TAMIL NADU STATE JUDICIAL ACADEMY

**** VOL. XX — PART 05 — MAY 2025****

IMPORTANT CASE LAWS

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SUPREME COURT – CIVIL CASES

R. Nagaraj (Dead) Thr. LRs. Vs. Rajmani & Ors. (Civil Appeal No. 5131 of 2025) [2025 INSC 478]

Date of Judgment: 09.04.2025

The civil appeal has been filed against the judgment and decree passed by the High Court, seeking prayer to set aside the High Court's decision that remitted the matter to the trial Court for fresh trial on the issue of limitation. The case deals with a long-standing property dispute originating from a 1965 suit filed for maintenance by the wife and daughter of one Samiappan, a member of a joint Hindu family. The court decreed in their favor, attaching joint family properties. One such property (Schedule 'A') was sold via court auction in 1970 and passed through multiple purchasers, eventually to the appellants. In 1982, Respondents (wife and daughters of Dasappa Gowdar, Samiappan's brother) filed the present suit seeking to set aside the 1965 decree, partition the properties, and restrain the new owners. The Trial Court and First Appellate Court dismissed the suit as time-barred under Article 59 of the Limitation Act, 1963, on the ground that the suit was filed beyond 3 years from the date of knowledge of the decree in the suit for maintenance. The courts found that the plaintiffs, despite being parties in execution proceedings and having knowledge, the plaintiffs waited 17 years to sue. The High court had remanded the matter for retrial on the issue of limitation, stating that no specific issue was framed in the said regard. However, the Court overruled this, emphasizing that Section 3 of the Limitation Act mandates courts to reject time-barred suits regardless of whether limitation is pleaded. It reiterated that Section 100 CPC allows second appeals only on substantial questions of law and found that both lower courts had, in substance, addressed limitation. The Court upheld the dismissal, reaffirming that procedural lapses cannot override statutory limitation and that stale claims cannot unsettle titles of bona fide purchasers and set aside the High Court's remand order.

Rajiv Ghosh Vs. Satya Narayan Jaiswal (Special Leave Petition (Civil) No. 9975 of 2025) [2025 INSC 467]

Date of Judgment: 07.04.2025

This Special Leave Petition (Civil) has been filed by the defendant against the judgment and order passed by the High Court at Calcutta, seeking for the dismissal of the eviction decree affirmed by the High Court. The petitioner, claiming to be the lawful tenant, contended that he inherited the tenancy rights from his deceased father, who had been a regular tenant under the respondent.

The Court observed that the plaintiff was the lawful owner of the suit premises, and the original tenant, who passed away on July 13, 2016, had a statutory right of inherited tenancy for a period not exceeding five years from the date of death, as per Section 2(g) of the West Bengal Premises Tenancy Act, 1997. The Court noted that the petitioner had received a notice on July 20, 2018, informing him that he could not be regarded as a tenant under the Act, and despite this, he failed to provide a satisfactory reply.

The Court further highlighted that the petitioner admitted in his written statement that the original tenant was his father and that the plaintiff was the owner of the property, with rent being paid until May 2021. The trial court, upon considering these admissions, decreed the suit under Order XII Rule 6 of the Civil Procedure Code, which allows for judgment on admissions. The High Court upheld this decree, stating that the petitioner's tenancy rights had expired, and he was relegated to the status of a trespasser. In conclusion, the Court upheld the High Court's judgment and decree and dismissed the petition.

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K. Gopi Vs. The Sub-Registrar & Ors. [Civil Appeal No. 3954 of 2025] [2025 INSC 462]

Date of Judgment: 07.04.2025

Registering Officer has no adjudicatory power to decide whether the executant has any title- The rule-making power under Section 69 cannot be exercised to make a Rule that is inconsistent with the provisions of the 1908 Act – Rule 55A(i) is accordingly declared as ultra vires the 1908 Act.

The civil appeal has been filed by the appellants challenging the validity of Rule 55A(i) of the Registration Rules under the Registration Act, 1908 (for short 'the 1908 Act) framed by the Government of Tamil Nadu. The brief facts of the case are that on September 2, 2022, Jayaraman Mudaliyar executed a sale deed in favor of the appellant. The Sub-Registrar refused to register the sale deed on the ground that the appellant vendor has not establish his title and ownership leading the appellant to file a writ petition, which was dismissed. Upon appeal, the District Registrar directed reconsideration, and the appellant resubmitted the sale deed with proof of title, but registration was again refused. The appellant's subsequent writ petition and writ appeal challenging this refusal were dismissed by the High Court, which upheld the refusal under Rule 55A of the Registration Rules due to lack of established vendor title and presence of unimpleaded heirs, advising resolution through the Civil Court. Hence, on November 14, 2024, the Supreme Court allowed the appellant to amend the Special Leave Petition to challenge the validity of Rule 55A(i). The appellant contended that the Sub-Registrar's authority under the 1908 Act is limited to registering documents and does not include verifying the vendor's title, and that Section 69 does not empower rules allowing refusal of registration for unproven title, making Rule 55A(i) inconsistent with the Act and therefore ultra vires and invalid. On the other hand, the respondents contended the State was willing to register the sale deed without legal dispute and that the challenge to Rule 55A(i) was already before the High Court, making the current petition premature. The respondents pointed out that Rule 55A, framed under Section 69, to enforce Sections 22-A and 22-B, which prevent fraudulent transactions and therefore should not be disturbed. The Court observed that Rule 55A(i) empowers registering officers to verify the executant’s title before registering documents, requiring prior deeds and encumbrance certificates. The Court noted that Sections 22-A and 22-B of the Tamil Nadu amendments allow refusal of registration in limited cases but do not permit refusal based on failure to prove the vendor’s title. Examining Section 69’s rule-making power, the Court found no provision authorizing refusal of registration due to title issues. The Court highlighted that under the 1908 Act, the registering officer’s role is procedural, not adjudicatory, and registration must proceed if all formalities are fulfilled, regardless of the executant’s title. The Court, while allowing the appeal, held that Rule 55A(i) conflicts with the Act and declared it ultra vires and invalid.

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Smt. Uma Devi and Ors. Vs. Sri. Anand Kumar & Ors. [Special Leave Petition (Civil) No.2137 of 2025] [2025 INSC 434]

Date of Judgment: 02.04.2025

A suit is barred under any law - Depends upon the facts and circumstances of each - The conditions enumerated under Order VII Rule 11 of CPC to the exercise of power of rejection of plaint have to be strictly adhered.

The civil appeal has been filed by the appellants/defendants challenging the high court order, setting aside the trial court's findings in the Order VII Rule 11 application filed by the appellants/defendants. The brief facts of the case is that a suit for partition was filed by the respondents/plaintiffs, the grandchildren of Shivanna, seeking their share in ancestral immovable property, originally owned by one Boranna. The appellants/defendants, representing the remaining family, moved an application under Order VII Rule 11 of the Code of Civil Procedure, seeking rejection of the plaint on the grounds that the suit was not maintainable as it was barred by limitation, as well as on other grounds. The Trial Court allowed the application and rejected the suit. However, the High Court, on appeal, remanded the matter back for fresh consideration, believing there were triable issues and that it couldn't be dismissed solely on an Order 7 Rule 11 application. Hence, the present appeal has been filed. The appellants contended that the property was orally partitioned in 1968 among Boranna's sons, reflected in revenue records, and that family members sold their shares by registered deeds in 1978, which the respondents/plaintiffs knew of. Since registered sale deeds give constructive notice, the appellants / defendants claimed the suit was barred by limitation and legally untenable for not contesting the sales earlier. On the other hand, the respondents/plaintiffs contended that their 2023 partition suit was timely, as limitation runs from their knowledge of the sale deed. The respondents/plaintiffs denied having notice of any prior partition and asserted their rightful claim over the joint family property. The Court noted the 1968 oral partition was evident from revenue records and that registered sale deeds were executed in the year 1978. Citing precedent, the Court held registered deeds provide constructive notice, presuming the respondents/plaintiffs knew of these sales. Since the respondents/plaintiffs' mother never challenged the deeds or sought partition, the present suit filed in 2023 was barred by limitation for delay of 45 years. The Court found that the respondents/plaintiffs suppressed essential facts and reaffirmed that suits hopelessly barred by limitation can be dismissed under Order 7 Rule 11 CPC to prevent sham litigation. The Court, while allowing the appeal, upheld the Trial Court's dismissal and set aside the High Court's order.

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[Sangita Sinha Vs. Bhawana Bhardwaj & Ors. (Civil Appeal No. 4972 of 2025) [2025 INSC 450]]

Date of Judgment: 04.04.2025

The appellant / Defendant No. 3 / seller had filed the civil appeal challenging the judgment of the Patna High Court, which had affirmed the Trial Court's decree granting specific performance of an Agreement to Sell in favor of Respondent No.1 / Plaintiff. The suit was instituted by the respondent No. 1 / plaintiff / buyer under the Specific Relief Act, 1963, for enforcement of an unregistered Agreement to Sell dated January 25, 2008. During the pendency of the suit, the 1st defendant / seller died and the appellant / defendant No. 3 was impleaded as the subject property was bequeathed in her favour by way of will.

The crux of the dispute was whether a buyer, who accepted and encashed a major portion of the earnest money refunded by the seller after alleged cancellation of the agreement, could still claim specific performance. The Agreement to Sell was for Rs. 25,00,000/-, supported by an advance payment of Rs. 2,51,000/- made in part through cash and post-dated cheques. Alleging fraudulent execution, the seller cancelled the agreement via a letter dated February 7, 2008, and refunded Rs. 2,11,000/- through demand drafts along with the returned post-dated cheques. Although the respondent-buyer filed the suit on May 5, 2008, she encashed the refund in July 2008, which, according to the Court, clearly indicated her acceptance of the cancellation and repudiation of the agreement. The Court observed that specific performance is not an automatic right but a discretionary remedy that mandates continuous readiness and willingness from the buyer's side throughout the litigation.

The Court held that the plaintiff's / buyer's failure to seek a declaratory relief challenging the seller's cancellation letter rendered the suit for specific performance unsustainable, as a valid and subsisting agreement is a jurisdictional prerequisite for such a claim. The plaintiff's / buyer's omission to disclose the cancellation and partial refund in her pleadings amounted to suppression of material facts, thereby disentitling her to equitable relief. Accordingly, the Supreme Court allowed the appeal, set aside the judgments of the Trial Court and the High Court, declared the sale deed null and void, and directed the appellant / Defendant 3 / seller to refund the balance sale consideration received.

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SUPREME COURT - CRIMINAL CASES

Maukam Singh & Others Vs. State Of Madhya Pradesh [Special Leave Petition (Crl) No.13369 of 2024] [2025 INSC 435]

Date of Judgment: 02.04.2025

Fatal injury caused on the deceased was by a blow to the head- a vital part of the body - Intention is clear, from the deadly nature of the weapons carried by the accused - Trespassed into the house of the victims and wielded such weapons in a manner causing grievous injuries - Severity of the injury, caused by a blow to the head, definitely resulted in the death;

The criminal appeal has been filed by the appellants challenging the high court judgment, confirming the trial court's findings leading to the conviction of the appellants. The case arose from a dispute over deity worship on contested land, leading to an attack on the deceased's home, resulting in his death and injuries to his grandchildren. Including the appellants, six were charged and the appellants were convicted of murder and related offences, receiving life sentences. The High Court upheld the conviction, leading to the appeal before the Supreme Court. The appellants contended that there was no premeditation or intent to kill, and medical evidence indicated that the fatal injury might have resulted from an accidental fall. On the other hand, the respondent / State contended that the accused trespassed with premeditation and deadly weapons, attacked the victims without provocation, and that the single head injury was sufficient to sustain a murder conviction, regardless of the deceased's delayed death. The Court observed that the injured grandchildren's eyewitness testimony was credible, as they were direct victims despite being related to the deceased. The Court held that the accused's armed trespass demonstrated a clear intent to cause harm. While medical evidence suggested the injury might have resulted from an accidental fall, the consistent account of a reverse axe blow was crucial. The Court found this supported a clear intention to kill, ruling the case fell under Section 302 IPC and not under any exception or lesser offence. The Court, while dismissing the appeal, upheld the conviction and sentence of the appellants.

S.C. Garg Vs. The State Of Uttar Pradesh & Anr. (Criminal Appeal Nos. 438 of 2018) [2025 INSC 493]

Date of Judgment: 16.04.2025

Res Judicata principle applies in criminal proceedings - Findings in one case binds the parties in subsequent case.

The appeal has been filed against the order of the High Court dismissing the application u/s 482 of the Cr.P.C. seeking to quash a pending criminal case for offence u/s 420 of IPC. The brief facts of the case is that the appellant and the respondent company had a business transactions during the course of which the Respondent No. 2 / R.N. Tyagi, a partnership concern gave cheques. A few cheques got dishonoured. Hence, Appellant filed a complaint u/s 138 of the Negotiable Instruments Act. Respondent No. 2 / R.N. Tyagi was convicted and it was upheld in the Appeal. Respondent No. 2 filed a revision and the same was disposed of as the parties reached a compromise. During the pendency of Section 138 NI Act complaint, the respondent No.2 filed a complaint u/s 156(3) Cr.P.C., alleging that despite payment via demand drafts for seven dishonoured cheques, the appellant fraudulently presented 11 cheques and encashed four, and thereby committed the offence of cheating. An FIR was registered and a final report was filed. Appellant filed petition u/s 482 of Cr.P.C. to quash the case, but the same was dismissed and as against the said dismissal order, the present appeal was filed. The appellant contended that he could not be prosecuted for an offence allegedly committed by the company without the company itself being arrayed as an accused, particularly in the absence of any specific allegations against him. On the other hand, the respondent / State contended that the question whether the appellant encashed four cheques despite prior payment via demand drafts, amounting to double payment and thus committed cheating, is a matter for trial. The Court observed that the finding of the jurisdictional Criminal Court in proceedings u/s 138 of NI Act, is binding to both the parties in any subsequent proceedings involving the same issue. The Court further observed that the principle of res judicata applied, as the respondent No. 2 defence regarding prior payment through demand drafts had been conclusively rejected in earlier NI Act proceedings and could not be raised again. The Court further held that without arraying the company as an accused, proceedings against the appellant for vicarious liability under Section 420 IPC was not maintainable, especially in the absence of direct allegations of deception. The Court, while allowing the appeal, quashed the criminal proceedings u/s 420 IPC.

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Murugan Vs. The State Rep. by the Inspector of Police (Criminal Appeal No. 3318 of 2023) [2025 INSC 446]

Date of Judgment: 04.04.2025

Section 302 of Indian Penal Code, 1860 – Circumstantial Evidence - Sequence of events must be of such a nature which leads to only one conclusion that it is the accused and the accused alone who would be the person to have committed the offence leaving no scope for coming to any other conclusion.

This appeal has been preferred by the appellant assailing the judgment passed by the High Court, partly allowing the appeal of the appellant acquitting him of the offence u/s 148 of IPC while sustaining the conviction and sentence of life imprisonment and fine imposed by the trial court u/s 302 IPC. The brief facts of the case is that the deceased, a Constable, chased the A1 appellant and other accused who were transporting illegal sand and informed his Inspector with relevant details. Later, he became unreachable and was found dead the next morning with head injuries. The Trial Court convicted appellant / A1 and A2 under Sections 148 and 302 IPC, and A4 to A6 under Sections 147 and 302 IPC. On appeal, A4 to A6 were acquitted, and the conviction of A1 and A2 under Section 302 IPC was upheld. A1 has now filed the present appeal. The appellant contended that Extra-judicial confessions by A2 and A3 were made in police custody and were inadmissible, and that the "last seen" testimony (PW12) was doubtful due to a 17-day delay and poor visibility. The appellant further contended that the unexplained delay in filing the FIR and the absence of sand weakened the alleged motive. On the other hand, the respondent contended that despite PW2 and PW13 version being disbelieved, call records, fingerprints, slippers, and forensic evidence sufficiently linked the appellant to the crime. The Court observed that there was an unexplained delay in sending the FIR to the Magistrate and found the reason given that the Magistrate was transferred, to be unsubstantiated. The Court noted that PW12, though present at the postmortem and knowing the parties, informed police only after seventeen days, making the last seen evidence untrustworthy. As the circumstantial evidence did not conclusively point to the appellant alone, the Court allowed the appeal and set aside the conviction of the Appellant / A1.

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Amol Bhagwan Nehul Vs. The State of Maharashtra & Anr. (SLP (Crl.) No. 10044 of 2024) [2025 INSC 782]

Date of Judgment: 26.05.2025

A consensual relationship turning sour or partners becoming distant cannot be a ground for invoking the criminal machinery of the State.

The criminal appeal has been filed by the Appellant / Accused challenging the High Court's dismissal of his petition to quash the Criminal Case, which alleged offences under Sections 376, 376(2)(n), 377, 504 & 506 IPC. The brief facts of the case is that the Complainant, divorced and living with her 4 year old son, became acquainted with the Appellant, a 23 year old student. Their friendship allegedly turned romantic, and she claimed the Appellant had forcible sexual intercourse with her between June 2022 and July 2023 on the false assurance of marriage, with specific incidents occurring in July 2022, September 2022, and January 2023, including an allegation of unnatural sex. The complaint was registered after an alleged incident at the Appellant's native village, where his family refused the marriage due to religious differences and allegedly abused her. The High Court dismissed the Appellant's petition to quash the FIR. Hence, the present appeal has been filed. The Appellant / accused, however, denied allegations of forced sexual intercourse, asserting the Complainant harassed him, took him to lodges against his will, and threatened false rape cases if he refused marriage, even leading to a Non-Cognizable Offence being registered based on his father's complaint and a threatening phone call. The Appellant contended that the FIR was maliciously registered, that no prima facie case could be made against him, and that the allegations of forcible sexual assault and unnatural sex were highly improbable with no supporting medical evidence. The Appellant further contended that the relationship between two mature adults was consensual, noting the 13-month delay in filing the FIR while the relationship continued. The Court noted that the complainant admitted to a consensual relationship lasting over 12 months, including visits to lodges. The Court found no evidence of inducement, misrepresentation, coercion, or threats from the appellant. The Court highlighted that a marriage promise while already married was "inconceivable" and unenforceable, especially since the complainant obtained her "Khulanama" after the alleged incidents. The relationship was deemed consensual until the appellant left for his hometown, suggesting the prosecution was driven by a "disgruntled state of mind." The Court concluded it was a consensual relationship that soured, not a false promise to marry from the outset. The Court, while allowing the appeal, set aside the high court order, quashed the trial court proceeding, and held that a consensual relationship turning sour or partners becoming distant cannot be a ground for invoking criminal machinery of the State.

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Padman Bibhar Vs. State Of Odisha (SLP(Crl.) No. 17440 OF 2024) [2025 INSC 751]

Date of Judgment: 21.05.2025

Though circumstantial evidence indicated the appellant might be guilty, it was not definitive enough to sustain a conviction solely on 'last seen together' evidence.

This appeal has been filed by the appellant / accused challenging the High Court's affirmation of his conviction and sentence of life imprisonment and fine imposed by the trial court u/s 302 & 201 IPC. The brief facts of the case is that the deceased had been to the river to bathe with PW-1, PW-2, and the appellant. Later, the deceased and the appellant went to a cashew field but did not return for a long time. When questioned by PW-1 and PW-2, the appellant had replied that the deceased would never return. The next day, the deceased's body was found in the river. PW-3 lodged an FIR, and the appellant was charged under Sections 302 and 201 IPC. He was convicted by the Trial Court, and the conviction was upheld by the High Court based on circumstantial evidence. Hence, the present appeal has been filed. The appellant contended that there was no direct evidence linking him to the crime and that the chain of circumstantial evidence was incomplete. The appellant pointed out that there was a 20-hour delay in lodging the FIR, inconsistencies regarding the location of the body's recovery, and inconclusive chemical examiner's findings. The appellant further contended that all material circumstances were not put to him during his examination under Section 313 Cr.P.C., and that no clear motive for the alleged offence was established. On the other hand, the respondent / State contended that both the Trial Court and the High Court rightly relied on the proven 'last seen together' evidence and other incriminating circumstances, which were sufficient to establish the appellant's guilt and justify the conviction.

The Apex Court reiterated that in cases based on circumstantial evidence, the chain must be complete and unerringly point to the accused's guilt. While 'last seen together' was the primary evidence, the testimonies of PW-1, PW-2, and PW-13 had inconsistencies, and the appellant's conduct did not suggest guilt. The court found the alleged motive, introduced for the first time in court by PW-13, was unsubstantiated. The court noted that the murder weapon was not recovered at the appellant's instance, and the chemical report was inconclusive. The Court highlighted that 'last seen' is a weak form of evidence and insufficient without corroboration, and that suspicion, however strong, cannot replace legal proof, and in the absence of clear, conclusive evidence, the benefit of doubt must go to the accused.

The Court, while allowing the appeal, held that while the circumstantial evidence available against the appellant raised doubt that he may have committed murder, it was not conclusive enough for conviction solely on the basis of 'last seen together' evidence.

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HIGH COURT - CIVIL CASES

V.J.Deenadayalan & Anr. Vs. Jayamani & Ors. [A.S. Nos.240 & 267 of 2013 & M.P. Nos. 1 & 1 of 2013] [2025(1) MWN(Civil) 605]

Date of Judgment: 24.02.2025

The appeals were filed challenging a common judgment dated March 8, 2013 in OS. Nos. 11 and 13 of 2007. In OS. No. 11 of 2007, the plaintiffs sought partition and allotment of 5/16th share each in suit properties, but the trial court dismissed the same on the ground of partial partition. The court also invalidated a Will and a Settlement Deed, holding that the properties were ancestral and could not be alienated. OS. No. 13 of 2007, filed by the plaintiffs claiming ownership through the Settlement Deed, was also dismissed and dismissal of O.S. No. 11 of 2007 and 13 of 2007 led to the present appeals AS. No. 240 of 2013 and AS. No. 267 of 2013 respectively.

The facts of the case were the appellants in AS. No.267 of 2013 / plaintiffs in OS. No. 11 of 2007 daughters of V.P. Appachi Gounder, claimed that 'A' Schedule properties were acquired by their father using joint family income, and 'B' Schedule properties, though purchased in the son's name, were also joint family assets. They asserted their coparcenary rights after their father's death in 2006. The second defendant (son) contested this, denying joint family income, and claimed that the properties were self-acquired or gifted. He relied on a Will from 1990 and a 2006 Settlement Deed in favor of his sons. The defendants also claimed that the suit was bad for partial partition, as properties in the names of the daughters were excluded.

The main contentions before the High Court were whether the properties were ancestral, whether the omission of daughters' properties made the suit defective, whether the Wills and Settlement Deed were valid, and the implications of the Hindu Succession (Amendment) Act, 2005 and the Prohibition of Benami Property Transactions Act, 1988. The plaintiffs argued for coparcenary rights post-2005, while the defendants sought to rely on documents allegedly executed by Appachi Gounder to exclude them. Pending the appeal plaint had been amended and properties in the name of the daughters were also included.

The High Court held that the suit properties were ancestral, noting that Appachi Gounder lacked independent financial means to purchase properties. The Court ruled that with the 2005 Hindu Succession Act amendment, daughters became coparceners. Section 4(3) of the Prohibition of Benami Property Transaction Act, 1988 permits suit for recovery of properties held in the name of a coparcener in a Hindu undivided family and therefore the presumption incorporated under section 3 of the Prohibition of Benami Property Transactions Act, 1988, that the property was purchased for the benefit of the unmarried daughter, was not applicable. The Wills of the year 1990 and 1999 were held unproved, as legal requirements under the Evidence Act were not met. The Settlement Deed of 2006 was declared invalid, since Appachi Gounder could not gift coparcenary property beyond his 1/4th share. Further, gifting away of a property by a coparcener when made in expectation of marriage is permissible, but that too only a favourable portion. That is not the case herein.

Finally, the Court held that at the time of Appachi Gounder's death, the plaintiffs, and the son each held 1/4th share. After his death, his share devolved equally among the plaintiffs, son, and wife. After the wife's death, her share devolved equally upon the daughters and son, resulting in a final entitlement of 1/3rd share each to the two daughters and the son. Thus, the High Court allowed AS. No. 267 of 2013, decreeing the partition suit in favor of the daughters, while dismissing AS. No. 240 of 2013, confirming the rejection of the grandsons' declaratory claim.

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Arunachalam Vs. Manickammal & Ors. [S.A. No. 273 of 2018 and CMP. Nos.7071 of 2018 & 4910 of 2020] [2025 (2) CTC 10]

Date of Judgment: 20.01.2025

The Second Appeal has been filed by the defendant, one Arunachalam, challenging the judgment of the First Appellate Court reversing the judgment and decree of the trial court. The plaintiffs, Manickammal and her sons—legal heirs of one Rathinam—filed O.S. No. 516 of 2004 seeking declaration of title and a permanent injunction over a disputed property, asserting that Rathinam had purchased it in 1972 and they had retained possession. The defendant, Manickammal's brother, filed a cross-suit (O.S. No. 377 of 2004) for a permanent injunction, claiming title by adverse possession since 1973. The Trial Court (District Munsif Court, Harur) jointly tried both suits, dismissed the plaintiffs' suit, and decreed in favor of the defendant, holding that he had perfected title by adverse possession.

The plaintiffs appealed as against the Trial Court's judgment, leading to two first appeals (A.S. No. 14 of 2010 and A.S. No. 26 of 2011) before the Subordinate Court, Harur, which reversed the Trial Court's decision, ruling that the defendant's possession lacked the necessary animus possidendi and was not adverse.

In the Second Appeal, the defendant argued that his continuous, open possession was supported by revenue records and his custody of the original sale deed. He claimed the plaintiffs themselves acknowledged his permissive possession and that the suit was defective for non-joinder of Rathinam's daughters. Conversely, the plaintiffs contended that the defendant's possession was permissive and rooted in family trust, lacking any overt act to deny their title. They also asserted that Rathinam continued to assert ownership until his death, and that the defendant's failure to appeal the dismissal of his own suit barred the Second Appeal by the principle of res judicata.

The Court observed that Rathinam remained in possession until 1987 and asserted ownership until his death in 1993, a fact supported by the defendant's own testimony. The Court observed that the defendant's 1985 sale deed even referred to the adjacent land as Rathinam's, showing no adverse claim. Further, it stressed that long-standing permissive possession, mutation of revenue records, or mere custody of title documents could not constitute adverse possession unless accompanied by a clear, hostile denial of the owner's title. The Court further noted that the Second Appeal was barred by res judicata due to the defendant's failure to challenge the First Appellate Court's dismissal of his interconnected suit. Therefore, the High Court held that the plaintiffs had established their title, and the defendant failed to prove adverse possession. Thereby, the Court dismissed the second appeal and affirmed the First Appellate Court's judgment.

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XXXXXX Vs. XXXXXX [C.R.P.(PD) Nos.4073 & 4227 of 2024] [2025 (2) CTC 113:: 2025(1) MWN(Civil) 561]

Date of Judgment: 31.01.2025

Both the Civil Revision Petition - one by the Husband, seeking a direction to the Principal Family Court, Chennai to number an Interlocutory application filed in 2023 within F.C.O.P. No. 716 of 2024 and to permit his power agent to obtain certified copies and one by the wife challenging the dismissal of her divorce petition in H.M.O.P. No. 498 of 2024 dated 19.07.2024 by the same court for non-prosecution on the grounds that she was denied virtual entry into the court during the hearing - has been filed.

The factual background revealed that both petitioners were residing in the United States. In the first case, the husband filed a mutual consent divorce petition under Section 13B of the Hindu Marriage Act through his father as a power agent due to travel constraints linked to his permanent resident status application. While the court had numbered the main petition after earlier High Court intervention, it refused to number the power of attorney application, impeding further procedural steps. In the second case, the wife who filed for divorce under Section 13(1)(ia) of the Act, was not admitted into the virtual court lobby, resulting in the dismissal of her petition.

During the hearing, counsels representing the petitioners, the learned Amicus Curie highlighted systemic procedural burdens within Family Courts—specifically the rigid insistence on personal appearance, restricted legal representation, and lack of virtual accessibility. They contended that such practices disproportionately affected litigants abroad, delayed proceedings, and undermined the purpose of the Family Courts Act, 1984. They emphasized the need for a liberal approach towards permitting advocate appearances, power agents, and video conferencing, citing statutory and constitutional provisions, as well as High Court Video Conferencing Rules.

The High Court observed that the Family Courts Act was enacted to enable swift, conciliatory, and non-adversarial resolution of family disputes, and thus, rigid procedural formalism was antithetical to its spirit. It held that litigants should be allowed to appoint power agents under Order III Rules 1 and 2 of CPC for procedural representation, except during mediation and evidence recording stages. The Court affirmed that video conferencing is a valid and secure mode for appearance and evidence recording, outlining safeguards for identity verification, documentation, and virtual conduct of proceedings. It clarified that adverse orders should not be passed for technical defects in virtual participation. The Court also emphasized that urgent interim relief applications must not be deferred till mediation is completed, and that Family Courts should not compel the withdrawal of existing petitions as a precondition for filing mutual consent divorce petitions under Section 13B and allowed both the revision petitions.

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Tuticorin Alkali Chemicals and Fertilizers Ltd., uticorin Alkali Chemicals and Fertilizers Limited, "East Coast Centre", Teynampet, Chennai Vs. The Land Commissioner, Office of the Land Commissioner and Principal Secretary, Chennai & Ors. [C.R.P. (MD)(PD)Nos.2094 & 2229 of 2015 & M.P.(MD) Nos.2 & 2 of 2015] [2025 (1) MWN(Civil) 346]

Date of Judgment: 31.01.2025

Two Civil Revision Petitions were filed by two different petitioners challenging the order dated 29.08.2014 of the Agricultural Land Tribunal, Tuticorin, which upheld the earlier order dated 20.04.2007 of the Assistant Commissioner (Land Reforms), Tirunelveli. These authorities had directed the resumption of 72.59 acres of land by the Government, finding no exemption applicable under Section 37-A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961. The Madras High Court dismissed the revision petitions, confirming both impugned orders and directing immediate government retrieval of the lands, holding the land transfer by SPIC to be illegal and lacking legal sanctity.

The factual background traces back to the 1960s, when the Tamil Nadu Government initiated industrial development in Tuticorin by forming SPIC and TIDCO to set up fertilizer manufacturing units. A total of 1232.51 acres were earmarked—comprising 811.10 acres privately acquired by SPIC and 421.21 acres of Government poramboke land temporarily entrusted to it. In 1979, SPIC transferred portions of the land, including 30.40 acres to Tuticorin Alkali Chemicals and Fertilizers Limited in 1981. SPIC subsequently applied for exemption under Section 37-A in 1988. Although a 2002 Government Order granted exemption for 663.33 acres, 72.59 acres remained surplus and unexempted, especially those transferred to other entities. The Assistant Commissioner's 2007 order to resume this surplus land was upheld by the Agricultural Land Tribunal in 2014, prompting the present petitions.

The petitioners contended that earlier government correspondence (a 1981 letter) indicated no exemption was needed for directly purchased lands, which they claimed created an estoppel. They also argued that retrieval would cause a serious “industrial set back” and that no proper show cause notice was served on Tuticorin Alkali Chemicals and Fertilizers Limited, prejudicing their rights. The respondents asserted that no exemption had been obtained under the Act for the disputed lands and any transfer without such exemption was void ab initio.

The Court observed that SPIC's transfer of lands without obtaining statutory exemption was “per se illegal.” It reaffirmed that Section 37-A requires mandatory permission for holding land beyond the ceiling for industrial or commercial use. The court rejected the estoppel argument based on the 1981 letter, asserting that no administrative communication can override statutory provisions. The Court also dismissed the plea of industrial hardship, citing the petitioners’ own acknowledgment of holding 1232.51 acres, including poramboke land, without legal sanction. Furthermore, the court found no prejudice or procedural violation in the absence of a show cause notice to Tuticorin Alkali Chemicals.

Ultimately, the High Court confirmed the legality and validity of the orders passed by the Assistant Commissioner and the Agricultural Land Tribunal, and ordered the immediate retrieval of 72.59 acres by the Government.

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Mr. A. C. Raju Vs. Mrs. C. Prema Raju & Anr. [OSA. No. 226/2023] [2025-3-L.W. 41]

Date of Judgment: 29.04.2025

The Original Side Appeal (OSA No. 226/2023) was filed by Mr. A.C. Raju, the second defendant in the original suit (CS No. 43/2023), challenging the order dated 27.09.2023 that dismissed his application (A.No.2143/2023) under Order 7 Rule 11 of the Civil Procedure Code, seeking rejection of the plaint. The original suit had been instituted by one Mrs. C. Prema Raju, the appellant's wife and first respondent herein, seeking to declare a Settlement Deed dated 11.09.2014 as null and void and for granting a decree for permanent injunction. The trial court declined to reject the plaint, observing that the issue of limitation involved mixed questions of law and fact, which warranted a full trial.

The suit arose from a property dispute involving a residential building in Anna Nagar, Chennai, jointly purchased by the appellant and 1st respondent in 1994, each owning 50%. In 2014, both had executed a registered Settlement Deed in favour of their daughter, the second respondent, retaining a life interest. The wife / 1st respondent alleged that she was misled into signing this deed under the belief it was merely a Power of Attorney for obtaining a bank loan, which she only discovered to be false on 12.12.2022 or 25.12.2022 after applying for an Encumbrance Certificate. She claimed her signature was obtained through misrepresentation and sought to annul the deed.

The appellant / 2nd defendant in the suit argued that the plaint disclosed no real cause of action and was time-barred, noting that the deed had been executed nine years prior and was properly registered. He contended that the 1st respondent / plaintiff's assertion of recent knowledge was unsubstantiated and that the claims of misrepresentation and undue influence were inherently contradictory. The 1st respondent / plaintiff claimed to have trusted her husband and signed unknowingly, but later revealed an intention to favour her elder son in property matters—casting doubt on her neutrality.

The Court, upon review, found the plaint to be devoid of a genuine cause of action and held that the grievances raised were not personal injuries to the 1st respondent / plaintiff but were motivated by her elder son's attempt to gain control over the properties. The Court found it implausible that an educated woman who had executed and registered a document worth Rs. 5 crores in the presence of witnesses was unaware of its contents. The plea of undue influence was also deemed inconsistent with her assertion of ignorance about the document's nature. The Court concluded that the suit was artificially framed to overcome the limitation period by alleging recent discovery of fraud.

Citing the Supreme Court's precedents in *T. Arivandandam*, *Sopan Sukhdeo Sable*, *C.S. Ramaswamy*, and *Dahiben*, the Court reiterated that plaints lacking a real cause of action or instituted to abuse judicial process must be rejected at the outset and accordingly it was held that the litigation was vexatious and malafied and allowed the appeal and set aside the order of the trial court and rejected the plaint.

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HIGH COURT – CRIMINAL CASES

Abbas Manthiri & Ors. Vs. State rep. by Station House Officer, Chengalpattu Taluk Police Station & Ors. [Crl. R.C. Nos.1421, 1461 & 1433 of 2024] [2025-1-MWN(Cr.) 223]

This Criminal Revision Case has been filed as against the orders passed by the Judicial Magistrates, declining to give the interim custody of the cattle to the petitioners and to direct the release of cattle seized by the police. The petitioners contended that they were the owners of the cattle, which were allegedly transported for agricultural and breeding purposes, and claimed that they had not illegally transported cattle and the seizure was unlawful.

The Court observed that the petitioners had violated the provisions of the Prevention of Cruelty to Animals Act, 1960, by transporting the cattle in inhumane conditions. The police had intercepted the container Lorries and found the cattle tightly cramped, without adequate food or water, and below the age of ten, which made them illegal for slaughter. The Court noted that the petitioners failed to provide valid transportation certificates at the time of interception, which was a requirement under the Transport of Animals Rules.

The Court further highlighted that the petitioners' claims of transporting the cattle for breeding purposes were contradicted by veterinary reports indicating that most of the cattle were castrated. The learned Additional Public Prosecutor emphasized that the cattle were subjected to cruelty during transportation, as evidenced by injuries and the use of chillies to keep them awake.

The Court while dismissing the Revision Petitions held that the petitioners had not made a case for the grant of interim custody of the cattle, and the current arrangement of maintaining the cattle in the respective Khosala would continue until the trial is completed and final orders passed entrusting custody of cattle.

[R.Chellamuthu & Ors. Vs. The Inspector of Police, District Crime Branch, Dindigul & Anr. [Crl. O.P.(MD) No.420 of 2022 and Crl. M.P.(MD) Nos. 321 and 322 of 2022] [2025-1-LW(Crl.) 265]]

Date of Judgment: 12.12.2024

This Criminal Original Petition has been filed, seeking to quash the impugned charge sheet on the file of the learned Judicial Magistrate-II, Dindigul. The petitioners, who were accused in the case, contended that the allegations made against them were baseless and lacked substantial evidence.

The complaint, lodged by the second respondent / defacto complainant, alleged that the petitioners were partners in two firms, "Amman Finance" and "Amman Arul Finance," and had taken loans amounting to Rs. 2,44,80,000/- to develop their business in the name of 'Sri Saravana Saw Mill' without repayment. The petitioners acknowledged the receipt of the loan but failed to honor their promise to repay it, leading to accusations of criminal breach of trust and cheating under Sections 294(b), 506(i), 406, and 420 of the IPC. The petitioners argued that the prosecution's case relied solely on the statements of the Second Respondent / complainant and other partners, without any documentary evidence to substantiate the claims.

The Court observed that the allegations of criminal breach of trust required proof of entrustment of property, which was not established, as the partners did not hold property in a fiduciary capacity. It noted that the mere non-repayment of a loan did not constitute an offence of cheating, and the offences under Sections 406 and 420 could not coexist and further the other offences under section 294(b) and 506(i) of IPC are also not made out since vague and general allegations have been made. The Court further emphasized that the case presented was primarily civil in nature, lacking the requisite mens rea for criminal prosecution. In conclusion, the Court quashed the proceedings, thereby allowing the Criminal Original Petition and closed the connected miscellaneous petitions.

Selvaraj @ Veppadai Selvaraj Vs. The Inspector of Police, Chindhamanipatti Police Station, Karur District & others [Crl. O.P(MD). No.4333, 4346, 4349 of 2024 & Crl. M.P.(MD) Nos.3419, 3420, 3426, 3427, 3433 & 3434 of 2024] [2025-1-MWN(Cr.) 457]

Date of Judgment: 03.02.2025

This criminal original petition has been filed seeking to quash the charge sheets pending against the petitioner before the Judicial Magistrate No.1, Kulithalai. The petitioner, an accused in multiple crime numbers, faced allegations under Section 379 of the Indian Penal Code and Section 21(1) of the Mines and Minerals (Development and Regulation) Act. The cases were registered based on complaints from officials of the Department of Geology and Mining, which led to the police completing their investigation and filing final reports.

The petitioner contended that the final reports were improperly filed, particularly regarding the offence under the MMDR Act, asserting that only an authorized officer could file such complaints as per Section 22 of the Act. The petitioner referenced established legal precedents, including Sengol & Others Vs. Inspector of Police, R.S.Mangalam Police Station & Others [2012 (2) CTC 369] that clarified the necessity for complaints to be filed by authorized personnel by way of a private complaint. Conversely, the Additional Public Prosecutor argued that the Inspector of Police were authorized to initiate proceedings under section 22 of MMDR Act.

The Court considered the submissions from both parties and examined the materials presented. It noted that the prosecution alleged the petitioner had engaged in illegal quarrying and transportation of limestone, which prompted the police to register cases under both the IPC and the MMDR Act. The Court reaffirmed that while the police could register cases under both statutes, they were required to file a separate complaint for the offence punishable under section 22(1) of MMDR Act.

The Court quashed the charge sheet concerning the offence under Section 22(1) of the MMDR Act while allowing the proceedings under Section 379 IPC to continue. It also directed the police to file a private complaint for the MMDR Act offence within a specified timeframe.

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Kabali @ Azhagarasan & Anr. Vs. The State by Inspector of Police, Pappireddipatti Police Station, Dharmapuri District (Criminal Appeal No.827 of 2019)

Date of Judgment: 28.04.2025

This criminal appeal was preferred under Section 374(2) of the Code of Criminal Procedure, 1973, challenging the conviction and sentence of life imprisonment with fine imposed under Section 302 of the Indian Penal Code by the trial court.

The prosecution alleged that the 1st accused shared an illicit relationship with the 2nd accused which was opposed by the deceased, husband of the second accused. It was further contended that both the accused, with the intention of eliminating the deceased, called him to the residence of the second accused's mother and fatally assaulted him with a broken spade handle and a wooden reaper.

The trial court relied primarily on the testimony of PW9, a quarry businessman, who allegedly last saw the deceased in the company of the accused and identified them during a Test Identification Parade. Another key witness, PW14, however, turned hostile. The post-mortem certificate (Ex.P13) confirmed that the cause of death was due to head injuries compatible with the alleged weapons recovered under Section 27 of the Evidence Act.

The Court analyzed the evidence and held that the conviction was based solely on circumstantial evidence, which lacked the integrity required under law. Relying on settled principles laid down in Sharad Birdhichand Sarda Vs. State of Maharashtra (1984) 4 SCC 116 and State of M.P. Vs. Balveer Singh (2025), the Court reiterated that the chain of circumstances must be complete, conclusive, and must exclude every hypothesis except that of the guilt of the accused. In the present case, the "last seen" theory was found to be highly doubtful given the prior exposure of the identifying witness to photographs of the accused and the absence of corroborating eyewitness testimony.

Accordingly, the Court allowed the appeal, set aside the conviction and sentence, and acquitted both accused persons.

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Durairaj Vs. State Represented by the Inspector of Police, Sivagangai Town Police Station, Sivagangai District (Crl. A(MD)No.540 of 2021)

Date of Judgment: 25.04.2025

This criminal appeal has been filed challenging the conviction and sentence of life imprisonment and fine imposed by the trial court under section 302 IPC.

The prosecution case is that the deceased, who had previously been married to another man, began cohabiting with the appellant following estrangement from her husband. A child was born out of their relationship. On 27.04.2014, after returning from a housewarming ceremony, the accused, allegedly in an intoxicated state, engaged in a verbal altercation with the deceased and subsequently stabbed her multiple times with a knife. The victim, though severely injured, survived initially and made a complaint and a dying declaration, clearly implicating the accused. She succumbed to her injuries on 30.04.2014, upon which the case was altered from Section 307 IPC to Section 302 IPC.

The appellant raised contentions regarding alleged contradictions in the location of the occurrence and the possibility of tutoring the deceased. However, the Court, after thoroughly evaluating the ocular, medical, and forensic evidence, held that the dying declaration, corroborated by the immediate complaint and supported by medical and witness testimonies, established the guilt of the accused beyond reasonable doubt.

The Court, affirming the trial court's findings, held that there were no material contradictions or legal infirmities warranting interference. The appeal was dismissed, and the conviction under Section 302 IPC was upheld, confirming the sentence of life imprisonment and fine.

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