

TAMIL NADU STATE JUDICIAL ACADEMY

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IMPORTANT CASE LAWS



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SUPREME COURT – CIVIL CASES**Sithara N.S. & Ors. Etc. Vs. Sai Ram General Insurance Company Limited**
[Civil Appeal Nos. 14718-14719 of 2025 (2025 INSC 1425)]**Date of Judgment: 12.12.2025****Motor Vehicles Act, 1988 – Section 166 – Standard of Proof – Preponderance of Probabilities**

These civil appeals have been filed by the appellants/legal representatives of the deceased challenging the High Court order, which affirmed the dismissal of two motor accident claim petitions by the Motor Accident Claims Tribunal.

The dispute involves a fatal accident on 14.08.2013, where two individuals, Sunil Singh and Shivu, died after their motorcycle was allegedly struck by a canter lorry driven in a rash and negligent manner. Both the Tribunal and the High Court dismissed the claims, concluding that the appellants failed to prove the involvement of the offending vehicle in the accident. Aggrieved by these concurrent findings, the appellants preferred the present appeals before the Supreme Court.

The appellants contended that the accident and the driver's negligence were proved on a preponderance of probabilities, citing the FIR, charge sheet, and oral evidence from four witnesses, and that the lower courts erred by applying a "proof beyond reasonable doubt" standard and rejecting the claims on technical grounds despite the owner and driver not leading rebuttal evidence. On the other hand, the respondent insurance company submitted that proving the involvement of the vehicle is a mandatory requirement under Section 166 of the Motor Vehicles Act, 1988. The respondent further submitted that the appellants' evidence was insufficient, specifically pointing to the Motor Vehicle Inspector's report which showed no damage to the alleged offending vehicle.

The Hon'ble Supreme Court held that while the standard of proof in motor accident cases is the preponderance of probabilities, the identity of the vehicle must be established through cogent and reliable evidence. Elaborating on this standard, the

Court observed that while an FIR is not an encyclopedia and the absence of a registration number at the initial stage is not necessarily fatal to a claim, such omissions must be weighed against the cumulative infirmities of the evidence. In this instance, the initial complaint was entirely silent on the identity of the vehicle, and the spot mahazar was prepared several days after the accident without any clear indication of whose statement or what eyewitness foundation it was based upon. The Court found the witnesses' testimonies to be self-contradictory and improbable, noting that the alleged eyewitnesses could not confirm which vehicle was involved during cross-examination. Crucially, the Court highlighted that the Motor Vehicle Inspector's report showing no damage to the lorry was inconsistent with a collision severe enough to cause two deaths. Asserting that legal principles cannot be set aside on the grounds of sympathy alone, the Court found no perversity in the lower courts' findings. The appeals were dismissed, and no orders were made as to costs.

K. Subramaniam (Died) Through LRs. K.S. Balakrishnan & Ors. Vs. M/S Krishna Mills Pvt.Ltd. [Civil Appeal No. 2561 of 2025 (2025 INSC 1309)]

Date of Judgment: 11.11.2025

Civil Procedure Code, 1908 – Order XLI Rule 5 - Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 – Rent Control Proceedings – Fair Rent Fixed – Upheld with minor modifications in appeals – Tenant failed to pay arrears since SLP was dismissed – Landlord pursued eviction proceedings – Rejected – Appellate Authority and High Court allowed eviction – Against which, appeal filed – The Hon’ble Supreme Court upheld the eviction of a tenant for “wilful default” in rent payment, noting that although the tenant appealed against the enhanced rent, he never sought a stay on the fair rent fixed by the Court – Mere filing of an appeal does not operate as a stay of the decree/order under appeal is the statutory ordainment in sub-rule (1) of Rule 5 of Order XLI, CPC - Tenant can't evade rent payment citing pendency of appeal against rent fixation order when there is no stay – Appeal dismissed.

The civil appeal has been filed by the appellant/tenant challenging the High Court’s revisional judgment and order affirming eviction of the appellants (heirs of lessee K. Subramanian) for wilful default under Section 10(2)(i) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960.

The dispute originated from a lease of a commercial godown in Coimbatore. While the landlord/respondent claimed the rent was Rs.48,000/- per month, the appellants insisted it was Rs.33,000/-. On January 10, 2007, the Rent Controller fixed the fair rent at Rs.2,43,600/- per month, effective from February 1, 2005. The appellants appealed, but did not seek a stay of this order, continuing to pay only a fraction of the determined rent. Though the Appellate Authority and the High Court later upheld the rent fixation, with minor modifications, the appellants failed to pay arrears exceeding Rs.1.22 crore until 2013, since their Special Leave Petition was dismissed in March, 2012. The landlord then pursued eviction on the ground of wilful default. While the Rent Controller initially rejected the eviction plea, the Appellate Authority

allowed it in 2020 and the High Court affirmed the said decision in 2021. The appellants, through legal heirs, approached the Supreme Court by way of this appeal.

The appellants contended that no wilful default occurred since the fair rent was under challenge, no prior demand notice was issued, and arrears were paid after finality of proceedings before the Supreme Court. On the other hand, the respondent landlord contended that fair rent is "rent" under the Act, appeals do not operate as a stay, and non-payment for nearly six years despite absence of stay amounted to wilful default. Payment after prolonged delay and in instalments did not cure the default.

The Hon'ble Supreme Court held that the appellant challenges a "fair rent" order, but has not obtained a stay on it. The Court also upheld the eviction of a tenant for "wilful default" in rent payment, noting that although the tenant appealed against the enhanced rent, he never sought a stay on the fair rent fixed by the Court. By reiterating the legal principle laid down in *Girdharilal Chandak and Bros. v. Mehdi Ispahani* (2011 (5) CTC 252), the Court highlighted that if a person does not seek stay of an order passed by a Court below, it would only indicate either of the two things viz., (i) that he is willing to comply with the order, or (ii) that he has no objection to the orders of the Court below being put into execution. The Apex Court dismissed the appeal as unmeritorious.

**Dharmrao Sharanappa Shabadi & Ors. Vs. Syeda Arifa Parveen [SLP (C)
NO. 16996 OF 2022 (2025 INSC 1187)]**

Date of Judgment: 07.10.2025

Mohammedan Law – Hiba – Transfer of Property Act, 1882 – Gift – Indian Evidence Act, 1872 – Sections 50, 60 and 73 – Civil Procedure Code, 1908 – Order XLI, Rules 4 and 33 – Suit filed on the basis of oral gift (hiba) – Trial Court decreed the suit in respect of the properties other than the property mentioned in oral gift by disbelieving the oral gift – High Court modified the decree by noting that the plaintiff is the absolute owner of the 10 acres gifted by mother and the 3/4th share in the remaining 14 acres and 28 guntas – Defendants preferred appeal – Held : There are three essential gifts under Mohammedan law viz., (a) clear manifestation of the wish to give by the donor: such wish need not be in writing (b) delivery of possession: either actual or constructive (c) evidence of continuous user under the gift: the donee must be able to prove exclusive control and enjoyment of the property – All three elements must be acted upon in public knowledge and not in secrecy – On facts the evidence of acting under the gift essential to substantiate the claim of possession was lacking and the High Court merely acted upon the ipse dixit statements of witnesses – Opinion evidence – Section 50 does not make evidence of mere general reputation admissible as proof of a relationship – If conduct is of such a tenor, Court only gets to a relevant piece of evidence, namely, opinion of a person – It still remains for Court to weigh such evidence and come to its own opinion as to factum probandum, as to relationship in question – Conduct, being a perceptible external fact, must be proved by “direct evidence” as defined in Section 60 of Evidence Act – Witnesses must testify to what they personally saw or heard – Opinion expressed by conduct of any person as a member of family or of any person otherwise has special means of knowledge on the subject is a relevant fact – Perception permitted as a relevant fact does not automatically amount to a fact proved

till the same passes test of discrimination, namely, triple test of relevancy, admissibility and competence of witness – Proof of status or relationship need not always necessarily be through documentary evidence, but, when oral evidence is the basis on which opinion is required to be formed by a Court, Courts are allowed to treat an opinion on conduct about a relationship as only a relevant fact – This should not be confused with ‘as factum probandum’ – The power to compare documents should be exercised as a measure of last resort and the Court’s conclusion should not be the sole basis for a decision in serious matters – By partially upholding the hiba, the High Court has disturbed a finding of fact and granted relief without there being an appeal / cross-appeal, which is impermissible in law.

The civil appeal has been filed by the Appellants/Defendants challenging the high court order, which, while dismissing their appeal, modified the trial court's decree by upholding the Plaintiff/Respondent's claim to title based on an oral gift.

The brief facts of the case is that a declaratory suit was filed by the Plaintiff/Respondent in 2013, seeking a declaration of ownership and a perpetual injunction in respect of 24 acres and 28 guntas of land. The Plaintiff claimed title based on an alleged oral gift (hiba) of 10 acres from her mother, Khadijabee (who died in 1990), and through succession, as the sole heir. The Plaintiff also sought a declaration that five sale deeds registered in 1995 in favour of the Defendants were null and void. The Defendants asserted that they were bona fide purchasers of the entire land from the Plaintiff’s father, Abdul Basit (who died in 2001). The Trial Court disbelieved the case of the Plaintiff on oral gift. The appeal filed by the Defendants before the High Court was dismissed, with a modification of the decree, noting that the Plaintiff is the absolute owner of the 10 acres gifted by her mother and a three-fourths share in the remaining 14 acres and 28 guntas. Against this judgment, the present appeal has been filed.

The Plaintiff claimed title based on an oral gift (Hiba) of 10 acres from her mother and succession as sole heir, asserting the 1995 sale deeds were void and the suit was within limitation. The Defendants denied the Plaintiff's heirship and the validity of the Hiba for lack of proof of delivery of possession, claimed the suit was time-barred, and argued that the High Court exceeded its appellate jurisdiction by recognizing the oral gift without a cross-appeal.

The Hon'ble Supreme Court, while reiterating the three essential requirements of a valid gift under Mohammedan law, namely, (a) a clear manifestation of the donor's intention to make the gift, which need not be in writing; (b) delivery of possession, either actual or constructive; and (c) evidence of continuous user under the gift, requiring the donee to prove exclusive control and enjoyment of the property, held that all three elements must be acted upon in public knowledge and not in secrecy. On the facts of the case, the Court found that evidence of acting upon the gift, which is essential to substantiate the claim of possession, was lacking, and that the courts below had merely relied upon the ipse dixit statements of witnesses. With regard to opinion evidence, the Apex Court held that proof of status or relationship need not always be through documentary evidence; however, where oral evidence forms the basis for the Court to form an opinion, such opinion based on conduct relating to a relationship can only be treated as a relevant fact. This should not be confused with *factum probandum*. The Court further observed that the power to compare documents should be exercised only as a measure of last resort, and that the Court's own conclusion should not be the sole basis for a decision in serious matters. A perception permitted as a relevant fact does not automatically amount to a fact proved unless it satisfies the triple test of relevancy, admissibility, and competence of the witness. The Hon'ble Supreme Court while allowing the appeal, dismissed the suit and held that by partially upholding the hiba, the High Court disturbed a finding of fact and granted relief in the absence of an appeal or cross-appeal, which is impermissible in law, and that the suit, filed in 2013, was barred by limitation.

Annamalai Vs. Vasanthi and Ors. [SLP (C) No. 26848-26849/2018 (2025 INSC 1267)]

Date of Judgment: 29.10.2025

Civil Procedure Code, 1908 – Section 100, Order XIV, Rule 2, Order 20, Rule 12(a) – Indian Contract Act, 1872 – Indian Evidence Act, 1872 – Section 114 – Limitation Act, 1963 – Article 65 – Specific Relief Act, 1963 – Section 10, 14 and 20 – Two suits filed by rival parties : one for specific performance and another for declaration and injunction regarding the same property – Trial Court dismissed the suit for specific performance as the plaintiff failed to perform his part of contract and decreed the other suit – First appellate Court reversed the same, finding that the plaintiff was ready and willing to perform – High Court reversed the same and directed refund of the advance consideration with interest – Appeals filed – Held : The Court's discretion to decree specific performance is guided by the principles of fairness, equity and conduct of the parties – Payment of a substantial portion of the consideration, along with additional amounts accepted by the vendor, supports a finding of the plaintiff's readiness and willingness to perform the contract, even if the remaining balance was not paid within the original timeframe – Merely because plaintiff's claim that property was in his possession was not accepted, the relief of specific performance cannot be declined – Appeals allowed.

These civil appeals have been filed by the appellant/plaintiff challenging the High Court order, which, in a second appeal, set aside the decree for specific performance that had been granted by the First Appellate Court.

The dispute concerns the same property and arose from two suits: one filed by the appellant for specific performance of an agreement for sale, and the other by the 1st respondent for declaration and injunction. Under the agreement, the appellant paid Rs. 4,70,000/- as advance and claimed to have paid an additional Rs. 1,95,000/- on 09.06.2010, acknowledged by the defendants (D-1 and D-2) by endorsement, making the total consideration paid Rs. 6,65,000/-. The defendants (D-1 and D-2) terminated the agreement by notice dated 20.08.2010 after selling part of the property to the 1st respondent (D-3) on 17.08.2010. The Trial Court dismissed the appellant's suit for specific performance and decreed 1st

respondent's suit. The First Appellate Court reversed this decision, upheld the agreement as one for sale, found that consideration was paid and that the appellant was ready and willing to perform, and consequently decreed specific performance while dismissing the another suit. In second appeals filed by the 1st respondent, the High Court set aside the decree for specific performance, holding that the appellant failed to prove payment of additional consideration, possession, and readiness and willingness, and directed refund of the advance with interest. Aggrieved thereby, the appellant preferred the present appeal before the Supreme Court.

The appellant contended that having paid over 90% of the consideration and with the respondents' acceptance of the additional payment, the termination notice was unjustified, making denial of specific performance improper. On the other hand, the respondents submitted that the appellant presented a fabricated document for the additional payment, falsely claimed possession, failed to execute the sale deed within 6 months, and thus lacked readiness and willingness.

The Hon'ble Supreme Court held that the High Court erred under Section 100 CPC by discarding the finding of fact that the additional Rs. 1,95,000/- was paid, particularly since the signatures on the endorsement were not disputed. Since the plaintiff had paid over 90% of the agreed consideration and the additional demanded amount, and D-1 and D-2 accepted this payment after the stipulated six months had passed, the plaintiff established readiness and willingness. By accepting the additional amount, D-1 and D-2 waived their right to forfeit the earnest money, and thus their unilateral termination was a void act, meaning the suit for specific performance was maintainable without a separate declaratory relief. The Apex Court found that denying the discretionary relief of specific performance was unwarranted, especially since 1st respondent (D-3) was a related party and not a bona fide purchaser. The appeals were allowed, the High Court's judgment was set aside, and the decree of specific performance granted by the First Appellate Court was restored.

**M/s. Motilal Agarwala Vs. State of West Bengal & Anr. [Civil Appeal
No.4480 of 2016 (2025 INSC 1062)]**

Date of Judgment: 28.08.2025

Arbitration and Conciliation Act, 1996 – Sections 34, 2(1)(h) and 31(5) – Arbitral award – Limitation period – Service of award – Definition of party – The State preferred an application seeking to set aside the arbitral award before the District Court – Dismissed as time-barred – Reversed by High Court finding limitation starts when party receives a signed copy and the award was not served on the Secretary of the State – Held: The authorized representative did not have the authority to act as a 'party' under the Act and therefore the service was invalid – Limitation starts when the recognized parties are duly served – The award was not served to the legally recognized 'party' of the State and thus, the limitation did not begin until proper service occurred – Appeal dismissed and the High Court's order upheld.

The civil appeal has been filed by the appellant challenging the judgment and order passed by the High Court, which set aside the District Court's order dismissing the application under Section 34 of the Arbitration and Conciliation Act, 1996, filed by the respondent/State against the arbitral award.

The brief facts of the case is that the appellant secured an arbitral award on 12.11.2013. Aggrieved by the award, the respondent-State challenged it under Section 34 of the Arbitration and Conciliation Act, 1996 before the District Court on 20.03.2014. The prescribed period of limitation for filing such an application is 90 days, and the District Court dismissed the application as time-barred. While allowing the appeal, the High Court held that since the award had not been served on the Secretary, Irrigation and Waterways Department, or the Executive Engineer, who could be considered a "party" under Section 2(1)(h) of the 1996 Act, limitation had not commenced. Hence, the appellant preferred the present appeal.

The appellant contended that the State's authorized representative, had collected a signed xerox copy of the award on 12.11.2013, thereby giving the State knowledge and rendering the Section 34 application time-barred, and that such representative fell within the definition of "party" under the 1996 Act. On the other hand, The State submitted that the authorized representative, such as an Assistant Engineer, was not the "party" as defined in Section 2(1)(h) and lacked the authority to take a decision regarding challenging the award, which belonged to the Secretary or Executive Engineer. Therefore, the State contended that valid service under Section 31(5) had not occurred, and limitation only began when they learned of the award through execution proceeding.

The Hon'ble Supreme Court observed that proper service must be effected on the designated "party" as defined under Section 2(1)(h) of the Act, 1996, which, in large government organizations like the State, involves specific officials who have the knowledge and authority to decide whether to challenge the award or not. The Court highlighted that mere receipt of the award by an authorized representative who is not a "party" within the statutory definition does not commence the period of limitation. The Court found that the award had not been served on the legally recognized "party" of the State and, therefore, limitation did not begin until proper service was effected. The Apex Court, while dismissing the appeal, confirmed the order of the High Court directing that the application under Section 34 of the Act be heard and disposed of on merits.

SUPREME COURT – CRIMINAL CASES**Denash Vs. The State of Tamil Nadu [Special Leave Petition (Criminal) No. 8698 of 2025 (2025 INSC 1258)]****Date of Judgment: 27.10.2025**

Narcotic Drugs and Psychotropic Substances Act, 1985 – Sections 60 and 63 – Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022 (“2022 Disposal Rules”) – Rules 17, 20, 21, 22 and 23 – Criminal Procedure Code, 1973 – Section 451 [Section 497 of BNSS] – Subordinate legislation cannot override the provisions of the parent statute – The 2022 Disposal Rules must be read in harmony with the NDPS Act and not in conflict with its express provisions – 2022 Disposal Rules cannot divest the Special Court constituted under the NDPS Act to order interim release of the confiscated vehicle when the owner prima facie establishes that he is unconnected with the seized contraband – The authority of the Special Court to pass appropriate orders for interim custody during the pendency of the trial, as well as to make final determination upon its conclusion, continues to operate independently of the disposal mechanism envisaged under the said Rules - Allowed.

The Criminal Appeal has been filed by the appellant, challenging the judgment passed by the High Court, which rejected his prayer for the interim custody of his seized lorry, affirming the Special Court's decision.

The brief facts of the case is that the appellant, who was the owner of a lorry, had lawfully hired it for transporting iron sheets. During transit, the vehicle was intercepted by police, and 6 kilograms of Ganja were recovered from the possession of the four accused persons (the driver and three others) present in the vehicle. The appellant/owner was not arraigned as an accused in the charge sheet filed under the NDPS Act. The Special Court and the High Court dismissed the appellant's application for interim release (supurdagi), with the High Court holding that the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022

("Rules of 2022") vested exclusive jurisdiction to adjudicate upon the disposal of conveyances with the Drug Disposal Committee. Hence, the Present appeal has been filed.

The appellant contended that he was entitled to interim release of his seized lorry, relying on this Court's decision in *Bishwajit Dey v. State of Assam*, which addressed circumstances for granting interim release of vehicles seized under the NDPS Act. He argued that the present case was squarely covered by that decision. On the other hand, the State submitted that Bishwajit Dey did not consider the impact of the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022, which vest exclusive authority over disposal and release of conveyances in the Drug Disposal Committee, warranting dismissal of the appeal.

The Hon'ble Supreme Court observed that the Rules of 2022, being subordinate legislation, cannot supersede the provisions of the parent legislation (NDPS Act). The Court clarified that the power to determine whether a seized conveyance is liable to confiscation vests exclusively in the Special Court constituted under the NDPS Act, pursuant to Sections 60(3) and 63, and not in an administrative body such as the Drug Disposal Committee. The Court emphasized that Section 60(3) provides a substantive right to the owner to prevent confiscation if he proves the vehicle was used without his knowledge. Furthermore, the Court held that the Rules of 2022 cannot be interpreted as divesting the Special Courts of their jurisdiction to entertain applications for interim custody under the relevant provisions of the Code of Criminal Procedure/BNSS. Finding that the appellant was the lawful owner, was not charge sheeted, and likely had no knowledge or connivance regarding the small quantity of Ganja found alongside the valuable cargo, the Court determined that the circumstances indicated the appellant's bonafides. The Apex Court allowed the appeal, set aside the judgment passed by the High Court, and ordered the release of the to the appellant on supurdagi, subject to terms imposed by the Special Court.

R. Rajendran Vs. Kamar Nisha and Ors [Criminal Appeal No. 1013 of 2021 (2025 INSC 1304)]

Date of Judgment: 10.11.2025

Legitimacy of child and DNA Testing - Indian Evidence Act, 1872 - Sections 112, 114(g), 114(h) and 4 - Respondent engaged in an extramarital relationship with the appellant, leading to a child being born during her marriage – On lodging the complaint regarding cheating and harassment, DNA testing to confirm parentage was requested - High Court directed DNA testing, which was contested – Presumption of legitimacy of a child born during the continuance of a valid marriage - DNA testing ordered by High Court for criminal investigation deemed unwarranted as presumption remains un rebutted - No evidence of non-access provided - Court examined the balance between the right to privacy and the necessity of DNA testing - Intrusion justified only where paramount need is established - Burden of proof - Party disputing legitimacy must establish non-access with cogent evidence, simply asserting non-access is insufficient - The legal presumption contemplated Under Section 112 of the Indian Evidence Act 1872 and the necessity proof of non-access before ordering DNA testing, ultimately ruling that the presumption of legitimacy remains intact - Presumption of legitimacy under Section 112 prevails, reaffirming that DNA testing must not be ordered without strong evidence of non-access - Appeal allowed setting aside the order of the High Court.

The Criminal Appeal has been filed by the appellant, challenging the impugned judgment passed by the High Court, which directed the appellant to appear for collection of blood samples for DNA profiling.

The brief facts of the case are that Respondent No. 1 married one Abdul Latheef in 2001, and she alleged that the appellant (a doctor) developed physical relations with her, resulting in the birth of a child on 08.03.2007. Following a quarrel, Respondent No. 1 lodged an F.I.R. on 24.06.2014 against the appellant for offences under Sections

417 and 420 of the Indian Penal Code, 1860 and Section 4(1) of the Tamil Nadu Women Harassment Act. When the investigation by the police was not in progress, the Respondent No. 1 approached the High Court for transfer of investigation and ordered DNA profiling of the appellant, first respondent and child. In the second round of litigation, the Hon'ble Single Judge order was confirmed by the Hon'ble Division Bench. Hence, the appellant preferred the present appeal to challenge the direction to undergo DNA testing.

The appellant contended that directing a DNA test violated his right to privacy and the conclusive presumption of legitimacy under Section 112 of the Indian Evidence Act, 1872, and that such tests should be ordered only in exceptional cases, not for roving inquiries, especially when records named Abdul Latheef as the father. On the other hand, the Respondent No. 1 submitted that, as the dispute arose from criminal proceedings, strict proof of paternity was necessary, scientific evidence should prevail over presumptions, and an adverse inference should be drawn from the appellant's refusal to undergo the test.

The Hon'ble Supreme Court observed that the child was born during the subsistence of a valid marriage, meaning the statutory presumption under Section 112 of the Evidence Act operates conclusively in favor of the husband (Abdul Latheef) being the legitimate father. The Court held that this presumption can only be displaced by strong and unambiguous evidence proving "non-access" between the spouses, a burden Respondent No. 1 failed to meet. The Court stressed that DNA testing cannot be ordered routinely but only when "eminently needed," and only after scrupulously balancing the interests of all parties, including the right to privacy. Finding that paternity was only a collateral factor to the criminal charges of cheating and harassment, the direction for DNA testing lacked a legitimate aim and proportionality, constituting an unwarranted intrusion into the privacy and bodily autonomy of the appellant and the child (who had attained majority). The reliance by the lower courts on Sections 53 and 53A of the Code of Criminal Procedure, 1973 was also found to be misplaced, as these provisions require a direct and proximate nexus between the

medical examination and the alleged offense, which was absent here. The Apex Court, finding that the statutory presumption under Section 112 remained unrebutted, allowed the appeal and set aside the High Court's judgment directing the DNA test.

Govind Vs. State of Haryana [Criminal Appeal No. 5641 of 2024 (2025 INSC 1318)]

Date of Judgment: 14.11.2025

Indian Penal Code, 1860 – Section 302 – Arms Act, 1959 – Section 25 – Indian Evidence Act, 1872 – Sections 25 and 27 – Accused was not named in FIR initially, but was implicated five days later through a supplementary statement of alleged eyewitness alleging that accused had shot dead the victim by using a pistol – Trial Court convicted the appellant relying upon the recovery of the pistol, two live cartridges and the Forensic Science Laboratory Report and sentenced him - No independent witness identified accused or supported prosecution case regarding his presence at the place of occurrence – Co-accused had been acquitted – Motive was not proved – It was not clear that recovered pistol was same which was used in commission of offence – Other household articles in room were neither seized nor proved by examining any independent witness from neighbourhood – Chain of custody of seized articles till deposit in FSL was not proved – Appeal allowed and accused was acquitted.

The Criminal Appeal has been filed by the appellant, challenging the judgment passed by the High Court, which affirmed the Trial Court's conviction against him for offences under Section 302 of the Indian Penal Code (IPC) and Section 25 of the Arms Act, 1959.

The brief facts of the case is that the deceased, Promila, was shot dead on June 12, 2016. An initial FIR mentioned three boys, and five days later, the deceased's brother (PW-1) named the appellant and co-accused. The alleged motive was a grudge held by the deceased's in-laws against the co-accused over a property-related court case. The Trial Court acquitted the co-accused, but convicted only the appellant, sentencing him to life imprisonment, relying mainly on the recovery of a country-made pistol and two live cartridges, supported by the FSL report. The High Court upheld this conviction, leading to the present appeal.

The appellant contended that his conviction relying solely on the recovery of a pistol and FSL report was unjustified, especially when key eyewitnesses turned hostile, and the weapon's recovery from an unlocked, accessible iron box without independent witnesses was questionable. On the other hand, the State contended that the recovery, along with the FSL report linking the bullets to the deceased was sufficient to prove guilt.

The Hon'ble Supreme Court observed that the alleged eyewitness, (PW-1), and another witness (PW-5), turned hostile and failed to prove the appellant's presence at the scene or his complicity in the crime. The Court held that the prosecution failed to establish that the recovery of the weapon, which was effected from an iron box lying in a room accessible to other family members without independent witness from neighborhood, distinctly related to the commission of the offence. Furthermore, the Court noted that the chain of custody linking the seizure, storage and subsequent deposit of the recovered pistol and cartridges to the FSL was incomplete and not duly proved. The Supreme Court determined that while the FSL report correlated the recovered cartridges with the bullets found in the deceased's body, such evidence alone is insufficient to sustain the conviction, when eyewitness testimony and evidence regarding motive are missing. The alleged motive primarily pertained to the acquitted co-accused, and the motive attributed to the appellant was based on speculative quid pro quo, lacking credible evidence. Finding that the prosecution failed to prove the appellant's guilt beyond a reasonable doubt, the Apex Court allowed the appeal, set aside the conviction and sentence passed by the Trial Court and High Court, and acquitted the appellant of all charges.

Manojbhai Jethabhai Parmar (Rohit) Vs. State of Gujarat [Criminal Appeal No(s). 2973 of 2023] [2025 INSC 1433]

Date of Judgment: 15.12.2025

The Criminal Appeal has been filed by the appellant/accused, challenging the judgment and order of the High Court, which had rejected the appeal against the trial court's conviction and sentence under the Indian Penal Code, 1860, and the Protection of Children from Sexual Offences (POCSO) Act, 2012.

The case originated from the brutal sexual assault of a four-year-old girl on June 13, 2013. The appellant was later identified as the accused based primarily on circumstantial evidence, specifically the testimony of four boys who claimed they saw him pushing the naked, bleeding victim from his house. The case of the prosecution rested entirely on circumstantial evidence, specifically the circumstance of last seen together, incriminating recoveries, and Forensic evidence. The accused was convicted for the offences punishable under Sections 363, 376(2)(i) and 201 of the IPC and Sections 3 and 4 of the POCSO Act, 2012, by the trial court. After the High Court rejected the appeal filed by the appellant, he had challenged the conviction before the Supreme Court by the present Criminal Appeal.

The Supreme Court found that the conduct of the complainant (PW-1), the journalist (PW-2), the alleged witnesses of the last seen circumstance (PW-3 and PW-4) and IOs were highly unnatural, suspicious, and full of improbabilities. The Court observed that the story implicating the accused-appellant appeared to be cooked up after consultation and deliberations on the day following the incident, resulting in significant embellishment and material omissions in the initial complaint. The Court further found the evidence regarding incriminating recoveries unreliable due to stark contradictions among the panch witnesses, the failure of the Investigating Officers to prove the ownership of the house,

and the lack of a proper chain of custody for the seized articles. The Supreme Court concluded that the prosecution had failed to establish the accused-appellant's guilt and that the entire story was woven on a "fabric of lies".

The Supreme Court, while allowing the appeal, acquitted the appellant and issued the following specific directions to all trial courts across the country to adopt a structured and uniform practice when preparing criminal judgments.

1. **Preparation of Tabulated Charts:** All trial courts dealing with criminal matters must incorporate tabulated charts at the conclusion of the judgment summarizing:
 - Witnesses examined.
 - Documents exhibited.
 - Material objects (muddamal) produced and exhibited.
2. **Standardized Chart of Witnesses:** This chart must include at least the following columns: Serial Number, Name of the Witness, and a Brief Description/Role of the Witness (e.g., Informant, Eye-witness, Medical Jurist/Doctor, Investigating Officer (I.O.), Panch Witness, etc.). This structured presentation assists in locating the witness and provides quick reference to the nature of the testimony.
3. **Standardized Chart of Exhibited Documents:** This chart must include the Exhibit Number, Description of the document (e.g., FIR, complaint, panchnamas, FSL reports, etc.), and the Witness who proved or attested the document. Specifying the witness who proved the document ensures the traceability of proof and helps in appreciating compliance with the relevant Evidence Act(BSA).
4. **Standardized Chart of Material Objects/Muddamals:** This chart must include the Material Object (M.O.) Number, Description of the

Object, and the Witness who proved the Object's Relevance (e.g., weapon, clothing, tool, etc.).

5. **Special Provisions for Voluminous Evidence:** In complex cases involving voluminous evidence, the trial court may confine the charts to the **material, relevant, and relied-upon witnesses and documents**, clearly indicating this confinement. This is to ensure the charts remain functional reference tools.
6. **Application to Defence Evidence:** These directions apply, *mutatis mutandis*, to all witnesses examined and all evidence adduced by the defense.
7. **Adoption and Implementation:** The specimen charts provided in the judgment should ordinarily serve as the standard format. The Court directed the Registry to transmit a copy of the judgment to all High Courts to ensure due compliance, noting that High Courts may consider incorporating these directions into their respective rules governing trial court procedure. While these directions are primarily for criminal trials, the High Courts may consider adopting similar tabulated formats for civil matters involving voluminous evidence to promote clarity.

Mihir Rajesh Shah Vs. State of Maharashtra and Anr. [Criminal Appeal No. 2195 of 2025 (2025 INSC 1288)]

Date of Judgment: 06.11.2025

Constitution of India – Article 22 – Bharatiya Nagarik Suraksha Sanhita, 2023 – S. 47, S. 48 – Grounds of arrest – Failure to communicate – Appellant was arrested alleging that he drove a BMW car at a high speed and collided with another vehicle – Challenge made as grounds of arrest were not furnished – High Court upheld the validity of the arrest – Appeal filed – Obligation to inform grounds of arrest is not a mere procedural formality, but a mandatory constitutional safeguard – Failure to inform a person of grounds of his arrest "as soon as may be" constitutes a violation of fundamental rights, which curtails his right to life and personal liberty and renders his arrest illegal – The mode of the communication of such grounds must be in writing in the language he understands – Time frame in exceptional circumstances – In case(s) where, the arresting officer/person is unable to communicate the grounds of arrest in writing on or soon after arrest, it should be done orally – Said grounds be communicated in writing within a reasonable time and in any case at least two hours prior to production of the arrestee for remand proceedings before the magistrate – In case of non-compliance of said requirement, the arrest and subsequent remand would be rendered illegal – Appeal allowed setting aside the order of the High Court.

The criminal appeals have been filed by the Appellant, challenging the judgment of the High Court, which had upheld the validity of his arrest despite the procedural lapse of not providing the grounds of arrest in writing.

The brief facts of the case were that on July 7, 2024, a white BMW car, driven at a high speed and allegedly by the Appellant, Mihir Rajesh Shah, violently collided with the complainant's scooter from behind. The impact propelled the complainant and his wife onto the car's bonnet, tragically resulting in the death of the wife who became

ensnared and dragged by the vehicle,. The driver absconded without rendering assistance. FIR No. 378/2024 was registered. The appellant was apprehended on July 9, 2024. Evidence collected established the Appellant as the driver, including CCTV footage, use of a Fastag registered in his name, and evidence of alcohol consumption shortly before the incident. The Appellant contested the remand proceedings, asserting that the grounds of his arrest were not furnished in writing, as mandated by Article 22(1) of the Constitution and Section 47 of BNSS 2023. The High Court upheld the validity of the arrest, noting the Appellant's conscious awareness of the gravity of the offence, substantial evidence, and his evasion of arrest, notwithstanding the acknowledged procedural lapse, against which, the Appellant preferred the present appeal.

The Hon'ble Supreme Court by formulating two questions of law with regard to furnishing grounds of arrest to an accused person held that failure to inform a person of grounds of his arrest "as soon as may be" constitutes a violation of fundamental rights, which curtails his right to life and personal liberty and renders his arrest illegal. The Supreme Court while allowing the appeal, clarified that an arrestee had to be mandatorily informed of the grounds of arrest for all offences under all laws, including IPC and BNS; these grounds had to be provided in writing in a language the arrestee understood, and if they could not be given in writing at the time of arrest, they could first be conveyed orally but were required to be supplied in writing within a reasonable time, at least two hours before the arrestee was produced for remand; any noncompliance rendered the arrest and remand illegal, entitling the person to release, and although Section 50 of Cr.P.C. and Section 47 of the BNSS did not prescribe the mode or timing, the Court reiterated that written communication had to be given at the earliest within the timeframe it laid down.

HIGH COURT – CIVIL CASES

R.Radha @ R.RadhaRamalingam Vs. MadhanRaj Hindu Undivided Family, Rep. By its Kartha Madhan Raj, S/o.K.Ramalingam (CRP. No.2492 of 2025) and R.Radha & others Vs. B.Niranjani (CRP. No.2506 of 2025)[CRP.Nos.2492 & 2506 of 2025 and CMP. Nos.14294 & 14344 of 2025] [2025(4) L.W. 747]

Date of Judgment: 19.09.2025

This Civil Revision Petition had been filed challenging the order dismissing the applications seeking rejection of the plaint under Order VII Rule 11 CPC in two Commercial Suits, and seeking interference under Article 227 of the Constitution of India.

The revision petitioners, being defendants in the Commercial Suits, had filed the interlocutory applications contending that the suits for recovery of money based on promissory notes did not constitute a “commercial dispute” under Section 2(1)(c) of the Commercial Courts Act, 2015, and therefore, the Commercial Court lacked jurisdiction. It was further contended that a promissory note, being a negotiable instrument, could not be treated as a mercantile document, that the plaintiff had not complied with the Tamil Nadu Money Lenders Act, 1957, that parallel proceedings under the Negotiable Instruments Act, 1881 and civil law were impermissible, and that mandatory pre-institution mediation under Section 12-A of the Commercial Courts Act had not been complied with, warranting rejection of the plaint.

The Court examined the scope of Section 2(1)(c) of the Commercial Courts Act and observed that the definition expressly included ordinary transactions of financiers relating to mercantile documents, including enforcement thereof. On a scrutiny of the promissory notes forming the basis of the suits, the Court found a clear recital that the borrowings were for business expansion and commercial purposes, and further noted that execution of the promissory notes was not disputed. The Court also recorded that the plaintiff was a registered money lender, whose licences had been produced, received on consent, and marked before the Trial Court, thereby foreclosing any challenge on that ground.

While dealing with the argument that a negotiable instrument could not be a mercantile document, the Court held that reliance on Section 137 of the Transfer of Property Act was misplaced, as the provision dealt with mercantile documents of title to goods and not with mercantile instruments in general. The Court further relied upon the principles laid down by the Hon'ble Supreme Court in *Bharat Barrel & Drum Manufacturing Company*, holding that negotiable instruments are instruments of credit and mercantile in nature, and therefore capable of giving rise to commercial disputes when arising from commercial transactions.

On the plea of parallel proceedings, the Court observed that proceedings under the Negotiable Instruments Act, 1881 were penal in nature for dishonour of cheque, whereas the civil suits were purely for recovery of money, and consequently, the doctrine of double jeopardy had no application.

With respect to Section 12-A of the Commercial Courts Act, the Court noted that in one suit, urgent interim relief had been sought and granted, justifying dispensation of pre-institution mediation, and in the other suit, though such urgency was not recorded, the suit had been instituted prior to 20.08.2022. Applying the law laid down in *Patil Automation Private Limited* and reaffirmed in *Dhanbad Fuels Limited*, the Court held that complaints filed prior to 20.08.2022 could not be rejected under Order VII Rule 11 CPC for non-compliance with Section 12-A, though referral to mediation could be directed.

The Court concluded that the transactions were commercial in nature, the promissory notes constituted valid mercantile instruments, the Commercial Court had jurisdiction, and no ground for rejection of the complaint was made out. Accordingly, the Court dismissed both Civil Revision Petitions, affirmed the orders of the Commercial Court refusing to reject the complaint, declined to exercise jurisdiction under Article 227 of the Constitution of India, and dismissed the connected miscellaneous petitions, without costs.

Nainar Thevar (died) & others Vs. M.Pushparaj (died) & others [S.A.(MD) No.358 of 2005 and CMP (MD). No.3151 of 2005 and MP(MD). No.2 of 2011] [2025 (4) L.W. 760]

Date of Judgment: 23.09.2025

This Second Appeal had been filed as against the judgment and decree passed in A.S.No.13 of 2003, which had confirmed the judgment and preliminary decree passed in O.S.No.130 of 1997, seeking interference under Section 100 of the Code of Civil Procedure.

The appellant, who was the 9th defendant in a suit for partition, had filed the Second Appeal challenging the concurrent findings of the Trial Court and the First Appellate Court. The original suit had been filed by the plaintiff seeking partition and separate possession of a 1/12th share in the suit schedule properties, contending that the properties were the absolute properties of his father, who had died intestate, and that the plaintiff and defendants became co-owners under the Indian Succession Act. The suit was necessitated on account of the alleged inconvenience of joint possession and the refusal of certain co-sharers to effect partition. The plaintiff had further asserted that sale deeds executed by certain defendants in favour of third parties were void and not binding on his share.

The Trial Court, after considering the pleadings and evidence, had passed a preliminary decree granting the plaintiff 1/12th share in all the suit schedule properties. During the pendency of the suit, a memo had been filed by the plaintiff stating that an out-of-court settlement had been reached in respect of Item Nos.1 and 2 of the suit schedule properties and that the suit was not pressed in respect of those items. The memo had been signed by the plaintiff, his counsel, and counsels for certain defendants, and was endorsed as "Recorded" by the Trial Court. However, the Trial Court proceeded to decide the suit on merits without giving effect to the said memo.

The First Appellate Court, while dismissing the appeal, had held that the memo could not be treated as a valid compromise or abandonment, as no affidavit had been filed

and no formal order had been passed by the Trial Court, and further held that the memo did not satisfy the requirements of Order XXIII of the Code of Civil Procedure. Consequently, the preliminary decree was confirmed in its entirety.

In the Second Appeal, the Court confined itself to examining whether the memo filed by the plaintiff amounted to a valid abandonment of part of the claim under Order XXIII Rule 1 CPC. The Court observed that abandonment of a suit or part of a claim under Order XXIII Rule 1 CPC was a unilateral act of the plaintiff, which did not require the consent of the other parties or a formal order of the Court, and that mere intimation to the Court was sufficient. The Court held that the First Appellate Court had misconstrued the provision by applying the principles relating to withdrawal with liberty under Order XXIII Rule 3 CPC, which operated in a distinct field. The Court further noted that the memo clearly reflected the intention of the plaintiff to abandon his claim in respect of Item Nos.1 and 2, and that the Trial Court had, in fact, recorded the same.

The Court also examined the extent of alienation made by certain defendants and observed that the alienation had not exceeded their lawful share in the suit properties, and that the properties concerned were comparable in nature and valuation. On this reasoning, the Court answered the substantial questions of law in favour of the appellants.

The Court, thus partly allowed the Second Appeal directing that Item Nos.1 and 2 of the suit schedule properties be allotted to the share of the concerned defendants and adjusted in favour of the appellants in the final decree proceedings, that any deficit be adjusted in Item Nos.3 to 5, and that the plaintiff and other sharers be confined to their respective claims only in Item Nos.3 to 5, with the plaintiff's 1/12th share to be carved out from those items.

**M/s. Velpa International (P) Limited, Rep. by its Managing Director,
V.Elangeswaran Vs. Priyadharshini and others [C.R.P. PD. No.2096 of
2023 and C.M.P. No.12825 of 2023] [2025 (5) CTC 38]**

Date of Order: 08.08.2025

This Civil Revision Petition had been filed against the order passed in I.A. No.1 of 2021 in O.S. No.8 of 2016, seeking to set aside the sale deed executed in favour of a third party, by invoking Section 151 of the Code of Civil Procedure, 1908, on the ground that the sale was effected in violation of an undertaking allegedly given to the Court.

The petitioner, who was the plaintiff in the suit, had instituted O.S. No.8 of 2016 for recovery of money based on a memorandum of understanding dated 26.11.2012, claiming refund of amounts paid, aggregating to Rs.67,00,000/-, inclusive of interest. During the pendency of the suit, the plaintiff had filed an application under Order XXXVIII Rule 5 CPC seeking attachment before judgment, pursuant to which the first defendant had filed an affidavit of undertaking dated 18.11.2016, offering certain properties as security and stating that no encumbrance or alienation would be created. The Interlocutory Application in I.A. No.1 of 2021 came to be filed thereafter, alleging that the defendants had breached the said undertaking by alienating the property in favour of a third party.

The Court observed that though an affidavit of undertaking had been filed, the Trial Court had never passed any order accepting or recording the undertaking, nor had it directed furnishing of security or ordered attachment before judgment. The application under Order XXXVIII Rule 5 CPC was closed only on the ground that pleadings were complete and issues were to be framed, and not on the basis of acceptance of the undertaking. The Court further observed that the plaintiff had neither filed objections nor ensured that the undertaking was formally recorded by the Court through a speaking order.

The Court held that mere filing of an affidavit of undertaking, without the same being recorded or accepted by a judicial order, could not bind the defendants or operate as an injunction. The decisions relied upon by the petitioner were held to be inapplicable,

as in those cases the undertakings had been expressly recorded or accepted by the Court. The doctrine of lis pendens was also held to be inapplicable, as the suit was one for recovery of money and there was neither an order directing furnishing of security nor an order of attachment before judgment. The Court further observed that a bona fide purchaser for value could not be prejudiced in the absence of any prohibitory order restraining alienation.

The Court concluded that, though the Trial Court had dismissed the application in a cryptic manner, there was no legal basis to set aside the sale deed in the absence of a recorded undertaking or an order of attachment. Accordingly, the Court dismissed the Civil Revision Petition and upheld the dismissal of I.A. No.1 of 2021, while clarifying that the dismissal was based on the reasons independently recorded by the Court.

M.Mohan Vs. G.Janarthanan [C.R.P. No.1858 of 2024 and C.M.P. No.9777 of 2024] [2025 (3) TLNJ606 (Civil)]

Date of Judgment: 12.09.2025

This Civil Revision Petition had been filed as against the order passed in I.A. No.04 of 2023 in O.S. No.92 of 2018 by the Trial Court, dismissing the application filed under Order VI Rule 17 CPC seeking amendment of the plaint.

The revision petitioner, as plaintiff, had instituted the original suit seeking the relief of permanent injunction to restrain the respondent from interfering with peaceful possession and enjoyment of the suit property. The case had been filed on the premise that the plaintiff was in lawful possession. During the course of trial, and upon perusal of the written statement filed by the respondent, it had come to light that the title of the plaintiff had been categorically denied, thereby necessitating the inclusion of an additional prayer for declaration of title. Consequently, an application for amendment of the plaint had been filed after the plaintiff was cross-examined.

The Trial Court had dismissed the amendment application solely on the ground of inordinate delay, noting that the written statement denying title had been filed as early as January 2019 and that the plaintiff had sought amendment only after commencement of trial.

The High Court observed that the suit was one for bare injunction and that the written statement contained a categorical denial of title, and that though there was delay in seeking amendment, delay by itself could not be a decisive factor. Relying upon the principles laid down by the Hon'ble Supreme Court in *Ragu Thilak D. John Vs. S. Rayappan, Pankaja Vs. Yellappa*, the Court observed that the dominant purpose of Order VI Rule 17 CPC was to minimize litigation and subserve the cause of justice. The Court further observed that even if the amendment altered the nature of the suit from one for injunction to one including declaration of title, such amendment ought to be permitted when parties were already at issue over the same subject property.

The Court found that no irreparable prejudice would be caused to the respondent, as the respondent would have sufficient opportunity to file an additional written

statement, rebut the amended pleadings, and cross-examine the plaintiff. The Court also observed that any prejudice arising out of delay could be compensated by costs.

Accordingly, the Court set aside the order of the Trial Court, allowing the amendment application and directed the revision petitioner to pay costs of Rs.5,000/- to the respondent. The Court further directed consequential steps, including filing of additional written statement, framing of additional issues, re-examination of P.W.1, opportunity for cross-examination, and expeditious disposal of the suit within the stipulated time frame.

M.Murali and others Vs. Venkatalakshmi @ Valliammal and others [A.S. No. 588 of 2022 and CMP. No.16836 of 2023] [2025 (4) TLNJ102 (Civil)]

Date of Judgment:17.10.2025

This Appeal Suit had been filed against the judgment passed in O.S.No.368 of 2018 by the Additional District Judge to set aside the dismissal of the suit for partition, separate possession and permanent injunction.

The plaintiffs in the suit, who were the appellants herein, had filed the suit seeking a preliminary decree for partition, claiming 1/8th share each in the suit property on the footing that the property was ancestral in nature. It was their case that the original owner had died intestate, that they had acquired a right by birth, and that a decree for specific performance passed earlier in O.S.No.69 of 2007 and confirmed in A.S.No.12 of 2009 would not bind their shares, as they were not parties to those proceedings. The suit had been instituted after the appellants came to know of the execution proceedings initiated pursuant to the decree for specific performance.

The successful plaintiff in the earlier suit for specific performance, arrayed as the contesting defendant, had resisted the suit contending that the property was the self-acquired property of the original owner and that succession opened only after his death, that the plaintiffs had no independent or birthright, and that the decree for specific performance had attained finality and could not be collaterally questioned through a partition suit.

The trial Court, upon framing issues and appreciating oral and documentary evidence, had found that the plaintiffs had failed to establish the ancestral character of the property and held that the decree for specific performance was binding, and dismissed the suit.

Before the High Court, the appellants conferred that the defence based on a Will had not been proved and that references in the agreement of sale describing the property as ancestral supported their claim of birthright. The respondent conferred contra that mere description could not alter the legal character of the property and that Section

8 of the Hindu Succession Act, 1956 alone governed succession, as there were no male heirs and no ancestral nucleus.

The Court observed that the property had been purchased by the original owner in 1957, after the commencement of the Hindu Succession Act, 1956, and that succession opened only in 1983. Even assuming intestacy, the Court held that Section 8 alone applied and the property devolved absolutely on the wife and daughters, and not as ancestral property. The Court further observed that mere recital in an agreement of sale describing the property as ancestral did not confer such character, nor did it create any right by birth in favour of the grandchildren. The Court also noted that the decree for specific performance had been confirmed in appeal and had attained finality, and that the plaintiffs could not reopen settled rights through a partition suit.

The Court dismissed the Appeal Suit, upheld the findings of the trial Court and confirmed that the plaintiffs had no subsisting right to claim partition.

HIGH COURT – CRIMINAL CASES

Seyed Ahamed Vs. State of Tamilnadu, Rep. by the Inspector of Police, All Women Police Station, Tiruchendur, Thoothukudi District and others
[CrI.OP(MD)Nos.10469, 11036, 11763, 12032 of 2025 and
CrI.MP(MD)Nos.7867, 7868, 8277, 8278, 8954, 8955, 9246, 9247 of 2025]
[2025 (2)L.W. (CrI.) 637]

Date of Judgment: 29.08.2025

This Criminal Original Petition had been filed against the final reports in Crime Nos.30 and 31 of 2024 and the consequential proceedings in Spl.SC.Nos.75 and 76 of 2025 on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act, seeking to quash the same by invoking Section 528 BNSS [482 CrPC].

The petitioners, arrayed as Accused Nos.2 and 3, had filed the petitions contending that they were respectively the Principal and the Secretary of the school concerned and that no offence under the POCSO Act was made out against them. The case arose from allegations that Accused No.1, a Physical Education Teacher, had sexually assaulted two minor girl students on 07.01.2024 and 21.01.2024 and had misbehaved with them during an inter-school competition on 22.10.2024. The Court noted that the victims had initially disclosed the incidents to a teacher and that on 04.11.2024, the petitioners had enquired into the matter but failed to report it to the authorities, instead advising the victims not to inform their parents and assuring internal action. The victims subsequently informed their parents, pursuant to which FIRs were registered.

The Court recorded that the charges against the petitioners were under Sections 19(1) and 21(2) of the POCSO Act, 2012, for failure to report the commission of offences by a subordinate. The petitioners' contentions that there was no deliberate concealment, that no statutory time limit for reporting was prescribed, that the delay was occasioned by school activities and holidays, that one petitioner was abroad during the initial incidents, and that the prosecution had impermissibly split a single transaction into multiple FIRs, were taken note of.

Upon conferring rival submissions and perusing the materials, the Court observed that the POCSO Act imposed a strict and mandatory duty, especially on heads of institutions, to report offences against children. Section 19(1) was held to mandate furnishing information forthwith to the Special Juvenile Police Unit or local police, and Section 21(2) was held to specifically penalize persons in charge of institutions who fail to report offences committed by subordinates. The Court emphasized that the object of the statute was immediate reporting to ensure timely investigation and prevent further abuse, and that delay directly undermined child welfare and the investigative process. Placing reliance on the decisions of the Hon'ble Supreme Court in *State of Maharashtra v. Dr. Maroti* and *Shankar Kisanrao Khade v. State of Maharashtra*, and on decisions of the Kerala High Court, the Court held that prompt reporting under the POCSO Act was of paramount importance and that non-reporting by institutional heads amounted to screening offenders. The Court found that the materials disclosed that both petitioners had knowledge of the incidents on 04.11.2024 and had consciously withheld information from lawful authorities, which could not be treated as inadvertence or ignorance.

The Court further held that the absence of a prescribed statutory time frame did not dilute the obligation to report forthwith and that "reasonable time" in offences against children could not extend to several days. It was also observed that the plea of one petitioner being abroad was irrelevant, as culpability arose from conduct after acquiring knowledge, and that separate FIRs were legally permissible as distinct victims were involved. On consideration of the statements recorded under Section 180(3) BNSS and Section 161(3) CrPC, the Court found that sufficient material existed to prima facie sustain the charges, leaving the question of guilt to be decided at trial. The Court dismissed all the Criminal Original Petitions, declined to quash the proceedings, directed the Trial Court to proceed with Spl.SC.Nos.75 and 76 of 2025 expeditiously, uninfluenced by the observations made.

**Minor.Vikash, Rep. by his Grandfather and Guardian Karuppanan,
128/41C, Rajam Bhavanam, Ashok Nagar, Thirumangalam, Madurai
District Vs. Priya [CRL RC(MD)No.1148 of 2024] [2025 (2) TLNJ 449 (Cr.)]**

Date of Judgment: 13.11.2025

This Criminal Revision Case had been filed against the order passed in M.C. No.62 of 2023 on the file of the Family Court to set aside the dismissal of a maintenance petition filed under Section 125 Cr.P.C. against the respondent–mother.

The revision petitioner, a minor child, represented by his paternal grandfather, had filed the maintenance proceedings contending that both biological parents, after dissolving their marriage by mutual consent, had remarried and were not adequately providing for the minor’s welfare. The case was instituted on the premise that the grandfather’s pension was insufficient to meet the growing educational and medical expenses of the child and that the respondent–mother, being gainfully employed, was also liable to contribute towards maintenance.

The Court observed that the marriage between the child’s parents had been dissolved by a decree of divorce by mutual consent, wherein it was expressly recorded that the custody of the minor would vest with the father and that the father alone undertook to maintain the child without seeking any financial contribution from the respondent–mother. The Court noted that this arrangement had attained finality and was binding on the parties.

The Court further observed that under Section 125 Cr.P.C., read with Section 6 of the Hindu Minority and Guardianship Act, 1956, the father is the natural guardian of a minor child and is primarily responsible for initiating proceedings on the child’s behalf. Since the father was alive, financially capable, and had not been impleaded in the proceedings, the paternal grandfather, not having been appointed as a guardian by a competent Court under the Guardians and Wards Act, 1890, lacked locus standi to maintain the petition.

The Court conferred that the Family Court had rightly taken note of the fact that the father was employed, earning a substantial income, had deposited a significant amount in the child's name, and had taken a life insurance policy for the child, thereby demonstrating compliance with his undertaking to maintain the minor. In such circumstances, the respondent-mother could not be directed to pay maintenance contrary to the terms of the mutual consent decree.

The Court also observed that the proceedings initiated by the grandfather amounted to an indirect attempt to reopen settled matrimonial issues and disturb the respondent-mother's settled and peaceful family life after remarriage, which was impermissible in law and contrary to the principles of finality of judicial determinations and co-parenting after divorce.

The Court held that the order of the Family Court dismissing the maintenance petition was based on sound legal reasoning, both on the issue of locus standi and on the effect of the mutual consent divorce decree.

Therefore, the Court dismissed the Criminal Revision Case and confirmed the order passed by the Family Court holding that no interference was warranted.

Sheela Jeppiar (deceased) Defacto complainant, represented by her Legal heir & Son, Mr.Jai Kumar Christurajan No.34, Renganathan Avenue, East Coast Road, Uthandi, Chennai Vs. The State Represented by the Inspector of Police, Vepery, Chennai and others [Crl. R.C. No.1015 of 2025] [2025 (2) L.W.(Crl.) 448]

Date of Judgment: 08.07.2025

This Criminal Revision Case had been filed against the order passed in R.C.S.No.86 of 2024 by the Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating cases in Chennai) and CBCID whereby the trial Court had accepted the closure report filed by the first respondent police in Crime No.290 of 2017 to set aside the said order.

The de facto complainant, who was the mother of the petitioner, had earlier lodged a complaint before the first respondent police, which had been registered in Crime No.290 of 2017 for offences punishable under Sections 417, 468, 471, 420, 506(i) and 120(b) of the IPC. During the pendency of investigation, respondents 2 and 3, who were arrayed as accused, had filed a quash petition before this Court in Crl.O.P.No.24631 of 2017, which had been dismissed on 15.12.2023. Thereafter, the first respondent completed the investigation and filed a closure report, treating the dispute as "civil in nature." Along with the closure report, the death certificate of the de facto complainant was also filed, as she had expired in the meantime.

On receipt of the closure report, the trial Court had issued a referred charge sheet notice. Subsequently, an advocate filed vakalat and an affidavit on behalf of the mother of the de facto complainant, stating that she did not wish to proceed further with the complaint and had accepted the closure report. Aggrieved by the acceptance of the closure report in such manner, the petitioner, being one of the legal heirs of the deceased de facto complainant, had filed the present Criminal Revision Case.

The Court observed that the de facto complainant had four legal heirs. Despite being aware of her demise, the trial Court had mechanically issued notice to the deceased

de facto complainant. The Court further noted that the closure report itself had been filed along with the death certificate, and yet no notice had been issued to all the legal heirs. It was also observed that the affidavit said to have been filed by the mother of the de facto complainant had been filed even before receipt of any notice from the trial Court, which raised serious procedural concerns. The Court held that the petitioner, being a legal heir, was entitled to raise objections to the closure report filed in respect of the complaint lodged by his mother.

The contention of respondents 2 and 3 that a civil suit in C.S.No.908 of 2017 was pending and that mediation proceedings were also underway was examined. Upon perusal of the plaint and the criminal complaint, the Court observed that both were based on entirely different allegations and distinct sets of facts, and therefore, the pendency of the civil suit or mediation had no bearing on the criminal complaint.

The Court further observed that the trial Court had issued notice on the closure report returnable within an unreasonably short period of three days, without affording at least 15 days' time to file objections. It was also noted that the closure report did not clearly disclose the stage or basis on which the FIR had been closed as "civil in nature." The Court held that all legal heirs of the deceased de facto complainant were required to be heard before accepting the closure report, and failure to do so vitiated the order of the trial Court.

The Court allowed the Criminal Revision Case and set aside the order passed in R.C.S.No.86 of 2024, and directed the trial Court to issue notice to all the legal heirs of the deceased de facto complainant, afford them an opportunity of hearing, and thereafter pass orders on merits and in accordance with law within a period of eight weeks.

P.Kulanthaisamy Vs. K.Murugan and another [Crl.A.(MD) No.758 of 2022]
[2025 (2) TLNJ455 (Crl.)]

Date of Judgment: 17.10.2025

Negotiable Instrument Act, 1881, Section 138.

This Criminal Appeal had been filed against the judgment passed in C.C.No.32 of 2017 by the Fast Track Judicial Magistrate Court to set aside the order of acquittal of the respondent/accused for the offence under Section 138 of the Negotiable Instruments Act.

The appellant/complainant had filed a private complaint under Section 200 Cr.P.C. alleging commission of offence under Section 138 read with Section 142 of the Negotiable Instruments Act on the ground that the accused had issued a cheque for Rs.3,00,000/- towards discharge of liability, which was dishonoured for insufficiency of funds, and despite issuance of statutory legal notice, the accused failed to repay the amount. The complaint came to be filed after the accused allegedly failed to arrange a conductor job in TNSTC for the complainant, for which the complainant had paid Rs.3,00,000/-.

The Court observed that, according to the consistent version of the complainant as set out in the complaint and reiterated through oral evidence of P.W.1 and P.W.2, the amount of Rs.3,00,000/- had been paid to the accused specifically for securing a Government job. The Court noted that such a transaction amounted to payment of illegal gratification and was opposed to public policy. It was further observed that the cheque in question had been issued only towards repayment of the said amount, which originated from an unlawful consideration.

The Court examined the scope of "legally enforceable debt or liability" under Section 138 of the Negotiable Instruments Act and held that a cheque issued in connection with a void and unlawful agreement would not satisfy the statutory requirement. The Court placed reliance on the doctrine of *in pari delicto potior est conditio possidentis*

and observed that where both parties had knowingly entered into an illegal transaction, the Court would not assist either party.

The Court referred to Section 23 of the Indian Contract Act, 1872 and its illustration (f), and held that an agreement to obtain public employment in consideration of money was void ab initio as being opposed to public policy. The Court further referred to Sections 2(g) and 10 of the Indian Contract Act and held that such an agreement was not enforceable by law and did not create any legal rights or obligations. The Court also observed that Section 65 of the Indian Contract Act would not apply, as the agreement was void from inception and not discovered to be void at a later stage.

The Court relied upon the decision of the Delhi High Court in *Virender Singh v. Laxmi Narain*, wherein it was held t

at money paid for securing employment could not constitute a legally enforceable debt and that Section 138 of the Negotiable Instruments Act would not be attracted in such circumstances.

The Court concluded that, since the complainant's own case established that the cheque had been issued to repay money paid for securing a Government job, there existed no legally enforceable debt or liability, and therefore, the offence under Section 138 of the Negotiable Instruments Act was not made out.

The Court dismissed the Criminal Appeal, affirmed the order of acquittal passed by the Trial Court, and held that the impugned judgment did not warrant any interference.

State rep. By the Inspector of Police, Andipatti Police Station, Theni District through the Public Prosecutor, Madras High Court, Madurai Bench Vs. Siva[CrI.A(MD) No.459 of 2022] [2025 (2)TLNJ 475 (CrI.)]

Date of Judgment: 04.11.2025

Indian Penal Code, 1860, Sections 302 & 323.

This Criminal Appeal had been filed against the judgment of acquittal passed in S.C. No.48 of 2016 by the Court of the Additional District and Sessions Court (Fast Track Court to set aside the acquittal and consequently to convict the respondent/accused for the offences under Sections 323 and 302 IPC.

The appeal had been filed by the appellant/State on the ground that the trial Court had failed to properly appreciate the ocular, medical and documentary evidence and had erroneously extended the benefit of doubt to the respondent/accused. The prosecution case, as placed before the Court, was that the respondent/accused had a prior love affair with the deceased and, aggrieved by her engagement with another person, had gone to her house in the early hours of 22.01.2015 and assaulted her with a knife on vital parts of the body in the presence of her mother and sister, resulting in her death.

The Court observed that, pursuant to the complaint given by the mother of the deceased, a case had been registered under Sections 323 and 302 IPC and, after investigation; the final report had been filed. The trial Court had framed charges under Sections 323 and 302 IPC and the prosecution had examined 35 witnesses, marked 24 documents and produced 17 material objects. PW1 and PW2, being the mother and sister of the deceased, were the eye witnesses to the occurrence. The respondent/accused, when questioned under Section 313 Cr.P.C., had denied the incriminating circumstances and had not adduced any defence evidence.

The Court conferred that the trial Court had acquitted the respondent/accused mainly on the basis of alleged contradictions, discrepancies and suppression regarding the relationship between the deceased and the respondent/accused, as well as doubts raised about recovery and call details. The appellate Court observed that the

occurrence had taken place inside the house of PW1 between 04.45 a.m. and 05.15 a.m., a time when no independent witnesses could reasonably be expected. The Court noted that the evidence of PW1 and PW2 clearly established the presence of the respondent/accused at the scene and his act of assaulting the deceased with a deadly weapon.

The Court observed that the medical evidence, post-mortem report and the evidence of the Doctors clearly proved that the deceased had died due to grievous injuries on vital parts and that PW1 had also sustained injuries, supported by wound certificate and Accident Register entry. The Court further observed that though the confession made to the police was inadmissible under Section 25 of the Indian Evidence Act, the recovery effected pursuant to the disclosure statement was admissible under Section 27 of the Indian Evidence Act and had been proved through the evidence of the Village Administrative Officer. The forensic reports showing human blood of 'O' group on the weapon and other material objects were also taken into consideration.

The Court held that minor discrepancies, omissions and suppressions did not go to the root of the prosecution case and could not be treated as material contradictions. Relying upon settled principles laid down by the Hon'ble Supreme Court, the Court observed that the evidence of injured and related witnesses could not be discarded merely on the ground of relationship, in the absence of cogent reasons. The Court found that the trial Court had attached undue importance to immaterial discrepancies and had failed to appreciate the evidence in a proper perspective.

The Court concluded that the prosecution had proved its case beyond all reasonable doubt and that the judgment of acquittal passed by the trial Court was perverse. Accordingly, the Court allowed the Criminal Appeal, set aside the judgment of acquittal and convicted the respondent/accused for the offences under Sections 323 and 302 IPC.

Therefore, the Court imposed a sentence of fine for the offence under Section 323 IPC and life imprisonment with fine for the offence under Section 302 IPC and directed

that the respondent/accused be taken into custody to undergo the sentence imposed by the Court.
