wrong provision or non-mentioning of a provision in an application does not invalidate an order if the Court and/or statutory authority had the requisite jurisdiction therefore.

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. P.K. Palanisamy v. N. Arumugham and another, SLP (Civil) No.2308 of 2009 decided on 23.07.2009

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Banking – Loan agreement – Contract – Handwritten terms – Hand-written lines in clause 10 of the Letter of arrangement incorporated entitling to take over charges – Documents in the original agreement never contained the same – Bank not entitled to charges. [PLRonline 33013]

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[Tenancy and Rent Act](#)

Rent Act – East Punjab Urban Rent Restriction Act, 1949 – S. 13 – Bone fide need – Landlord has every right to start his own business in his own premises as per his desire – It is his moral duty to settle down his grown up sons during his lifetime.

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[Family Law](#)

[SC] Hindu Marriage Act, 1955, S. 13(1)(ia) and (ib) – Divorce – Cruelty and desertion -- Intention on the part of the respondent to resume cohabitation is not established – An inference can be drawn that there was animus deserendi on the part of the wife – Has not pleaded and established any reasonable cause for remaining away from her matrimonial home. [2022 PLRonline 0601]

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[Civil and Criminal Cases](#)

Contempt of Courts Act – Mere delay in complying with the order, unless there is a deliberate or wilful act on the part of the alleged contemnors would not attract the provisions of Contempt of Courts Act. (2024-1)213 PLR 082 (SC)

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CONTEMPT | Court deems it fit and appropriate to issue a show cause notice upon the Presiding Officer, DRT-2, Chandigarh, for the latter making an explanation to this Court as to why proceedings for contempt be not initiated against him for his making the above miscommunication, which but is prima facie completely ridden with lies. [PLRonline.in]

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Negotiable Instruments Act

Negotiable Instruments Act, 1881 – S. 138 – Loan agreement executed at Hyderabad – Cheque was issued at Hyderabad – Respondent/Complainant Financial institutions have their offices at Hyderabad – Entire cause of action for filing the present complaints under S. 138 has accrued at Hyderabad – Yet the complaint has been submitted before the Court at Calcutta, Jaipur and Gurugram only to harass the petitioners – Stay of further proceedings. [#PLRonline]

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[SC] CPC O. 39 R. 1 – When a mandatory injunction is granted at the interim stage much more than a mere prima facie case has to be made out – Revisional jurisdiction under section 115 CPC is to be exercised to correct jurisdictional errors only – CPC S. 115 [ID# 3310205]

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Various Acts

MVA S. 166 – If a Tribunal constituted under the Motor Vehicles Act, while deciding a petition under S. 166 of the Act, comes to the conclusion that the petition is not maintainable under the provisions of Section 166, then it can not convert itself into a Commissioner under the Employee's Compensation Act and thereafter, decide the claim petition accordingly. [PLRonline 480687]

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Constitution of India , Art. 20(3) - CrPC, Section 53 Explanation (a) - Voice sample - Recording of - Whether...

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[SC – 23.3.22] Constitution of India – Interpretation of the Entries of the Lists of the Seventh Schedule of the Constitution:

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[SC] SARFAESI Act – Constitution of India, Art. 226 – A writ petition against the private financial institution – ARC – appellant herein under Article 226 of the Constitution of India against the proposed action/actions under Section 13(4) of the SARFAESI Act can be said to be not maintainable

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COI Art. 136 – Appeal by special leave – Against interlocutory orders

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CrPC S. 482 – Judicial comity and judicial discipline demands that higher courts should follow the law – High Court has passed the orders staying the investigations of the FIRs and ECIR in question in utter disregard of the said settled legal position. [PLRonline 438700]

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CrPC S. 482 – Sarfaesi – Discretion has been conferred on the High Court to pass the interim orders in exceptional cases for not taking coercive steps against the accused pending the proceedings, particularly when the proceedings under the SARFAESI Act were initiated against the borrowers. [PLRonline update]

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Civil Procedure Code, 1908 (V of 1908) Order 39 Rule 1 and 2 – Property – Dispute with regard to identity of the property – Status quo – It would be appropriate for the parties to maintain status quo with regard to their possession. [PLRonline 417502]

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Sexual intercourse under false promise of marriage IPC, Section 417 - When a woman is induced to part with her...

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Cr.P.C. S. 482 – Cr.P.C. , Section 482 – A petition under Section 482 Cr.P.C. will lie to the High Court even when there is a bar under Section 397 or some other provisions of the Cr.P.C. – Conditions.

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IPC . S. 361 – Sentence – There cannot be any mechanical reduction of sentence

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CrPC S. 482 – In exercise of its jurisdiction under Section 482 CrPC, must make a just and rightful choice

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[SC] Motor Vehicles Act, – Composite negligence – Head on collision – Only 50% amount awarded to the claimant by the tribunal as the other vehicle was not impleaded – High Court granted liberty to the appellants to file a separate claim for payment of the remaining amount – Set aside – Insurer liable to pay full amount and recover. [PLRonline 417503]

Motor Vehicles Act, - Composite negligence – Head on collision - No reason for the High Court to compel them...

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CPC O. 6 R. 17 read with O. 1 R. 10 – Application seeking impleadment of subsequent purchaser, as well as incorporating the necessary averments in the plaint – May not be a necessary party but cannot be said that the presence of the purchaser in the suit proceedings would be improper also. (PLRonline ID 46513)

Suit property, the subject matter of the agreement to sell has been transferred in favour of a third party -...

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Proprietorship – Proprietary concern – A proprietary concern and the proprietor are one and the same and that they cannot be treated as separate juristic entities – The proprietary concern derives its identity and individuality from the proprietor and subsumes itself in the proprietor – Segregation of the two is incomprehensible in law. [PLRonline ID 40614]

Haryana Real Estate Regulation and Development Rules, 2017 Rule 9, 10 - Registration of Real Estate Agents - Registration Fee...

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Sole proprietorship – Is one that is run by a natural person – There is no legal distinction between the owner and the business entity – It is the owner who is in control of all the elements of the proprietorship. [PLRonline]

Status of an individual vis-a-visa 'sole proprietorship'. "10 Legal position in this regard is settled. The phrase Sole Proprietorship is...

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the Employee's Compensation Act and thereafter, decide the claim petition accordingly. [PLRonline 480687]

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Streedhan – Whether the wife receives gold ornaments from her parents or her in-laws, the gold ornaments received in marriage by wife becomes her streedhan – Husband has mortgaged the wife's streedhan for raising loans – Directed to clear the loan. (ID#444601)

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Tenancy and Rent Act – Mesne profits – Contractual rent comes to an end when eviction order is passed. The Court should balance the competing claims between mesne profits at market rate and reasonable compensation for landlord. (ID #321901)

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Guidelines Regarding Inadequacies and Deficiencies in Criminal Trials – Draft Criminal Rules On Practice, 2021 . 2021 PLROnline 5300

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Hire purchase – Repossession – Purchaser remains merely a trustee/bailee on behalf of the financier/financial institution and ownership remains with the latter – Thus, in case the vehicle is seized by the financier, no criminal action can be taken against him as he is re-

possessing the goods owned by him. [PLRonline #1324501]

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Due to the fault of counsel, litigant should not be made to suffer. [PLRonline 1319103]

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CIVIL

CPC O. 18 R. 17A – Additional evidence – Fixed for rebuttal evidence and arguments – Main plea of the petitioner was that the suit property was ancestral yet he has been thoroughly negligent in pursuing his cause – At this belated stage, in the absence of any issue regarding the nature of the suit property, the petitioner cannot be permitted to lead additional evidence. [PLRonline 318402]

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Court dismissed appeal in limine with words ‘No merit. Dismissed.’ – Dismissal of appeal in limine would amount to merger .[PLRonline 1214701]

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26654
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IBC S. 97- 100 – Personal Insolvency

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26643
Hindu Succession Act

Hindu Succession Act S. 6, 8 – Coparcenary property – Once the property had been acquired by way of succession, it would lose its ancestral character . (2023-4)212 PLR 596]

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Specific Relief Act

Suit for specific performance of agreement to sell – Parties having close but strained relationship – No evidence to show source of funds , or receipts in writing – It is unbelievable that a person would pay a huge amount and yet not insist on the execution of the sale deed – Suit rightly dismissed [PLR online 414686]

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Negotiable Instruments Act

NIA S. 118(a) – When the pronote and receipt have been proved – Plaintiff is not further required to prove his capacity to make the said payment. (ID# 214001)

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Motor Vehicles Act S. 166 – When a Tribunal, established under the Motor Vehicles Act, adjudicates a petition filed under S. 166 and determines that the petition is not maintainable under the said section, it lacks the authority to transform its role into that of a Commissioner under the Employee’s Compensation Act and pass an award. [ID# 480687] January 22, 2024

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