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**CASE POINTER MONTHLY DIGEST**  
**[Supreme Court and Bombay High Court]**

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2026(1)CPMD(SCBOM)1  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
(Hon'ble Judge: Madhav J Jamdar)  
Writ Petition No 16995 of 2025 **dated 20/12/2025**

*D G M & A Operated S A B English Medium School Through Principal Ashwini Harish Suryawanshi vs. Shivaji Laxman Bhamare*

**LEAVE AND LICENSE**

Maharashtra Rent Control Act, 1999 Sec. 44, Sec. 41, Sec. 24, Sec. 42 - Leave and License - Petition challenged eviction order under Sec. 24 of Maharashtra Rent Control Act - Premises taken on leave and license specifically for running English Medium School - Competent Authority directed eviction and double license fee - Court observed that Sec. 24 applies only to premises given for residence - Premises used for commercial purpose like school not covered by Sec. 24 - Therefore Competent Authority lacked jurisdiction to order eviction - Orders of Competent Authority and Appellate Authority set aside - Matter remanded to civil forum to decide - Petition Allowed

**Law Point: Proceedings under Sec. 24 of Maharashtra Rent Control Act maintainable only for premises licensed for residence - Premises licensed for commercial purpose fall outside jurisdiction of Competent Authority.**

**Acts Referred:**

Maharashtra Rent Control Act, 1999 Sec. 44, Sec. 41, Sec. 24, Sec. 42  
For Full Judgement visit [currentpublications.com](http://currentpublications.com) or download 'Current Publications' Mobile App. Use Code: **BHC25122431885**

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2026(1)CPMD(SCBOM)2  
**IN THE SUPREME COURT OF INDIA**  
[From TELANGANA HIGH COURT]  
(Hon'ble Judge: B V Nagarathna; R Mahadevan)  
Criminal Appeal No. 47072 of 2025 **dated 19/12/2025**

*Belide Swagath Kumar vs. State of Telangana & Another*

**MATRIMONIAL CRUELTY ALLEGATIONS**

Indian Penal Code, 1860 Sec. 498A - Code of Criminal Procedure, 1973 Sec. 482 - Dowry Prohibition Act, 1961 Sec. 4, Sec. 3 - Matrimonial Cruelty Allegations - Husband sought quashing of FIR registered under Section 498A IPC and Sections 3 and 4 Dowry

Prohibition Act - Complaint alleged harassment for dowry and financial control during marital life in USA - Other family members earlier exonerated - High Court refused to quash proceedings - Supreme Court observed that allegations were general and reflected ordinary wear and tear of marriage - No material indicating cruelty within meaning of Section 498A or demand of dowry - Held that continuation of proceedings would amount to abuse of process - FIR and criminal case quashed - Appeal Allowed

**Law Point: General matrimonial discord without specific evidence of cruelty or unlawful dowry demand cannot attract Section 498A IPC - Courts must prevent misuse of penal provisions to avoid harassment.**

**Acts Referred:**

Indian Penal Code, 1860 Sec. 498A

Code of Criminal Procedure, 1973 Sec. 482

Dowry Prohibition Act, 1961 Sec. 4, Sec. 3

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2026(1)CPMD(SCBOM)3

**IN THE SUPREME COURT OF INDIA**

[From GUJARAT HIGH COURT]

(Hon'ble Judge: Vikram Nath; Augustine George Masih)

Criminal Appeal No. 5620 of 2025, 5621 of 2025 **dated 19/12/2025**

*Mayankkumar Natwarlal Kankana Patel & Anr vs. State of Gujarat and Anr*

**EXAMINATION OF MINOR**

Indian Penal Code, 1860 Sec. 504, Sec. 114, Sec. 306, Sec. 498A, Sec. 323, Sec. 506 - Code of Criminal Procedure, 1973 Sec. 311 - Evidence Act, 1872 Sec. 118 - Dowry Prohibition Act, 1961 Sec. 7, Sec. 3 - Examination of Minor - Appeals arose from decision allowing prosecution to examine minor daughter as witness - Marriage took place and a child born - Wife committed suicide due to alleged cruelty and dowry demand - Complaint filed after long delay - During trial, after examining witnesses, prosecution sought to examine child witness who was four years old at time of incident - Trial court rejected application stating no material existed showing presence of child at scene - High court set aside order and permitted examination - Appellants contended lapse of years and risk of tutoring - Respondents argued child's evidence essential for just decision - It found no material showing child present during incident - FIR and statements lacked such mention - Long lapse of time reduced memory reliability - Permitting examination at late stage would prejudice accused - Order of high court unjustified - Trial court correctly declined request - High court order set aside - Trial to proceed on existing evidence - Appeals Allowed

**Law Point: A witness of tender age may be competent under Sec.118 Evidence Act, yet without contemporaneous mention of presence or reliable recollection, permitting such testimony years later under Sec.311 CrPC prejudices accused and defeats fairness of trial**

**Acts Referred:**

Indian Penal Code, 1860 Sec. 504, Sec. 114, Sec. 306, Sec. 498A, Sec. 323, Sec. 506

Code of Criminal Procedure, 1973 Sec. 311

Evidence Act, 1872 Sec. 118

Dowry Prohibition Act, 1961 Sec. 7, Sec. 3

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2026(1)CPMD(SCBOM)4  
**IN THE SUPREME COURT OF INDIA**  
[From MADRAS HIGH COURT]

(Hon'ble Judge: Dipankar Datta; Augustine George Masih)

Criminal Appeal No. 2030 of 2022, 2033 of 2022, 2032 of 2022, 2031 of 2022  
**dated 19/12/2025**

*Patchaiperalum @ Patchikutti & Anr; Kulasekarapandian; Biledy Ganesan @ Selvaganesan; Murugesan @ Shanmugasundaram vs. State; P Thilagavathy & Anr*

**MURDER CONVICTION**

Indian Penal Code, 1860 Sec. 341, Sec. 148, Sec. 34, Sec. 302 - Code of Criminal Procedure, 1973 Sec. 374, Sec. 161, Sec. 164 - Evidence Act, 1872 Sec. 27 - Murder Conviction - Appeals filed against conviction for murder by High Court - Victim attacked by several accused with sickles leading to death on spot - FIR lodged after incident and investigation carried out recovering chain and weapons - Trial court acquitted some accused - High Court convicted main accused relying on eyewitnesses and medical evidence - Appellants argued contradictions in evidence and lack of corroboration between sketch map and injuries - Defence contended improbability of movement of body and contradictions in medical findings - High Court found consistent testimonies of eyewitnesses and corroboration from recovery and medical report - Motive established due to prior enmity - Chain and sniffer dog evidence supported prosecution - It held contradictions were minor and did not affect core truth - Conviction of principal accused confirmed - Appeals Dismissed

**Law Point: When eyewitness account is trustworthy and corroborated by medical and recovery evidence, minor contradictions or delay in forwarding FIR do not impair prosecution case under Sec.302 read with Sec.34 IPC**

**Acts Referred:**

Indian Penal Code, 1860 Sec. 341, Sec. 148, Sec. 34, Sec. 302

Code of Criminal Procedure, 1973 Sec. 374, Sec. 161, Sec. 164

Evidence Act, 1872 Sec. 27

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2026(1)CPMD(SCBOM)5

**IN THE SUPREME COURT OF INDIA**

[From PATNA HIGH COURT]

(Hon'ble Judge: Manoj Misra; Ujjal Bhuyan)

Criminal Appeal No. 5588 of 2025 **dated 19/12/2025**

*Sri Om Sales vs. Abhay Kumar @ Abhay Patel & Anr*

**CHEQUE DISHONOUR**

Code of Criminal Procedure, 1973 Sec. 482 - Negotiable Instruments Act, 1881 Sec. 139, Sec. 138 - Cheque Dishonour - Appeal questioned quashing of complaint under Sec.138 NI Act by High Court exercising powers under Sec.482 CrPC - Complaint alleged cheque issued towards goods supplied and returned unpaid due to insufficient funds - High Court quashed proceedings holding cheque not for discharge of debt - Court held that presumption under Sec.139 operates in favour of holder and can only be rebutted during trial - It observed that High Court exceeded jurisdiction by evaluating disputed facts at threshold - Complaint disclosed all essential ingredients of offence and could not be quashed - Order of High Court set aside and complaint restored for trial - Appeal Allowed

**Law Point: Presumption under Sec.139 NI Act that cheque issued for discharge of debt can be rebutted only at trial; High Court cannot quash complaint under Sec.482 CrPC by assessing merits or evidence prematurely.**

**Acts Referred:**

Code of Criminal Procedure, 1973 Sec. 482

Negotiable Instruments Act, 1881 Sec. 139, Sec. 138

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2026(1)CPMD(SCBOM)6  
**IN THE SUPREME COURT OF INDIA**  
[From ALLAHABAD HIGH COURT]

(Hon'ble Judge: Sanjay Karol; Nongmeikapam Kotiswar Singh)

Criminal Appeal No. 5610 of 2025, 5611 of 2025, 5612 of 2025 **dated 19/12/2025**

*State of U P & Anr vs. Mohd Arshad Khan & Anr*

**QUASHING OF FIR**

Constitution of India Art. 21 - Indian Penal Code, 1860 Sec. 420, Sec. 468, Sec. 471, Sec. 467 - Code of Criminal Procedure, 1973 Sec. 482 - Arms Act, 1959 Sec. 30, Sec. 25, Sec. 3 - Quashing of FIR - State challenged High Court orders granting protection from arrest to accused in FIR concerning forged arms licences - High Court directed investigation to be completed within specified period and restrained arrest till cognizance - Court held that such orders indirectly confer anticipatory bail in guise of writ jurisdiction contrary to law - It observed that power to protect liberty must not obstruct investigation and blanket immunity from arrest without considering case materials undermines criminal process - It clarified that balance between liberty and investigation can be maintained only through judicial discretion in bail proceedings - High Court orders set aside and investigation directed to proceed in accordance with law - Appeals Allowed

**Law Point: High Court cannot grant blanket protection from arrest under Article 226 when investigation is pending; such protection amounts to anticipatory bail which must be sought under CrPC and decided on merits.**

**Acts Referred:**

Constitution of India Art. 21

Indian Penal Code, 1860 Sec. 420, Sec. 468, Sec. 471, Sec. 467

Code of Criminal Procedure, 1973 Sec. 482

Arms Act, 1959 Sec. 30, Sec. 25, Sec. 3

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2026(1)CPMD(SCBOM)7

**IN THE SUPREME COURT OF INDIA**  
[From PUNJAB AND HARYANA HIGH COURT]

(Hon'ble Judge: Sanjay Karol; Manoj Misra)

Civil Appeal No. 15069 of 2025 **dated 19/12/2025**

*Dr Amit Arya vs. Kamlesh Kumari*

### **AGREEMENT TO SELL**

Specific Relief Act, 1963 Sec. 28 - Agreement to Sell - Agreement executed for sale of land with earnest deposit - Suit for specific performance decreed directing execution of sale deed on payment of balance consideration - First appellate authority modified decree limiting relief to refund of double earnest money - Second appellate authority restored specific performance holding readiness and willingness proved - Execution petition filed by decree holder dismissed by High Court accepting objections of judgment debtor - Authority observed that execution court cannot go beyond decree and that payment of balance consideration made within prescribed period - Dismissal of execution petition unsustainable - Restoring execution of decree - Appeal Allowed

**Law Point: Once decree for specific performance attained finality, execution cannot be obstructed on grounds already adjudicated and deposit of balance consideration within period fulfills condition under Section 28 of Specific Relief Act Acts Referred:**

Specific Relief Act, 1963 Sec. 28

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2026(1)CPMD(SCBOM)8

### **IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Amit Borkar)

Writ Petition No. 8889 of 2024 **dated 19/12/2025**

*Bank of India Staff Panchsheel Cooperative Housing Society Limited vs. Jitendra Kumar Jani; Deputy Registrar, Cooperative Societies; Vikas R Korade*

### **REDEVELOPMENT JURISDICTION**

Code of Civil Procedure, 1908 Or. 7R. 11 - Maharashtra Co-Operative Societies Act, 1960 Sec. 91, Sec. 2, Sec. 154B - Redevelopment Jurisdiction - Petition challenged order of Co-operative Appellate Court rejecting application under Order VII Rule 11 for dismissal of proceedings on redevelopment issue - Petitioner contended that redevelopment not covered by society's bye laws and therefore not within Co-operative Court jurisdiction - Respondent argued that general body resolutions touching society's affairs fall within Sec.91 - Court observed that Sec.154B(1)(17) only enables but does not mandate inclusion of redevelopment in housing society's business - Bye laws not amended automatically by 2019 Amendment - Redevelopment by developer includes elements beyond membership activities - Dispute essentially concerns conduct of general body and management decisions - Such disputes fall under Sec.91 and can be tried by Co-operative Court - Hence application under Order VII Rule 11 rightly rejected - Writ Petition lacks merit - Petition Dismissed

**Law Point: Redevelopment matters may fall within Co-operative Court's jurisdiction under Sec.91 if they involve conduct or management of society, but amended definition of housing society under Sec.154B does not by itself expand a society's business unless bye laws are amended accordingly.**

**Acts Referred:**

Code of Civil Procedure, 1908 Or. 7R. 11

Maharashtra Co-Operative Societies Act, 1960 Sec. 91, Sec. 2, Sec. 154B

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2026(1)CPMD(SCBOM)9

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Amit Borkar)

Writ Petition No. 1457 of 2015, 9332 of 2015 **dated 19/12/2025**

*Best Workers Union; Municipal Corporation of Greater Mumbai vs. Best Undertaking; Best Jagrut Kamgar Sanghatana; Best Workers Union*

**REPRESENTATION RIGHT**

Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 Sec. 21, Sec. 32, Sec. 20, Sec. 30 - Bombay Industrial Relations Act, 1946 Sec. 32, Sec. 33A, Sec. 30, Sec. 33, Sec. 27A - Representation Right - Dispute concerned locus of unrecognised union to prosecute complaint of collective nature before Labour Court - Recognised union claimed exclusive right under MIR Act - Industrial Court permitted unrecognised union to act as complainant - Petitioner urged exclusive domain of representative union under Secs.30 and 33A of MIR Act - Respondent contended complaint related to discharge and termination matters under Item 1 of Schedule IV of MRTU & PULP Act permitting any union to represent employees - Court examined statutory scheme and held termination related disputes constitute individual grievances distinct from collective bargaining - For such matters, appearance not confined to recognised union - Industrial Court correctly permitted participation of unrecognised union - Petitions Dismissed

**Law Point: Under MRTU & PULP Act and MIR Act, recognised union holds exclusive representation for collective issues under Items 2 and 6 of Schedule IV, but in termination disputes under Item 1, even unrecognised unions can represent employees.**

**Acts Referred:**

Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 Sec. 21, Sec. 32, Sec. 20, Sec. 30

Bombay Industrial Relations Act, 1946 Sec. 32, Sec. 33A, Sec. 30, Sec. 33, Sec. 27A

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2026(1)CPMD(SCBOM)10

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

[From AURANGABAD BENCH]

(Hon'ble Judge: Sandipkumar C More; Y G Khobragade)

Criminal Appeal No. 500 of 2003 **dated 19/12/2025**

*Dhanraj S/o Narhari Yedale; Chhayabai W/o Narhari Yedale; Narhari S/o Farid Yedale vs. State of Maharashtra*

**DOWRY DEATH**

Indian Penal Code, 1860 Sec. 34, Sec. 302, Sec. 307, Sec. 498A - Code of Criminal Procedure, 1973 Sec. 374, Sec. 209, Sec. 313 - Dowry Death - Appellants convicted for offences under Sections 302 and 498A for setting wife on fire due to dowry demand - Evidence included dying declaration recorded by medical officer and police officer confirming demand of money and harassment - Independent witnesses saw victim aflame and accused extinguishing fire - Defence of accidental burns rejected - Trial Court's reliance on consistent dying declaration and corroborative medical evidence found proper - Appellate Court held conviction well founded - Appeal Dismissed

**Law Point: Conviction under Sections 302 and 498A IPC sustainable where dying declaration is voluntary, trustworthy, corroborated by medical and witness evidence establishing cruelty and intentional act leading to death**

**Acts Referred:**

Indian Penal Code, 1860 Sec. 34, Sec. 302, Sec. 307, Sec. 498A

Code of Criminal Procedure, 1973 Sec. 374, Sec. 209, Sec. 313

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2026(1)CPMD(SCBOM)11

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

[From AURANGABAD BENCH]

(Hon'ble Judge: Sushil M Ghodeswar)

Criminal Writ Petition No. 34 of 2020 **dated 19/12/2025**

*Mukut Bihari Goyal; Manohar Lal Sharma vs. Smilax Pharmaceuticals; State of Maharashtra*

### **DRUGS PROSECUTION TRANSFER**

Drugs and Cosmetics Act, 1940 Sec. 34, Sec. 16, Sec. 32, Sec. 27, Sec. 36A, Sec. 18 - Drugs Prosecution Transfer - Petition challenged Magistrate's order committing complaint filed under Drugs and Cosmetics Act to Sessions Court - Complaint instituted before amendment - Magistrate relied on amended provision requiring trial by Sessions Court - Petitioners contended amendment not retrospective and offence punishable up to two years triable summarily - Court held conjoint reading of Sections 32(2) and 36A shows Magistrate retains jurisdiction for offences punishable with less than three years - Amendment not retrospective and does not alter pending proceedings - Impugned order committing case to Sessions Court unsustainable - Direction issued to restore complaint before Magistrate for trial - Petition Allowed

**Law Point: Amendment changing forum of trial has no retrospective effect; offences punishable below three years under Drugs Act remain triable by Magistrate under Section 36A.**

#### **Acts Referred:**

Drugs and Cosmetics Act, 1940 Sec. 34, Sec. 16, Sec. 32, Sec. 27, Sec. 36A, Sec. 18  
For Full Judgement visit [currentpublications.com](http://currentpublications.com) or download 'Current Publications' Mobile App. Use Code: **BHC25122130378**

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2026(1)CPMD(SCBOM)12

### **IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Jitendra Jain)

Appeal From Order No. 360 of 2019 dated 19/12/2025

*Rangamma Soundappa Chetty vs. Palaniswamy Obuli Chetty*

### **WRITTEN STATEMENT DELAY**

Written Statement Delay - Appeal against trial court order refusing to accept written statement due to delay - Confusion occurred as advocate's name wrongly shown in records due to clerical error of office - Court found advocate had never appeared and defendant not duly served - Signature on service acknowledgment did not tally - Refusal to accept written statement based on erroneous assumption of knowledge of proceedings - Order set aside granting time to file written statement - Direction to trial court to proceed on merits - Court also directed inquiry into possible perjury for false service claim - Appeal Allowed

**Law Point: When delay arises from clerical or procedural mistake in record showing false service, refusal to accept written statement causes miscarriage of justice and must be set aside**

For Full Judgement visit [currentpublications.com](http://currentpublications.com) or download 'Current Publications' Mobile App. Use Code: **BHC25122130580**

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2026(1)CPMD(SCBOM)13

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Sandeep V Marne)

Commercial Arbitration Petition; Interim Application No. 370 of 2024; 7392 of  
2025 **dated 19/12/2025**

*TJSB Sahakari Bank Ltd vs. Amritlal P Shah*

**ARBITRATION AWARD CHALLENGE**

Contract Act, 1872 Sec. 139, Sec. 72, Sec. 141 - Arbitration and Conciliation Act, 1996 Sec. 34 - Multi State Co-Operative Societies Act, 2002 Sec. 84 - Arbitration Award Challenge - Petition filed under Sec.34 of Arbitration Act challenging award directing payment of fixed deposits and LIC proceeds - Bank contended arbitral claim barred by res judicata and issue of coercion wrongly readjudicated - Plea of res judicata not pleaded before tribunal - Tribunal examined evidence and found coercion proved in obtaining documents - Award held reasoned and not perverse - Finding of coercion based on absence of denial and supporting material - Interest rate of 17.5 percent found high but modifiable - Petition rejected with liberty to seek modification of interest - Award sustained - Petition Dismissed

**Law Point: Plea of res judicata must be specifically pleaded and framed as issue; absence of such pleading bars challenge later; arbitral finding based on evidence cannot be re-appreciated under Sec.34 unless perverse.**

**Acts Referred:**

Contract Act, 1872 Sec. 139, Sec. 72, Sec. 141

Arbitration and Conciliation Act, 1996 Sec. 34

Multi State Co-Operative Societies Act, 2002 Sec. 84

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2026(1)CPMD(SCBOM)14

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Amit Borkar)

Writ Petition No. 9384 of 2014 **dated 19/12/2025**

*Uday Bhanudas Gujar vs. Madan Yeshwant Diwan; Alka @ Mithila Madan Diwan; Deputy Collector (Rehabilitation), Pune; Sub Divisional Officer, Bhore Division; Divisional Commissioner, Pune Division; Sah Ebr Ao Tatyaba Barke*

**SALE PERMISSION CANCELLATION**

Maharashtra Land Revenue Code, 1966 Sec. 248, Sec. 247 - Maharashtra Project Affected Persons Rehabilitation Act, 1999 Sec. 3, Sec. 12 - Sale Permission

Cancellation - Challenge raised against Divisional Commissioner's order revoking sale permission earlier granted under Rehabilitation Act - Permission acted upon and registered sale deed executed - Appeal entertained without condoning delay and beyond jurisdiction - Authorities under Rehabilitation Act had no power to cancel once transaction completed - Remedy lay only through civil court - Commissioner acted without jurisdiction and contrary to statute - Permission granted validly - Order cancelling permission quashed - Possession and title of petitioner protected - Directions issued restoring mutation entries - Rule made absolute - Petition Allowed

**Law Point: Once statutory permission for transfer under Rehabilitation Act is acted upon by registered sale, higher authority lacks jurisdiction to cancel it; only civil court may adjudicate competing title claims.**

**Acts Referred:**

Maharashtra Land Revenue Code, 1966 Sec. 248, Sec. 247

Maharashtra Project Affected Persons Rehabilitation Act, 1999 Sec. 3, Sec. 12

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2026(1)CPMD(SCBOM)15

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Sharmila U Deshmukh)

Interim Application (L); Commercial Ip (L) No 35432 of 2025; 35330 of 2025  
**dated 19/12/2025**

*Indian Express and Commercial Ventures and Projects Private Limited vs. Fundamental Hospitality Private Limited and Another*

**TRADEMARK INFRINGEMENT**

Trademark Infringement - Plaintiff engaged in restaurant business adopted mark "House Of Mandarin" and used acronym "HOM" - Defendant started restaurant using identical name "HOM" - Plaintiff claimed infringement and passing off alleging public association of "HOM" with its restaurant - Defendant asserted honest adoption of "HOM" meaning sacred fire in Sanskrit and denied confusion citing difference in cuisine and clientele - Evidence showed limited use of acronym "HOM" by Plaintiff and lack of proof of public identification of mark solely with Plaintiff - It appeared that Plaintiff sought protection of unregistered acronym instead of registered composite mark "House Of Mandarin" - Material failed to show goodwill or public association necessary to extend protection to abbreviation - No prima facie case of infringement or passing off made out - Interim Relief Rejected

**Law Point: Protection of an abbreviation or acronym derived from a registered trademark requires proof that such abbreviation independently identifies goods or services with that party in public perception - Mere use of an acronym without**

**evidence of public association or consistent commercial use does not entitle statutory or equitable protection under trademark law.**

For Full Judgement visit [currentpublications.com](http://currentpublications.com) or download 'Current Publications' Mobile App. Use Code: **BHC25122333810**

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2026(1)CPMD(SCBOM)16

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

[From NAGPUR BENCH]

(Hon'ble Judge: Urmila Joshi-Phalke; Nandesh S Deshpande)

Criminal Application (Apl) No 1308 of 2023 **dated 19/12/2025**

*Santosh S/o Haribhau Bharne; Dipak S/o Haribhau Bharne vs. State of Maharashtra; Ravi Atmaram Jadhav*

**ABETMENT OF SUICIDE**

Indian Penal Code, 1860 Sec. 34, Sec. 107, Sec. 306 - Code of Criminal Procedure, 1973 Sec. 482 - Bharatiya Nyaya Sanhita, 2023 Sec. 108, Sec. 45 - Abetment Of Suicide - FIR lodged alleging humiliation and abuse by applicants led woman to commit suicide - Applicants sought quashing under Sec.482 CrPC claiming absence of instigation or aid - Record showed deceased was abused but no proximate act of incitement or mens rea established - Mere humiliation or quarrel without deliberate provocation insufficient to constitute abetment - Requirement of direct act or intention to aid or instigate suicide not fulfilled - Prosecution case lacked material of continuous harassment or compulsion - Proceedings under Sec.306 IPC found unsustainable - Criminal Proceedings Quashed

**Law Point: To attract offence under Sec.306 IPC there must be clear evidence of instigation or intentional aid causing person to commit suicide - Mere insult, humiliation or casual remark without mens rea or direct link to act of suicide cannot constitute abetment in law.**

**Acts Referred:**

Indian Penal Code, 1860 Sec. 34, Sec. 107, Sec. 306

Code of Criminal Procedure, 1973 Sec. 482

Bharatiya Nyaya Sanhita, 2023 Sec. 108, Sec. 45

For Full Judgement visit [currentpublications.com](http://currentpublications.com) or download 'Current Publications' Mobile App. Use Code: **BHC25122334632**

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2026(1)CPMD(SCBOM)17

**IN THE SUPREME COURT OF INDIA**

[From BOMBAY HIGH COURT]

(Hon'ble Judge: Aravind Kumar; N V Anjaria)

Writ Petition (Civil) No. 914 of 2025 **dated 18/12/2025**

*Ranjeet Baburao Nimbalkar vs. State of Maharashtra & Anr*

**HIGH COURT BENCH**

States Reorganisation Act, 1956 Sec. 51 - High Court Bench - Petition challenged administrative notification issued by High Court of Judicature at Bombay appointing Kolhapur as place of sitting for Judges and Division Courts under Sec. 51(3) of States Reorganisation Act - Petitioner contended that power under Sec. 51(3) could not be used to create permanent Bench and that decision lacked adequate consultation - Respondents argued that Chief Justice had authority to designate additional place for convenience of judicial business with Governor's approval - It was contended that previous administrative rejections of similar proposals did not bar reconsideration and that decentralization ensured access to justice - Court observed that Sec. 51(3) conferred independent power to Chief Justice with Governor's approval and absence of Full Court consultation did not invalidate process - Court held that establishment of additional place of sitting neither infringed fundamental rights nor exceeded statutory authority - Petition held devoid of merit - Writ Petition Dismissed

**Law Point: Chief Justice of High Court with approval of Governor possesses statutory authority under Sec. 51(3) of States Reorganisation Act to designate additional place of sitting for convenience of judicial business, and such administrative action cannot be interfered with unless mala fide or ultra vires.**

**Acts Referred:**

States Reorganisation Act, 1956 Sec. 51

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2026(1)CPMD(SCBOM)18

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Amit Borkar)

Writ Petition; Civil Application (St) No 21067 of 2016 **dated 18/12/2025**

*Sahadeo Namdeo Mahadik (Since Deceased); Bhagirathibai Sahadeo Mahadik; Sunderabai Rambhau Patil; Indirabai Dattatray Mahalkar; Gayabai Yashwant Jadhav; Nandkumar Sahadeo Mahadik; Krushna Sahadeo Mahadik; Machindranath D vs. Parvatibai Mahadeo; Hari Vitthal Tulpule; Kum Rohini Hari Tulpule; Trimbak Hari*

*Tulpule; Vijay Trimbak Tulpule; Sameer Ashok Tulpule; Nitin Ashok Tulpule; Sushma Ashok Tulpule; V H Tulpule; Malini Tulpule; Ajay Vitthal T*

### **SUCCESSION OF TENANCY LAND**

Code of Civil Procedure, 1908 Or. 22R. 5 - Bombay Tenancy and Agricultural Lands Act, 1948 Sec. 32G, Sec. 43 - Hindu Succession Act, 1956 Sec. 15 - Succession of Tenancy Land - Petition filed to determine rightful heirs of deceased tenant - Dispute arose on inheritance of tenancy land after tenant's wife's death - Petitioners claimed succession through husband's heirs - Contesting respondent claimed right under will and as brother's son - Court analyzed Sec.43 of Tenancy Act restricting transfer of tenancy land and Sec.15 of Hindu Succession Act governing succession of female Hindu - Held land purchased under tenancy cannot be transferred by will - Property inherited from husband devolves upon husband's heirs in absence of children - Found petitioners legal representatives of deceased tenant's wife - Will declared invalid - Application Allowed

**Law Point: Tenancy land obtained under Sec.32G cannot be transferred by will - On death of female heir without issue, such property devolves upon husband's heirs under Sec.15(2)(b) of Hindu Succession Act.**

#### **Acts Referred:**

Code of Civil Procedure, 1908 Or. 22R. 5

Bombay Tenancy and Agricultural Lands Act, 1948 Sec. 32G, Sec. 43

Hindu Succession Act, 1956 Sec. 15

For Full Judgement visit [currentpublications.com](http://currentpublications.com) or download 'Current Publications' Mobile App. Use Code: **BHC25121935099**

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2026(1)CPMD(SCBOM)19

### **IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Ravindra V Ghuge; Gautam A Ankhad)

Criminal Writ Petition No. 2540 of 2025 **dated 18/12/2025**

*Jyotirmayasinhji Upendrasinhji Jadeja vs. State of Maharashtra*

### **CHILD CUSTODY**

Child Custody - Petitioner sought custody of minor son residing with his mother in Germany - Marriage solemnized in India and child born in India - Respondent mother and child residing in Germany since early childhood - Custody proceedings initiated before Wurzburg District Court in Germany - Petitioner challenged foreign custody order and sought writ of habeas corpus for production of minor - Petitioner contended that German passport of minor obtained fraudulently - Respondent contended that minor is German citizen residing with her since infancy and custody proceedings concluded abroad - Court observed that writ of habeas corpus is discretionary remedy confined to illegal detention or custody - Welfare of child being paramount, no unlawful custody shown - Custody orders

by German court unchallenged and minor's whereabouts known - Hence extraordinary jurisdiction not attracted - Petition not maintainable - Petition Dismissed

**Law Point: Habeas corpus for child custody is maintainable only where custody is illegal or contrary to welfare of child - When child is residing abroad under lawful custody of parent with judicial orders of competent foreign court, writ jurisdiction under Article 226 cannot be invoked to alter custody.**

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2026(1)CPMD(SCBOM)20

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Manjusha Deshpande)

Writ Petition No. 7430 of 2024 **dated 18/12/2025**

*Shraddha Hitesh Raikar vs. Hitesh Dattaram Raikar*

**SECOND DIVORCE PETITION**

Code of Civil Procedure, 1908 Or. 7R. 11, Sec. 11 - Hindu Marriage Act, 1955 Sec. 13 - Second Divorce Petition - Petitioner challenged order of Family Court rejecting objection to maintainability of second divorce petition - First divorce petition by husband dismissed and wife's petition for restitution of conjugal rights allowed - Husband filed second divorce petition on same grounds of cruelty without appealing earlier decree - Wife objected citing res judicata under Section 11 CPC - Family Court rejected objection - High Court held that earlier decree had attained finality and second petition on identical grounds barred by res judicata - However, ground under Section 13(1A)(ii) HMA based on non-resumption of cohabitation post restitution decree creates fresh cause of action - Hence second petition partly maintainable only on new statutory ground - Impugned order set aside to that extent - Matter remanded for reconsideration

**Law Point: A subsequent divorce petition is barred by res judicata if based on identical grounds as earlier dismissed petition, but a fresh statutory ground like non-resumption of cohabitation under Section 13(1A)(ii) HMA constitutes a new cause of action and can be independently adjudicated.**

**Acts Referred:**

Code of Civil Procedure, 1908 Or. 7R. 11, Sec. 11

Hindu Marriage Act, 1955 Sec. 13

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2026(1)CPMD(SCBOM)21

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Dr Neela Gokhale)

Criminal Application No c461 of 2025 **dated 18/12/2025**

*Amrina Mathew Fernandes vs. Rhythm Arvind Goyal and Anr*

**BAIL CANCELLATION**

Constitution of India Art. 22 - Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 183, Sec. 35, Sec. 48, Sec. 89, Sec. 47 - Bail Cancellation - Application sought cancellation of bail granted by Sessions Court to accused who assaulted complainant causing miscarriage - Sessions Court granted bail citing non-compliance of Secs. 35(3) and 48 of BNSS - High Court held offence involved serious assault causing miscarriage and procedural non-compliance could not outweigh gravity - Found police had complied with requirements of Secs. 35 and 48 - Held Sessions Court erred in granting bail solely on technicality ignoring seriousness of offence and material evidence - Bail order set aside and custody restored - Bail Order Quashed

**Law Point: Procedural lapses cannot override gravity of offence and material evidence - Bail cannot be granted solely on technical grounds ignoring justice and victim's safety.**

**Acts Referred:**

Constitution of India Art. 22

Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 183, Sec. 35, Sec. 48, Sec. 89, Sec. 35, Sec. 47

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2026(1)CPMD(SCBOM)22

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Abhay Ahuja)

Writ Petition No 5635 of 2005 **dated 18/12/2025**

*Deepak Fertilizers and Petrochemicals Corporation Limited vs. Chief Controlling Revenue Authority, Maharashtra State; Collector of Stamps, Raigad; City and Industrial Development Corporation of Maharashtra Limited*

**LEASE OR LICENSE**

Bombay Stamp Act, 1958 Sec. 53, Sec. 39, Sec. 33, Art. 5h, Art. 36 - Lease or License - Petition under Art. 227 challenged order treating Agreement to Lease between petitioner and CIDCO as lease for stamp duty - Agreement granted license to enter land for construction and provided for execution of formal lease after fulfillment of conditions -

Authorities treated it as lease and demanded duty under Art. 36 - High Court held agreement created no present demise and was only executory in nature - Relationship between parties was licensor and licensee until formal lease execution - Orders of authorities set aside and demand quashed - Petition Allowed

**Law Point: Agreement to Lease creating no present demise constitutes license, not lease - Stamp duty applicable only upon execution of lease creating interest in property**

**Acts Referred:**

Bombay Stamp Act, 1958 Sec. 53, Sec. 39, Sec. 33, Art. 5h, Art. 36

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2026(1)CPMD(SCBOM)23

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Abhay Ahuja)

Interim Application; Commercial Summary Suit No 1969 of 2025; 3 of 2025

**dated 18/12/2025**

*Mumbai Metro One Private Limited; Hindustan Construction Company vs. Mumbai Metro One Private Limited...*

**SETTLEMENT ARBITRATION ISSUE**

Arbitration and Conciliation Act, 1996 Sec. 8 Sec. 9 Sec. 16 - Settlement Arbitration Issue - Contract contained arbitration clause governing disputes - Disputes arose during execution of works - Settlement agreement executed for resolving claims - Performance guarantees returned and payment obligation acknowledged - Payment default led to summary suit based on settlement - Application sought reference to arbitration relying on original contract - Objection raised that settlement superseded contract - Settlement contained exclusive jurisdiction clause without arbitration - Issue examined whether arbitration clause survived settlement - Settlement treated as independent and complete arrangement - Obligations arose solely from settlement terms - Admission of liability recorded earlier - Subject matter of suit distinct from arbitration agreement - Conditions under arbitration statute not satisfied - Reference to arbitration declined - Application rejected and suit permitted to proceed - Application Dismissed

**Law Point: Arbitration clause does not survive when settlement expressly supersedes original contract and dispute arises solely from settlement obligations lacking arbitration provision**

**Acts Referred:**

Arbitration and Conciliation Act, 1996 Sec. 9, Sec. 16, Sec. 8

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2026(1)CPMD(SCBOM)24

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

[From KOLHAPUR BENCH]

(Hon'ble Judge: M S Karnik; Ajit B Kadethankar)

Civil Writ Petition No 11189 of 2025 **dated 18/12/2025**

*Sharad Bajirao Patil vs. State of Maharashtra; Maharashtra Public Service Commission*

**DOMICILE ENTRY ERROR**

Rights of Persons With Disabilities Act, 2016 Sec. 2 - Domicile Entry Error - Candidate with complete visual disability applied under reserved category - Domicile certificate uploaded with application - Online form reflected incorrect option due to third party assistance - Candidate cleared all examination stages with high merit - Name excluded only due to incorrect ticked option - No opportunity given to explain or rectify error - Authority admitted document upload - Selection process relied on form entry ignoring uploaded records - Mechanical approach defeated reservation intent - Disability status required sensitive handling - Technical lapse could not override substantive eligibility - Exclusion held arbitrary - Authority directed to consider candidature based on record - Petition Allowed

**Law Point: Bona fide technical error cannot defeat rights of disabled candidate when eligibility documents already on record and merit established**

**Acts Referred:**

Rights of Persons With Disabilities Act, 2016 Sec. 2

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2026(1)CPMD(SCBOM)25

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

[From NAGPUR BENCH]

(Hon'ble Judge: M M Nerlikar)

Criminal Appeal No 372 of 2016 **dated 17/12/2025**

*Central Bureau of Investigation, ACB vs. Shriram Maroti Niranjane*

**BRIBE TRAP ACQUITTAL**

Code of Criminal Procedure, 1973 Sec. 313 - Prevention of Corruption Act, 1988 Sec. 13, Sec. 7 - Bribe Trap Acquittal - Appellant challenged acquittal of public servant

accused of demanding and accepting bribe for processing retirement benefits - Trap arranged with phenolphthalein-treated notes confirmed recovery from accused's pocket - Defence claimed repayment of private loan and alleged false implication - Trial court found inconsistencies in evidence and contradictions regarding demand and acceptance - On reappraisal of evidence, it appeared that complainant already received all retiral dues and had no occasion to pay bribe - Witness versions inconsistent on place and manner of recovery - Absence of clear proof of demand and voluntary acceptance held fatal - Accused acquitted for lack of proof beyond reasonable doubt - Appeal Dismissed

**Law Point: Proof of demand and acceptance of illegal gratification is sine qua non for conviction under Prevention of Corruption Act - mere recovery of tainted money without corroboration does not sustain conviction**

**Acts Referred:**

Code of Criminal Procedure, 1973 Sec. 313

Prevention of Corruption Act, 1988 Sec. 13, Sec. 7

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2026(1)CPMD(SCBOM)26

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

[From NAGPUR BENCH]

(Hon'ble Judge: M S Sonak)

Writ Petition No 200 of 2013 **dated 17/12/2025**

*Comunidade of Nagoa vs. Administrator Comunidades of South Zone Comunidade Building Margao - Goa*

**INTERPRETATION OF ARTICLE 438**

Interpretation of Article 438 - Petitioner Comunidade sought declaration that shares of certain members stood acquired as dividends unclaimed for thirty consecutive years under Article 438 of Code of Comunidades - Administrator rejected claim noting dividends not declared in several years breaking continuity - Tribunal upheld order - Petitioner argued that non-declaration of dividends irrelevant to computation and only non-claim mattered - Authorities held consecutive thirty-year period cannot be computed when dividends were not declared - Court interpreted Article 438 to require continuous thirty years where dividends declared but unclaimed - Where no dividends declared, period stands interrupted - Administrative and tribunal orders affirmed - Petition Dismissed

**Law Point: For acquisition of shares by prescription under Article 438 of Code of Comunidades, thirty consecutive years must include years where dividends were declared but unclaimed; years without declaration interrupt computation**

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2026(1)CPMD(SCBOM)27

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Milind N Jadhav)

Interim Application (L); Commercial Suit (L) No 34706 of 2025; 34506 of 2025

**dated 17/12/2025**

*Indian Oil Corporation Limited vs. Anafi Special Maritime Enterprise and Ors*

**INTERPLEADER ON CHARTER HIRE**

Code of Civil Procedure, 1908 Or. 35 R. 88 - Interpleader on Charter Hire - Plaintiff filed interpleader suit seeking direction regarding payment of charter hire amid competing ownership claims over vessel - Multiple entities claimed title and control leading to conflicting demands - Plaintiff asserted neutrality and requested deposit permission till rightful party determined - Defendants contended interpleader not maintainable as claims arose from distinct causes and charter governed by arbitration clause - Court examined Time Charter terms and held obligation to pay hire linked to services under valid contract - Plaintiff recognized defendant as disponent owner and continued payment - Dispute over ownership or possession outside jurisdiction - Interpleader remedy found inapplicable to contractual obligations between existing parties - Matter governed by arbitration clause and not by civil suit - Suit not Maintainable

**Law Point: Interpleader suit under Order XXXV CPC is maintainable only where rival claims relate to identical debt or property - contractual obligations governed by arbitration clause cannot be enforced through interpleader proceedings**

**Acts Referred:**

Code of Civil Procedure, 1908 Or. 35R. 88

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2026(1)CPMD(SCBOM)28

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Manish Pitale; Manjusha Deshpande)

Appeal No 1134 of 2022 **dated 17/12/2025**

*Jagannath Pandurang Waghare vs. State of Maharashtra and Another*

**SEXUAL ASSAULT ON MINOR**

Indian Penal Code, 1860 Sec. 376 - Code of Criminal Procedure, 1973 Sec. 376, Sec. 164, Sec. 313, Sec. 432 - Protection of Children from Sexual Offences Act, 2012 Sec. 6, Sec. 5

- Sexual Assault on Minor - Appellant convicted for sexually assaulting minor daughter - Prosecution case based on victim's testimony, medical evidence and DNA report - Defence claimed false implication and challenged DNA chain of custody - Evidence of mother and doctors corroborated victim's statement - Trial Court found accused guilty and sentenced him to life imprisonment - On appeal, argument raised on reliability of DNA report and improper examination of chain of custody - Court observed that prosecution failed to establish purity of samples and complete chain of custody - Found that non-examination of crucial witnesses in DNA process created reasonable doubt regarding report authenticity - Concluded that conviction cannot be sustained solely on DNA report without supporting evidence - Sentence modified considering sentencing guidelines - Life imprisonment reduced to fixed term - Conviction maintained on lesser punishment - Fine and concurrent sentences upheld - Conviction Partly Maintained

**Law Point: In sexual offence cases under POCSO Act, DNA evidence must be supported by proof of chain of custody and corroborative testimony - Conviction cannot rest solely on scientific report without establishing procedural integrity of evidence.**

**Acts Referred:**

Indian Penal Code, 1860 Sec. 376

Code of Criminal Procedure, 1973 Sec. 376, Sec. 164, Sec. 313, Sec. 432

Protection of Children from Sexual Offences Act, 2012 Sec. 6, Sec. 5

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2026(1)CPMD(SCBOM)29

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Sandeep V Marne)

Commercial Arbitration Petition; Interim Application No 19 of 2024; 1742 of  
2024 dated 17/12/2025

*Laguna Resort Pvt Ltd vs. Concept Hospitality Pvt Ltd*

**ARBITRATION LIMITATION ISSUE**

Code of Civil Procedure, 1908 Or. 2R. 2 - Limitation Act, 1963 Sec. 14 - Arbitration and Conciliation Act, 1996 Sec. 34, Sec. 16, Sec. 43, Sec. 11, Sec. 7 - Arbitration Limitation Issue - Petition filed challenging arbitral award directing payment under hotel management agreement - Dispute arose regarding invoices for hotel operation period - Appellant claimed absence of arbitration agreement and limitation bar - Respondent argued that tripartite agreement incorporated arbitration clause and merger gave continuity - Court examined commercial arrangement between parties - Found arbitration clause incorporated by reference and valid - Held petitioner's failure to object before arbitrator barred challenge under Sec.34 - Observed arbitral award within

limitation due to exclusion under Sec.43(4) of Arbitration Act - Award validity upheld - Directions issued for compliance of award with interest - Petition Dismissed

**Law Point: Arbitration clause incorporated by reference remains valid where contractual intention is clear - Party failing to raise jurisdictional plea before tribunal cannot challenge award later under Sec.34 of Arbitration Act.**

**Acts Referred:**

Code of Civil Procedure, 1908 Or. 2R. 2

Limitation Act, 1963 Sec. 14

Arbitration and Conciliation Act, 1996 Sec. 34, Sec. 16, Sec. 43, Sec. 11, Sec. 7

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2026(1)CPMD(SCBOM)30

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

[From NAGPUR BENCH]

(Hon'ble Judge: Anil L Pansare; Raj D Wakode)

Criminal Appeal No 456 of 2021, 528 of 2021 **dated 17/12/2025**

*Rahul S/o Devidas Mahapure; Vitthal S/o Ramkisan Dhanwate vs. State of Maharashtra*

**HOMICIDE OR SUICIDE**

Indian Penal Code, 1860 Sec. 34, Sec. 302 - Code of Criminal Procedure, 1973 Sec. 161 - Evidence Act, 1872 Sec. 27 - Homicide or Suicide - Appellants convicted for murder of deceased based on eyewitness account and confession - Prosecution alleged homicidal death by hanging - Defence argued it was suicide and delay in recording statements created doubt - Court examined medical and circumstantial evidence - Found inconsistencies between postmortem report and prosecution version - Eyewitness statements recorded after long delay and lacked credibility - Memorandum and seizure panchanamas found unreliable - Court held prosecution failed to prove guilt beyond reasonable doubt - Benefit of doubt extended - Conviction set aside - Accused acquitted and ordered to be released - Appeals Allowed

**Law Point: Delay in recording eyewitness statements and lack of corroborative evidence render homicide charge unsustainable - Suspicion cannot replace proof beyond reasonable doubt in criminal trial.**

**Acts Referred:**

Indian Penal Code, 1860 Sec. 34, Sec. 302

Code of Criminal Procedure, 1973 Sec. 161

Evidence Act, 1872 Sec. 27

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2026(1)CPMD(SCBOM)31

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Milind N Jadhav)

Writ Petition (St) No. 33333 of 2023 **dated 17/12/2025**

*Central Board of Trustees, Employees Provident Fund vs. Indusind Bank Ltd & Ors*

**PRIORITY OF PROVIDENT FUND DUES**

Employees Provident Funds and Miscellaneous Provisions Act, 1952 Sec. 8F, Sec. 11, Sec. 7A - Bombay High Court (Appellate Side) Rules, 1960 Rule 18 - Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 Sec. 14, Sec. 35, Sec. 17, Sec. 26E - Insolvency and Bankruptcy Code, 2016 Sec. 10 - Priority of Provident Fund Dues - Petitioner Board sought auction of employer's property to recover provident fund dues in priority over bank's secured claim under SARFAESI Act - Bank contended its mortgage charge prevailed under Sec.26E SARFAESI - Petitioner relied on Sec.11 EPF Act granting first charge for provident fund dues - Court noted EPF dues constitute statutory social security liability not subordinated to secured creditors - Section 11 being specific beneficial provision overrides general recovery mechanism of SARFAESI - Hence EPF authority entitled to recover dues in priority over secured debts - Writ Petition allowed partly recognizing first charge of provident fund dues on attached properties - Petition Partly Allowed

**Law Point: Statutory first charge under Sec.11(2) of EPF Act prevails over secured creditor's claim under SARFAESI due to social welfare nature of provident fund legislation.**

**Acts Referred:**

Employees Provident Funds and Miscellaneous Provisions Act, 1952 Sec. 8F, Sec. 11, Sec. 7A

Bombay High Court (Appellate Side) Rules, 1960 Rule 18

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 Sec. 14, Sec. 35, Sec. 17, Sec. 26E

Insolvency and Bankruptcy Code, 2016 Sec. 10

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2026(1)CPMD(SCBOM)32

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Amit Borkar)

Writ Petition No 12289 of 2025 **dated 16/12/2025**

*Banganga Anurag Cooperative Housing Society Limited vs. Divisional Joint Registrar, Cooperative Societies; Deputy Registrar, Cooperative Societies; Purushottam Prabhakar Chavan; State of Maharashtra*

### **MEMBERSHIP ADMISSION**

Maharashtra Co-Operative Societies Act, 1960 Sec. 23, Sec. 22, Sec. 154B - Membership Admission - Petition challenged direction by Registrar under Sec. 23(2) MCS Act to admit purchaser of mortgaged flat as member - Petitioner Society claimed outstanding dues existed and purchaser had admitted liability but failed to clear amount - Purchaser contended that arrears of previous owner could not be condition for membership - Authorities directed admission as member - Observation made that statutory bar under Sec. 154B(7) applies unless dues are cleared and only genuine dispute can override same - It emerged from record that no genuine dispute existed and dues were clearly quantified - Court held that authorities erred in compelling admission despite non-payment - Impugned orders quashed - Petition Allowed

**Law Point: Under Maharashtra Co-Operative Societies Act, 1960, an auction purchaser must discharge all outstanding dues before admission to membership and cannot rely on disputes with previous owner to evade statutory liability.**

#### **Acts Referred:**

Maharashtra Co-Operative Societies Act, 1960 Sec. 23, Sec. 22, Sec. 154B

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2026(1)CPMD(SCBOM)33

### **IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Amit Borkar)

Writ Petition No 6118 of 2017, 11768 of 2017, 12804 of 2016, 11118 of 2017

**dated 16/12/2025**

*Central Board of Trustee Employees Provident Fund Organization vs. Saket College of Arts, Commerce, & Science; M/s Centrum Direct Limited*

### **PROVIDENT FUND DUES**

Employees Provident Funds and Miscellaneous Provisions Act, 1952 Sec. 2, Sec. 7A - Provident Fund Dues - Petitioner challenged order of Appellate Tribunal setting aside determination of dues under Sec. 7A of EPF Act - Inquiry found respondent split wages to avoid provident fund contribution - Tribunal held that since wages did not exceed statutory limit, no dues recoverable - Court observed Act is welfare legislation and employer cannot structure wages to defeat statutory obligation - Authority rightly determined arrears after finding artificial splitting of wages - Tribunal erred in setting aside order without considering substance of evidence - Held that Authority's order under Sec. 7A restored. - Petition Allowed

**Law Point: Employer cannot artificially divide salary components to reduce provident fund liability since contribution is payable on real basic wages forming part of regular remuneration.**

**Acts Referred:**

Employees Provident Funds and Miscellaneous Provisions Act, 1952 Sec. 2, Sec. 7A  
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Mobile App. Use Code: **BHC25121732354**

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2026(1)CPMD(SCBOM)34

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Amit Borkar)

Writ Petition No 10003 of 2023 **dated 16/12/2025**

*Namdeo Suratsingh Chaudhary vs. Natu Ambersingh Patil (Deceased); Subhash Narayansingh Jadhav; Ashabai Subhash Jadhav; Amol Subhash Jadhav; Prithviraj Subhash Jadhav; Chaitali Ratnakar Jadhav; Prakash Narayansingh Jadhav; Vijay Narayansingh Jadhav;*

**MEMBERSHIP SUBSTITUTION**

Maharashtra Co-Operative Societies Act, 1960 Sec. 22, Sec. 30, Sec. 25A, Sec. 35, Sec. 11 - Membership Substitution - Petition challenged order directing substitution of respondent's name in society record in place of petitioner - Respondent claimed heirship of deceased original member - Registrar and Revisional Authority accepted claim and directed entry - Petitioner contended delay of decades and lack of legal heirship proof - Observation made that Registrar has jurisdiction under Sec. 11, 22 and 25A to decide member qualification and substitution - Finding that petitioner failed to prove lawful transfer from deceased member - Authorities rightly ordered restoration of original member's heir - Petition Dismissed

**Law Point: Registrar under Maharashtra Co-Operative Societies Act has jurisdiction to decide eligibility and substitution of membership where dispute arises concerning transfer or legal heirship of deceased member.**

**Acts Referred:**

Maharashtra Co-Operative Societies Act, 1960 Sec. 22, Sec. 30, Sec. 25A, Sec. 35, Sec. 11

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2026(1)CPMD(SCBOM)35

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Amit Borkar)

Writ Petition No 6659 of 2023 **dated 16/12/2025**

*Pankaj Subhash Tatar; Kailas Hari Yeola vs. State of Maharashtra; Divisional Joint Registrar, Cooperative Societies; District Deputy Registrar, Cooperative Societies; Satana Merchants Cooperative Bank Ltd; Ashok Laxman Nikam; Ramesh Sambhaji Deore;*

**RECOVERY OF INQUIRY COST**

Maharashtra Co-Operative Societies Act, 1960 Sec. 85, Sec. 83 - Recovery Of Inquiry Cost - Petitioners challenged order confirming levy of costs under cooperative law - Complaint led to inquiry under Sec. 83 and recovery proceedings under Sec. 85 - Appellate authority earlier set aside recovery order but revision authority reinstated cost liability - Petitioners contended that under statutory scheme, cost of inquiry to be borne by complainant and not by persons found prima facie responsible - Submitted that subsequent exoneration in another inquiry absolved them of cost liability - State argued Registrar empowered to recover costs under Sec. 85 irrespective of outcome of other inquiries - Court observed that inquiry report under Sec. 83 is tentative and cost liability under Sec. 85 must align with final findings under Sec. 88 - Recovery before final determination unsustainable except in exceptional circumstances - Held that cost recovery without considering later exoneration improper - Impugned order quashed and earlier appellate order restored - Petition Allowed

**Law Point: Liability for inquiry cost under cooperative law cannot be imposed merely on prima facie findings - Final outcome of connected proceedings must be considered before ordering recovery under Section 85.**

**Acts Referred:**

Maharashtra Co-Operative Societies Act, 1960 Sec. 85, Sec. 83

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2026(1)CPMD(SCBOM)36

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Amit Borkar)

Writ Petition No 538 of 2015 **dated 16/12/2025**

*Rachana Developers vs. State of Maharashtra; Divisional Joint Registrar, Cooperative Societies, Mumbai; Dy Registrar, Coop Societies, R-ward, Mumbai; Dayal Smruti Coop Housing Society Limited; Rasiklal Thakker; President and Secretary,*

### **REGISTRATION OF HOUSING SOCIETY**

Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 Sec. 10, Sec. 4 - Maharashtra Apartment Ownership Act, 1970 Sec. 19, Sec. 2, Sec. 11 - Registration Of Housing Society - Developer questioned registration of housing society claiming property already submitted to Maharashtra Apartment Ownership Act through registered declaration - Purchasers later applied for society registration under Cooperative Societies Act - Registrar granted registration - Developer argued condominium already formed and Registrar lacked authority - Purchasers asserted promoter retained choice to form society or condominium and declaration executed unilaterally invalid - Authorities found declaration not signed by all owners and upheld registration - Court held unilateral declaration under Apartment Ownership Act invalid and registration of cooperative society lawful - Discretionary clause in sale agreement inconsistent with statutory mandate - Purchasers entitled to form cooperative society - Petition Dismissed

**Law Point: Unilateral declaration under Apartment Ownership Act does not create valid condominium - Flat purchasers may validly register cooperative society when developer fails to act per statutory mandate.**

#### **Acts Referred:**

Maharashtra Ownership Flats (Regulation of The Promotion of Construction, Sale, Management and Transfer) Act, 1963 Sec. 10, Sec. 4

Maharashtra Apartment Ownership Act, 1970 Sec. 19, Sec. 2, Sec. 11

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2026(1)CPMD(SCBOM)37

### **IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Dr Neela Gokhale)

Bail Application No 4499 of 2025 dated 16/12/2025

*Ankush Singh; Jatin Patel vs. Union Territory of Daman & Diu and Ors*

### **BAIL IN POLICE EXTORTION CASE**

Bharatiya Nyaya Sanhita, 2023 Sec. 258, Sec. 140, Sec. 238, Sec. 308, Sec. 3, Sec. 115, Sec. 241 - Bail in Police Extortion Case - Applicants Police Constables sought bail for offences under BNS for alleged abduction and extortion - FIR alleged illegal detention and ransom demand - Final report dropped non-bailable offences and retained bailable sections - Magistrate observed Section 140(2) and 308(2) made out and issued notice to prosecution - Applicants contended all offences bailable and investigation impartial - Complainant opposed citing abduction and recovery of valuables from police premises - Court considered rival submissions and legality of Magistrate's cognizance - Found prima facie material for serious offences and pending protest petition - Held bail cannot

be granted merely because charge sheet shown bailable sections - Case involved abuse of authority by police officials - Bail refused considering gravity and pending judicial process - Bail Application Rejected

**Law Point: Where investigation reveals serious abuse of police power and cognizance taken for non-bailable offences, bail cannot be granted merely on basis of charge sheet indicating bailable sections - Judicial cognizance prevails over police report.**

**Acts Referred:**

Bharatiya Nyaya Sanhita, 2023 Sec. 258, Sec. 140, Sec. 238, Sec. 308, Sec. 3, Sec. 115, Sec. 241

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2026(1)CPMD(SCBOM)38

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

[From KOLHAPUR BENCH]

(Hon'ble Judge: M S Karnik; Ajit B Kadethankar)

Writ Petition No 15521 of 2024 **dated 16/12/2025**

*Dr Vrushali Vasant Yadav vs. State of Maharashtra; Director, Medical Education and Research,; Dean, Rajarshree Chhatrapati Shahu Maharaj Government Medical College*

**MATERNITY LEAVE BENEFIT**

Maternity Benefit Act, 1961 Sec. 5 - Maternity Leave Benefit - Petitioner working as Assistant Professor in Government Medical College sought extension of maternity leave benefits - Application for such leave made before delivery - Respondents failed to file reply despite repeated opportunities - Petitioner continuously served since initial appointment with only technical breaks - Communication between college and directorate revealed maternity benefits not granted to temporary faculty despite continuous service - Denial on technical grounds held arbitrary - Section 5 of Maternity Benefit Act mandates payment of maternity benefit to every woman employed and working for requisite period - Continuous service with technical breaks cannot defeat statutory entitlement - Authority directed to compute and pay maternity benefits due to petitioner within prescribed time - Arrears directed to be paid with applicable benefits - Order passed considering uncontroverted pleadings and documents - Petition Allowed for Payment

**Law Point: Temporary female employees working continuously with technical breaks are entitled to maternity benefits under Section 5 of Maternity Benefit Act as denial on artificial grounds violates statutory protection of maternity rights.**

**Acts Referred:**

Maternity Benefit Act, 1961 Sec. 5

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2026(1)CPMD(SCBOM)39

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: N J Jamadar)

Writ Petition No 5735 of 2025, 5646 of 2025, 5644 of 2025 **dated 16/12/2025**

*Kartik Harshad Jhaveri vs. Charanjit Arora, Proprietor of Esource Global; State of Maharashtra*

**BAR OF LIMITATION IN CHEQUE CASES**

Limitation Act, 1963 Sec. 14 - Negotiable Instruments Act, 1881 Sec. 142, Sec. 138 - Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 528 - Bar of Limitation in Cheque Cases - Petitioner accused in cheque dishonour complaints challenged concurrent rejection of plea of limitation - Complaints initially filed before court lacking jurisdiction and later refiled before competent court - Magistrate and Sessions Judge held delay protected by Section 14 of Limitation Act excluding time spent in bona fide prosecution - Accused contended that cognizance could not be taken without condonation of delay - Court held complaints originally filed within time and refiled after return was continuation of same proceeding - Exclusion of time under Section 14 justified as complainant prosecuted with due diligence - Cognizance and process issuance valid - Objection of limitation can be considered at trial if necessary - No jurisdictional error in orders impugned. - Petitions Dismissed as Without Merit

**Law Point: When a complaint under Section 138 of Negotiable Instruments Act is initially filed within limitation and later refiled after return for jurisdictional reasons, time spent in prior bona fide prosecution is excludable under Section 14 of Limitation Act and cognizance remains valid.**

**Acts Referred:**

Limitation Act, 1963 Sec. 14

Negotiable Instruments Act, 1881 Sec. 142, Sec. 138

Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 528

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2026(1)CPMD(SCBOM)40

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Dr Neela Gokhale)

Bail Application No 4519 of 2025 **dated 16/12/2025**

*Ramdev Singh Jadeja; Vishal Mir; Chintan Arvindbhai Desai vs. Union Territory of Daman & Diu and Ors*

### **POLICE EXTORTION**

Bharatiya Nyaya Sanhita, 2023 Sec. 258, Sec. 140, Sec. 238, Sec. 3, Sec. 115, Sec. 241, Sec. 308 - Police Extortion - Applicants sought bail for offences under Bharatiya Nyaya Sanhita - Complainant alleged that police personnel abducted and detained him and his friends at headquarters, demanded ransom for release, and took money through associates - Police dropped non-bailable sections in charge sheet and retained bailable offences - Applicants contended that they had legal authority to detain and that complainant voluntarily offered money - Respondent supported police investigation while complainant maintained abduction and extortion were clear from record - Magistrate noted prima facie offences under non-bailable sections and issued notice to prosecution - Court examined whether Magistrate was bound by police opinion in charge sheet and emphasized judicial discretion in assessing investigation - Found that investigation dropped serious charges without reason and that Magistrate could independently consider materials - Held that offences disclosed require scrutiny and bail not automatic - Applications rejected - Proceedings remitted for further consideration in accordance with law - Bail Applications Dismissed

**Law Point: Magistrate is not bound by investigating officer's opinion in charge sheet and can independently assess materials to determine if serious non-bailable offences are made out before granting bail under Bharatiya Nyaya Sanhita**

#### **Acts Referred:**

Bharatiya Nyaya Sanhita, 2023 Sec. 258, Sec. 140, Sec. 238, Sec. 3, Sec. 115, Sec. 241, Sec. 308

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2026(1)CPMD(SCBOM)41

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: N J Jamadar)

Criminal Application No 568 of 2024 **dated 16/12/2025**

*Sanjay Pandurang Singhan vs. State of Maharashtra and Anr*

### **OUTRAGING MODESTY ALLEGATION**

Indian Penal Code, 1860 Sec. 354 - Code of Criminal Procedure, 1973 Sec. 482, Sec. 164, Sec. 155, Sec. 173 - Outraging Modesty Allegation - Applicant sought quashing of criminal proceedings for offence under Sec. 354 IPC - Allegation arose after a political meeting where complainant claimed applicant touched her chest and insulted her - Initial non-cognizable report recorded for assault and threat without mention of outraging modesty - Subsequent FIR filed adding Sec. 354 - Applicant contended FIR was malafide and investigation without Magistrate's permission violated Sec. 155(2) CrPC -

Majority of witnesses did not support prosecution version - Only one witness marginally supported complaint - Court noted omission in first report was material and subsequent FIR appeared afterthought - Held police could not investigate non-cognizable offence without Magistrate's order - Continuation of prosecution constituted abuse of process - Criminal Proceedings Quashed

**Law Point: When initial complaint discloses only non-cognizable offences, police cannot investigate or register FIR for cognizable offences without prior Magistrate approval under Sec. 155(2) CrPC, and delayed allegations of outraging modesty without initial mention are unreliable.**

**Acts Referred:**

Indian Penal Code, 1860 Sec. 354

Code of Criminal Procedure, 1973 Sec. 482, Sec. 164, Sec. 155, Sec. 173

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2026(1)CPMD(SCBOM)42

**IN THE SUPREME COURT OF INDIA**

[From BOMBAY HIGH COURT]

(Hon'ble Judge: J B Pardiwala; K V Viswanathan)

Civil Appeal No 8291 of 2015, 4451 of 2016 **dated 15/12/2025**

*Director of Income Tax (It)-i, Mumbai vs. American Express Bank Ltd*

**HEAD OFFICE EXPENDITURE DEDUCTION**

Income Tax Act, 1961 Sec. 29 - Sec. 37 - Sec. 44C - Head Office Expenditure Deduction - Revenue challenged interpretation of Section 44C regarding deduction of head office expenditure of non-resident entities - Core issue concerned whether exclusive expenditure incurred for Indian branches could bypass statutory ceiling - Tribunal and High Court allowed full deduction under Section 37 treating it as exclusive - Appellant contended Section 44C being a special provision overrides Section 37 and applies to all head office expenses whether common or exclusive - Court examined legislative intent, CBDT circulars and statutory language - Held that Section 44C applies to all executive and administrative expenses incurred abroad and caps deduction at statutory limit - Exclusive or common classification irrelevant - Interpretation ensuring prevention of inflated foreign claims upheld - Revenue's appeal allowed accordingly - Appeals Allowed

**Law Point: Section 44C of Income Tax Act governs all head office expenditures of non-resident entities; such expenses are subject to statutory deduction ceiling and cannot be claimed independently under Section 37.**

**Acts Referred:**

Income Tax Act, 1961 Sec. 29, Sec. 37, Sec. 44C

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2026(1)CPMD(SCBOM)43

**IN THE SUPREME COURT OF INDIA**

[From KARNATAKA HIGH COURT]

(Hon'ble Judge: Sanjay Karol; Prashant Kumar Mishra)

Civil Appeal No 14718 of 2025, 14719 of 2025 **dated 12/12/2025**

*Sithara N S & Ors Etc vs. Sai Ram General Insurance Company Limited*

**MOTOR ACCIDENT CLAIM**

Motor Vehicles Act 1988 Sec. 166 - Motor Accident Claim - Appeals challenged dismissal of compensation claim for deaths in road accident - Tribunal and High Court found no proof of involvement of alleged offending vehicle - Appellants relied on FIR, post-mortem, and charge-sheet to establish negligence - Court held findings concurrent and based on appreciation of evidence - Observed that preponderance of probability governs motor accident claims but claimants failed to establish link between vehicle and accident - Mere filing of charge-sheet insufficient without corroborative evidence - No perversity found in concurrent findings - Appeals dismissed sustaining orders of lower courts

**Law Point: In motor accident compensation cases, standard of proof is preponderance of probability, yet claimant must establish occurrence, vehicle involvement, and negligence; mere charge-sheet without corroboration does not prove liability of insurer or driver**

**Acts Referred:**

Motor Vehicles Act, 1988 Sec. 166

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2026(1)CPMD(SCBOM)44

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Amit Borkar)

Writ Petition No 16261 of 2025, 16634 of 2025 **dated 12/12/2025**

*Samir Narain Bhojwani; Bay View Coop Housing Society Ltd vs. Assistant Registrar C S, (Eastern & Western Suburban) Sra; Siddhivinayak Realtors Llp; Bay View Coop*

*Housing Society Ltd; Divisional Joint Registrar, Coop Societies; Samir Narain Bhojwani*

### **MEMBERSHIP ALLOTMENT**

Arbitration and Conciliation Act 1996 Sec. 34 - Maharashtra Co-Operative Societies Act 1960 Sec. 23 - Membership Allotment - Petitioner challenged order of revisional authority confirming order of appellate authority granting membership to respondent under Maharashtra Cooperative Societies Act - Petitioner asserted rights arising from arbitral award treating flat as security for monetary claim - Society rejected application for membership which was later allowed in appeal - Revisional authority dismissed petitioner's revision - Contention raised that appeal was time barred and petitioner had locus to intervene due to pending arbitration - Respondent argued membership proceedings independent of ownership rights and petitioner had no subsisting interest - Observation made that jurisdiction under Sec. 23(2) limited to determining entitlement to membership and not ownership or title - Authority directed to confine inquiry only to compliance with statutory requirements for membership - Petition dismissed maintaining revisional order - Membership granted to respondent sustained - Petitions Dismissed

**Law Point: Proceedings under Section 23(2) of Maharashtra Cooperative Societies Act are confined to determining entitlement to membership and do not extend to adjudicating ownership or proprietary rights arising from contractual or arbitral disputes; such issues must be pursued before competent forums**

#### **Acts Referred:**

Arbitration and Conciliation Act, 1996 Sec. 34

Maharashtra Co-Operative Societies Act, 1960 Sec. 23

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2026(1)CPMD(SCBOM)45

### **IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Somasekhar Sundaresan)

Writ Petition No 8365 of 2024 **dated 12/12/2025**

*Suresh Ramchandra Sancheti & Anr; Sunita Suresh Sancheti vs. State of Maharashtra; Controller of Stamps; Additional Controller of Stamps; Chief Controlling Revenue Authority and Revenue Authority and Inspector General of Registration*

### **REFUND OF STAMP DUTY**

Maharashtra Stamp Act 1958 Sec. 48 Sec. 47 Sec. 6 Sec. 49 Sec. 50 Sec. 19 Sec. 10 Sec. 52 Art. 142 Sec. 2 Sec. 17 Sec. 5 Sec. 3 - Refund of Stamp Duty - Petitioners sought refund of stamp duty paid for purchase of stamp intended for agreement not executed - Authorities rejected refund citing delay beyond prescribed period - Petitioner contended

document not executed and stamps rendered useless - Court analysed meaning of "instrument" and "document" under Stamp Act - Held that stamp duty is chargeable only when instrument executed - Since no instrument came into existence refund permissible under Sec. 47(b) treating unexecuted document as spoiled stamp - Authorities erred in rejecting claim solely on limitation without considering substance of transaction - Direction issued for reconsideration of refund application as per provisions of Stamp Act - Court clarified that mere purchase of stamp without execution does not attract duty chargeability - Petitions Allowed

**Law Point: Payment of stamp duty without execution of instrument does not create chargeable event; refund under Section 47(b) of Maharashtra Stamp Act permissible for unexecuted documents as spoiled stamps even if purchased electronically, subject to satisfaction of procedural conditions**

**Acts Referred:**

Maharashtra Stamp Act, 1958 Sec. 48, Sec. 47, Sec. 6, Sec. 49, Sec. 50, Sec. 19, Sec. 10, Sec. 52, Art. 142, Sec. 2, Sec. 17, Sec. 5, Sec. 3

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2026(1)CPMD(SCBOM)46

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Amit Borkar)

Writ Petition; Interim Application No. 14087 of 2023, 14098 of 2023; 13356 of  
2024 **dated 12/12/2025**

*Nair Pushpa Sureshkumar; Ganga Pant; Nishthala Venkatramana Murthy; Rajesh Bhausahab Dhage; Sneha Gajanan Nimbalkar; Ranjeet Yashwant Pingale; Subin Arvind Paniker; Pallavi Kiran Jagdhane; Siddharth P Borgohay vs. State of Maharashtra; Divisional Joint Registrar of Co-operative Societies; Deputy Registrar of Co-operative Societies; Rajiv Gupta; Mahesh Muraraka; Vinod Panjabi; Jyotindra Patel*

**DISQUALIFICATION OF MANAGING COMMITTEE**

Maharashtra Co-Operative Societies Act, 1960 Sec. 77A, Sec. 154B23, Sec. 154B27 - Disqualification of Managing Committee - Petitioners, elected members of cooperative society, failed to supply minutes to a member despite repeated written requests and orders by Registrar - Society acted only after show-cause notice under Sec.154B-23 and supplied partial records belatedly - Registrar disqualified committee and appointed administrator under Sec.77A - Petitioners contended delay due to non-payment of charges - Court held that duty to provide records under Sec.154B-8 is mandatory and non-compliance attracts disqualification under Sec.154B-23 - Delay and non-response

without cause constitute dereliction of statutory duty - Orders upheld as lawful exercise of supervisory power - Petitions Dismissed

**Law Point: Failure of cooperative society to furnish documents within time prescribed under Sec.154B-8 amounts to breach of statutory obligation and justifies disqualification of committee under Sec.154B-23.**

**Acts Referred:**

Maharashtra Co-Operative Societies Act, 1960 Sec. 77A, Sec. 154B23, Sec. 154B27

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2026(1)CPMD(SCBOM)47

**IN THE SUPREME COURT OF INDIA**

[From CALCUTTA HIGH COURT]

(Hon'ble Judge: Sanjay Karol; Nongmeikapam Kotiswar Singh)

Criminal Appeal No 5400 of 2025, 5401 of 2025 **dated 11/12/2025**

*Central Bureau of Investigation vs. Dayamoy Mahato Etc*

**TRAIN DERAILMENT**

Constitution of India Art. 21 - Indian Penal Code, 1860 Sec. 212, Sec. 440, Sec. 302, Sec. 307, Sec. 325, Sec. 326, Sec. 120B, Sec. 323 - Code of Criminal Procedure, 1973 Sec. 436A - Railways Act, 1989 Sec. 150, Sec. 151 - Unlawful Activities (Prevention) Act, 1967 Sec. 16, Sec. 18 - Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 479 - Train Derailment - Appeals filed by investigating agency against bail granted to accused in train derailment causing heavy loss of life and property - FIR registered alleging conspiracy to remove rail track clips to pressurize Government for withdrawal of security forces - High Court granted bail relying on Sec. 436A CrPC and Art. 21 of Constitution - Court observed that offences charged include Sec. 302 IPC and Sec. 16 UAPA where death penalty prescribed - Section 436A not applicable to such offences - Prolonged detention alone cannot justify bail in heinous crimes affecting national security - Right to liberty under Art. 21 must be balanced with collective interest and public order - Bail orders found contrary to settled law and set aside - Appeals allowed - Bail cancelled

**Law Point: Bail under Sec. 436A CrPC cannot be extended to offences where death is prescribed punishment - Constitutional liberty under Art. 21 must be balanced against public interest and national security in cases involving heinous crimes.**

**Acts Referred:**

Constitution of India Art. 21

Indian Penal Code, 1860 Sec. 212, Sec. 440, Sec. 302, Sec. 307, Sec. 325, Sec. 326, Sec. 120B, Sec. 323

Code of Criminal Procedure, 1973 Sec. 436A

Railways Act, 1989 Sec. 150, Sec. 151

Unlawful Activities (Prevention) Act, 1967 Sec. 16, Sec. 18

Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 479

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2026(1)CPMD(SCBOM)48

**IN THE SUPREME COURT OF INDIA**

[From MADRAS HIGH COURT]

(Hon'ble Judge: Sanjay Karol; Vipul M Pancholi)

Criminal Appeal No 259 of 2025 **dated 11/12/2025**

*Jothi @ Nagajothi vs. State*

**ILLEGAL POSSESSION OF GANJA**

Code of Criminal Procedure, 1973 Sec. 161, Sec. 313 - Narcotic Drugs and Psychotropic Substances Act, 1985 Sec. 52A, Sec. 50, Sec. 29 - Illegal Possession of Ganja - Appeal against conviction under NDPS Act for possession and transportation of contraband - Accused intercepted on information and recovery of ganja effected after compliance of Sec. 50 NDPS Act - Defence raised absence of independent witness and irregular sampling under Sec. 52A - Court held non-examination of independent witness not fatal if official testimony consistent - Procedural irregularity in sampling not material unless integrity of sample compromised - Evidence of seizure and chain of custody found reliable - Plea of non-marking on sample rejected as minor discrepancy - Court considered mitigating factors but held conviction justified - Conviction and sentence imposed by the Trial Court and affirmed by the High Court confirmed - Criminal Appeal dismissed

**Law Point: Procedural lapse in sampling under Sec. 52A NDPS Act does not vitiate prosecution unless integrity of seized sample affected - Reliable and consistent official evidence sufficient to uphold conviction.**

**Acts Referred:**

Code of Criminal Procedure, 1973 Sec. 161, Sec. 313

Narcotic Drugs and Psychotropic Substances Act, 1985 Sec. 52A, Sec. 50, Sec. 29

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2026(1)CPMD(SCBOM)49

**IN THE SUPREME COURT OF INDIA**

(Hon'ble Judge: Pamidighantam Sri Narasimha; R Mahadevan)

Civil Appeal; Special Leave Petition (C) No 16860 of 2021 **dated 11/12/2025**

*Pradeep Arora & Ors vs. Director, Health Department, Govt of Maharashtra & Ors*

**COVID INSURANCE ENTITLEMENT**

Indian Penal Code, 1860 Sec. 188 - Epidemic Diseases Act, 1897 Sec. 2, Sec. 3, Sec. 4 - COVID Insurance Entitlement - Appeal against denial of insurance under Pradhan Mantri Garib Kalyan Package to family of deceased doctor who died while performing COVID duties - Claim rejected for absence of proof of requisition - Record showed services of doctor directed to be kept open by municipal order under Epidemic Diseases Act - Court observed that such direction constitutes requisition under Regulation 10 of COVID Regulations - PMGKY intended to protect all healthcare providers requisitioned during pandemic including private practitioners - Rejection of claim found contrary to scheme intent - Decision of authority and High Court set aside - Claim directed to be processed and benefit released to claimant - Authorities cautioned to adopt liberal interpretation consistent with policy object - Claim Allowed - Benefit Granted

**Law Point: Direction issued under Epidemic Diseases Act amounts to requisition of medical services - Private doctors performing such duty entitled to insurance benefit under PM Garib Kalyan Package for COVID-19 frontline workers**

**Acts Referred:**

Indian Penal Code, 1860 Sec. 188

Epidemic Diseases Act, 1897 Sec. 2, Sec. 4, Sec. 3

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2026(1)CPMD(SCBOM)50

**IN THE SUPREME COURT OF INDIA**

(Hon'ble Judge: Vikram Nath; Sandeep Mehta; N V Anjaria)

Civil Appeal; Special Leave Petition (Civil) No 2638 of 2023, 2636 of 2023, 2637 of 2023, 5369 of 2015; 28081 of 2012, 8296 of 2014, 4112 of 2015, 6677 of 2015, 24905 of 2015, 6501 of 2016, 7091 of 2016, 7050 of 2016, 7207 of 2016, 7203 of 2016, 15938 of 2016, 25244 of 2017, 25245 of 2017, 23824 of 2018, 28119 of 2018, 8589 of 2025 **dated 11/12/2025**

*Life Insurance Corporation of India & Anr vs. Vita*

**PUBLIC PREMISES APPLICABILITY**

Public Premises (Eviction of Unauthorised Occupants) Act 1971 - Life Insurance Corporation Act 1956 - Transfer of Property Act 1882 Sec. 106 - Maharashtra Rent

Control Act 1999 Sec. 33 - Public Premises Applicability - Matter referred to larger Bench to resolve conflict between judgments on whether Public Premises (Eviction of Unauthorised Occupants) Act overrides State Rent Acts - Tenancy created before property became public premises - High Court held such tenancy protected under State Rent Control Act - Appellant Corporation contended PP Act has overriding effect - Respondent argued retrospective application not permissible - Court examined legislative intent and conflict between Ashoka Marketing and Suhas H. Pophale decisions - Held that PP Act 1971 has overriding operation over State Rent Control laws and applies to all premises belonging to statutory corporations irrespective of date of tenancy - Tenants inducted prior to 1958 not excluded from its purview once premises become public premises - High Court judgment set aside - Matter governed by PP Act for eviction proceedings - Appeals Allowed

**Law Point: Public Premises (Eviction of Unauthorised Occupants) Act 1971 overrides State Rent Control Acts; once premises owned by statutory corporation fall within definition of public premises, eviction governed exclusively by PP Act irrespective of date of tenancy**

**Acts Referred:**

Public Premises (Eviction of Unauthorised Occupants) Act, 1971

Life Insurance Corporation Act, 1956

Transfer of Property Act, 1882 Sec. 106

Maharashtra Rent Control Act, 1999 Sec. 33

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2026(1)CPMD(SCBOM)51

**IN THE SUPREME COURT OF INDIA**

[From DELHI HIGH COURT]

(Hon'ble Judge: J K Maheshwari; Vijay Bishnoi)

Civil Appeal No 404 of 2024 **dated 10/12/2025**

*Dr Sohail Malik vs. Union of India & Anr*

**JURISDICTION OF ICC**

Constitution of India Art. 14, Art. 15 - Indian Penal Code, 1860 Sec. 201, Sec. 204, Sec. 354, Sec. 354D, Sec. 506, Sec. 509 - Information Technology Act, 2000 Sec. 67 - Central Civil Services (Classification, Control and Appeal) Rules, 1965 Rule 14 - Sexual Harassment of Women At Workplace (Prevention, Prohibition and Redressal) Act, 2013 Sec. 2, Sec. 3, Sec. 9, Sec. 10, Sec. 11, Sec. 13, Sec. 19 - Jurisdiction Of ICC - Appeal filed against Delhi High Court order upholding jurisdiction of Internal Complaints Committee constituted at department of aggrieved woman to inquire into sexual

harassment complaint against officer from another department - Appellant contended that ICC lacked territorial and administrative jurisdiction as he belonged to different ministry - Respondents argued that POSH Act intended to protect women at workplace and ICC of complainant's workplace competent to inquire irrespective of respondent's cadre - Supreme Court held that definition of "workplace" and "employee" under POSH Act broad enough to cover inter-departmental situations - ICC at complainant's workplace has authority where alleged act occurred - Clarified that disciplinary authority of respondent department to act on findings per service rules - Appeal Dismissed

**Law Point: Under POSH Act complaint can be entertained by ICC of workplace where incident occurs - Jurisdiction depends on place of occurrence not on department of accused employee - Ensures effective redressal of workplace harassment**

**Acts Referred:**

Constitution of India Art. 15, Art. 14

Indian Penal Code, 1860 Sec. 201, Sec. 204, Sec. 354, Sec. 509, Sec. 506, Sec. 354D

Central Civil Services (Classification, Control and Appeal) Rules, 1965 Rule 14

Information Technology Act, 2000 Sec. 67

Sexual Harassment of Women At Workplace (Prevention, Prohibition and Redressal) Act, 2013 Sec. 2, Sec. 3, Sec. 13, Sec. 9, Sec. 11, Sec. 10, Sec. 19

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2026(1)CPMD(SCBOM)52

**IN THE SUPREME COURT OF INDIA**

(Hon'ble Judge: Sanjay Kumar; Alok Aradhe)

Civil Appeal No 12261 of 2024 **dated 10/12/2025**

*Saraswati Wire and Cable Industries vs. Mohammad Moinuddin Khan and Others*

**INSOLVENCY ADMISSION**

Insolvency and Bankruptcy Code, 2016 Sec. 61, Sec. 9, Sec. 12A, Sec. 8 - Insolvency Admission - Initiation of insolvency resolution process by operational creditor under Sec. 9 of Insolvency and Bankruptcy Code challenged before appellate tribunal - Application admitted by adjudicating authority based on ledger showing liability and post-demand payments - Appellate tribunal set aside admission holding existence of pre-existing dispute - Separate insolvency proceeding against corporate debtor overlooked by appellate tribunal - Communications relied upon to show dispute related to earlier years did not prevent subsequent supplies and payments - Reply by suspended director lacked authority - Documentary evidence including delivery challans and e-way bills established supply of goods - Non-disclosure of pending insolvency and delay in filing

application not indicative of dispute - Order of appellate tribunal unsustainable - Admission of insolvency application restored - Appellate tribunal judgment set aside - Appeal Allowed

**Law Point: For initiation of insolvency proceedings by operational creditor, existence of genuine pre-existing dispute must be established prior to demand notice - Mere correspondence or claims by suspended management without authority cannot constitute valid dispute under IBC.**

**Acts Referred:**

Insolvency and Bankruptcy Code, 2016 Sec. 61, Sec. 9, Sec. 12A, Sec. 8

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2026(1)CPMD(SCBOM)53

**IN THE SUPREME COURT OF INDIA**

(Hon'ble Judge: Sanjay Kumar; Alok Aradhe)

Civil Appeal No 3625 of 2025, 3626 of 2025, 3627 of 2025, 3628 of 2025

**dated 10/12/2025**

*Shri Karshni Alloys Private Limited vs. Ramakrishnan Sadasivan*

**FORFEITURE OF DEPOSIT**

Contract Act, 1872 Sec. 74 - Insolvency and Bankruptcy Code, 2016 Sec. 62 - National Company Law Tribunal Rules, 2016 Rule 15 - Forfeiture of Deposit - Liquidator approved private sale of assets of company under liquidation to appellant - Adjudicating authority directed payment within prescribed time with stipulation of forfeiture for default - Appellant defaulted in balance payment despite extensions - Liquidator forfeited entire payment - Appellate tribunal dismissed challenge by majority holding sale governed by liquidation regulations and forfeiture justified - Sale subsequently completed at higher value not ground to refund forfeited amount - Appellant accepted and acted upon conditions of extension - Supreme Court held that forfeiture clause validly imposed under Rule 15 of NCLT Rules and not hit by Section 74 of Contract Act - Failure to comply within extended time attracted agreed consequence - Appeals Dismissed

**Law Point: When payment timelines in liquidation sale are extended under judicial order, condition of forfeiture forms part of binding direction under NCLT Rules - Subsequent higher resale value or absence of loss cannot nullify contractual or statutory forfeiture once default occurs.**

**Acts Referred:**

Contract Act, 1872 Sec. 74

Insolvency and Bankruptcy Code, 2016 Sec. 62

National Company Law Tribunal Rules, 2016 Rule 15

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2026(1)CPMD(SCBOM)54

**IN THE SUPREME COURT OF INDIA**

[From CALCUTTA HIGH COURT]

(Hon'ble Judge: Sanjay Karol; Prashant Kumar Mishra)

Criminal Appeal No 5373 of 2025 **dated 10/12/2025**

*State of West Bengal vs. Anil Kumar Dey*

**FREEZING OF BANK ACCOUNTS**

Indian Penal Code, 1860 Sec. 109 - Code of Criminal Procedure, 1973 Sec. 102 - Prevention of Corruption Act, 1988 Sec. 13, Sec. 18A - Freezing of Bank Accounts - Investigation under Prevention of Corruption Act against public servant led to freezing of accounts of relatives under Sec. 102 CrPC - High Court held such freezing impermissible as attachment procedure governed exclusively by Sec. 18A of PC Act - State contended powers under Sec. 102 CrPC and Sec. 18A PC Act are co-existent - Supreme Court observed that power to seize property under Sec. 102 CrPC meant to secure evidence during investigation distinct from attachment under Sec. 18A - Both provisions operate in different spheres and are not mutually exclusive - Investigating agency competent to exercise power of seizure where property suspected to be connected with offence pending formal attachment - High Court order directing de-freezing set aside - Appeal Allowed

**Law Point: Section 102 of Code of Criminal Procedure empowers investigating officer to freeze or seize property suspected of involvement in offence even in corruption cases - Such power independent of attachment under Section 18A of Prevention of Corruption Act which operates post-judicial satisfaction.**

**Acts Referred:**

Indian Penal Code, 1860 Sec. 109

Code of Criminal Procedure, 1973 Sec. 102

Prevention of Corruption Act, 1988 Sec. 13, Sec. 18A

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2026(1)CPMD(SCBOM)55

**IN THE SUPREME COURT OF INDIA**

[From DELHI HIGH COURT]

(Hon'ble Judge: Pamidighantam Sri Narasimha; Atul S Chandurkar)

Civil Appeal No 4612 of 2014, 4618 of 2014, 4616 of 2014, 4613 of 2014, 4615 of  
2014, 4614 of 2014, 4617 of 2014, 4619 of 2014, 4620 of 2014, 4621 of 2014

**dated 10/12/2025**

*National Cooperative Development Corporation vs. Assistant Commissioner of Income Tax*

**DEDUCTION**

Income Tax Act, 1961 Sec. 36, Sec. 28, Sec. 80HHC, Sec. 80IB, Sec. 80JJA - Companies Act, 1956 Sec. 85 - Deduction under Section 36(1)(viii) - Appeals concerning eligibility of deductions under Sec. 36(1)(viii) for income from dividend, bank deposits and service charges - Court examined phrase "profits derived from business of providing long-term finance" - Held that dividend income from redeemable preference shares, interest on short-term deposits and service charges for government funds not directly derived from long-term finance - Provision intended to restrict deduction only to profits from core lending activity - Legislative amendment in 1995 narrowed scope intentionally - Court upheld findings of revenue authorities and High Court that appellant not entitled to deductions claimed - Appeals dismissed confirming disallowance - Appeals Dismissed and Disallowance Upheld

**Law Point: Deduction under Sec. 36(1)(viii) Income Tax Act confined to profits directly derived from business of providing long-term finance - Ancillary or incidental income from investments or services not eligible.**

**Acts Referred:**

Income Tax Act, 1961 Sec. 36, Sec. 28, Sec. 80HHC, Sec. 80IB, Sec. 80JJA  
Companies Act, 1956 Sec. 85

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2026(1)CPMD(SCBOM)56

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: G S Kulkarni; Advait M Sethna)

Writ Petition; Interim Application; Interim Application (Stamp) No 10684 of 2018, 9448 of 2021, 6882 of 2022, 427 of 2023, 9134 of 2022, 1306 of 2023, 1364 of 2023, 1365 of 2023, 110 of 2023, 2241 of 2023, 2126 of 2023, 3021 of 2023, 9045 of 2022, 9046 of 2022, 109 of 2023, 5868 of 2023, 1596 of 2021, 7309 of 2023, 8503 of 2022, 11427 of

2022, 11476 of 2022, 10717 of 2018, 14845 of 2023; 438 of 2023, 7703 of 2023, 13267 of 2023, 437 of 2023; 14564 of 2023 **dated 10/12/2025**

*Manoj Madhav Limaye; Gautam Dalichand Baldota; Vijaykumar Shivram Gokhale; Balasheb Shankarrao Ganjve & Ors; M/s Pioneer Publicity Corporation Pvt Ltd; Ranjitsinha Pratprao Pawar & Anr; Ranjit Prabhakar Naik & Ors; vs. State of Maharashtra; Pune Municipal Corporation; Municipal Commissioner, Pune Municipal Corporation; Advocate General, State of Maharashtra*

#### **ADVERTISEMENT LICENSE FEES**

Constitution of India Art. 243ZF, Art. 110, Art. 19, Art. 246, Art. 199, Art. 243X, Art. 14, Art. 246A - Maharashtra Municipal Corporations Act, 1949 Sec. 127, Sec. 455, Sec. 245, Sec. 244, Sec. 386, Sec. 451 - Goods and Services Tax (Compensation to States) Act, 2017 Sec. 5 - Central Goods and Services Tax Act, 2017 Sec. 9 - Maharashtra Goods and Services Tax (Compensation to The Local Authorities) Act, 2017 Sec. 8 - Bombay Provincial Municipal Corporation (Control of Advertisement and Hoarding) Rules, 2003 Rule 4 - Maharashtra Municipal Corporations (Regulation and Control of The Display of Sky-Signs and Advertisement) Rules, 2022 Rule 31, Rule 2, Rule 20, Rule 4 - Advertisement License Fees - Petitioners engaged in outdoor advertising challenged levy of license fee by municipal corporations on sky-signs and hoardings - Petitioners contended that excessive license fees were arbitrary and amounted to taxation without authority of law - It was urged that after introduction of GST, power to levy advertisement tax ceased - Municipal Corporation defended levy as regulatory fee to ensure safety, environmental and civic control - Court analyzed provisions of MMC Act, 2003 Rules, and constitutional scheme after GST - Court held that license fee imposed by municipal body is regulatory in nature for public safety and not a tax - Court observed that fixation of rates by General Body based on administrative decisions is valid if within statutory competence - Upheld municipal authority's power to regulate advertisements and rejected plea of unconstitutionality - Petitions dismissed with liberty to seek rate revision through proper representation - Petitions Dismissed

**Law Point: Municipal corporations retain statutory authority under Sections 244 and 386 of Maharashtra Municipal Corporations Act to impose regulatory license fees on advertisements and hoardings even after GST introduction, provided levy aims at regulation and not revenue generation.**

#### **Acts Referred:**

Constitution of India Art. 243ZF, Art. 110, Art. 19, Art. 246, Art. 199, Art. 243X, Art. 14, Art. 246A

Maharashtra Municipal Corporations Act, 1949 Sec. 127, Sec. 455, Sec. 245, Sec. 244, Sec. 386, Sec. 451

Goods and Services Tax (Compensation to States) Act, 2017 Sec. 5

Central Goods and Services Tax Act, 2017 Sec. 9

Maharashtra Goods and Services Tax (Compensation to The Local Authorities) Act, 2017 Sec. 8

Bombay Provincial Municipal Corporation (Control of Advertisement and Hoarding) Rules, 2003 Rule 4

Maharashtra Municipal Corporations (Regulation and Control of The Display of Sky-Signs and Advertisement) Rules, 2022 Rule 31, Rule 2, Rule 20, Rule 4

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2026(1)CPMD(SCBOM)57

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

[From NAGPUR BENCH]

(Hon'ble Judge: Anil L Pansare; Raj D Wakode)

Writ Petition No. 4479 of 2019, 1629 of 2011 **dated 10/12/2025**

*Sureshchander S/o Manoharlal Suri; Shashi W/o Subhash Sahani; Kamlesh W/o Ravi Choudhary; Goldtouch Real Estate Private Ltd vs. State of Maharashtra; Nagpur Municipal Corporation, Nagpur; Nagpur Improvement Trust, Kingsway,; Collector, Civil Lines, Nagpur; Special Land Acquisition Officer; Vedprakash Sangatram Arya; Chandu S/o Daulatram Patil*

**LAND RESERVATION LAPSE**

Land Acquisition Act, 1894 Sec. 6, Sec. 11 - Maharashtra Regional and Town Planning Act, 1966 Sec. 127, Sec. 49, Sec. 126 - Land Reservation Lapse - Petitioners sought declaration that reservation of their land for park in Nagpur development plan stood lapsed - Purchase notice issued and confirmed by State Government directing Nagpur Improvement Trust to acquire land within one year - NIT failed to deposit acquisition amount and no steps taken - Authorities argued mere application to acquire sufficient compliance - Petitioners contended absence of declaration under Section 6 of Land Acquisition Act within prescribed time caused lapse - Court held under Section 49(7) and 126 of MRTP Act, failure to make effective acquisition within time leads to lapse of reservation - Mere application without declaration not sufficient - NIT's inability to fund acquisition cannot prevent lapse - Reservation deemed lapsed - Petitioners entitled to develop land - Petitions Allowed

**Law Point: When authority fails to take effective steps for acquisition within one year from confirmation of purchase notice under Section 49(7) of MRTP Act, reservation of land lapses automatically and landowner regains development rights notwithstanding financial inability of planning authority.**

**Acts Referred:**

Land Acquisition Act, 1894 Sec. 6, Sec. 11

Maharashtra Regional and Town Planning Act, 1966 Sec. 127, Sec. 49, Sec. 126  
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2026(1)CPMD(SCBOM)58

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

(Hon'ble Judge: Milind N Jadhav)

Interim Application; Suit No 6603 of 2025; 300 of 2025 **dated 10/12/2025**

*Erle Benedict Pereira vs. Erlyn Apartment Co-operative Housing Society Ltd*

**REDEVELOPMENT AND FSI RIGHTS**

Limitation Act, 1963 Art. 59 - Maharashtra Ownership Flats (Regulation of The Promotion of Construction, Sale, Management and Transfer) Act, 1963 Sec. 11 - Redevelopment and FSI Rights - Plaintiff claimed entitlement to 900 sq.ft. of additional FSI under Deed of Conveyance executed between developer and housing society - Society initiated redevelopment without acknowledging such entitlement - Plaintiff relied on clauses in conveyance providing right to extra FSI and exclusive terrace use - Society contended that after conveyance, all rights transferred under Sec.11 MOFA and developer's residual rights extinguished - Court observed that covenant for 900 sq.ft. FSI ran with land and was binding on Society - Society having accepted and acted upon clause for decades could not deny right during redevelopment - Change in regulations increasing FSI did not nullify contractual covenant - Plaintiff's claim was within limitation as cause arose only when redevelopment initiated - Court held covenant enforceable and restrained Society from proceeding without recognizing Plaintiff's entitlement - Interim Relief Granted

**Law Point: Covenant in conveyance granting developer limited entitlement to future FSI runs with land and binds housing society-Right survives redevelopment unless specifically extinguished under law or by mutual agreement**

**Acts Referred:**

Limitation Act, 1963 Art. 59

Maharashtra Ownership Flats (Regulation of The Promotion of Construction, Sale, Management and Transfer) Act, 1963 Sec. 11

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Case Pointer Monthly Digest  
[Supreme Court and Bombay High Court]

2026(1)CPMD(SCBOM)59

**IN THE SUPREME COURT OF INDIA**

[From JHARKHAND HIGH COURT]

(Hon'ble Judge: Ahsanuddin Amanullah; K Vinod Chandran)

Criminal Appeal No 5335 of 2025 **dated 09/12/2025**

*Amal Kumar & Ors vs. State of Jharkhand & Anr*

**FIR QUASHING UNDER SC/ST ACT**

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sec. 2, Sec. 3 - FIR Quashing under SC/ST Act - Appellants sought quashing of FIR alleging offences under SC/ST Act related to property dispute - High Court refused to quash finding specific caste-based allegations - Supreme Court held that FIR disclosed cognizable offences requiring investigation - Civil dispute aspect cannot erase criminal liability - No abuse of process shown - Petition dismissed with liberty to defend in trial - Investigation to continue as per law - Appeal Dismissed

**Law Point: Existence of civil dispute does not bar criminal prosecution under SC/ST Act if allegations disclose caste-based insult or intimidation - Quashing not warranted where prima facie offence made out.**

**Acts Referred:**

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sec. 2, Sec. 3  
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2026(1)CPMD(SCBOM)60

**IN THE SUPREME COURT OF INDIA**

[From DELHI HIGH COURT]

(Hon'ble Judge: Rajesh Bindal; Manmohan)

Civil Appeal No 14660 of 2025 **dated 09/12/2025**

*Ashok Kumar Dabas (Dead Through Legal Heirs) vs. Delhi Transport Corporation*

**PENSION AND GRATUITY ELIGIBILITY**

Payment of Gratuity Act, 1972 Sec. 5, Sec. 4 - Pension and Gratuity Eligibility - Appeal by legal heirs of retired conductor whose pension and gratuity denied after resignation - Tribunal and High Court held forfeiture of benefits as per Pension Rules - Supreme Court observed that resignation entails forfeiture under Rule 26 of CCS Pension Rules and distinction exists between resignation and voluntary retirement - Pension cannot be claimed as of right after resignation - However, gratuity payable under Sec. 4 of Payment of Gratuity Act for completed service period - Directed release of leave

encashment and gratuity as per entitlement - Pension claim rejected - Appeal Partly Allowed

**Law Point: Resignation causes forfeiture of pensionary benefits under CCS Pension Rules but does not bar payment of statutory gratuity under Payment of Gratuity Act - Distinction between resignation and voluntary retirement upheld**

**Acts Referred:**

Payment of Gratuity Act, 1972 Sec. 5, Sec. 4

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2026(1)CPMD(SCBOM)61

**IN THE SUPREME COURT OF INDIA**

[From BOMBAY HIGH COURT]

(Hon'ble Judge: J B Pardiwala; K V Viswanathan)

Civil Appeal No 14647 of 2025 **dated 09/12/2025**

*Hindustan Petroleum Corporation Ltd vs. BCL Secure Premises Pvt Ltd*

**ARBITRATION MAINTAINABILITY**

Arbitration and Conciliation Act, 1996 Sec. 21, Sec. 11 - Insolvency and Bankruptcy Code, 2016 Sec. 9 - Arbitration Maintainability - Corporation issued tender for system installation - Contract awarded to AGC Networks - Respondent acted as sub-vendor without privity of contract with Corporation - Respondent invoked arbitration claiming dues directly from Corporation - Corporation objected citing absence of arbitration agreement - High Court appointed arbitrator under Sec. 11 - On appeal, Court held that arbitration clause exists only between Corporation and AGC - Sub-vendor cannot enforce arbitration without contractual nexus - Appointment of arbitrator unsustainable - Appeal Allowed

**Law Point: Arbitration can only be invoked by parties to contract containing arbitration clause; sub-contractor lacking privity cannot compel arbitration against principal employer.**

**Acts Referred:**

Arbitration and Conciliation Act, 1996 Sec. 21, Sec. 11

Insolvency and Bankruptcy Code, 2016 Sec. 9

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2026(1)CPMD(SCBOM)62

**IN THE SUPREME COURT OF INDIA**

[From CHHATTISGARH HIGH COURT]

(Hon'ble Judge: Vikram Nath; Sandeep Mehta)

Criminal Appeal No 5315 of 2025 **dated 08/12/2025**

*Govind Mandavi vs. State of Chattisgarh*

**MURDER CONVICTION**

Indian Penal Code, 1860 Sec. 34, Sec. 302, Sec. 460 - Code of Criminal Procedure, 1973 Sec. 161, Sec. 164, Sec. 313 - Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sec. 3 - Murder Conviction - Accused convicted for murder and house trespass under penal provisions - Prosecution relied upon statement of wife of deceased recorded after delay - Identification of accused based on removal of mask during attack - Recovery of blood-stained clothes, axe and other articles attributed to accused - Evidence of witness found unreliable due to inconsistencies and belated recording of statement - Material contradictions found in recovery process and lack of corroborative forensic support - Appellate Court re-evaluated testimony and held conviction unsafe - Benefit of doubt extended - Conviction set aside - Appeal Allowed

**Law Point: Conviction for serious offences cannot rest on uncorroborated delayed statement of related witness and doubtful recoveries; benefit of doubt must be given when prosecution evidence lacks reliability and consistency.**

**Acts Referred:**

Indian Penal Code, 1860 Sec. 34, Sec. 302, Sec. 460

Code of Criminal Procedure, 1973 Sec. 161, Sec. 164, Sec. 313

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sec. 3

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2026(1)CPMD(SCBOM)63

**IN THE SUPREME COURT OF INDIA**

[From ALLAHABAD HIGH COURT]

(Hon'ble Judge: Vikram Nath; Sandeep Mehta)

Criminal Appeal No 5314 of 2025 **dated 08/12/2025**

*Sohanvir @ Sohanvir Dhama & Ors vs. State of U P & Anr*

**CASTE ABUSE ALLEGATION**

Indian Penal Code, 1860 Sec. 504, Sec. 308, Sec. 307, Sec. 323 - Code of Criminal Procedure, 1973 Sec. 156, Sec. 200 - Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sec. 14A, Sec. 3 - Caste Abuse Allegation -

Complaint filed under SC/ST Act alleging caste-based abuse and assault - Summoning order issued for offences under IPC and SC/ST Act - High Court upheld order noting prima facie material showing offence committed in public view - Appellants contended abuse occurred within private residence and essential ingredient of "public view" absent - Court held that allegations disclose occurrence partly in public space visible to others - Summoning justified at preliminary stage - Appeal Dismissed

**Law Point: At summoning stage, detailed scrutiny of evidence not warranted; if complaint indicates abuse in place within public view, offence under Sec. 3(1)(s) of SC/ST Act is prima facie made out.**

**Acts Referred:**

Indian Penal Code, 1860 Sec. 504, Sec. 308, Sec. 307, Sec. 323

Code of Criminal Procedure, 1973 Sec. 156, Sec. 200

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sec. 14A, Sec. 3

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2026(1)CPMD(SCBOM)64

**IN THE SUPREME COURT OF INDIA**

[From MADHYA PRADESH HIGH COURT]

(Hon'ble Judge: Dipankar Datta; Augustine George Masih)

Criminal Appeal No 5301 of 2025 **dated 08/12/2025**

*Dadu @ Ankush & Anr vs. State of Madhya Pradesh & Anr*

**CONVICTION UNDER SC/ST ACT**

Indian Penal Code, 1860 Sec. 354, Sec. 323 - Code of Criminal Procedure, 1973 Sec. 374, Sec. 313 - Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sec. 3 - Conviction under SC/ST Act - Appellants convicted for offences under IPC and SC/ST Act - Evidence showed discrepancies between written complaint and depositions - Victim did not attribute specific act to one accused - Injuries found simple and inconsistent with allegations - No independent witnesses examined despite claim that many saw incident - High Court ignored deposition of hostile witness supporting defence version of scuffle during festival - Finding that offence committed due to caste motive unsupported by evidence - Defence version probable showing altercation at pandal and false implication - Supreme Court held conviction unsustainable - Acquitted of all charges - Benefit of doubt extended - Appeal Allowed

**Law Point: Conviction under SC/ST Act requires clear proof of caste-based intent and credible, consistent evidence; contradictions and absence of independent corroboration entitle accused to acquittal.**

**Acts Referred:**

Indian Penal Code, 1860 Sec. 354, Sec. 323

Code of Criminal Procedure, 1973 Sec. 374, Sec. 313

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sec. 3

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2026(1)CPMD(SCBOM)65

**IN THE SUPREME COURT OF INDIA**

[From PUNJAB AND HARYANA HIGH COURT]  
(Hon'ble Judge: Sanjay Karol; Prashant Kumar Mishra)  
Criminal Appeal No 5313 of 2025 **dated 08/12/2025**

*Salil Mahajan vs. Avinash Kumar & Anr*

**ANTICIPATORY BAIL**

Bharatiya Nyaya Sanhita, 2023 Sec. 61, Sec. 316, Sec. 344 - Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 482 - Anticipatory Bail - Appeal filed against grant of anticipatory bail to accused charged for embezzlement from hospital accounts - Accused enlarged on bail by High Court without proper consideration of status report - Investigation report indicated accused absconding and custodial interrogation required - High Court failed to assess gravity of offence and conduct of accused - Order found mechanical and contrary to established principles governing grant of anticipatory bail - Superior authority held non-consideration of material facts vitiated reasoning - Anticipatory bail order set aside - Accused directed to surrender before Trial Court - Fresh application for regular bail to be considered independently - Bail Set Aside - Appeal Allowed

**Law Point: An order granting anticipatory bail without considering investigation status report and gravity of offence amounts to non-application of mind and warrants interference by superior court.**

**Acts Referred:**

Bharatiya Nyaya Sanhita, 2023 Sec. 61, Sec. 316, Sec. 344

Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 482

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2026(1)CPMD(SCBOM)66

**IN THE SUPREME COURT OF INDIA**

[From PUNJAB AND HARYANA HIGH COURT]

(Hon'ble Judge: Vikram Nath; Sandeep Mehta)

Civil Appeal No. 14856 of 2024 **dated 05/12/2025**

*Sonia Virk vs. Rohit Vats*

**DIVORCE AND ALIMONY**

Hindu Marriage Act, 1955 Sec. 13 - Divorce and Alimony - Appeal from decree of divorce granted by High Court - Marriage solemnised in 2008 and parties living separately since long - Family Court dismissed divorce petition but High Court allowed same and granted permanent alimony - Court observed that parties separated for over thirteen years and reconciliation impossible - Found that continuation of marriage served no purpose - Affirmed divorce decree and enhanced permanent alimony to Rs. Fifty Lakhs ensuring financial security of wife and daughter - Directed husband to continue payment for daughter's welfare and education - Treated payment as full and final settlement of all claims - Appeal Partly Allowed

**Law Point: Long period of separation with irretrievable breakdown justifies dissolution of marriage-Financial settlement must ensure dignity and stability of spouse and child.**

**Acts Referred:**

Hindu Marriage Act, 1955 Sec. 13

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2026(1)CPMD(SCBOM)67

**IN THE SUPREME COURT OF INDIA**

[From JHARKHAND HIGH COURT]

(Hon'ble Judge: Pamidighantam Sri Narasimha; Atul S Chandurkar)

Civil Appeal No. 8261 of 2012, 8262 of 2012 **dated 05/12/2025**

*State of Jharkhand vs. Indian Builders Jamshedpur*

**PROHIBITORY CLAUSE INTERPRETATION**

Arbitration and Conciliation Act, 1996 Sec. 37 - Prohibitory Clause Interpretation - Appeals concerned arbitral award set aside under Section 34 for allowing prohibited claims despite contractual bar - High Court restored award relying on Bharat Drilling precedent - Court noted that Bharat Drilling lacked detailed reasoning and its application created confusion - Held that party autonomy under arbitration law upholds contractual exclusion of certain claims - Found necessity to clarify whether excepted or prohibited

claim clauses restrict arbitral jurisdiction - Referred matter to larger bench for authoritative ruling to settle law on effect of such clauses - Observed that contractual freedom governs arbitrator's power unless expressly curtailed by statute - Matter referred to larger bench

**Law Point: Scope of arbitrator's authority over contractually barred claims depends on express terms of agreement-Question requires reconsideration by larger bench for uniform interpretation**

**Acts Referred:**

Arbitration and Conciliation Act, 1996 Sec. 37

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2026(1)CPMD(SCBOM)68

**IN THE SUPREME COURT OF INDIA**

[From ALLAHABAD HIGH COURT]

(Hon'ble Judge: K Vinod Chandran; N V Anjaria)

Civil Appeal No 5224 of 2024 **dated 05/12/2025**

*Rani @ Raj Kumari and Others vs. Kamlakat Gupta and Others*

**ENHANCEMENT OF DEATH COMPENSATION**

Motor Vehicles Act, 1988 Sec. 166 - Enhancement of Death Compensation - Claimants sought higher compensation for death in motor accident - Tribunal fixed income and multiplier reducing quantum - High Court enhanced but applied lower multiplier - Supreme Court found deceased had dual income from job and agriculture - Recalculated monthly income and applied correct multiplier of sixteen with deduction for personal expenses - Added 40% future prospects and appropriate consortium for dependents - Total compensation raised to Rs.20,55,320 with 7% interest - Direction issued for payment within eight weeks - Appeal Allowed in Part

**Law Point: While assessing compensation for death, realistic income including agricultural earnings and proper multiplier with addition for future prospects must be applied to ensure just recompense**

**Acts Referred:**

Motor Vehicles Act, 1988 Sec. 166

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2026(1)CPMD(SCBOM)69

**IN THE SUPREME COURT OF INDIA**

(Hon'ble Judge: J B Pardiwala; Sandeep Mehta)

Appeal No 14565 of 2025, 14566 of 2025 **dated 04/12/2025**

*BPL Limited vs. Morgan Securities and Credits Private Limited*

**BILL DISCOUNTING FACILITY**

Contract Act, 1872 Sec. 74 - Arbitration and Conciliation Act, 1996 Sec. 34, Sec. 31, Sec. 37 - Negotiable Instruments Act, 1881 Sec. 64 - Commercial Courts Act, 2015 Sec. 13 - Bill Discounting Facility - Appeal filed challenging High Court decision upholding arbitral award arising out of commercial contract for bill discounting facility - Appellant and supplier jointly sought financial assistance which was sanctioned at concessional interest subject to conditions - On default respondent invoked arbitration claiming large outstanding dues - Arbitrator held transaction purely commercial and not loan or debt, awarded contractual interest and rejected plea of usurious rate - Section 34 petition and Section 37 appeal dismissed confirming award as consistent with contract and public policy - Review petition also dismissed observing no illegality or unconscionability in agreed interest terms - Appellant before Supreme Court contended penal interest violated Section 74 Contract Act and public policy but court found rate part of voluntary commercial agreement and not opposed to morality or fairness - Supreme Court dismissed appeal maintaining concurrent findings of arbitral tribunal and High Court - Appeals Dismissed

**Law Point: In commercial transactions between parties of equal bargaining strength, contractual stipulation of high rate of interest does not amount to penalty or violation of public policy when voluntarily agreed and acted upon, and arbitral award enforcing such term cannot be interfered with under Sections 34 or 37 of Arbitration and Conciliation Act.**

**Acts Referred:**

Contract Act, 1872 Sec. 74

Arbitration and Conciliation Act, 1996 Sec. 34, Sec. 31, Sec. 37

Negotiable Instruments Act, 1881 Sec. 64

Commercial Courts Act, 2015 Sec. 13

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2026(1)CPMD(SCBOM)70

**IN THE SUPREME COURT OF INDIA**

[From BOMBAY HIGH COURT]

(Hon'ble Judge: Pamidighantam Sri Narasimha; Atul S Chandurkar)

Civil Appeal No 10346 of 2024 **dated 04/12/2025**

*Bhaskar Govind Gavate (Now Deceased) Through His Legal Heirs vs. State of Maharashtra & Ors*

**CONTEMPT PROCEEDINGS**

Contempt Proceedings - Appeal against dismissal of contempt petition regarding non-compliance of High Court order directing delivery of possession and compensation for acquired land - High Court declined action citing ambiguity in order - Appellants claimed clear direction existed for handing over possession - Supreme Court observed Division Bench erred in treating order as ambiguous and failed to examine compliance on merits - Held that order contained categorical direction for delivery of possession and payment of compensation - Set aside dismissal and remanded matter to High Court for fresh consideration without expressing opinion on merits - Matter Remanded

**Law Point: When judicial directions clearly mandate delivery of possession or payment of compensation, plea of ambiguity cannot defeat enforcement and contempt jurisdiction must examine compliance substantively**

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2026(1)CPMD(SCBOM)71

**IN THE SUPREME COURT OF INDIA**

[From KARNATAKA HIGH COURT]

(Hon'ble Judge: J B Pardiwala; K V Viswanathan)

Civil Appeal No 7846 of 2023; 7847 of 2023 **dated 04/12/2025**

*State of Karnataka & Anr vs. Taghar Vasudeva Ambrish & Anr*

**GST EXEMPTION**

Income Tax Act 1961 Sec. 12AA - Maharashtra Rent Control Act 1999 Sec. 25 - Finance Act 1994 Sec. 66D - Central Goods and Services Tax Act 2017 Sec. 100 Sec. 97 - GST Exemption - Revenue challenged decision of High Court which granted exemption to lessor for leasing residential premises used as hostel for students and professionals - Authorities for Advance Ruling and Appellate Authority held exemption under Entry 13 of Notification 9/2017 not available as lessee company used property commercially - High Court reversed holding property used for residence purpose hence exempt - Revenue

contended exemption limited to lessee's residential use and that lessee being commercial entity disqualified transaction - Respondent argued entry requires residential use irrespective of lessee's identity and hostels provide residence - Apex Court considered meaning of residential dwelling in light of statutory scheme and notifications - Held that exemption applies when premises used as residence even if lessee sublets to individuals for residential use - Commercial character of lessee immaterial when dominant purpose residential - Appeal of Revenue dismissed - Appeals Dismissed

**Law Point: Exemption under GST for renting of residential dwelling applies when premises actually used for residence irrespective of lessee's business status - Nature and purpose of use determines eligibility for exemption not contractual form of transaction**

**Acts Referred:**

Income Tax Act, 1961 Sec. 12AA

Maharashtra Rent Control Act, 1999 Sec. 25

Finance Act, 1994 Sec. 66D

Central Goods and Services Tax Act, 2017 Sec. 100, Sec. 97

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2026(1)CPMD(SCBOM)72

**IN THE SUPREME COURT OF INDIA**

[From ALLAHABAD HIGH COURT]

(Hon'ble Judge: Sanjay Karol; Nongmeikapam Kotiswar Singh)

Criminal Appeal No. 5229 of 2025 **dated 04/12/2025**

*Neeraj Kumar @ Neeraj Yadav vs. State of U P & Ors*

**ADDITIONAL ACCUSED SUMMONING**

Indian Penal Code, 1860 Sec. 316, Sec. 302, Sec. 307 - Code of Criminal Procedure, 1973 Sec. 161, Sec. 319 - Additional Accused Summoning - Appeal concerned rejection of prosecution's plea to summon additional accused under Section 319 CrPC - Deceased had given statements under Section 161 CrPC naming her husband and relatives who instigated him to shoot her - Daughter and brother of deceased corroborated allegations - Trial Court and High Court refused summoning holding evidence insufficient - Court explained that Section 319 empowers summoning based on strong and cogent evidence during trial - Found that testimonies of witnesses and deceased's statements disclosed prima facie role of respondents - Held that lower courts applied incorrect standard by insisting on conclusive proof - Ordered summoning of private respondents as additional accused to ensure fair trial and prevent offenders escaping prosecution - Appeal Allowed

**Law Point: Power under Section 319 CrPC is discretionary yet must be exercised when credible evidence during trial reveals complicity-Requirement is higher than prima facie satisfaction but short of proof for conviction.**

**Acts Referred:**

Indian Penal Code, 1860 Sec. 316, Sec. 302, Sec. 307

Code of Criminal Procedure, 1973 Sec. 161, Sec. 319

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2026(1)CPMD(SCBOM)73

**IN THE SUPREME COURT OF INDIA**

[From TELANGANA HIGH COURT]

(Hon'ble Judge: Sanjay Karol; Vipul M Pancholi)

Criminal Appeal No. 5252 of 2025 **dated 04/12/2025**

*Rocky vs. State of Telangana & Anr*

**QUASHING OF PROCEEDINGS**

Indian Penal Code, 1860 Sec. 420, Sec. 506, Sec. 406, Sec. 344 - Code of Criminal Procedure, 1973 Sec. 482 - Quashing of Proceedings - Appeal filed against refusal to quash proceedings under Sections 420, 344 and 506 IPC - Dispute related to construction contract and payment - Appellant contended that matter purely civil and based on fabricated No-Dues Certificate - High Court quashed only Section 406 IPC and retained rest - Court held that existence of civil remedy does not exclude criminal liability if ingredients of offence disclosed - Observed that allegations of inducement and non-payment supported by witness statements created prima facie case - Disputed No-Dues Certificate cannot be relied upon at threshold - Found no exceptional ground to invoke Section 482 to quash - Upheld continuation of proceedings - Appeal Dismissed

**Law Point: Inherent jurisdiction under Section 482 CrPC to quash proceedings must be exercised sparingly-Civil dispute element does not negate criminality when complaint discloses ingredients of offence.**

**Acts Referred:**

Indian Penal Code, 1860 Sec. 420, Sec. 506, Sec. 406, Sec. 344

Code of Criminal Procedure, 1973 Sec. 482

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2026(1)CPMD(SCBOM)74

**IN THE SUPREME COURT OF INDIA**

[From BOMBAY HIGH COURT]

(Hon'ble Judge: J B Pardiwala; R Mahadevan)

Civil Appeal No. 14410 of 2025 **dated 28/11/2025**

*A A Estates Private Limited Through Its Resolution Professional Harshad Shamkant Deshpande and Another vs. Kher Nagar Sukhsadan Co-operative Housing Society Ltd & Ors*

**REDEVELOPMENT RIGHTS**

Constitution of India Art. 21, Art. 19 - Insolvency and Bankruptcy Code, 2016 Sec. 14, Sec. 3 - Redevelopment Rights - Appeal arose from order of High Court directing statutory authorities to grant permissions for redevelopment in favour of new developer - Appellant company engaged in redevelopment entered into registered development agreement with housing society - Due to delay and failure of members to vacate premises, project remained incomplete - Society terminated agreement and appointed another developer despite ongoing insolvency resolution process - Appellant contended that termination violated statutory moratorium under Sec. 14 of Insolvency and Bankruptcy Code - It was observed that development rights formed assets of corporate debtor and cannot be extinguished without due process - Held that initiation of fresh redevelopment during moratorium defeated object of insolvency process and prejudiced creditors - Appeal allowed - Directions of High Court set aside - Matter remanded for consideration by adjudicating authority under Code. - Appeal Allowed

**Law Point: Development rights created by registered agreement constitute assets under Sec. 3(27) of Insolvency and Bankruptcy Code and remain protected during corporate insolvency resolution process - Any unilateral termination or transfer during moratorium under Sec. 14 is legally impermissible and void.**

**Acts Referred:**

Constitution of India Art. 21, Art. 19

Insolvency and Bankruptcy Code, 2016 Sec. 14, Sec. 3

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2026(1)CPMD(SCBOM)75

**IN THE SUPREME COURT OF INDIA**

[From BOMBAY HIGH COURT]

(Hon'ble Judge: B V Nagarathna; R Mahadevan)

Criminal Appeal No 5001 of 2025 **dated 24/11/2025**

*Samadhan S/o Sitatram Manmothe vs. State of Maharashtra & Another*

**QUASHING REQUEST**

Indian Penal Code Sec. 507 Sec. 376 Sec. 376 - Contract Act Sec. 19 - Bharatiya Nagarik Suraksha Sanhita Sec. 528 - Quashing Request - Appeal filed seeking quashing of FIR under penal provisions alleging non-consensual physical relations - Facts indicate parties met during pendency of matrimonial proceedings and thereafter maintained close contact leading to long continuing intimate relationship - FIR lodged after considerable delay and after refusal to meet monetary demand - Record indicates complainant voluntarily met appellant on multiple occasions and maintained relationship despite initial refusal for marriage - Allegations do not indicate coercion fraud or inducement leading to vitiation of consent - Material on record indicates consensual associations over extended period and absence of deceit or false assurance traceable to initial stage - Matter does not disclose ingredients of penal provisions attracted in FIR - Continuation of prosecution held unwarranted and contrary to settled parameters for exercise of quashing jurisdiction - Impugned order set aside and FIR along with charge sheet quashed - Appeal Allowed

**Law Point: When material indicates voluntary long-term intimate relationship without coercion or inducement and absence of false promise traceable to inception, penal provisions concerning sexual offences cannot be invoked and continuation of prosecution amounts to abuse of process**

**Acts Referred:**

Indian Penal Code, 1860 Sec. 507, Sec. 376, Sec. 376

Contract Act, 1872 Sec. 19

Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 528

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2026(1)CPMD(SCBOM)76

**IN THE SUPREME COURT OF INDIA**

[From BOMBAY HIGH COURT]

(Hon'ble Judge: Sanjay Kumar; Alok Aradhe)

Civil Appeal No 1026 of 2019, 1027 of 2019, 1028 of 2019, 1029 of 2019

**dated 20/11/2025**

*Bharat Kantilal Dalal (Dead) Through Lr vs. Chetan Surendra Dalal & Ors*

**EXECUTION PROCEEDINGS**

Code of Civil Procedure Or. 21R. 23 Or. 21R. 22 - Arbitration and Conciliation Act Sec. 34 - Execution Proceedings - Appeal concerns challenge to orders staying execution proceedings connected with arbitral award rendered to resolve family asset issues - Facts indicate initiation of arbitration followed by award communication by concerned party

signalling challenge intent absence of challenge under statute and commencement of execution abroad due to residence of judgment debtor - Proceedings travel across jurisdictions culminating in domestic execution where orders of single judge attract stay through intra-court appeals - Submissions address maintainability of such appeals in light of statutory bar and assertion that statute constitutes complete code - Issue revolves around whether letters patent appeal lies from order in execution arising out of arbitral award - Matter reveals conflict between statutory framework and intra-court appellate jurisdiction - Court examined implications of stay and propriety of appellate intervention - Appeals Allowed

**Law Point: When statute governing arbitration forms complete code intra-court appeal against order relating to execution of arbitral award does not ordinarily lie and interference by appellate forum must conform strictly to statutory limitations.**

**Acts Referred:**

Code of Civil Procedure, 1908 Or. 21R. 23, Or. 21R. 22

Arbitration and Conciliation Act, 1996 Sec. 34

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2026(1)CPMD(SCBOM)77

**IN THE SUPREME COURT OF INDIA**

[From BOMBAY HIGH COURT]

(Hon'ble Judge: B R Gavai; K Vinod Chandran )

Civil Appeal No 13884 of 2025 **dated 20/11/2025**

*Jalgaon District Central Coop Bank Ltd vs. State of Maharashtra and Ors*

**PRIORITY OF CLAIMS**

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act Sec. 13, Sec. 17, Sec. 26E - Priority Of Claims - Secured creditor proceeded against mortgaged assets of sugar manufacturing society due to defaulted loan - Factory remained nonfunctional and properties taken over under SARFAESI - Creditor contended priority under registration in Central Registry and sought satisfaction of dues over PF dues and wages - Workmen asserted nonpayment of wages and PF amounts while creditor pointed to delay in claims rejected earlier - Liquidator involvement became irrelevant after creditor took possession - Non obstante clause under SARFAESI considered against first charge in EPF Act - Statutory first charge under welfare legislation held to prevail over priority created under SARFAESI - Workmen dues not quantified hence no precedence over secured creditor - PF dues including contribution interest penalty and damages directed to be satisfied first from sale proceeds - Residual amount if any to be applied towards secured debt - Workmen permitted to seek determination of dues before competent authority - Appeals Allowed

**Law Point: Statutory first charge created under EPF Act overrides priority conferred on secured creditors under SARFAESI since priority cannot supersede a legislatively created first charge and provident fund dues must be satisfied before applying sale proceeds toward secured debts**

**Acts Referred:**

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 Sec. 13, Sec. 17, Sec. 26E

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2026(1)CPMD(SCBOM)78

**IN THE SUPREME COURT OF INDIA**

[From BOMBAY HIGH COURT]

(Hon'ble Judge: B R Gavai; K Vinod Chandran)

Civil Appeal; Diary No 25098 of 2025 **dated 18/11/2025**

*Ashok S/o Vitthalrao Jagtap vs. State of Maharashtra and Ors*

**LAND COMPENSATION**

Land Acquisition Act, 1894 Sec. 23, Sec. 28, Sec. 18 - Maharashtra Industrial Development Act, 1961 Sec. 32 - Land Compensation - Acquisition of agricultural land under industrial development scheme led to dispute regarding quantum of compensation - Lands taken under Maharashtra Industrial Development Act for creation of industrial area - Compensation awarded by Land Acquisition Officer accepted under protest and reference filed under Land Acquisition Act - Reference Court enhanced compensation considering location near town and non-agricultural potentiality - Appeal by acquiring authority dismissed by High Court - Present appeal filed by claimants contended parity with other connected matters decided by Supreme Court - Observation made that lands adjacent to town had access to highway, water facility and developmental potential - Deduction applied by earlier decision on similar facts held applicable - Appellants entitled to enhanced compensation as per highest sale exemplar adopted in earlier decision - High Court judgment set aside - Compensation re-determined following same principle as earlier decision of similarly situated landowners - Appeals Allowed

**Law Point: When lands under acquisition are adjacent to developing town and possess non-agricultural potentiality, compensation must be determined applying comparable sale exemplars with reasonable deduction considering developmental factors**

**Acts Referred:**

Land Acquisition Act, 1894 Sec. 23, Sec. 28, Sec. 18

Maharashtra Industrial Development Act, 1961 Sec. 32

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2026(1)CPMD(SCBOM)79

**IN THE SUPREME COURT OF INDIA**

[From BOMBAY HIGH COURT]

(Hon'ble Judge: J B Pardiwala; K V Viswanathan)

Civil Appeal No 14260 of 2025, 14261 of 2025, 14262 of 2025 **dated 18/11/2025**

*Popular Caterers vs. Ameet Mehta & Ors*

**ARBITRAL AWARD STAY**

Code of Civil Procedure, 1908 Or. 41R. 5, Or. 41R. 3 - Arbitration and Conciliation Act, 1996 Sec. 36, Sec. 34 - Arbitral Award Stay - Appeal arose from order granting unconditional stay of arbitral award - Appellant engaged in catering business entered into memorandum with another firm for providing vegetarian food - Partial deposit paid and disputes arose after state authorities restricted hotel operations - Arbitration initiated and award passed directing respondents to pay principal with interest - High Court granted unconditional stay on execution of award during pendency of Section 34 petitions - Appellate court held unconditional stay could be granted only in exceptional cases involving fraud or corruption - Found High Court erred by granting unconditional stay without such findings - Directed respondents to deposit principal amount and clarified hearing of Section 34 petitions on merits - Ordered High Court to dispose of petitions within fixed period - Stay to continue subject to deposit - Pending applications disposed of - Appeals Allowed

**Law Point: Unconditional stay of arbitral award under Section 36(3) of Arbitration Act can be granted only in exceptional circumstances such as fraud or corruption - Courts must ordinarily impose conditions like deposit or security while staying execution of monetary awards**

**Acts Referred:**

Code of Civil Procedure, 1908 Or. 41R. 5, Or. 41R. 3

Arbitration and Conciliation Act, 1996 Sec. 36, Sec. 34

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*Raj Kumar @ Bheema vs. State of Nct of Delhi*

**MURDER DURING ROBBERY**

Indian Penal Code, 1860 Sec. 412, Sec. 34, Sec. 396, Sec. 307, Sec. 397 - Code of Criminal Procedure, 1973 Sec. 161, Sec. 82, Sec. 313, Sec. 207, Sec. 83 - Evidence Act, 1872 Sec. 145, Sec. 144, Sec. 27 - Maharashtra Control of Organised Crime Act, 1999 Sec. 3 - Bharatiya Sakshya Adhiniyam, 2023 Sec. 148, Sec. 147 - Murder During Robbery - Appeal challenged conviction under Sec. 302 IPC for murder of elderly man during house burglary - Prosecution relied on sole identification by injured witness and recovery of weapon and articles - Appellant contended witness suffered weak eyesight, identification made after long delay and recoveries uncorroborated - Courts below accepted identification as credible and upheld conviction - On scrutiny it found discrepancies and contradictions in evidence of witness, absence of independent corroboration of recovery, non-matching of blood stains, and lack of proof connecting articles to offence - Failure to join independent witnesses and doubtful recovery rendered prosecution story unsafe - Conviction based solely on infirm evidence could not be sustained - Benefit of doubt extended - Appellant acquitted - Appeal Allowed

**Law Point: Conviction for murder cannot rest solely on delayed and doubtful identification by a single witness and uncorroborated recovery of articles unconnected with offence - prosecution must prove guilt beyond reasonable doubt with consistent and credible evidence.**

**Acts Referred:**

Indian Penal Code, 1860 Sec. 412, Sec. 34, Sec. 396, Sec. 307, Sec. 397

Code of Criminal Procedure, 1973 Sec. 161, Sec. 82, Sec. 313, Sec. 207, Sec. 83

Evidence Act, 1872 Sec. 145, Sec. 144, Sec. 27

Maharashtra Control of Organised Crime Act, 1999 Sec. 3

Bharatiya Sakshya Adhiniyam, 2023 Sec. 148, Sec. 147

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