

TAMIL NADU STATE JUDICIAL ACADEMY

**** VOL. XX — PART 04 — APRIL 2025****

IMPORTANT CASE LAWS



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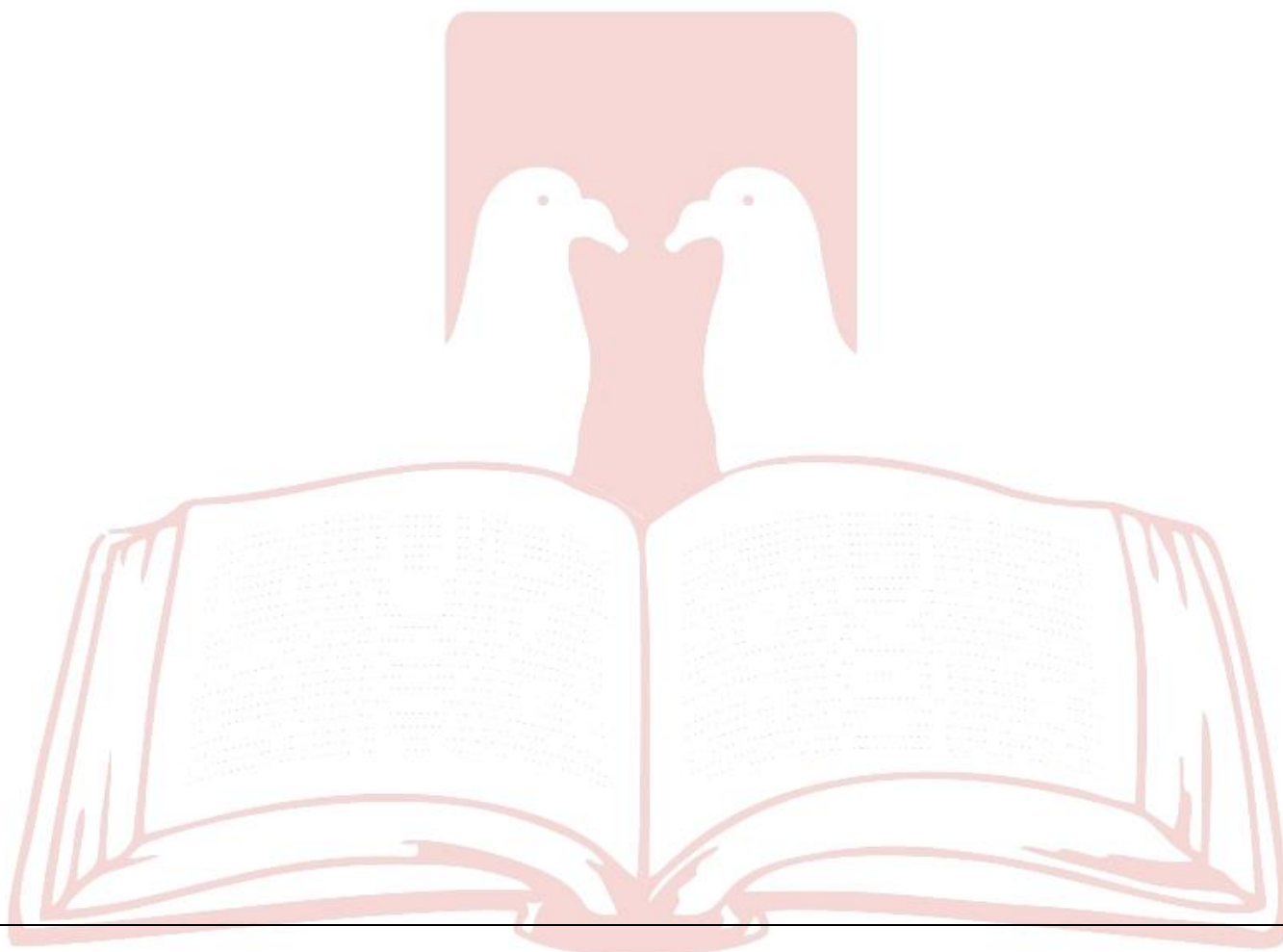
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SUPREME COURT – CIVIL CASES

Ram Lal Vs. Jarnail Singh (Now Deceased) Through Its Lrs. & Ors. (Civil Appeal No. 3245 of 2025)

Date of Judgment: 25.02.2025

Code of Civil Procedure, 1908; Order XX Rule 12A - Decree for specific performance of contract for the sale or lease of immovable property - Where an appeal is filed against the decree passed by the trial court and the appeal is disposed of, the appellate court should specify time to deposit the balance sale consideration.

Section 28 of Specific Relief Act - Mere delay in depositing the balance sale consideration does not render a decree of specific performance inexecutable. The executing court has the discretion to extend the time for depositing the balance sale consideration, considering factors such as the bona fides of the decree holder, the cause of delay, and the equities created in favour of the judgment debtor.

The present Appeal has been filed by the Plaintiff/Appellant who had instituted a suit for specific performance of contract based on an agreement of sale with the Respondents (original defendants)/judgment debtors. The Trial Court decreed the suit and directed the Appellant to deposit the balance sale consideration within two months from the date of the decree. Thereafter, the Respondents preferred an Appeal before the first Appellate Court which came to be dismissed. However, in the Judgment, the First Appellate court did not specify the time limit within which the balance sale consideration has to be paid by the Appellant. In the meanwhile, the Plaintiff filed an Execution Petition seeking to execute the decree of specific performance. The plaintiff also sought permission of the Executing court to allow him to deposit the balance sale consideration. The defendants being dissatisfied with the order passed by the executing court, challenged the same by filing civil

revision Petition before the High Court. The High Court observed that it was too late for the Appellant (original Plaintiff/decreed holder) to deposit the balance sale consideration, as nearly three years had passed since the dismissal of the First Appeal filed by the Judgment Debtors/Respondents. Subsequently, the Appellant challenged the High Court's decision, which held that the decree was inexecutable due to a four-year delay in depositing the balance sale consideration, by filing an appeal before the Supreme Court.

The main issue that arose for consideration before the Apex Court was whether the delay in depositing the balance sale consideration would be a ground to deny an execution of the First Appellate Court's decree.

The Apex Court observed that the delay occurred in depositing the balance sale consideration would not be a ground to deny execution of the decree, and it would be within the discretion of the trial court to grant further time to deposit the balance sale consideration under Section 28 of the Specific Relief Act, 1963 (SRA) even after a delay, provided there was no willful negligence or abandonment of the contract. The Court added that when no time limit was specified by the First Appellate Court to deposit the balance sale consideration, then the decree holder shall deposit the balance sale consideration within a reasonable time. However, it clarified that the reasonable time should not be one that the decree holder wishes to deposit the balance sale consideration as per his own sweet will.

Further, the Court observed that due to operation of doctrine of merger, the decree passed by the trial court specifying the time limit to deposit the balance sale consideration gets merged with the Appellate Court's order, and if the Appellate Court fails to specify the time limit to deposit the balance sale consideration, it would be unjust to deny execution of the decree just because there was belated deposit of balance sale consideration. Moreover, the Court stated that Appellate courts should specify the time limit for depositing the balance sale consideration, as

required under Order XX Rule 12A of the CPC, in cases of specific performance involving the sale or lease of immovable property.

Thus, the Court held that the appellant's delay in depositing the balance sale consideration did not render the decree inexecutable, as there was no evidence of willful negligence or abandonment of the contract. The Court directed the appellant to pay simple interest at the rate of 9% on the balance sale consideration for the period of delay and allowed the appeal.

SMT Lavanya C & Anr. Vs. Vittal Gurudas Pai Since Deceased By Lrs. & Ors.
[Civil Appeal No. 13999 of 2024]

Date of Judgment: 05.03.2025

Code of Civil Procedure, 1908; Order XXXIX Rule 2A - Consequence of disobedience or breach of injunction –Subsequent setting aside of an injunction order does not absolve a party from liability for disobedience committed during its pendency. [Relied on: Samee Khan v. Bindu Khan (1998) 7 SCC 59]

Code of Civil Procedure, 1908; Order XXXIX Rule 2A - Consequence of disobedience or breach of injunction –Rule 2A provides for punishment by attachment of property or imprisonment for up to three months for violating injunction orders issued under Rules 1 and 2. This Rule applies to disobedience of injunctions during the pendency of a suit, while violations of a decree should be addressed through execution proceedings under Order XXI Rule 32. [Referred to: Kanwar Singh Saini v. High Court of Delhi, (2012) 4 SCC 307]

The present appeal has been filed by the Appellants/Defendants challenging the judgment of the High Court, which found them guilty of contempt of court for disobeying an undertaking made by them before the Trial Court.

The facts of the case is that the Respondents/ Plaintiffs had instituted a suit seeking a declaration to the effect that Joint Development Agreement entered between the parties to be revoked, rescinded and terminated. During pendency of proceedings, the Appellant made an undertaking stating that they would not alienate the suit property to any third party. Accepting the undertaking and incorporating it in its order, the trial court time and again extended the operation of the injunction order restricting the Appellant from

alienating the suit property. Despite the undertaking, the appellants sold portions of the property in clear violation of the court's order. Against the said violation, the Respondents / Plaintiffs filed an application under Order 39 Rule 2A of CPC seeking action against the Appellant. The Trial Court dismissed the application, holding that the respondents failed to prove wilful disobedience beyond reasonable doubt. Later on, the Trial Court also dismissed the original suit, noting that the description of the property was ambiguous and that the appellants were entitled to the benefit of the doubt. After the trial court dismissed the application under Order 39 Rule 2A of the CPC, the Respondents appealed to the High Court, which reversed the Trial Court's decision, holding that the appellants had wilfully violated the undertaking and were guilty of contempt of court. The High Court imposed penalties, including imprisonment and attachment of property. Aggrieved by the High Court's imposition of penalties, the Appellant approached the Apex Court.

While the primary issue before the Apex court was the appellants' sentence of imprisonment and compensation, the Court also examined the scope of Order XXXIX Rule 1, Rule 2, and Rule 2A. It further discussed the impact of dismissing a suit seeking an injunction on previously disobeyed injunction orders, particularly in light of the appellant alienating the suit property despite an undertaking before the trial court.

The Court observed that the subsequent setting aside of an injunction order would not preclude the courts from holding the party guilty of disobedience committed during the pendency of the order. Rule 2A (1) prescribes punishment for disobeying the injunction orders. It allows the court to punish the disobedient party by attachment of property or imprisonment for a term not exceeding three months. The Court emphasized that a party remains liable

for violating an injunction order while it was in force, even if the order is later set aside. Further, Citing Samee *Samee Khan v. Bindu Khan* [(1998) 7 SCC 59], the Court observed that the Appellant cannot take a plea that the subsequent dismissal of the suit seeking an injunction would erase the erstwhile disobedience of the injunction order. The Court emphasized that the disobedience of the injunction order was not erased merely because the original suit was subsequently dismissed. Additionally, the Court stated that subsequent setting aside of an injunction order would not preclude the courts from holding the party guilty of disobedience committed during the pendency of the order.

Thus, the Court partly allowed the appeal, setting aside the three-month imprisonment for willful disobedience of the Court's order, but increased the amount of compensation payable by the Appellants.

Sadhana Tomar & Ors. Vs. Ashok Kushwaha & Ors. [Civil Appeal No. 3763 of 2025]

Date of Judgment: 24.01.2025

Motor Accident Claims – 'Legal Representative' Is One Who Suffers Loss; Need Not Be Spouse, Child or Parent Of Deceased

The brief facts of the case is that the Motor Accident Claims Tribunal (MACT) while awarding compensation, did not consider the Appellants' (Father and Sister) as dependents of the deceased. The MACT held that the father was not dependent on the income of the deceased and since the father was alive, the younger sister cannot also be held as a dependent of the deceased. The High Court upheld this part of the MACT's ruling, leading the Appellants (Father and Sister of the deceased) to appeal to the Supreme Court.

The Apex Court observed that the term 'legal representative' under the Motor Vehicle Act should not be given a narrow interpretation to exclude those persons as claimants who were dependent on the deceased's income. The Court stated that if the claimants were dependent on the deceased's income, then they shall be granted compensation. A "legal representative" is one, who suffers on account of death of a person due to a motor vehicle accident and need not necessarily be a wife, husband, parent or child, the Court held, referring to precedents.

Citing *Gujarat SRTC v. Ramanbhai Prabhatbhai* [(1987) 3 SCC 234] and *N. Jayasree v. Cholanmandalam MS General Insurance Company Ltd.* [(2022) 14 SCC 712], the Court observed that proving loss of dependency alone is sufficient to claim compensation. The Court stated that compensation is not limited to spouses, parents, or children but extends to all individuals affected by the deceased's death.

Thus, the Court while allowing the Appeal held that the Appellants were dependents and awarded them compensation.

V. Ravikumar Vs. S. Kumar [Special Leave Petition (Civil) No. 9472 of 2023]

Date of Judgment: 03.03.2025

Code of Civil Procedure, 1908; Order VII Rule 11 - Rejection of Plaint - Cancellation of Power of Attorney - Commencement of Limitation - Where a plaintiff seeks to challenge sale deeds executed under a power of attorney, limitation for such a challenge commences from the date of knowledge of the sale deeds, not from the date of cancellation of the power of attorney. Cancellation of a power of attorney does not affect prior conveyances made under the valid power conferred, nor does it create a new cause of action to challenge those conveyances.

The present appeal has been filed by the Defendant/Appellant against the judgment of the High Court in restoring the suit filed by the Plaintiff/ Respondent seeking declaration and injunction. The Plaintiff sought a declaration that the various sale deeds entered into and executed based on the power of attorney are null and void, and an injunction to permanently restrain the Defendant from interfering with the peaceful possession and enjoyment of the suit properties.

The brief facts of the case is that the Power of Attorney (POA) was executed by the plaintiff in the name of the respondent on 15.10.2004. In the year 2018, the plaintiff filed a suit seeking to annul certain sale transactions carried out between 2004-2006 and in 2009. The plaintiff claimed that he got knowledge about the sale transactions only on 21.09.2015 and the suit was filed within the three-year limitation period from such date. The power of attorney was cancelled on 22.09.2015. The defendant filed an application under Order VII Rule 11 CPC to reject the plaint as time-barred. The trial court allowed the application and rejected the plaint as time-barred, finding that the plaintiff had prior knowledge of the sale transactions entered on the basis of the POA. However, the High Court restored the plaint on the reasoning that the

limitation period has to be calculated from the date of cancellation of the POA. Being aggrieved, the Defendant had approached the Hon'ble Apex Court

The Court observed that the Respondent/ Plaintiff did not dispute the execution of the general power of attorney, which was also executed as far back as in the year 2004. There were conveyances made by the power holder clearly on the strength of the power conferred on him. The attempt of the plaintiff was to unsettle settled matters especially on the plea that the power of attorney granted in the year 2004 was cancelled in the year 2015. Thus, the cancellation does not affect the prior conveyances made which are clearly on the strength of the power conferred on the appellant. Further, the Court observed that there was no contention raised as to the power of attorney having not conferred the power to enter into conveyances or that such power of attorney was executed by reason of a fraud or coercion employed on the executant. The power holder having exercised the authority conferred; to convey the properties in the name of the purchasers, the cancellation of the power of attorney will have no effect on the conveyances carried out under the valid power conferred. Nor would it confer the person who executed the power of attorney any cause of action, by virtue of a cancellation of the power conferred by a subsequent document, to challenge the valid exercise of the power when it existed. Moreover, the Court had stated that the power of attorney has been executed in the year 2004 and the conveyances having been made in the years between 2004-09, there cannot be any cause of action ferreted out on the basis of the cancellation of the power of attorney, after more than 11 years and the Hon'ble High Court had erroneously treated the cancellation as the point of commencement of limitation.

Thus, the Court while allowing the Appeal held that the sale transactions carried out on the basis of a valid Power of Attorney cannot be sought to be set aside later on the ground that the was cancelled subsequently.

Som Nath Vs. Ravinder Kumar [Civil Appeal No. 4484 of 2025]**Date of Judgment: 25.03.2025****Contract For Sale Does Not Create Interest Or Charge Over Immovable Property Without Sale Deed**

The Appeal has been preferred by the Landlord/Appellant against the Judgment of the High Court, which allowed the revision petition filed by the Respondent/Tenant in setting aside the eviction order passed by the Rent Controller as affirmed by the Appellate Authority.

The facts of the case is that Appellant being the owner of a disputed property had filed an eviction petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949. The Appellant contended that the Respondent was inducted as a tenant in the month of June 2007 at a monthly rent of Rs. 5,000. Subsequently, an agreement for sale was executed on October 3, 2007, with an extended deadline for execution of the sale deed set for November 30, 2007. However, the Respondent failed to comply, leading to a decree for specific performance, which lapsed due to non-payment of the balance consideration. Alleging non-payment of rent since August 2007, the Appellant sought eviction and recovery of arrears. The Rent Controller ruled in favour of the appellant, establishing the landlord-tenant relationship and ordering eviction. This was affirmed by the Appellate Authority but was later overturned by the High Court, which held that no tenancy existed due to the sale agreement.

The Apex Court while analysing the High Court's decision, emphasized that:

1. Tenancy Can Exist Without a Written Agreement: The apex court held that the absence of a rent note does not negate a landlord-tenant relationship, which can be oral and supported by evidence.

2. Sale Agreement Does Not End Tenancy: A contract for sale does not create ownership rights unless a valid sale deed is executed. The respondent's failure to fulfill the conditions of the decree meant that no title had passed.

3. Revisional Powers Limited: The High Court exceeded its jurisdiction by interfering with concurrent factual findings of the Rent Controller and the Appellate Authority, which had established tenancy based on evidence. Citing Section 54 of the Transfer of Property Act, 1882, the Court reiterated that a mere agreement for sale does not transfer ownership or alter tenancy rights unless a proper conveyance is executed. Since the decree for specific performance remained unfulfilled, the landlord-tenant relationship remained intact

The Court while allowing the Appeal held that the landlord-tenant relationship continues unless a valid sale deed is executed, rejecting the respondent's claim that a specific performance decree had terminated the tenancy. Further, the Court reiterated that a contract for the sale of immovable property does not, by itself, create any interest or charge over the property unless a valid sale deed is executed.

SUPREME COURT - CRIMINAL CASES

**C. Kamalakkannan Vs. State of Tamil Nadu Rep. By Inspector of Police
C.B.C.I.D., Chennai [SLP(Criminal) No(s). 3044 of 2021]**

Date of Judgment: 03.03.2025

Unless substantially corroborated, the opinion evidence of a handwriting expert should not be relied upon.

The criminal appeal has been filed by the appellant to challenge the High Court's order, which confirmed his conviction in the Calendar Case by the Judicial Magistrate for offences punishable under Sections 120B, 468, 471 r/w 109 of the IPC. The brief facts of the case is that the mark sheet produced by the appellant while applying for admission to the MBBS course was found to be fabricated. She had secured only 767 marks, but the mark sheet she submitted for admission showed her marks as 1120 out of 1200 and after investigation, charge sheet was filed against the accused appellant and the other co-accused persons for the offences mentioned above and was convicted for the same. The appellant contended that the prosecution's case relied solely on the allegation that the appellant prepared the postal cover for a forged mark sheet and that the trial court wrongly relied on a co-accused's testimony, while the original postal cover was not produced as evidence and the only evidence against the appellant was a handwriting expert's report (PW-18). The appellant further contended that the expert's reasoning sheet was not presented, making the report inadmissible, and the handwriting comparison is inconclusive and should not have been the sole basis for the appellant's conviction. On the other hand, The respondent submitted that the original postal cover containing the forged mark sheet could not be traced, and therefore, the prosecution was entitled to rely on the Photostat copy of the document as secondary evidence. The Court referred to *Murari Lal v. State of M.P. (1980)*, where it is held that the opinion of a handwriting expert should not be relied upon unless it is substantially corroborated. The court while allowing the appeal, observed that the failure to exhibit the original

document led to the conclusion that the questioned postal cover was never legally proven and the handwriting expert (PW-18) did not confirm that the postal cover examined was the same one that allegedly contained the accused's handwriting. Therefore, the apex court held that the appellant's conviction was unsustainable, and was entitled to an acquittal.

**Pradeep Nirankarnath Sharma Vs. State of Gujarat & Ors. [SLP(Crl.)
No.3154 of 2024]**

Date of Judgment: 17.03.2025

No preliminary inquiry is required before FIR registration when allegations constitute cognizable offences.

The criminal appeal has been filed by the appellant to challenge the High Court's order, which dismissed his prayer for direction to the respondents to conduct preliminary inquiry before registering any FIR against him for acts performed in his official capacity. The brief facts of the case are that, between 2003 and 2006, the Petitioner served as the IAS Officer. During his tenure, multiple FIRs were filed against him concerning alleged irregularities in land allotment orders, the misuse of his official position, corrupt practices, and financial misconduct. The appellant, aggrieved by the registration of multiple FIRs, filed a writ petition in the High Court seeking an order to direct the respondent authorities to conduct a preliminary inquiry before registering any further FIRs. However, the High Court rejected the petition, holding that a preliminary inquiry is only required when there is uncertainty about the existence of a cognizable offence. The appellant contended that his right to liberty under Article 21 and other fundamental rights were being violated due to the repeated and arbitrary registration of criminal cases without a preliminary inquiry, with the intent to harass him. The appellant cited the ruling in *Lalita Kumari v. Government of Uttar Pradesh & Ors.*, contending that, in cases involving accusations of abuse of official position, the registration of an FIR ought to be preceded by a preliminary inquiry. On the other hand, The State/respondent contended that granting the appellant's request for a mandatory preliminary inquiry would unjustifiably shield him from investigation and that his reliance on *Lalita Kumari* was misplaced, as the

judgment specified that a preliminary inquiry is only required in specific cases, such as family disputes, commercial matters, and medical negligence, not where clear allegations of cognizable offenses exist. The Apex court clarified that *Lalita Kumari* mandates FIR registration under Section 154 Cr.P.C when the information discloses a cognizable offense, and a preliminary inquiry is only required when the information does not prima facie disclose such an offense, reaffirming that the police must register an FIR when a cognizable offense is clearly indicated. The Apex court, while dismissing the appeal, held that the allegations against the appellant, relating to abuse of official position and corrupt practices, constitute cognizable offenses, and no preliminary inquiry is required before FIR registration in such cases.

Sanjay Vs. State of Uttar Pradesh [Criminal Appeal No. 239 of 2025]**Date of Judgment: 06.02.2025**

A conviction can only be made when guilt is established beyond reasonable doubt, and as such, there cannot be a moral conviction in law.”

The criminal appeal has been filed by the appellant challenging the High Court's order, which confirmed his death sentence. The brief facts of the case is that A four-year-old girl, 'X', went missing after attending a marriage ceremony, having last been seen leaving with the accused. The accused confessed to her rape and murder, leading to the recovery of her dead body in a sugarcane field. Following his conviction by the Trial Court, the High Court confirmed his conviction under Sections 376, 302, and 201 of the IPC, and the death sentence as against which the accused preferred the present appeal. The appeal by the appellant questioned the sustainability of the conviction and sentence imposed by the Trial and Appellate Court. The Supreme Court found the prosecution's case, based solely on circumstantial evidence, to be unreliable and filled with significant doubts. Key doubts included the accused's unusual behavior, such as joining search efforts, the unexplained six-day delay in reporting the missing child, suspicious recovery of the body, inconsistencies in the alleged extra-judicial confession, lack of independent witnesses, and a forensic report that failed to link the accused to the crime. The court observed that conviction requires guilt beyond reasonable doubt; moral conviction has no place in law. The Court highlighted that conviction cannot rest solely on a flawed last-seen theory and concluded the evidence did not meet the stringent standard required in circumstantial cases. While allowing the appeal, the court

set aside and quashed the trial court's judgment and the High Court's confirmation order.

**Sudam Prabhakar Achat Vs. The State of Maharashtra [Criminal Appeal
No. 641 of 2024]**

Date of Judgment: 21.03.2025

“Merely because the witnesses are relatives of the deceased and as such, are interested witnesses, that alone cannot be a ground to discard their testimony.”

The criminal appeal has been filed by the appellant, challenging the High Court's order which dismissed the appeal and upheld the conviction delivered by the Trial Court. The case involved a dispute over agricultural land use and a common well and boundary between relatives. On July 15, 2009, the appellant and co-accused assaulted the deceased and the complainant with a stick and the blunt side of an axe following an argument. The deceased died from his injuries, leading to charges under Section 302 IPC. The trial court and High Court convicted the appellant, who appealed to the Supreme Court. The appellant contended that the conviction was unsustainable as it relied solely on the testimony of eye witnesses who were relatives of the deceased and thus interested witnesses. Alternatively, it was contended that the offence, based on the evidence, should fall under Section 304 Part I or II IPC, not Section 302 IPC. On the other hand, the respondent contended that the conviction should be upheld due to the concurrent findings of guilt by both the trial court and the High Court based on the evidence, and therefore, no interference was warranted. The Court found no reason to dispute that the death was homicidal or that the appellant and co-accused caused the fatal injuries. The Court noted that witnesses were related to the deceased. The Court stated it's settled law that testimony of relatives isn't discarded solely because they are interested witnesses, but must be scrutinized cautiously. The court observed that Evidence showed a quarrel near the accused's house, suggesting a sudden fight in the heat of the moment. The weapons used (stick and blunt axe) are common agricultural tools, indicating no premeditation. The Court further observed that if there was intent to kill, the sharp side of the axe would likely have been used. The

nature of injuries and witness evidence did not show undue advantage or cruelty. The Court, while partly allowing the appeal, converted the appellant's conviction under Section 302 IPC to Part I of Section 304 IPC. The appellant was sentenced to the period already undergone and directed to be released forthwith.

Dhirubhai Bhailalbhai Chauhan & Anr. Vs. State of Gujarat & Ors. [Criminal Appeal No.816 of 2016]

Date of Judgment: 21.03.2025

“Mere presence of the appellants at the spot, or their arrest therefrom, was insufficient to prove that they were a part of the unlawful assembly.”

The Criminal appeals have been filed by the appellants who were aggrieved by the High Court's decision, which reversed their acquittal by the Trial Court and convicted them. The brief facts of the Case is that on February 28, 2002, police received reports of a mob surrounding a village graveyard and mosque. On arrival, the mob attacked with stones, damaging vehicles and injuring officers. Police responded with tear gas and gunfire, causing a stampede. An investigation followed, resulting in a charge sheet against 19 persons, including individuals arrested on the spot. The trial court acquitted all 19 accused by giving them the benefit of doubt. However, the High Court convicted the appellants (accused nos. 1 to 5 and 7) considering their presence at the scene of the crime and their arrest from the place of occurrence. The appellants contended that their mere presence at the spot or arrest therefrom was not sufficient proof that they were part of the unlawful assembly. On the other hand, the state contended that their presence at the scene was proved beyond reasonable doubt, and since rioting and destruction of property were proved, they were part of the unlawful assembly and thus liable for conviction. The Court noted that the appellants were residents of the village where the incident occurred, and their mere presence at the scene was natural and not, by itself, incriminating. No evidence was presented to show that the appellants had incited the mob or engaged in conduct indicative of membership in an unlawful assembly. Consequently, the inference that they

were part of such an assembly could not be drawn solely from their presence at the location or their arrest therefrom. Accordingly, the Court allowed the appeals, restored the acquittal order passed by the Trial Court, and set aside the judgment of the High Court.

HIGH COURT - CIVIL CASES

A.Ali Akbar Vs. The Tamil Nadu Waqf Board, Rep. by its Chief Executive Officer, Chennai & Ors. [C.R.P.No.93 of 2025 & CMP.No.807 of 2025]

Date of Judgment: 28.01.2025

High Court Upholds Validity of Gift Deed, Dismisses Civil Revision Petition in Property Dispute Between Brothers

In the Civil Revision Petition, the respondent (Ali Akbar) sought dismissal of the revision filed by the petitioner (his brother), who had challenged the judgment and decree passed in favor of Ali Akbar, the respondent by the trial court. The petitioner contended that the trial court had erred in accepting the validity of the gift deed and in holding that the suit property was not part of the joint family property governed by Muslim personal law. He reiterated that the gift deed had never been acted upon and that all legal heirs, including himself, had a rightful share.

The facts reviewed in the revision petition mirrored those of the original suit, centered on a registered gift deed executed by their father in 1987, and the subsequent exclusive possession and mutation of the property in Ali Akbar's name. The respondent relied on documentary evidence, including municipal records and property tax receipts, to establish that the gift was valid and acted upon, while the petitioner presented no substantial evidence to counter this.

The High Court, upon examination found no illegality, irregularity, or jurisdictional error in the trial court's findings and held that the gift deed was executed voluntarily, accepted by the donee, and acted upon during the donor's lifetime. The Court further emphasized, that mere denial of the gift's validity without evidence could not override a duly registered and acted-upon document. Therefore, the Court dismissed the Civil Revision Petition, affirming the trial court's judgment in favor of Ali Akbar, the respondent.

**M/s.Sundaram Finance Limited, Rep by its Senior Manager (Legal),
Chennai Vs. S.M. Thangaraj & Ors. [C.R.P.No. 5197 of 2024]**

Date of Judgment: 27.01.2025

High Court Rules Execution Courts Cannot Nullify Arbitral Awards on Grounds of Unilateral Arbitrator Appointment

The Petition was filed by M/s. Sundaram Finance Limited under Section 115 of the Code of Civil Procedure, 1908 to set aside the order dated 14.11.2024, which was passed by the learned II Additional Subordinate Judge, Coimbatore dismissing suo moto, an Execution Petition (E.P.No.640 of 2018).

Sundaram Finance Limited was the claimant and the respondents were the respondents in an arbitration case (CP No.RJ/SF/302/2017) that originated from a dispute related to a loan transaction. Sundaram Finance referred the dispute to a sole arbitrator, who passed an award on 13.02.2018. The award directed the respondents to pay Sundaram Finance Rs.1,68,047.26 with interest, plus arbitrator's fee and expenses. Based on this award, Sundaram Finance initiated execution proceedings (E.P.No.640 of 2018) before the II Additional Subordinate Judge, Coimbatore. However, the learned Judge suo motu dismissed the execution petition on 14.11.2024. The Judge's reason was that the arbitrator was appointed unilaterally, which the Judge held made the award invalid due to a lack of inherent jurisdiction. The Judge concluded that the award was not enforceable or valid due to the arbitrator's ineligibility.

The High Court held that an executing court has no power to independently assess or annul an arbitral award. It ruled that the issue of the arbitrator's ineligibility, even if arising from unilateral appointment, must be raised under Section 34 of the Arbitration and Conciliation Act, 1996. Since the respondents failed to challenge the award under Section 34, they had effectively waived their objection. Therefore, the award remained enforceable. The High Court allowed the revision and set aside the dismissal order, and further directed that execution courts should not suo motu reject execution petitions based solely on the arbitrator's unilateral appointment.

S.Mala Vs. District Arbitrator & District Collector, Nagapatinam & Ors.
[W.A.No.3582 of 2024 and C.M.P.Nos.27835 & 27838 of 2024]

Date of Judgment: 06.03.2025

Madras High Court Upholds Cancellation of Settlement Deed for Neglect Under Senior Citizens Act.

The writ appeal was filed by S. Mala, the appellant and daughter-in-law of the deceased senior citizen, S. Nagalakshmi. The appeal challenged an order passed on 13.06.2024 by a learned Single Judge in W.P. No. 6163 of 2021. The matter arose under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and centered around the cancellation of a Settlement Deed executed by the senior citizen in favor of her son, who had since passed away.

The facts of the case were, S. Nagalakshmi, aged 87 was suffering from various ailments, had executed a Settlement Deed in favor of her only son with the understanding that she would be cared for. After his death, she alleged neglect by her daughter-in-law, S. Mala, and filed a complaint with the Revenue Divisional Officer (RDO). The senior citizen stated that the deed was executed based on promises of care. The RDO's inquiry concluded that she was indeed neglected after her son's death, and annulled the deed. The daughter-in-law, however, argued that the deed's cancellation was invalid because it lacked an explicit maintenance condition as required under Section 23(1) of the Senior Citizens Act.

The High Court ruled that Section 23(1) does not require an express written condition for maintenance in the deed; an implied condition is sufficient when the transfer is made out of love and affection. The Court further emphasized that the failure to provide care constitutes a breach of such an implied condition. Considering the senior citizen's testimony and the deed's context, the Court observed that the expectations of care were reasonable and had been violated. Therefore, the Court dismissed the writ appeal and upheld the RDO's order. Further, it was held that the

annulment of the Settlement Deed was valid and aligned with the objectives of the Senior Citizens Act.

**T.R.Ramesh Vs. The Commissioner, Hindu Religious & Charitable
Endowments Department, Nungambakkam, Chennai & Anr. [W.A.No. 105
of 2025 and CMP. Nos. 582 and 586 of 2025]**

Date of Judgment: 24.02.2025

**Madras High Court Upholds Temple Land Lease for Educational Purpose
Despite Procedural Lapse in Public Notice**

The writ appeal was filed by T.R. Ramesh, the appellant challenging the dismissal of his writ petition by the Single bench of High Court. The petition questioned the validity of a public notice issued by the Commissioner of the Hindu Religious & Charitable Endowments (HR&CE) Department.

The Arulmigu Kapaleeswarar Temple had established a college in Kolathur, which had been functioning from a rented premises since 2021–2022 academic year. To obtain permanent recognition from the Education Department, the college needed a long-term lease arrangement. As a result, a 25-year lease of the temple land was proposed. This proposal invoked legal obligations under Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments (HR&CE) Act, 1959, including the requirement to issue a public notice. The appellant challenged the notice, claiming it was procedurally defective due to the omission of essential details mandated by Rule 2 of the Alienation of Immovable Trust Property Rules, 1960.

The court agreed that the notice failed to include certain mandatory details, but emphasized that not all procedural lapses invalidate administrative actions. The Court held that the use of the word "shall" in the rules does not automatically make compliance mandatory unless non-compliance leads to significant consequences. Citing case law, the court held that the procedural lapse was directory, not fatal. Given that the lease served a public purpose—education—and rejecting it would harm public interest due to an official's error, the court while dismissing the appeal upheld the lease.

N.S.Krishnamoorthi & Ors. Vs. The District Collector, Krishnagiri District, Krishnagiri & Anr. [Writ Petition Nos.4936, 6015, 6514 & 6795 of 2025 & WMP.No.5474 of 2025]

Date of Judgment: 26.3.2025

Madras High Court Affirms Right to Patta for Occupied Grama Natham Lands, Rejects Blanket Application of Land Ceiling Limits.

The writ petitions were filed by four individuals—N.S. Krishnamoorthi, Maruthamuthu, V. Rajendiran, and S. Subramani before the Madras High Court seeking patta (ownership documents) for grama natham lands they claimed to have possessed and enjoyed for decades. They challenged the rejections or inaction by local revenue authorities and requested directions to the respective Tahsildars and District Collectors to process their applications. Their petitions were driven by a common objective, i.e., to secure legal recognition of their rights over the lands they had been occupying, which were classified as grama natham.

The facts in each case varied: in W.P.No.4936, Krishnamoorthi's family had occupied the land since 1951, with a partition deed evidencing possession, but faced rejection due to the 3-cent ceiling restriction. W.P.No.6015 involved a petitioner living on grama natham land for over 30 years without patta issuance. W.P.No.6514 related to land inherited over generations, with the patta process stalled due to classification issues. In W.P.No.6795, although the petitioner's mother-in-law held a patta and paid taxes since 1995, the petitioner himself was denied consideration due to classification of the adjacent land. All petitioners argued that their long-standing, peaceful occupation and use warranted patta issuance, despite the grama natham classification.

The High Court, upon examining the Indian land tenure system in contrast to English law, held that grama natham land, when occupied and recognized by the State, constitutes private property and does not vest in the Government. The Court emphasized that such land cannot be reclassified or denied patta merely on the

basis of its classification as 'natham.' The Court declared the Division Bench ruling in *S. Anbananthan as per incuriam* for failing to adhere to binding precedents. As a result, the writ petition (W.P. No. 4936) was allowed, and the Court directed the Tahsildar to issue patta in accordance with the partition deed, clarifying that the 3-cent limit is applicable only to unoccupied grama natham land. The remaining petitions were disposed of with instructions to verify actual occupancy and issue pattas where no legal impediments exist. Additionally, the Commissioner of Land Administration was directed to disseminate these guidelines for consistent application in future cases.

HIGH COURT – CRIMINAL CASES

Gunasekaran Vs. The State rep. by The Inspector of Police, Andipatty Police Station, Theni District [CrI.A(MD)No.222 of 2020]

Date of Judgment: 27.02.2025

The Criminal Appeal, was filed under Section 374 of the Code of Criminal Procedure by the appellant, challenging the judgment passed by the Additional District and Sessions Judge, Fast Track Court. The Trial Court convicted the appellant under Section 302 of the Indian Penal Code (IPC) and sentenced him to life imprisonment along with a fine of Rs.10,000/-, in default of which he was to undergo two years of simple imprisonment.

The case of the prosecution was that the deceased, Suriyakumari, was in an illegal relationship with the accused, which led to police intervention. The accused wanted to take her to Mumbai, but she refused. Agitated by this, on 23.04.2015, at around 8:15 PM, near an astrology centre, the accused intercepted her, pulled out a knife, and stabbed her multiple times. PW1, the deceased's sister, was present at the scene and witnessed the brutal attack. PW3, Kannan, an astrologer, who was in the vicinity, attempted to intervene but failed to prevent the crime. The victim was immediately taken to a Doctor, who provided initial treatment and referred her to a Government Hospital, where she was declared dead.

Upon receiving information, the police registered FIR under Section 302 IPC. The investigation was conducted by PW34, who recorded statements, collected evidence, and arrested the accused on 24.04.2015. Upon arrest, the police recovered a blood-stained knife (M.O.1) and blood-stained clothes (M.O.7, M.O.8) from the accused. The postmortem examination was conducted and concluded that the cause of death was shock and hemorrhage due to multiple stab injuries.

The defence contended that PW1 was an unreliable witness and argued that there were contradictions in the evidence, especially concerning the arrest and the

recovery of material objects. It was also submitted that there was an undue delay in cross-examining the prosecution witnesses, which might have led to manipulation. However, the Court found that the presence of PW1 at the crime scene was corroborated by the testimony of PW3. The forensic reports matched the prosecution's version of events, and the motive of the accused was well established.

The Court relied on judicial precedents, including *Vadivel Thevar v. State of Madras (AIR 1957 SC 614)* and *Selvamani v. State (Crl.A.No.906 of 2023)*, emphasizing that delays in cross-examination could lead to an influence on witness testimonies but would not, in itself, be a ground to discard credible evidence. Thus the High Court, after thoroughly examining the evidence and legal arguments, found no reason to interfere with the judgment of the trial Court. The appeal was dismissed, and the conviction and sentence under Section 302 IPC were upheld.

**Marudhu Pandi Vs. The State rep. by The Inspector of Police, Parthipanur
Police Station, Ramanathapuram District [Crl.A(MD)No.377 of 2021]**

Date of Judgment: 24.03.2025

The Criminal Appeal under Section 374 Cr.P.C. was filed by the appellant seeking to set aside the conviction and life sentence imposed by the Sessions Judge for the offence under Section 302 IPC. The prosecution case alleged that on 27.04.2014, due to prior enmity, the accused fatally stabbed the deceased, near her house. The incident was witnessed by multiple individuals, including her granddaughter (P.W.2). The complaint was lodged promptly, leading to an investigation, inquest, and recovery of material evidence, including the murder weapon. The trial court convicted the accused based on eyewitness testimony, medical evidence, and the recovery of the weapon.

The appellant contended that P.W.1's presence at the crime scene was doubtful, the child witness's testimony required scrutiny, and the postmortem report contradicted the prosecution's timeline. It was also argued that the incident resulted from a sudden quarrel, making it a case of culpable homicide not amounting to murder under Section 304 IPC. The prosecution countered that the case was based on consistent eyewitness accounts, corroborated by medical evidence, and that the accused came armed with a weapon, demonstrating premeditation.

The High Court found that the evidence of P.W.2 was reliable, the complaint was filed without delay, and the alleged discrepancy in the postmortem timing did not affect the prosecution's case. The court held that the accused's act—arriving armed, targeting a vital body part, and repeatedly stabbing—amounted to murder under Section 300 IPC and did not fall under exceptions to reduce it to culpable homicide. Finding no merit in the appeal, the High Court dismissed it, confirming the trial court's judgment and sentence.

**Ragurajan Vs. The State, represented through the Inspector of Police,
Madurai & Ors. [CRL.A(MD)No.79 of 2021]**

Date of Judgment: 18.03.2025

This Criminal Appeal, filed under Section 372 r/w Section 29 of the Criminal Amendment Act, challenges the acquittal order passed by the IV Additional District Court, acquitting the accused of charges under Sections 120(b), 302 r/w 397 r/w 34 of IPC.

The appellant, P.W.1, is the son of the deceased Lakshmi Devi, who was found dead on 25.07.2015. An FIR in Crime No.683 of 2015 was registered upon his complaint. Investigation revealed that jewelry and apparel were missing. A3-Malarkodi was arrested on 01.08.2015, and based on her confession, jewelry was recovered. A1-Ilayaraja and A2 were subsequently arrested. A1's alleged suicide note and Rs.8,000/- in cash, claimed to be proceeds from stolen jewelry, were also recovered.

The trial Court framed multiple charges under IPC against the accused, including conspiracy, murder, trespass, and robbery. The prosecution examined 18 witnesses, marked 21 exhibits and 12 material objects. However, the case was based on circumstantial evidence, and key prosecution witnesses, including the deceased's children, provided inconsistent testimonies. The non-examination of another son, Suresh, who had left due to misunderstandings, further weakened the case. The trial Court found the prosecution's evidence insufficient and acquitted all the three accused.

The appellant's counsel argued that P.W.8 witnessed the recovery of jewelry, and A1's suicide note established conspiracy and murder. However, the respondents' counsel highlighted contradictions in witness testimonies and flaws in the recovery process. The prosecution failed to prove A1's authorship of the suicide note, the source of Rs. 8,000/-, and the last person seen with the deceased. The recovery of jewelry from A3, allegedly hidden in her blouse for 12 days, was deemed improbable.

The Court found that the trial Court's findings were plausible and free from perversity and the prosecution failed to establish an unbroken chain of events proving the accused's guilt beyond doubt.

Hence, dismissed the Criminal Appeal, confirming the acquittal judgment by the IV Additional District Court.

Karthi @ Karthikeyan Vs. The State, rep. by Inspector of Police, Arakonam Taluk Police Station, Arakonam, Vellore District. [CrI.A.No.452 of 2019]

Date of Judgment: 28.04.2025

The appellant had filed this case seeking to set aside the conviction and sentence imposed by the Fast Track Court. The appellant was found guilty of committing offences under Sections 366, 302, 392, 201 of the Indian Penal Code, along with Section 6 r/w 5(m) of the Protection of Children from Sexual Offences Act, 2012. The case arose from the tragic incident involving the abduction and murder of a minor child, who had gone missing while playing with her brother. The prosecution alleged that the appellant had enticed the child with the promise of ice cream, subsequently committing sexual assault and smothering her to death before disposing of her body in a well.

The Court observed that the prosecution had presented substantial evidence, including testimonies from 23 witnesses and various documents. Key witnesses included the child's brother, who testified about the appellant taking the child away, and a pawn broker who confirmed that the appellant had pledged the child's gold ear studs shortly after her disappearance. The Court emphasized the reliability of the child witness, noting that his testimony was clear and consistent.

The Court also considered the appellant's extra-judicial confession, which, despite being a weak piece of evidence, was corroborated by other circumstantial evidence. The medical examination revealed signs of sexual assault and asphyxia as the cause of death, further supporting the prosecution's case.

Thus, the Court held that the evidence presented was sufficient to uphold the conviction, concluding that the appellant's guilt was established beyond reasonable doubt, and dismissed the appeal.

Marappan & Anr. Vs. State rep. by The Inspector of Police, Namagiripet Police Station, Namakkal District [Crl.A.No.592 of 2019]

Date of Judgment: 28.04.2025

The appellants, charged with multiple serious offences including murder and attempted murder, filed a criminal appeal seeking to set aside the judgment of the Additional Sessions Court. The case arose from a violent incident, where the appellants allegedly trespassed onto an agricultural land of the deceased, resulting in the fatal assault of two individuals and grievous injuries to another.

The Court observed that the prosecution presented a total of 23 witnesses, with key eyewitness being the daughter-in-law of the deceased. Her testimony provided a detailed account of the events that transpired that night, including the brutal attacks on the victims by the appellants, who were armed with a spear and a sword. The Court noted that despite the defense's argument regarding the lack of corroboration of the eyewitness's statements and the fact that several other witnesses turned hostile, the Court found the eyewitness's account to be credible and reliable.

The Court highlighted that the testimonies of the other witnesses, although they arrived at the scene after the incident, supported the timeline and circumstances surrounding the attack. Medical evidence corroborated the injuries sustained by the victims, aligning with the eyewitness's statements. The Court emphasized the existence of a long-standing dispute between the families, which provided context for the motive behind the attack.

Furthermore, the Court addressed the defense's claims regarding the reliability of the sole eyewitness. It reiterated that a conviction could be based on the testimony of a single credible witness, provided that the evidence inspired confidence and was corroborated by other evidence.

Ultimately, the Court upheld the convictions and sentences imposed by the Trial Court, dismissing the appeal. It concluded that the evidence presented was

sufficient to establish the guilt of the appellants beyond reasonable doubt. Thus, the Court held that the appellants were guilty of the charges and affirmed the sentences, while also addressing concerns regarding the imposition of a pre-condition for remission of sentence.
