### CONTENTS

| A.P. Dairy Development Corporation Federation v. B. Narasimha Reddy & Ors. | 1 |
| Abdul Rehman & Ors. v. K.M. Anees-ul-Haq | 1033 |
| Anees-ul-Haq (K.M.); Abdul Rehman & Ors. v. | 1033 |
| Ashiwin S. Mehta & Anr. v. Union of India & Ors. | 1000 |
| Ashok Kumar Lingala v. State of Karnataka & Ors. | 800 |
| Association of Unified Telecom Service Providers of India and Ors.; Union of India and Anr. v. | 657 |
| Baby and Anr.; Vijayan (R.) v. | 712 |
| Banatwala & Company v. L.I.C. of India & Anr. | 533 |
| Bharat Sanchar Nigam Ltd. v. R. Santhakumari Velusamy & Ors. | 502 |
| Chief General Manager, Calcutta Telephones District, Bharat Sanchar Nigam Limited and Ors. v. Surendra Nath Pandey and Ors. | 840 |
| Citicorp. Maruti Finance Ltd. v. S. Vijayalaxmi | 1050 |
| Deepak Verma v. State of Himachal Pradesh | 270 |
| Dimple @ Kajal; Pankaj Mahajan v. | 945 |
| Divisional Controller (The), KSRTC v. M.G. Vittal Rao | 1089 |

(ii)

| Dnyaneshwar Ranganath Bhandare & Anr. v. Sadhu Dadu Shettigar (Shetty) & Anr. | 187 |
| Goa Housing Board v. Rameshchandra Govind Pawaskar & Anr. | 735 |
| Gobinda Chandra Makal & Anr.; Kolkata Metropolitan Development Authority v. | 373 |
| Haresh Mohandas Rajput v. State of Maharashtra | 921 |
| Institute of Chartered Accountants of India (The) v. Shaunak H. Satya & Ors | 328 |
| J & K Housing Board & Anr. v. Kunwar Sanjay Krishan Kaul & Ors. | 976 |
| Johny (K.M.) & Ors.; Thermax Ltd. & Ors. (M/s) v. | 154 |
| Ketan V. Parekh v. Special Director, Directorate of Enforcement and another. | 1204 |
| Kolkata Metropolitan Development Authority v. Gobinda Chandra Makal & Anr. | 373 |
| Kunwar Sanjay Krishan Kaul & Ors.; J & K Housing Board & Anr. v. | 976 |
| L.I.C. of India & Anr.; Banatwala & Company v. | 533 |
| Loganathan (S.) v. Union of India and Ors. | 1081 |
| M.S.S. Food Products (M/s.); Rasiklal Manickchand Dhariwal & Anr. v. | 1141 |
| Mohan Meakin Breweries Ltd. (M/s) & Anr.; State of U.P. & Ors. v. | 98 |
Mrinal Das & Ors. v. The State of Tripura ..... 411
Mukesh Kumar & Ors.; State of Haryana v. ..... 211
Narasimha (B.) Reddy & Ors.; A.P. Dairy Development Corporation Federation v. ..... 1
Nareshkumar Badrikumar Jagad & Ors.; National Textile Corporation Ltd. (The) v. ..... 472
National Textile Corporation Ltd. (The) v. Nareshkumar Badrikumar Jagad & Ors. ..... 472
Om Prakash & Anr. v. Union of India & Anr. ..... 240
Pankaj Mahajan v. Dimple @ Kajal ..... 945
Parmender Kumar & Ors. v. State of Haryana & Ors. ..... 1065
Raghbir Singh Sahrawat v. State of Haryana and Others ..... 1113
Rameshchandra Govind Pawaskar & Anr.; Goa Housing Board v. ..... 735
Ramji Veerji Patel & Ors. v. Revenue Divisional Officer & Ors. ..... 821
Rasiklal Manickchand Dhariwal & Anr. v. M/s. M.S.S. Food Products ..... 1141
Revenue Divisional Officer & Ors.; Ramji Veerji Patel & Ors. v. ..... 821
Sadhu Dadu Shettigar (Shetty) & Anr; Dnyaneshwar Ranganath Bhandare & Anr. v. ..... 187
Sadhwi Pragyna Singh Thakur v. State of Maharashtra ..... 617
Santhakumari (R.) Velusamy & Ors.; Bharat Sanchar Nigam Ltd. v. ..... 502
Shaunak H. Satya & Ors; Institute of Chartered Accountants of India (The) v. ..... 328
Shila Datta & Ors.; United Insurance Co. Ltd. v. ..... 763
Special Director, Directorate of Enforcement and another; Ketan V. Parekh v. ..... 1204
SSang Yong Engineering and Construction Co. Ltd.; Yograj Infrastructure Ltd. v. ..... 301
SSang Yong Engineering and Construction Co. Ltd.; Yograj Infrastructure Ltd. v. ..... 324
State of Haryana & Ors.; Parmender Kumar & Ors. v. ..... 1065
State of Haryana and Others; Raghbir Singh Sahrawat v. ..... 1113
State of Haryana v. Mukesh Kumar & Ors. ..... 211
State of Himachal Pradesh; Deepak Verma v. ..... 270
State of Karnataka & Ors.; Ashok Kumar Lingala v. ..... 800
State of Maharashtra; Haresh Mohandas Rajput v. ..... 921
State of Maharashtra; Sadhwi Pragyna Singh Thakur v. ..... 617
<table>
<thead>
<tr>
<th>(v)</th>
<th>(vi)</th>
</tr>
</thead>
<tbody>
<tr>
<td>State of Punjab &amp; Anr. Etc.; Prithipal Singh Etc. v.</td>
<td>Yograj Infrastructure Ltd. v. SSang Yong</td>
</tr>
<tr>
<td></td>
<td>Engineering and Construction Co. Ltd.</td>
</tr>
<tr>
<td></td>
<td>..... 862</td>
</tr>
<tr>
<td>State of Tripura (The); Mrinal Das &amp; Ors. v.</td>
<td>Yograj Infrastructure Ltd. v. SSang Yong</td>
</tr>
<tr>
<td></td>
<td>Engineering and Construction Co. Ltd.</td>
</tr>
<tr>
<td></td>
<td>..... 411</td>
</tr>
<tr>
<td></td>
<td>..... 98</td>
</tr>
<tr>
<td>Surendra Nath Pandey and Ors.; Chief General Manager, Calcutta</td>
<td></td>
</tr>
<tr>
<td>Telephones District, Bharat Sanchar Nigam Limited and Ors. v.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>..... 840</td>
</tr>
<tr>
<td>Thermax Ltd. &amp; Ors. (M/s) v. K.M. Johny &amp; Ors.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>..... 154</td>
</tr>
<tr>
<td>Trans Mediterranean Airways v. M/s Universal Exports &amp; Anr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>..... 47</td>
</tr>
<tr>
<td>Union of India &amp; Anr.; Om Prakash &amp; Anr. v.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>..... 240</td>
</tr>
<tr>
<td>Union of India &amp; Ors.; Ashiwin S. Mehta &amp; Anr. v.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>..... 1000</td>
</tr>
<tr>
<td>Union of India and Anr. v. Association of Unified Telecom Service</td>
<td></td>
</tr>
<tr>
<td>PROVIDERS of India and Ors.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>..... 657</td>
</tr>
<tr>
<td>Union of India and Ors.; Loganathan (S.) v.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>..... 1081</td>
</tr>
<tr>
<td>United Insurance Co. Ltd. v. Shila Datta &amp; Ors.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>..... 763</td>
</tr>
<tr>
<td>Universal Exports (M/s) &amp; Anr.; Trans Mediterranean Airways v.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>..... 47</td>
</tr>
<tr>
<td>Vijayalaxmi (S.); Citicorp. Maruti Finance Ltd. v.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>..... 1050</td>
</tr>
<tr>
<td>Vijayan (R.) v. Baby and Anr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>..... 712</td>
</tr>
<tr>
<td>Vittal (M.G.) Rao; Divisional Controller (The), KSRTC v.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>..... 1089</td>
</tr>
</tbody>
</table>
### SUBJECT-INDEX

<table>
<thead>
<tr>
<th>Case</th>
<th>Year</th>
<th>Volume</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.P. SRTC v. Raghuda Shiva Sankar Prasad</td>
<td>2006</td>
<td>(8)</td>
<td>625</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td>1095</td>
</tr>
<tr>
<td>Abdul Sattar v. Union Territory, Chandigarh, 1985 (Supp) SCC 599</td>
<td></td>
<td></td>
<td>418</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td>385</td>
</tr>
<tr>
<td>Achala (B.P.) Anand v. S. Appi Reddy &amp; Anr. 2005 (2) SCR 3</td>
<td></td>
<td></td>
<td>872</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td>1025</td>
</tr>
<tr>
<td>Air India Corporation Bombay v. V.A. Ravellow 1972 (3) SCR 606</td>
<td></td>
<td></td>
<td>1094</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td>13</td>
</tr>
<tr>
<td>Aizaz &amp; Others v. State of Uttar Pradesh 2008 (12) SCR 13</td>
<td></td>
<td></td>
<td>276</td>
</tr>
<tr>
<td>– held inapplicable</td>
<td></td>
<td></td>
<td>79</td>
</tr>
<tr>
<td>Ajay Hasia etc. v. Khalid Mujib Sehravardi &amp; Ors. etc. 1981 (2) SCR 79</td>
<td></td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ajay Krishan Shinghal &amp; Ors. v. Union of India &amp; Ors. 1996 (4) Suppl. SCR 319</td>
<td></td>
<td></td>
<td>979</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alagh (S.K.) v. State of Uttar Pradesh &amp; Ors. 2008 (2) SCR 1088</td>
<td></td>
<td></td>
<td>157</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All India Bank Employees' Association v. National Industrial Tribunal (Bank Disputes) Bombay &amp; Ors. 1962 SCR 269</td>
<td></td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All India Employees Association (Railways) v. V.K. Agarwal 2001 (10) SCC 165</td>
<td></td>
<td></td>
<td>508</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alpic Finance Ltd. v. P. Sadasivan &amp; Anr. 2001 (1) SCR 1059</td>
<td></td>
<td></td>
<td>157</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ambica Industries v. Commissioner of Central Excise 2007 (7) SCR 685</td>
<td></td>
<td></td>
<td>1209</td>
</tr>
<tr>
<td>Ameer Trading Corpn. Ltd. v. Shapoorji Data Processing Ltd. 2003 (5) Suppl. SCR 634</td>
<td></td>
<td></td>
<td>1155</td>
</tr>
<tr>
<td>Anant Chintaman Lagu v. The State of Bombay 1960 SCR 460</td>
<td></td>
<td></td>
<td>876</td>
</tr>
</tbody>
</table>
(ix) Anil Kumar Chakraborty & Anr. v.
M/s. Saraswatipur Tea Company Ltd. & Ors.
AIR 1982 SC 1062: 1982 (2) SCC 328
  – relied on ... 1095
Anil Mahajan v. Bhor Industries Ltd. & Anr.
(2005) 10 SCC 228
  – relied on ... 157
Arjun Singh v. Mohindra Kumar and Ors.
(1964) 5 SCR 946
  – relied on ... 1153
Ashok Laxman Sohoni & Anr. v. The State of
Maharashtra AIR 1977 SC 1319
  – relied on ... 873
Ashoka Marketing Ltd. and Anr. v. Punjab
National Bank and Others 1990 (3) SCR 649 ... 542
Ashwin S. Mehta v. Custodian 2006
(1) SCR 56 ... 1009
Assistant Excise Commissioner & Anr. v.
Issac Peter & Ors. 1994 (2) SCR 67
  – relied on ... 669
Atma Singh Thr. LRs. v. State of Haryana
2007 (12) SCR 1120 ... 385
Azeez (S.) Basha & Anr. v. The Union of India
etc. 1968 SCR 833
  – relied on ... 6

(x) B.O.I. Finance Ltd. v. Custodian & Ors. 1997
(3) SCR 51
  – relied on ... 1004
Babu v. State of Kerala, 2010 (9) SCR 1039
  – relied on ... 416
Baburao Shantaram More v. The Bombay
Housing Board 1954 SCR 572 ... 545
  – relied on ... 548
Bachan Singh v. State of Punjab AIR
1980 SC 898 ... 925
Bachhaj Nahar v. Nilima Mandal & Ors.
2008 (14) SCR 621
  – relied on ... 476
Badri v. State ILR (1963) 2 All 359 ..... 1037
Baldeo Singh v. CIT 1961 (1) SCR 482
  – relied on ... 106
Balmokand Khatri Educational and Industrial
Trust v. State of Punjab 1996 (2) SCR 643 ... 1117
Balwant Narayan Bhagde v. M. D. Bhagwat
1975 (0) Suppl. SCR 250 ... 1117
Banda Development Authority, Banda v.
Moti Lal Agarwal & Ors. (2011) 5 SCC 394 ... 979,
1117
Baradakanta Mishra v. Registrar of Orissa
High Court, 1974 (2) SCR 282
  – relied on ... 54
<table>
<thead>
<tr>
<th>(xi)</th>
<th>(xii)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>– held inapplicable.</td>
</tr>
<tr>
<td>– relied on</td>
<td>– relied on</td>
</tr>
<tr>
<td>1156</td>
<td>629</td>
</tr>
<tr>
<td></td>
<td>– relied on</td>
</tr>
<tr>
<td>53</td>
<td>215</td>
</tr>
<tr>
<td>– relied on</td>
<td>– relied on</td>
</tr>
<tr>
<td>53</td>
<td>629</td>
</tr>
<tr>
<td>– relied on</td>
<td>– relied on</td>
</tr>
<tr>
<td>1094</td>
<td>418</td>
</tr>
<tr>
<td>544</td>
<td>– relied on</td>
</tr>
<tr>
<td>Bharath Gold Mines Ltd. v. Kannappa ILR 1988 KAR 3092</td>
<td>244</td>
</tr>
<tr>
<td>– approved.</td>
<td>Bidhannagar (Salt Lake) Welfare Assn. v. Central Valuation Board &amp; Ors. 2007 (7) SCR 430</td>
</tr>
<tr>
<td></td>
<td>– relied on</td>
</tr>
<tr>
<td>546, 550</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>– relied on</td>
</tr>
<tr>
<td>1053</td>
<td>845</td>
</tr>
<tr>
<td></td>
<td>– relied on</td>
</tr>
<tr>
<td>671</td>
<td>479</td>
</tr>
<tr>
<td>Bhatia (D.C.) &amp; Ors. v. Union of India &amp; Anr. 1994 (4) Suppl. SCR 539</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Binny Ltd. (The) v. Their Workmen AIR 1973 SC 1403: 1974 (3) SCC 152
– relied on ... 1095

Binny Ltd. v. Their Workmen & Anr. 1972 (3) SCR 518
– relied on ... 1095

Bipin Kumar Mondal v. State of West Bengal 2010 (8) SCR 1036
– relied on ... 872

Bipin Shantilal Panchal (Dr.) v. State of Gujarat (1996) 1 SCC 718
– relied on ... 627

Biswa Nath Agarwalla v. Sabitri Bera & Ors. 2009 (12) SCR 459
– relied on ... 476

Board of High School & Intermediate Education U.P. (The) v. Bagleshwar Prasad 1962 3 SCR 767 ... 846

Brajnandan Sinha v. Jyoti Narain (1955) 2 SCR 955
– relied on ... 53

British India General Insurance Co.Ltd. v. Captain Itbar Singh & Ors. 1960 SCR 426 ... 773

Budhan Choudhry & Ors. v. State of Bihar 1955 SCR 1045
– relied on ... 6

Canara Bank v. Nuclear Power Corpn. of India, 1995 (2) SCR 482
– relied on ... 54

Cellular Operators Association of India & Ors. v. Union of India & Ors. 2002 (5) Suppl. SCR 222
– held inapplicable ... 669

Central Board of Secondary Education & Anr. v. Aditya Bandopadhyay & Ors. 2011 (8) SCALE 645 ... 343

Central Bureau of Investigation, Special Investigation Cell-I, New Delhi v. Anupam J. Kulkarni 1992 (3) SCR 158
– relied on ... 627

Chaganti Satyanarayana and Others v. State of Andhra Pradesh 1986 (2) SCR 1128
– relied on ... 627

Chairman J & K State Board Education v. Feyaz Ahmed Malik & Ors. 2000 (1) SCR 402 ... 846

Chairman, All India Railway Recruitment Board v. K. Shyam Kumar & Ors. 2010 (6) SCR 291 ... 846

Chairman, Railway Board & Ors. v. C.R. Rangadharmaiah & Ors. 1997 (3) Suppl. SCR 63 ... 8
Chandrabhai K. Bhoir and Others v. Krishna Arjun Bhoir and Others 2008 (15) SCR 652
- relied on ... 669

Chandrakantaben (Smt.) v. Vadilal Bapalal Modi 1989 (2) SCR 232
- relied on ... 480

Chandran alias Manichan alias Maniyan & Ors. v. State of Kerala (2011) 5 SCC 161
- relied on ... 870

Chandrappa and Others v. State of Karnataka 2007 (2) SCR 630
- relied on ... 416

- relied on ... 1095

Charan Singh v. Healing Touch Hospital, 2000 (3) Suppl. SCR 337
- relied on ... 53

Chhattisgarh State Electricity Board v. Central Electricity Regulatory Commission and Ors. 2010 (4) SCR 680
- relied on ... 1209

Chief Justice of A.P. v. L.V.A. Dixitulu 1979 (1) SCR 26
- relied on ... 669

Chimanlal Hargovinddas v. Special Land Acquisition Officer, Poona 1988 (1) Suppl. SCR 531
- relied on ... 385

Chinnama George & Ors. v. N. K. Raju & Anr. 2000 (4) SCC 130
- Partly overruled ... 771

Chinta Lingam & Ors. v. The Govt. of India & Ors. 1971 (2) SCR 871
- relied on ... 476

Chiranjitlal v. Union of India 1950 SCR ..... 545

Church of North India v. Lavajibhai Ratanjibhai 2005 (10) SCC 760
- relied on ... 547

Citation Infowares Ltd. v. Equinox Corporation 2009 (6) SCR 737
- held inapplicable. ... 304

Coal India Limited and Anr. v. Ujjal Transport Agency and Ors. (2011) 1 SCC 117 ... 1209

Commissioner of Central Excise v. Dunlop India Ltd. 1985 (2) SCR 190
- relied on ... 1210

Commissioner of Customs and Central Excise v. Hongo India Private Limited (2009) 5 SCC 791
- relied on ... 1209

Commissioner of Customs, Central Excise v. Punjab Fibres Ltd. 2008 (2) SCR 861
- relied on ... 1209
Commissioner of Police Delhi v. Narendra Singh 2006 (3) SCR 872
   – relied on ... 1093

Consolidated Engineering Enterprises v. Principal Secretary, Irrigation Department and Ors. 2008 (5) SCR 1108 ... 1209

Crawford Bayley & Co. & Ors. v. Union of India & Ors. 2006 (3) Suppl. SCR 240
   – relied on ... 543

D.A.V. College, etc.etc. v. State of Punjab & Ors. (1971) 2 SCC 269
   – relied on ... 6

Dagdu and Ors. v. State of Maharashtra, 1977 (3) SCR 636
   – relied on ... 418

Daman Singh & Ors. v. State of Punjab & Ors 1985 (3) SCR 580 ... 7

Damodar S.Prabhu v. Sayed Babalal H. 2010 (5) SCR 678
   – relied on ... 718

Damyanti Naranga (Smt.) v. The Union of India & Ors. 1971 (3) SCR 840 ... 6

Dave (N.H.), Inspector of Customs v. Mohd. Akhtar Hussain Ibrahim Iqbal Kadar Amad Wagher (Bhatt) & Ors. 1984 (15) ELT 353 (Guj.) ... 244

Dayaram Asanand Gursahani v. State of Maharashtra 1984 (2) SCR 703
   – relied on ... 508

Deep Chand v. State of U.P. 1959 (2) Suppl. SCR 8 ... 544

Delhi Administration v. Gurdip Singh Uban and Ors. 2000 (2) Suppl. SCR 496 ... 826

Delhi Cloth and General Mills Ltd. v. Kushal Bhan AIR 1960 SC 806
   – relied on ... 1092

Delhi Development Authority v. Bali Ram Sharma 2004 (6) SCC 533 ... 739

Delhi Science Forum and Others v. Union of India 1996 (2) SCR 767
   – held inapplicable ... 669

Depot Manager, Andhra Pradesh State Road Transport Corporation v. Mohd Yousuf Miya & Ors. 1996 (8) Suppl. SCR 941
   – relied on ... 1093

Desh Bandhu Gupta v. N.L. Anand & Rajinder Singh 1993 (2) Suppl. SCR 346 ... 1008

Dhanna Mal v. Rai Bahadur Lala Moti Sagar AIR 1927 P.C. 102 ... 195
   – relied on ... 189

Dhanoa (S.S.) v. Municipal Corporation Delhi & Ors., 1981 (3) SCR 864 ... 478
<table>
<thead>
<tr>
<th>Case</th>
<th>Year</th>
<th>SC/Cases</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dharam Dutt &amp; Ors. v. Union of India &amp; Ors.</td>
<td>1964</td>
<td>SCR 885</td>
<td>7</td>
</tr>
<tr>
<td>Dhoundial (N.C.) v. Union of India &amp; Ors.</td>
<td>2003</td>
<td>(6) Suppl. SCR 674</td>
<td></td>
</tr>
<tr>
<td>Dhulabhai v. State of M.P.</td>
<td>1968</td>
<td>SCR 662</td>
<td>547</td>
</tr>
<tr>
<td>Dinesh Dalmia v. CBI</td>
<td>2007</td>
<td>8 SCC 770</td>
<td></td>
</tr>
<tr>
<td>Directorate of Enforcement v. Deepak Mahajan</td>
<td>1994</td>
<td>(1) SCR 445</td>
<td>244</td>
</tr>
<tr>
<td>Disciplinary Authority-cum-Regional Manager v. Nikunja Bihari Patnaik</td>
<td>1996</td>
<td>(1) Suppl. SCR 314</td>
<td>1095</td>
</tr>
<tr>
<td>Dwarkadas Marfatia (M/s) v. Bombay Port Trust</td>
<td>1989</td>
<td>(3) SCC 293</td>
<td>545</td>
</tr>
<tr>
<td>Eknath Shankarrao Mukkawar v. State of Maharashtra</td>
<td>1977</td>
<td>(3) SCR 513</td>
<td></td>
</tr>
<tr>
<td>Electronics Corporation of India Ltd. (M/s.), etc. etc. v. Secretary,</td>
<td>1999</td>
<td>AR 1999 SC 1734</td>
<td></td>
</tr>
<tr>
<td>Employees' State Insurance Corpn. &amp; Ors. v. Jardine Henderson Staff Association &amp; Ors.</td>
<td>2006</td>
<td>(4) Suppl. SCR 27</td>
<td>1009</td>
</tr>
<tr>
<td>Ethiopian Airlines v. Ganesh Narain Saboo (Civil Appeal No.7037 of 2004)</td>
<td></td>
<td></td>
<td>53</td>
</tr>
<tr>
<td>F.D.C. Limited v. Federation of Medical Representatives Association India &amp; Ors.</td>
<td>2003</td>
<td>AIR 2003 Bom 371</td>
<td>1155</td>
</tr>
<tr>
<td>Fair Air Engineers Pvt. Ltd. and Anr. v. N.K. Modi</td>
<td>1996</td>
<td>(4) Suppl. SCR 820</td>
<td>52</td>
</tr>
<tr>
<td>Federal Bank Ltd. v. Sagar Thomas &amp; Ors.</td>
<td>2003</td>
<td>(4) Suppl. SCR 121</td>
<td>478</td>
</tr>
<tr>
<td>Food Corporation of India and Another v. Dayal Singh</td>
<td>1991</td>
<td>PLJ 425</td>
<td>215</td>
</tr>
<tr>
<td>Fruit &amp; Vegetable Merchants Union v. Delhi Improvement Trust</td>
<td>1957</td>
<td>SC 1</td>
<td>481</td>
</tr>
</tbody>
</table>

Note: The page numbers indicate the pages on which the cases are referenced.
Gajadhar Prasad & Ors. v. Babu Bhakta Ratan & Ors. 1974 (1) SCR 372 ... 1008

Ganpat v. State of Haryana and Others, 2010 (12) SCR 400
  – relied on ... 416

Gauri Shanker Sharma etc. v. State of U.P. etc., 1990 SCR 29
  – relied on ... 869

George (P.V.) v. State of Kerala 2007 (1) SCR 1198 ... 671

Gopal Krishnaji Ketkar v. Mahomed Haji Latif and Ors. 1968 SCR 862 ... 1156

  – relied on ... 481

  – relied on ... 669

Government of Haryana v. Haryana Breweries Ltd. & Anr. 2002 (1) SCR 942
  – relied on ... 102

Govind Ramji Jadhav v. State of Maharashtra 1990 (1) SCR 855
  – relied on ... 869

Grand Kakatiya Sheraton Hotel and Towers Employees and Workers Union v. Srinivasa Resorts Limited & Ors 2009 (3) SCR 668
  – relied on ... 7

Greater Mohali Area Development Authority & Ors. v. Manju Jain & Ors., 2010 (10) SCR 134
  – relied on ... 476

Gujarat Ginning & Manufacturing Co. Ltd. v. Motilal Hirabhai Spinning & Manufacturing Co. Ltd. AIR 1936 PC 77 ... 195
  – relied on ... 189

Gullapalli Nageswara Rao and Ors. v. Andhra Pradesh State Road Transport Corporation and Anr. (1959) Supp 1 SCR 319 ... 1148

Gurpreet Singh v. State of Punjab 2005 (5) Suppl. SCR 90 ... 871

Hadi Raja (Mohd.) v. State of Bihar & Anr., 1998 (3) SCR 22 ... 478

Har Shankar & Ors. v. The Deputy Excise & Taxation Commissioner & Others 1975 (3) SCR 254
  – relied on ... 663


Harji Mal and Anr. v. Devi Ditta Mal and Ors. AIR (1924) Lah 107
  – approved ... 1150

Harman Singh & Ors. v. Regional Transport Authority, Calcutta Region & Ors. 1954 SCR 371 ... 7
<table>
<thead>
<tr>
<th>Case</th>
<th>Reference</th>
<th>Relied on</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hashim (K.) v. State of Tamil Nadu, 2004 (6) Suppl. SCR 1</td>
<td></td>
<td>418, 870</td>
</tr>
<tr>
<td>Hindustan Petroleum Corpn. Ltd. v. Darius Shapur Chenai and Ors. 2005 (3) Suppl. SCR 388</td>
<td></td>
<td>826, 1119</td>
</tr>
<tr>
<td>Hindustan Steel Works Construction Ltd. v. State of Kerala &amp; Ors., 1997 (3) SCR 919</td>
<td></td>
<td>478</td>
</tr>
<tr>
<td>Hoechst Pharmaceuticals Ltd. v. State of Bihar 1983 (3) SCR 130</td>
<td></td>
<td>544</td>
</tr>
<tr>
<td>Howrah Municipal Corporation &amp; Ors. v. Ganges Rope Co. Ltd. &amp; Ors. 2003 (6) Suppl. SCR 1212</td>
<td></td>
<td>14</td>
</tr>
<tr>
<td>Hukumdev Narain Yadav v. Lalit Narain Mishra 1974 (3) SCR 31</td>
<td></td>
<td>1209</td>
</tr>
<tr>
<td>Husain Umar Kochra (Mohd.) etc. v. K.S. Dalip Singhji and Another etc., 1969 (3) SCR 130</td>
<td></td>
<td>418</td>
</tr>
<tr>
<td>ICICI Bank Ltd. v. Prakash Kaur 2007 (3) SCR 253</td>
<td></td>
<td>1052</td>
</tr>
<tr>
<td>Indian Airlines Ltd. v. Prabha D.Kanan 2006 (8) Suppl. SCR 1027</td>
<td></td>
<td>1095</td>
</tr>
<tr>
<td>Indian Oil Corporation Limited v. Collector of Central Excise, Baroda (2007) 13 SCC 803</td>
<td></td>
<td>671</td>
</tr>
<tr>
<td>Indra Sawhney II v. Union of India 1999 (5) Suppl. SCR 229</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>Indu Nissan Oxo Chemicals Industries Ltd. v. Union of India 2007 (13) SCR 173</td>
<td></td>
<td>1210</td>
</tr>
<tr>
<td>Inspector of Police, Tamil Nadu v. John David (2011) 5 SCC 509</td>
<td></td>
<td>924</td>
</tr>
<tr>
<td>Isabella Johnson v. M.A. Susai (Dead) by LRs. 1990 (2) Suppl. SCR 213</td>
<td></td>
<td>670</td>
</tr>
<tr>
<td>Ismail (M.) Faruqui (Dr.) etc. v. Union of India &amp; Ors., 1994 (5) Suppl. SCR 1</td>
<td></td>
<td>481</td>
</tr>
<tr>
<td>Jain Ink Mfg. Co. v. LIC Prithipal Singh v. Satpal Singh (Dead) thr. its Lrs. 2009 (16) SCR 736</td>
<td></td>
<td>546</td>
</tr>
<tr>
<td>Jall (R.C.) Parsi v. Union of India 1962 Suppl. SCR 436</td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>Jayaram Vithoba &amp; Anr. v. The State of Bombay, 1955 SCR 1049</td>
<td>869</td>
<td></td>
</tr>
<tr>
<td>Jaywant P. Sankpal v. Suman Gholap &amp; Ors. 2010 (9) SCR 102</td>
<td>869</td>
<td></td>
</tr>
<tr>
<td>Jermons (J.) v. Aliammal &amp; Ors 1999 (1) Suppl. SCR 467</td>
<td>476</td>
<td></td>
</tr>
<tr>
<td>Kalyan Singh Chouhan v. C.P. Joshi 2011 SCR 216</td>
<td>476</td>
<td></td>
</tr>
<tr>
<td>Kamla Bakshi v. Khairati Lal 2000 (2) SCR 773</td>
<td>671</td>
<td></td>
</tr>
<tr>
<td>Kamlapati Trivedi v. State of West Bengal 1979 (2) SCR 717</td>
<td>1037</td>
<td></td>
</tr>
<tr>
<td>– relied on</td>
<td>215</td>
<td></td>
</tr>
<tr>
<td>Kanak Ram &amp; Ors. v. Chanan Singh &amp; Ors. (2007) 146 PLR 498</td>
<td>1094</td>
<td></td>
</tr>
<tr>
<td>Kanhaiyalal Agrawal &amp; Ors. v. Factory Manager, Gwalior Sugar Co. Ltd. 2001 (3) Suppl. SCR 8</td>
<td>1094</td>
<td></td>
</tr>
<tr>
<td>– relied on</td>
<td>215</td>
<td></td>
</tr>
<tr>
<td>Kanta Devi v. State of Haryana 2008 (10) SCR 367</td>
<td>385</td>
<td></td>
</tr>
<tr>
<td>Karim (S.M.) v. Mst. Bibi Sakina AIR 1964 SC 1254</td>
<td>215</td>
<td></td>
</tr>
<tr>
<td>Karunanidhi (M.) v. Union of India and Anr. 1979 (3) SCR 254</td>
<td>544</td>
<td></td>
</tr>
<tr>
<td>Kashi Nath (Dead) through L.Rs. v. Jaganath 2003 (5) Suppl. SCR 202</td>
<td>476</td>
<td></td>
</tr>
<tr>
<td>– relied on</td>
<td>1093</td>
<td></td>
</tr>
<tr>
<td>Kashirao Panduji v. Ramchandra Balaji AIR (35) 1948 Nag 362</td>
<td>1153</td>
<td></td>
</tr>
<tr>
<td>Kendriya Vidyalaya Sangathan &amp; Ors. v. T. Srinivas AIR 2004 SC 4127</td>
<td>1093</td>
<td></td>
</tr>
<tr>
<td>– relied on</td>
<td>629</td>
<td></td>
</tr>
<tr>
<td>Khatri and Others (II) v. State of Bihar and Others 1981 (2) SCR 408</td>
<td>629</td>
<td></td>
</tr>
</tbody>
</table>
Khub Chand & Ors. v. State of Rajasthan & Ors. (1967) 1 SCR 120... 979

Kihoto Hollohon v. Zachillhu 1992 (1) SCR 686
– relied on... 54

Kishore Lal v. Chairman, Employees' State Insurance Corp. 2007 (6) SCR 139
– relied on... 52


Kraipak (A.K.) v. Union of India 1970 (1) SCR 457
– relied on... 1006


– relied on... 1093

– relied on... 923

Kunhay Ahmed & Ors. v. State of Kerala & Anr. 2000 (1) Suppl. SCR 538... 671

Kunhayammed and Ors. v. State of Kerala and Anr. 2000 (1) Suppl. SCR 538... 1158

Kunwar Pal Singh (dead) by L.Rs. v. State of U.P. & Ors., 2007 (4) SCR 409... 979

Kusheshwar Dubey v. M/s. Bharat Coking Coal Ltd. & Ors.1988 (2) Suppl. SCR 579
– relied on... 1092

Lal Chand v. Union of India 2009 (13) SCR 622... 385

Lalit Mohan Deb v. Union of India 1973 (3) SCC 862
– relied on... 508

Laxman Das v. Deoji Mal & Ors. AIR 2003 Rajasthan 74... 1155

Laxmi Engineering Works v. P.S.G. Industrial Institute, 1995 (3) SCR 174
– relied on... 53

Laxmipat Choraria & Ors. v. State of Maharashtra 1968 SCR 624
– relied on... 870

Leelabai Gajanan Pansare & Ors. v. Oriental Insurance Company Ltd. & Ors., 2008 (12 ) SCR 248
– relied on... 480

Lok Pal Singh v. State of M.P. AIR 1985 SC 891... 871

Machhi Singh & Ors. v. State of Punjab 1983 (3) SCR 413... 925

<table>
<thead>
<tr>
<th>(xxix)</th>
<th>Madhavrao Jiwaji Rao Scindia &amp; Ors. v. Sambhajirao Chandrojirao Angre &amp; Ors. 1988 (2) SCR 930</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>– relied on ... 157</td>
</tr>
<tr>
<td>Madhu Limaye and Others 1969 (3) SCR 154</td>
<td></td>
</tr>
<tr>
<td></td>
<td>– relied on ... 628</td>
</tr>
<tr>
<td>Madhyamic Shiksha Mandal, M.P. v. Abilash Shiksha Prasar Samiti 1998 (9) SCC 236 ... 846</td>
<td></td>
</tr>
<tr>
<td>Maharaj Singh v. State of Uttar Pradesh &amp; Ors. 1977 (1) SCR 1072</td>
<td></td>
</tr>
<tr>
<td></td>
<td>– relied on ... 481</td>
</tr>
<tr>
<td>Maharashtra State Electricity Distribution Company Limited &amp; Ors. v. Datar Switchgear Limited &amp; Ors. 2010 (12) SCR 551</td>
<td></td>
</tr>
<tr>
<td></td>
<td>– relied on ... 157</td>
</tr>
<tr>
<td>Mallimath (V.S.) v. Union of India &amp; Ors. 2001 (2) SCR 567</td>
<td></td>
</tr>
<tr>
<td></td>
<td>– relied on ... 478</td>
</tr>
<tr>
<td>Mangu Ram v. MCD 1976 (2) SCR 260</td>
<td></td>
</tr>
<tr>
<td></td>
<td>– relied on ... 1209</td>
</tr>
<tr>
<td>Mani Kumar Thapa v. State of Sikkim AIR 2002 SC 2920</td>
<td></td>
</tr>
<tr>
<td></td>
<td>– relied on ... 873</td>
</tr>
<tr>
<td>Manjula (A.) Bhashini and Ors. v. Managing Director, Andhra Pradesh Women’s Cooperative Finance Corporation Ltd. &amp; Anr. 2009 (10) SCR 634 ... 9</td>
<td></td>
</tr>
</tbody>
</table>

| (xxx) | Mannan (Mohd.) @ Abdul Mannan v. State of Bihar (2011) 5 SCC 317 |
| | – relied on ... 924, 925 |
| Manoj v. State of M.P. 1999 (2) SCR 402 |
| | – relied on ... 628 |
| May George v. Special Tahsildar & Ors. 2010 (7) SCR 204 |
| | – relied on ... 979 |
| Medley Pharmaceuticals Limited v. Commissioner of Central Excise and Customs 2011 (1) SCR 741 |
| | – relied on ... 671 |
| Mohan Meakin Ltd. v. Excise & Taxation Commissioner, H.P. 1996 (9) Suppl. SCR 258 |
| | – relied on ... 108 |
| Mosammat Bibi Sayeeda & Ors., etc. v. State of Bihar & Ors., etc., 1996 (1) Suppl. SCR 799 |
| | – relied on ... 14 |
| Muniappan (C.) & Ors. v. State of Tamil Nadu 2010 (10) SCR 262 |
| | – relied on ... 925 |
| Municipal Corporation of Greater Bombay & Ors. v. Hindustan Petroleum Corporation & Anr. 2001 (2) Suppl. SCR 50 |
| | – relied on ... 481 |
| | – relied on ... 1117 |
Municipal Corporation of Hyderabad v. P.N. Murthy & Ors. 1987 (2) SCR 107
– relied on ... 481

... 1117

Munshi Singh and Ors. v. Union of India 1973 (1) SCR 973
... 826

Munshi Singh Gautam (D) & Ors. v. State of M.P. 2004 (5) Suppl. SCR 1092
– relied on ... 869

Munshi Singh v. Union of India 1973 (1) SCR 973
... 1118

7 SCC 480
– relied on ... 627

Nadir Khan v. The State (Delhi Administration) 1975 Suppl. SCR 489
– relied on ... 869

Nagawwa v. Veeranna Shivalingappa Konjalgi 1976 Suppl. SCR 123
– relied on ... 157

Namdeo v. State of Maharashtra, 2007 (3) SCR 939
– relied on ... 872

Nandini Satpathy v. P.L. Dani and another 1978 (3) SCR 608
– held inapplicable ... 625

Narayan Chetanram Chaudhary v. State of Maharashtra 2000 (3) Suppl. SCR 104
– relied on ... 418

Narendra Kumar v. Yarenissa 1998 (9) SCC 202
... 771

Narmada Bai v. State of Gujarat & Ors. 2011 (5) SCR 729
– relied on ... 869

National Agricultural Cooperative Marketing Federation of India Ltd. & Anr. v. Union of India & Ors. 2003 (3) SCR 1
... 8

National Engineering Industries Ltd. v. Shri Kishan Bhageria & Ors. 1988 Supp. SCC 82
... 544, 547

National Institute of Technology v. Niraj Kumar Singh 2007 (2) SCR 184
– relied on ... 670

National Insurance Co. Ltd. v. Jugal Kishore 1988 (1) SCC 626
... 772

... 773

Nayak (R.S.) v. A.R. Antulay 1984 (2) SCR 495
– relied on ... 478

Nelson Motis v. Union of India & Anr. 1992 (1) Suppl. SCR 325
– relied on ... 1092
<table>
<thead>
<tr>
<th>Case 1</th>
<th>Case 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>New India Assurance Co. Ltd. v. Nusli Neville Wadia 2007 (13) SCR 598</td>
<td>− relied on</td>
</tr>
<tr>
<td>NTPC v. Singer 1992 (3) SCR 106</td>
<td>− relied on</td>
</tr>
<tr>
<td>Onkar Lal Bajaj etc. etc. v. Union of India &amp; Anr. etc. etc. 2002 (5) Suppl. SCR 605</td>
<td>− relied on</td>
</tr>
<tr>
<td>Padma (C.) v. Deputy Secretary to the Government of Tamil Nadu 1996 (9) Suppl. SCR 158</td>
<td>Paul (M.) Anthony (Capt.) v. Bharat Gold Mines Ltd. AIR 1999 SC 1416</td>
</tr>
<tr>
<td>Pandiyan Roadways Corpn. Ltd. v. N. Balakrishnan 2007 (6) SCR 873</td>
<td>− relied on</td>
</tr>
<tr>
<td>Panna Lal v. State of Rajasthan 1976 (1) SCR 219</td>
<td>− relied on</td>
</tr>
<tr>
<td>Paramjeet Singh @ Pamma v. State of Uttarakhand 2010 (11) SCR 1064</td>
<td>People’s Union for Civil Liberties v. Union of India &amp; Anr., AIR 2005 SC 2419</td>
</tr>
<tr>
<td>− relied on</td>
<td>− relied on</td>
</tr>
<tr>
<td>− relied on</td>
<td>− relied on</td>
</tr>
<tr>
<td>− relied on</td>
<td>− relied on</td>
</tr>
<tr>
<td>− relied on</td>
<td>− relied on</td>
</tr>
<tr>
<td>− relied on</td>
<td>− relied on</td>
</tr>
<tr>
<td>− relied on</td>
<td>− relied on</td>
</tr>
</tbody>
</table>

- 542
- 551
- 1117
- 305
- 383
- 9
- 1117
- 873
- 1094
- 869
- 663
- 924
- 478
- 1209
- 52
- 1092
- 1095
- 869
- 739
- 551
- 508
- 871
Pradeep Kumar Biswas v. Indian Institute of Chemical Biology & Ors. 2002 (3) SCR 100
  – relied on ... 479

Prem Nath Motors Ltd. v. Anurag Mittal AIR 2009 SC 569
  – relied on ... 479

Proprietor, Jabalpur Tractors v. Sedmal Jainrain and Anr. 1995 (4) Suppl. SCR 561
  – relied on ... 52

  – relied on ... 1094

Rabindra Kumar Pal alias Dara Singh v. Republic of India 2011 (1) SCR 929
  – relied on ... 925

Radhabai Bhaskar Sakharam v. Anant Pandurang Pandit and Anr. AIR (1922) Bom 345 ... 1153

Radhy Shyam (Dead) Through LRs. and Ors. v. State of Uttar Pradesh and Ors. (2011)
  5 SCC 553 ... 826

Raghubar Dayal Jai Prakash (M/s.) v. The Union of India & Anr. 1962 SCR 547 ... 6

Raghbir Singh v. State of Haryana 1980 (3) SCR 277
  – relied on ... 869

Rajesh D. Darbar v. Narasingrao Krishnaji Kulkarni 2003 (2) Suppl. SCR 273 ... 1009

Rajiv Kapoor & Ors. v. State of Haryana & Ors. 2000 (2) SCR 629
  – relied on ... 1068

Ram Chandra & Anr. v. State of Uttar Pradesh AIR 1957 SC 381
  – relied on ... 873

Ram Krishna Dalmia v. Justice S.R. Tendolkar & Ors. 1959 SCR 279
  – relied on ... 6

Ram Narain v. The Simla Banking and Industrial Co. Ltd. 1956 SCR 603
  – relied on ... 53

Ram Prasad v. D.K. Vijay 1999 (2) Suppl. SCR 576
  – relied on ... 508

Ram Sarup Gupta (dead) by L.Rs. v. Bishun Narain Inter College & Ors. 1987 (2) SCR 805
  – relied on ... 476

Ram Tawekya Sharma v. State of Bihar & Ors. 2008 (12) SCR 452
  – relied on ... 1094

Rama Nand & Ors. v. The State of Himachal Pradesh 1981 (2) SCR 444
  – relied on ... 873
<table>
<thead>
<tr>
<th>Case</th>
<th>Year</th>
<th>SCR No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ramana Dayaram Shetty v. International Airport Authority of India &amp; Ors.</td>
<td>1979</td>
<td>(3) SCR 1014</td>
<td>1009</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ramanjini (B.) &amp; Ors. v. State of A.P. &amp; Ors.</td>
<td>2002</td>
<td>(3) SCR 506</td>
<td>845</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ramesh Chandra Mehta v. State of West Bengal AIR</td>
<td>1970</td>
<td>SC 940</td>
<td>244</td>
</tr>
<tr>
<td>Rameshswar S/o Kalyan Singh v. The State of Rajasthan</td>
<td>1952</td>
<td>SCR 377</td>
<td>870</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ramji Dayawala and Sons (P) Ltd. v. Invest Import</td>
<td>1981</td>
<td>(1) SCR 899</td>
<td>1008</td>
</tr>
<tr>
<td>Ramji Singh &amp; Anr. v. State of Bihar AIR</td>
<td>2001</td>
<td>SC 3853</td>
<td>871</td>
</tr>
<tr>
<td>Rampal Pithwa Rahidas and Others v. State of Maharashtra</td>
<td>1994</td>
<td>(2) SCR 179</td>
<td>418</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rampratap Jaidayal v. Dominion of India AIR</td>
<td>1953</td>
<td>Bom 170</td>
<td>545</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td>548</td>
</tr>
<tr>
<td>Ravinder Singh v. State of Haryana, 1975 (3) SCR 453</td>
<td></td>
<td></td>
<td>418</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reliance Airport Developers (P) Ltd. v. Airports Authority of India &amp; Ors.</td>
<td>2006</td>
<td>(8) Suppl. SCR 398</td>
<td>7</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ritu Devi v. New Delhi Insurance Co. Ltd. 2000 (3) SCR 741</td>
<td></td>
<td></td>
<td>773</td>
</tr>
<tr>
<td>Rohlua (V.L.) v. Deputy Commissioner, Aijal, District Mizo (1970) 2 SCC 908</td>
<td></td>
<td></td>
<td>628</td>
</tr>
<tr>
<td>Roop Singh Negi v. Punjab National Bank &amp; Ors. 2008 (17) SCR 1476</td>
<td></td>
<td></td>
<td>1094</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rubabbuddin Sheikh v. State of Gujarat &amp; Ors. 2010 (1) SCR 991</td>
<td></td>
<td></td>
<td>869</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rudrappa Ramappa Jainpur &amp; Ors. v. State of Karnataka, AIR 2004 SC 4148</td>
<td></td>
<td></td>
<td>870</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sahadevan @ Sagadevan v. State Rep. by Inspector of Police, Chennai AIR 2003 SC 215</td>
<td></td>
<td></td>
<td>873</td>
</tr>
<tr>
<td>– relied on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sahara India and Ors. v. M.C. Aggawal HUF 2007 (2) SCR 1037</td>
<td></td>
<td></td>
<td>1153</td>
</tr>
<tr>
<td>– distinguished</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Samrias Trading Co. (P) Ltd. v. S. Samuel 1985 (2) SCR 24
- relied on ... 1210

Sanhvi Reconditioners Pvt. Ltd. (M/s) v. Union of India & Ors 2010 (2) SCR 352
- relied on ... 476

Sanchar Sahni v. State of Bihar 2009 (10) SCR 112 ... 871

Sanjay Dutt v. State (1994) 5 SCC 410
- relied on ... 627

Sanjay Singh v. U.P. Public Service Commission 2007 (1) SCR 235 ... 345

Sant Lal Gupta & Ors v. Modern Co-operative Group Housing Society Ltd. & Ors. JT 2010 (11) SC 273
- relied on ... 13

Saptawna v. The State of Assam AIR (1971) SC ... 628

- relied on ... 480

Sarathy (P.) v. State Bank of India 2000 (1) Suppl. SCR 402
- relied on ... 54

Sarwan Singh s/o Rattan Singh v. State of Punjab 1957 SCR 953
- relied on ... 418, 870

Senior Superintendent of Post Offices v. A. Gopalan AIR 1999 SC 1514: 1997 (11) SCC 239
- relied on ... 1093

Sesa Industries Limited v. Krishna H. Bajaj & Ors. 2011 (3) SCR 317 ... 1009

Sethi (M.L.) v. R.P. Kapur 1967 SCR 520
- relied on ... 1037

Shaji Kuriakose v. Indian Oil Corporation Ltd. 2001 (1) Suppl. SCR 573 ... 385

Shambhu Nath Mehra v. The State of Ajmer 1956 SCR 199
- relied on ... 873

Shangrila Food Products Ltd. and Anr. v. L.I.C. and Anr. 1996 (3) Suppl. SCR 279 ... 551

Shankarrayya v. United Insurance Co. Ltd. 1998 (3) SCC 140 ... 773

Sharad Birdhichand Sarda v. State of Maharashtra 1985 (1) SCR 88
- relied on ... 923

Sheshanna Bhumanna Yadav v. State of Maharashtra 1971 (1) SCR 617
- relied on ... 418
Shivakumar (K.V.) & Anr. v. Appropriate Authority & Ors. 2000 (1) SCR 991
   – relied on ... 481
Shri Sarwan Singh and another v. Shri Kasturi Lal 1977 (2) SCR 421 ... 542
Shyam Nandan Prasad v. State of Bihar 1993 (1) Suppl. SCR 533 ... 1119
Shyam Telelink Limited v. Union of India 2010 (12) SCR 927 ... 670
Sidhartha Vasisht alias Manu Sharma v. State (NCT of Delhi) 2010 (4) SCR 103
   – relied on ... 416
Siliguri Municipality v. Amalendu Das 1984 (2) SCR 344
   – relied on ... 1210
Singh Enterprises v. CCE 2007 (13) SCR 952
   – relied on ... 1208
Sita Ram Bhandar Society v. Govt. of NCT of Delhi 2009 (14) SCR 507 ... 1117
Sitaram Sao @ Mungeri v. State of Jharkhand, 2007 (11) SCR 997
   – relied on ... 418
Sivasuriyan v. Thangavelu 2004 (13) SCC 795
   – relied on ... 716

Skypak Couriers Ltd. v. Tata Chemicals Ltd. 2000 (1) Suppl. SCR 324
   – relied on ... 52
South Bengal State Transport Corporation v. Span Kumar Mitra & Ors. 2006 (2) SCR 30
   – relied on ... 1093
Southern Roadways Ltd., Madurai v. S.M. Krishnan 1989 (1) Suppl. SCR 410
   – relied on ... 479
Star Wire (India) Ltd. v. State of Haryana 1996 (9) Suppl. SCR 158 ... 1117
State Bank of India & Anr. v. Bela Bagchi & Ors. 2005 (2) Suppl. SCR 1084
   – relied on ... 1094
State Bank of India & Ors. v. R.B. Sharma AIR 2004 SC 4144
   – relied on ... 1093
State of A.P. v. Thakkidiram Reddy & Ors, 1998 (3) SCR 1088 ... 871
State of Andhra Pradesh & Anr. v. P. Sagar 1968 SCR 565 ... 7
   – relied on ... 1092
State of Bihar (The) v. Ram Naresh Pandey and another 1957 SCR 279
   – relied on ... 629
<table>
<thead>
<tr>
<th>Case</th>
<th>Year</th>
<th>SCR/Suppl. SCR</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>State of Bihar (The) v. The Union of India &amp; Anr. 1970</td>
<td>1970</td>
<td>2 SCR 522</td>
<td>478</td>
</tr>
<tr>
<td>State of Goa v. Western Builders 2006</td>
<td>2006</td>
<td>Suppl. SCR 288</td>
<td>1209</td>
</tr>
<tr>
<td>State of Gujarat &amp; Anr. v. Raman Lal Keshav</td>
<td></td>
<td>1983 (2) SCR 287</td>
<td>8</td>
</tr>
<tr>
<td>State of Karnataka &amp; Anr. v. All India Manufacturers Organization &amp; Ors. 2006</td>
<td>2006</td>
<td>1 Suppl. SCR 86</td>
<td>9</td>
</tr>
<tr>
<td>State of Kerala &amp; Anr. v. The Gawalior Rayon Silk Manufacturing (Wvg.) Co. Ltd. etc. 1974</td>
<td>1974</td>
<td>1 SCR 671</td>
<td>9</td>
</tr>
<tr>
<td>State of M.P. &amp; Ors. v. KCT Drinks Ltd. 2003</td>
<td>2003</td>
<td>2 SCR 574</td>
<td>669</td>
</tr>
<tr>
<td>State of M.P. &amp; Ors. v. Nandlal Jaiswal &amp; Ors. 1987</td>
<td>1987</td>
<td>1 SCR 1</td>
<td>1009</td>
</tr>
<tr>
<td>State of M.P. v. Rustam and Others 1995 Supp. (3) SCC 221</td>
<td></td>
<td></td>
<td>627</td>
</tr>
<tr>
<td>State of Madhya Pradesh v. Ramesh and Another, 2011</td>
<td></td>
<td>5 SCR 1</td>
<td>417</td>
</tr>
<tr>
<td>State of Madhya Pradesh v. Rustom and Others 1995</td>
<td></td>
<td>1 SCR 897</td>
<td>627</td>
</tr>
<tr>
<td>State of Madhya Pradesh v. Shyamsunder Trivedi &amp; Ors., 1995</td>
<td>1995</td>
<td>1 Suppl. SCR 44</td>
<td>869</td>
</tr>
</tbody>
</table>
State of Maharashtra v. Bharati Chandmal Varma (Mrs) 2001 (5) Suppl. SCR 422
- relied on ... 627

State of Maharashtra v. M/s. Hindustan Construction Company Ltd. 2010 (4) SCR 46
- relied on ... 476

State of Maharashtra v. SK. Bannu and Shankar 1981 (1) SCR 694
- relied on ... 1037

State of Manipur v. Thingujam Brojen Meetei 1996 (2) Suppl. SCR 738 ... 671

State of Orissa & Anr. v. Mamata Mohanty 2011 (2) SCR 704
- distinguished ... 1068

State of Orissa and Others v. Harinarayan Jaiswal and Others 1972 (3) SCR 784
- relied on ... 663

State of Punjab & Anr. v. Devans Modern Breweries Ltd. & Ors. 2003 (5) Suppl. SCR 930
- relied on ... 663

State of Punjab & Anr. v. Dr. Viney Kumar Khullar & Ors. 2010 (13) SCR 733
- relied on ... 1068

State of Punjab & Ors. v. Raja Ram & Ors. 1981 (2) SCR 712
... 478, 825

State of Punjab v. Gurdial Singh 1980 (1) SCR 1071 ... 1119

State of Punjab v. Gurmej Singh 2002 (1) Suppl. SCR 427
- relied on ... 716

State of Rajasthan & Anr. v. Sripal Jain 1964 SCR 742
- relied on ... 478

State of Rajasthan v. B.K. Meena & Ors. 1996 (7) Suppl. SCR 68
- relied on ... 1092

State of Rajasthan v. Fateh Chand Soni 1995 (6) Suppl. SCR 559
- relied on ... 508

State of T.N. & Anr. v. Mahalakshmi Ammal & Ors. 1995 (5) Suppl. SCR 451 ... 979

State of Tamil Nadu & Ors. v. K. Shyam Sunder & Ors. (2011) 8 SCALE 474
- relied on ... 7, 9

State of Tamil Nadu v. G.N. Venkataswamy, 1994 (1) Suppl. SCR 322
- relied on ... 54

- relied on ... 869

State of U.P. v. Delhi Cloth Mills 1990 (2) Suppl. SCR 168 ... 100
State of U.P. v. Devi Dayal Singh 2000 (1) SCR 1205
– held inapplicable ... 669

– relied on ... 102
– held inapplicable ... 106

State of Uttar Pradesh v. Jagram and Others, 2008 (2) SCR 721
– relied on ... 416

State of Uttar Pradesh v. Naresh and Others, 2011 (4) SCR 1176
– relied on ... 417

– held inapplicable. ... 277

State of Uttar Pradesh v. Sahrunnisa & Anr. 2009 (10) SCR 237
– held inapplicable ... 276

State of West Bengal v. Kesoram Industries Ltd. and Ors. 2004 (1) SCR 564 ... 544
– relied on ... 546

State of West Bengal v. Mir Mohammad Omar & Ors. etc. etc., 2000 (2) Suppl. SCR 712
– relied on ... 873

State represented by Inspector of Police, Tamil Nadu v. Sait alias Krishnakumar, 2008 (14) SCR 120
– relied on ... 870

– relied on ... 627

State through Narcotics Control Bureau v. Kulwant Singh 2003 (1) SCR 995 ... 478

Subh Ram v. State of Haryana 2009 (15) SCR 287
– relied on ... 738

Sucha Singh v. State of Punjab 2001 (2) SCR 644
– relied on ... 873

Sudam @ Rahul Kaniram Jadhav v. State of Maharashtra (2011) 7 SCC 125
– relied on ... 925

Sudhir S. Mehta & Ors. v. Custodian & Anr. 2008 (8) SCR 1099 ... 1008

– relied on ... 1094

Sukhdev Singh & Ors. v. Bhagatram Sardar Singh Raghuvanshi & Anr. 1975 (3) SCR 619
– relied on ... 478
(xl)

– relied on ... 869

Suresh Chandra Bahri v. State of Bihar 1994 (1) Suppl. SCR 483
– relied on ... 418, 870

Suresh v. Mahadevappa Shivappa Danannava & Anr. 2005 (2) SCR 131
– relied on ... 157

Swadeshi Cotton Mills v. Union of India 1981 (2) SCR 533 ... 1006

Swaika Properties (P) Ltd. v. State of Rajasthan 2008 (2) SCR 521 ... 1117

– relied on ... 476

Syed Hasan Rasul Numa & Ors. v. Union of India & Ors. 1990 (3) Suppl. SCR 165 ... 979

– relied on ... 102

Talson Real Estate (P) Ltd. v. State of Maharashtra & Ors. (2007) 13 SCC 186 ... 979

Tarsen Singh v. State of Punjab 1994 (1) Suppl. SCR 452
– relied on ... 508

(l)

Sukhram v. State of Madhya Pradesh
AIR 1989 SC 772 ... 871

Sulochana Chandrakant Galande v. Pune Municipal Transport & Ors. 2010 (9) SCR 476
– relied on ... 979

– relied on ... 481

Sumitomo Heavy Industries Ltd. v. ONGC 1997 (6) Suppl. SCR 186 ... 305

Sundram Finance Ltd. v. State of Kerala 1966 SCR 828 ... 1053

Sunil Gupta v. Union of India 2000 (118) ELT 8 P&H ... 244

Sunil Kumar Sambhudayal Gupta (Dr.) and Others v. State of Maharashtra, 2010 (15) SCR 452
– relied on ... 417

Sunil Kumar v. State Govt. of NCT of Delhi 2003 (4) Suppl. SCR 767
– relied on ... 872

Superintendent of Police, CBI & Ors. v. Tapan Kumar Singh 2003 (3) SCR 485 ... 244

Supreme Court Employees' Welfare Association v. Union of India & Anr. 1989 (3) SCR 488 ... 671

Surendra Koli v. State of UP & Ors. 2011 (2) SCR 939
– relied on ... 925

(l)

– relied on ... 869

Suresh Chandra Bahri v. State of Bihar 1994 (1) Suppl. SCR 483
– relied on ... 418, 870

Suresh v. Mahadevappa Shivappa Danannava & Anr. 2005 (2) SCR 131
– relied on ... 157

Swadeshi Cotton Mills v. Union of India 1981 (2) SCR 533 ... 1006

Swaika Properties (P) Ltd. v. State of Rajasthan 2008 (2) SCR 521 ... 1117

– relied on ... 476

Syed Hasan Rasul Numa & Ors. v. Union of India & Ors. 1990 (3) Suppl. SCR 165 ... 979

– relied on ... 102

Talson Real Estate (P) Ltd. v. State of Maharashtra & Ors. (2007) 13 SCC 186 ... 979

Tarsen Singh v. State of Punjab 1994 (1) Suppl. SCR 452
– relied on ... 508

(l)

Sukhram v. State of Madhya Pradesh
AIR 1989 SC 772 ... 871

Sulochana Chandrakant Galande v. Pune Municipal Transport & Ors. 2010 (9) SCR 476
– relied on ... 979

– relied on ... 481

Sumitomo Heavy Industries Ltd. v. ONGC 1997 (6) Suppl. SCR 186 ... 305

Sundram Finance Ltd. v. State of Kerala 1966 SCR 828 ... 1053

Sunil Gupta v. Union of India 2000 (118) ELT 8 P&H ... 244

Sunil Kumar Sambhudayal Gupta (Dr.) and Others v. State of Maharashtra, 2010 (15) SCR 452
– relied on ... 417

Sunil Kumar v. State Govt. of NCT of Delhi 2003 (4) Suppl. SCR 767
– relied on ... 872

Superintendent of Police, CBI & Ors. v. Tapan Kumar Singh 2003 (3) SCR 485 ... 244

Supreme Court Employees' Welfare Association v. Union of India & Anr. 1989 (3) SCR 488 ... 671

Surendra Koli v. State of UP & Ors. 2011 (2) SCR 939
– relied on ... 925

(l)

– relied on ... 869

Suresh Chandra Bahri v. State of Bihar 1994 (1) Suppl. SCR 483
– relied on ... 418, 870

Suresh v. Mahadevappa Shivappa Danannava & Anr. 2005 (2) SCR 131
– relied on ... 157

Swadeshi Cotton Mills v. Union of India 1981 (2) SCR 533 ... 1006

Swaika Properties (P) Ltd. v. State of Rajasthan 2008 (2) SCR 521 ... 1117

– relied on ... 476

Syed Hasan Rasul Numa & Ors. v. Union of India & Ors. 1990 (3) Suppl. SCR 165 ... 979

– relied on ... 102

Talson Real Estate (P) Ltd. v. State of Maharashtra & Ors. (2007) 13 SCC 186 ... 979

Tarsen Singh v. State of Punjab 1994 (1) Suppl. SCR 452
– relied on ... 508
(ii)
Tata Engineering and Locomotives Co. Ltd. (The) v. The State of Bihar & Ors. AIR 1965 SC 40 ... 7
Tata Oil Mills Co. Ltd. v. The Workmen 1964 SCR 555
– relied on ... 1092
– relied on ... 52
Tika Ramji (Ch.) and Ors. etc. v. The State of Uttar Pradesh and Ors. 1956 SCR 393 ... 544
Trojan & Co. (M/s.) v. RM N.N. Nagappa Chettiar 1953 SCR 780
– relied on ... 476
Tulsi Das and Ors. v. Government of A.P. & Ors. AIR 2003 SC 43 ... 8
U.P. State Road Transport Corporation v. Suresh Chand Sharma 2010 (7) SCR 239
– relied on ... 1095
Uday Mohanlal Acharya v. State of Maharashtra (2001) 5 SCC 453 ... 628
Union of India & Ors. v. Anand Kumar Pandey & Ors. 1994 (1) Suppl. SCR 750
– relied on ... 845
Union of India & Ors. v. Naman Singh Shekhawat 2008 (5) SCR 137
– relied on ... 1094

(iii)
Union of India v. A. Sanyasi Rao and others 1996 (2) SCR 570
– relied on ... 106
Union of India v. Mukesh Hans (2004) 6 SCC 14 ... 826, 1119
Union of India v. Padam Narian Aggarwal 2008 (14) SCR 179 ... 244
Union of India v. Padam Narian Aggarwal 2008 (231) ELT 397(SC) ... 244
Union of India v. Popular Construction Co. 2001 (3) Suppl. SCR 619
– relied on ... 1208
Union of India v. Pramod Gupta 2005 (3) Suppl. SCR 48
– relied on ... 670
Union of India v. Pushpa Rani 2008 (11) SCR 440
– relied on ... 508
Union of India v. R. Gandhi, President, Madras Bar Association, 2010 (6) SCR 857
– relied on ... 53
Union of India v. S.S. Ranade 1995 (3) SCR 773
– relied on ... 508
Union of India v. Tata Teleservices (Maharashtra) Ltd. 2007 (9) SCR 285
– held inapplicable ... 669
Union of India v. Thamisharasi and Others
(1995) 4 SCC 190 ... 628

Union of India v. V.K. Sirothia 2008
(9) SCC 283
– relied on ... 508

Union of Public Service Commission v.
Gaurav Dwivedi & Ors. 1999 (3) SCR 649
– relied on ... 1068

Union Public Service Commission v. Jagannath
Mishra 2009 (9) SCC 237 ... 846

United India Insurance Co. Ltd. v. Bhushan
Sachdeva 2002 (1) SCR 352 ... 773

Vadivelu Thevar v. The State of Madras 1957
SCR 981
– relied on ... 872

Vasundara (K.) Devi v. Revenue Divisional
Officer (LAO) 1995 (2) Suppl. SCR 376 ... 385

Vatticherukuru Village Panchayat v.
Nori Venkatarama Deekshithulu & Ors., 1991
Supp. (2) SCC 228: 1991 (2) SCR 531
– relied on ... 481

Venture Global Engg. v. Satyam Computer
Services Ltd. 2008 (1) SCR 501
– held inapplicable. ... 304

Vidya (K.) Sagar v. State of U.P. and Others
(2005) 5 SCC 581 ... 671

Vidyacharan Shukla v. Khubchand Baghel
1964 SCR 129
– relied on ... 1209

Vijay Kumar Sharma and Ors. v. State of
Karnataka and Ors. 1990 (1) SCR 614 ... 544

Vinay Rampal (Dr.) v. State of J & K &
Ors. (1984) 1 SCC 160
– relied on ... 1068

Vivek Automobiles Ltd. v. Indian Inc. (2009)
17 SCC 657
– relied on ... 479

Wakkar & Anr. v. State of Uttar Pradesh (2011)
3 SCC 306
– relied on ... 924

Wander Ltd. And Anr. v. Antox India P. Ltd.
1990 (Supp) SCC 727 ... 1008

Willie (William) Slaney v. State of M.P.
1955 SCR 1140 ... 871

Yadav (B.S.) & Ors. v. State of Haryana &
Ors. 1981 SCR 1024 ... 8

Yadav (J.S.) v. State of Uttar Pradesh & Anr.
(2011) 6 SCC 570 ... 14

Yusuf (SK.) v. State of West Bengal AIR
2011 SC 2283
– relied on ... 924

Zameer Ahmed Latifur Rehman Sheikh v.
State of Maharashtra & Ors. 2010
(4) SCR 1042 ... 545
SUBJECT-INDEX

ADMINISTRATION OF JUSTICE:
Criminal justice.
(See under: Penal Code, 1860; and Constitution of India, 1950)...
862

ADMINISTRATIVE LAW:
(1) Doctrine of proportionality - Applicability of -
To civil disputes governed by Code of Civil Procedure - Held: Is not necessary - The Code is comprehensive and exhaustive in respect of the matters provided therein - Parties must abide by the procedure prescribed therein which is extremely rational, reasonable and elaborate - Where the Code is silent, courts act according to justice, equity and good conscience - If the trial court commits illegality or irregularity in exercise of its judicial discretion, such order is always amenable to correction by a higher court in appeal or revision or by High Court in its supervisory jurisdiction.
(Also see under: Code of Civil Procedure, 1908)
Rasiklal Manickchand Dhariwal & Anr. v. M/s. M.S.S. Food Products
1141

(2) Natural Justice - Purpose of - Held: The purpose of rules of natural justice is to ensure that the order causing civil consequences is not passed arbitrarily - It is not that in every case there must be an opportunity of oral hearing - Court can interfere with a decision, if it is so absurd that no reasonable authority could have taken such a decision - Doctrines/Principles - Wednesbury Principle.

1243

(Also see under: Service law)
Chief General Manager, Calcutta Telephones District, Bharat Sanchar Nigam Limited and Ors. v. Surendra Nath Pandey and Ors.
840

(3) Policy decision - Applicability of doctrine of estoppel - Held: State, being a continuing body can be stopped from changing its stand in a given case, but where after holding enquiry it came to the conclusion that the action was not in conformity with law, the doctrine of estoppel would not apply - Thus, unless the act done by the previous Government is found to be contrary to the statutory provisions, unreasonable or against policy, State should not change its stand merely because the other political party has come into power - Estoppel - Doctrines.
(Also see under: Andhra Pradesh Mutually Aided Co-operative Societies (Amendment) Act, 2006 and Constitution of India, 1950)
A.P. Dairy Development Corporation Federation v. B. Narasimha Reddy & Ors.
1

ADVERSE POSSESSION:
(i) Ownership - Claim for, by way of adverse possession - No Public Undertaking, Government Department, much less the Police Department, should be permitted to perfect the title of the land or building by invoking the provisions of adverse possession and grab the property of its own citizens - In the instant case, the suit was filed by State Government through the Superintendent of Police seeking right of ownership by adverse possession - Suit was dismissed by courts below - It is unfortunate that the Superintendent of Police
made repeated attempts to grab the property of the true owner by filing repeated appeals before different forums claiming right of ownership by way of adverse possession - Costs to be paid by the State Government for filing frivolous petition and unnecessarily wasting the time of the court and demonstrating its evil design of grabbing the properties of lawful owners in a clandestine manner - Need for legislation - Costs.

(ii) Historical background of adverse possession - Discussed.
(Also see under: Evidence).

*State of Haryana v. Mukesh Kumar & Ors.* .... 211

**ANDHRA PRADESH CO-OPERATIVE SOCIETIES ACT, 1964:**
(See under: Andhra Pradesh Mutually Aided Co-operative Societies (Amendment) Act, 2006) .... 1

**ANDHRA PRADESH MUTUALLY AIDED CO-OPERATIVE SOCIETIES ACT, 1995:**
(See under: Andhra Pradesh Mutually Aided Co-operative Societies (Amendment) Act, 2006). .... 1

**ANDHRA PRADESH MUTUALLY AIDED CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 2006:**
Exclusion of milk dairy co-operative societies from the societies covered by the 1995 Act - Such dairies to be deemed to have been registered under the 1964 Act - Constitutional validity of the 2006 Amendment Act - Held: By the amendment Act, the extensive control of co-operative societies by the Registrar under the 1964 Act became incompatible and inconsistent with the co-operative principles which mandate ensuring democratic member control and autonomy and independence in the manner of functioning of co-operatives - Restrictions imposed by the 2006 Amendment Act, with retrospective effect, extending over a decade and importing the fiction that all the dairy/milk co-operative societies shall be deemed to have been excluded from the provisions of the 1995 Act and the societies would be deemed to have been registered under the 1964 Act, without giving any option to such societies suggest the violation of Art. 19(1)(c) and are not saved by clause (4) of Art. 19 - It is arbitrary and violative of Art. 14 - Order of High Court holding the 2006 Amendment Act as unconstitutional, upheld - Andhra Pradesh Mutually Aided Co-operative Societies Act, 1995 - Andhra Pradesh Co-operative Societies Act, 1964.
(Also see under: Constitution of India, 1950; and Administrative Law)

*A.P. Dairy Development Corporation Federation v. B. Narasimha Reddy & Ors.* .... 1

**APPEAL:**
(1) Appeal against acquittal - Interference in appeal against acquittal - Legal position - Discussed.
(Also see under: Penal Code, 1860; Code of Criminal Procedure, 1973; and Evidence Act, 1872)

*Mrinal Das & Ors. v. State of Tripura* .... 411

(2) Liberty granted while disposing of the appeal - Scope of - Held: While dismissing the appeal, express liberty was granted by Supreme Court to the appellant that all contentions raised before it could be urged before the Tribunal - Therefore,
appellant could urge before the Tribunal all the contentions including the contention that the definition of Adjusted Gross Revenue as given in the license could not be challenged by the licensee before the Tribunal and will include all items of revenue mentioned in the definition of Adjusted Gross Revenue in the license - Telecom Regulatory Authority of India Act, 1997. (Also see under: Telecom Regulatory Authority of India Act, 1997)

Union of India and Anr. v. Association of Unified Telecom Service Providers of India and Ors. .... 657

ARBITRATION:
Arbitral Tribunal - Applicable law - Held: While the proper law is the law which governs the agreement itself, in the absence of any other stipulation in the arbitration clause as to which law would apply in respect of the arbitral proceedings, it is the law governing the contract which would also be the law applicable to the Arbitral Tribunal itself. (Also see under: International Arbitration Act, 2002 (Singapore))

Yograj Infrastructure Ltd. v. SSang Yong Engineering and Construction Co. Ltd. .... 301

ARMS ACT, 1959:
s. 27. (See under: Penal Code, 1860) .... 270

BAIL:
(i) Bomb blast - Arrest of appellant - Bail application - Held: The case of appellant that the charge-sheet was filed beyond 90th day from date of first remand order was not established and was rightly rejected by lower courts - Both the courts below concurrently so held which is well founded and is not liable to be interfered with - Code of Criminal Procedure, 1973 - s.167(2) - Constitution of India, 1950 - Art. 22(2) - Maharashtra Control of Organised Crime Act, 1999 - s. 21.

(ii) Grant of bail - Consideration for - Held: Considerations for grant of bail at the stage of investigation and after the charge-sheet is filed are different - Once a person is arrested and is in judicial custody, the prayer for bail will have to be considered on merits - Prayer for bail cannot be automatically granted on establishing that there was procedural breach irrespective of the merits of matter. (Also see under: Code of Criminal Procedure, 1973; and Constitution of India, 1950)

Sadhwi Pragyna Singh Thakur v. State of Maharashtra .... 617

CARRIAGE BY AIR ACT, 1972:
Object and historical background of the enactment - Discussed. (Also see under: Consumer Protection Act, 1986)

Trans Mediterranean Airways v. Universal Exports & Anr. .... 47

CENTRAL CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES, 1965:
r. 14. (See under: Service law) .... 1081

CENTRAL EXCISE ACT, 1944:
ss. 9A and 13, r/w s. 104(3) of Customs Act -
Duty evasion and other offences - Held: Are non-cognizable and bailable - Provisions of s. 104(3) of Customs Act and s. 13 of the 1944 Act, vest customs officers and excise officers with the same powers as that of a police officer in charge of a police station, which include the power to release on bail upon arrest in respect of offences committed under the two enactments which are uniformly non-cognizable - If person arrested offers bail, he should be released on bail - Customs Act, 1962.

*Om Prakash & Anr. v. Union of India & Anr.*

CHARTERED ACCOUNTANTS ACT, 1948:
(See under: Right to Information Act, 2005) 240

CHARTERED ACCOUNTANTS REGULATIONS, 1988:
Regulation 39(2).
(See under: Right to Information Act, 2005) 328

CODE OF CIVIL PROCEDURE, 1908:
(1) O.8, r. 2.
(See under: Pleadings) 472

(2) (i) O. 18, rr.15, 2, 2(1), (2), (3) and (3A), 7, 4, 5 and 6 (1) (a); O. 9 r. 7; O. 20 r. 1 - Ex-parte decree - Suit for passing off action, declaration and injunction against defendants as also application for temporary injunction - Held: Defendants, having lost their privilege of cross-examining plaintiff's witnesses and of advancing oral arguments, forfeited their right to address the trial court on merits - Successor Judge can deliver the judgment without oral arguments where one party has already lost his right of making oral arguments and the other party does not insist on it - Once the suit is closed for pronouncement of judgment, there is no question of further proceedings in the suit - Merely, because the defendants continued to make application after application and the trial court heard those applications, it cannot be said that such appearance by the defendants is covered by the expression "appeared on the day fixed for his appearance" occurring in O. 9 r. 7 and thereby entitling them to address the court on merits of the case - O. 9 r. 7 has no application - It cannot be said that any prejudice was caused to the defendants if the witnesses did not enter the witness box - Defendants by their conduct and tactics disentitled themselves from any further indulgence by the trial court - Thus, the trial court did not act illegally or with material irregularity or irrationally or in an arbitrary manner in passing the orders closing the right of the defendants to cross-examine plaintiff's witnesses and fixing the matter for pronouncement of judgment.

(ii) O. 18, r.15 - Nature of - Held: Provision contained in r. 15 is a special provision - It enables the successor Judge to proceed from the stage at which his predecessor left the suit - The idea behind this provision is to obviate re-recording of the evidence or re-hearing of the suit where a Judge is prevented by death, transfer or other cause from concluding the trial of a suit and to take the suit forward from the stage the predecessor Judge left the matter - Expression "from the stage at which his predecessor left it" is wide and comprehensive enough to take in its fold all situations and stages of the suit - It cannot be narrowed down by any exception - The principle
that one who hears must decide the case, is not applicable to all situations in the hearing of the suit. Hearing of a suit does not mean oral arguments alone but it comprehends both production of evidence and arguments. Hearing of the suit begins when evidence in suit begins and is concluded by pronouncement of judgment.

(iii) O. 18 r. 2 - Statement and production of evidence - Purpose of - Held: Is to give an option to the parties to argue their case when the evidence is conducted. Parties themselves decide whether they would avail of this privilege and if they do not avail, they do so at their peril.

(iv) O. 18, rr. 2(1) and (2) - Expressions "state his case", "produce his evidence" and "address the court generally on the whole case" occurring therein - Held: Said expressions have different meanings and connotations.

(v) O. 9 r. 7 - Conclusion of hearing of suit and suit closed for judgment - Applicability of O. 9, r. 7 - Held: The provision is not applicable. O. 9 r. 7 pre-supposes the suit having been adjourned for hearing. Adjournment for the purposes of pronouncing judgment is no adjournment of the "hearing of the suit".

(vi) O. 9 r. 6 (1)(a) - After due service of summons, defendant not appearing when the suit called on for hearing - Effect of - Held: Order might be passed to hear the suit ex parte. The provision does not in any way impinge upon the power of the court to proceed for disposal of the suit in case both the parties or either of them fail to appear as provided in O. 9.

(vii) O. 18, r. 4 - Recording of evidence - Purpose and objective of - Held: Is speedy trial of the case and to save precious time of the court. Examination-in-chief of a witness is now mandated to be made on affidavit with a copy thereof to be supplied to the opposite party. Cross-examination and re-examination of witness shall be taken either by the court or by Commissioner appointed by it. In a case in which appeal is allowed, r. 5 provides that the evidence of each witness shall be taken down in writing by or in the presence and superintendence of the Judge. There is no requirement in O. 18, r 5 that in appealable cases, the witness must enter the witness box for production of his affidavit and formally prove the affidavit. Such witness is required to enter the witness box in his cross-examination and, if necessary, re-examination.

(viii) O. 30, r. 10 - Suit against person carrying on business in the name other than his own - Held: Is an enabling provision. It provides that a person carrying on business in a name or style other than his own name may be sued in such name or style as if it were a firm name. As a necessary corollary, the said provision does not enable a person carrying on business in a name or style other than in his own name to sue in such name or style.

(ix) O. 20, r 1 - Matter fixed for pronouncement of judgment - Plea that plaintiff not argued the matter as required by O. 20, r. 1 - Effect of, on the decision of the suit - Held: The plaintiffs had already advanced the arguments and the judgment was reserved and kept for pronouncement. Judgment could not be pronounced on that day and the matter, thereafter, was fixed on various dates on the diverse applications made by the defendants. It cannot be said that the trial judge
ought to have dismissed the suit.
(Also see under: Interlocutory applications; Evidence; and Administrative law).

Rasiklal Manickchand Dhariwal & Anr. v. M/s. M.S.S. Food Products

CODE OF CRIMINAL PROCEDURE, 1973:
(1) (i) ss.156(3) - Order of Magistrate directing investigation - Complaint with regard to offences punishable u/ss.405, 406, 420 r/w s.34, IPC - Held: Three complaints containing similar allegations were investigated previously and all were closed as the alleged claim was found to be of civil nature - Apart from the fact that the complaint lacked necessary ingredients of ss.405, 406, 420 r/w s.34 IPC, no specific allegation was made against any person - Complaint was filed in 2002 when the alleged disputes pertained to the period from 1993-1995 - Courts below ought to have appreciated that the complainant was trying to circumvent the jurisdiction of the civil courts which estopped him from proceeding on account of the law of limitation - In view of the infirmities and in the light of s. 482, High Court ought to have quashed the proceedings to safeguard the rights of the appellants - Quashment quashed - Penal Code, 1860 - ss.405, 406, 420 r/w s.34 IPC, no specific allegation was made against any person - Held: The right u/s.167(2) to be released on bail on default if charge-sheet is not filed within 90 days from the date of first remand is not an absolute or indefeasible right - The said right would be lost if charge-sheet is filed and

(ii) s. 482 - Quashing of criminal proceedings.

Thermax Ltd. & Ors. v. K.M. Johny & Ors.

(2) (i) s.167(2) - Held: The right u/s.167(2) to be released on bail on default if charge-sheet is not filed within 90 days from the date of first remand is not an absolute or indefeasible right - The said right would be lost if charge-sheet is filed and

(ii) Relevant date of counting 90 days for filing charge sheet - Held: Is the date of first order of the remand and not the date of arrest.
(Also see under: Bail; and Constitution of India, 1950)

Sadhwi Pragyna Singh Thakur v. State of Maharashtra

(3) (i) s.195 - Complaint filed by appellant before CAW cell accusing respondent of commission of offence punishable u/s. 406 r/w s. 34 IPC and ss.3 and 4 of Dowry Prohibition Act - Complaint by respondent alleging that appellant had instituted criminal proceedings against him without any basis and falsely charged him with commission of offences knowing that there was no just or lawful ground for such proceedings or charge and thereby committed offences punishable u/ss.211 and 500 r/w ss.109, 114 and 34 IPC - Held: The proceedings conducted by Sessions Judge in connection with the case which appellant had lodged with CAW Cell were judicial proceedings and the offence punishable u/s.211 IPC alleged to have been committed by the appellant related to the said proceedings - Such being the case the bar contained in s.195 was attracted to complaint filed by respondent - Complaint of respondent was not, thus, maintainable - Penal Code, 1860 - ss.406 r/w s.34 - Dowry Prohibition Act - ss.3 and 4.

(ii) s.195 - Scope and ambit of - Discussed.

Abdul Rehman & Ors. v. K.M. Anees-ul-Haq
(4)(i) ss.306, 307 and 308 - Tender of pardon to approver/accomplice - Power to direct tender of pardon - Held: An accomplice who has been granted pardon u/s.306 or s.307 gets protection from prosecution - When he is called as a witness for the prosecution, he must comply with the condition of making a full and true disclosure and if he suppresses anything material and essential within his knowledge concerning the commission of crime or fails or refuses to comply with the condition on which the tender was made and the Public Prosecutor gives his certificate u/s.308 to that effect, the protection given to him can be lifted - Once an accused is granted pardon u/s.306, he ceases to be an accused and becomes witness for the prosecution.

(ii) ss. 306, 307 and 308 - Tender of pardon to approver/accomplice - Delay in tendering pardon - Effect of - Held: Pardon can be tendered at any time after commitment of a case but before the judgment is pronounced - In the instant case, the contention regarding delay on the part of the witness is liable to be rejected - The trial Judge, who had the liberty of noting his appearance and recorded his evidence, believed his version which was rightly accepted by the High Court.

(Also see under: Penal Code, 1860; Evidence Act, 1872; and Criminal trial)

Mrinal Das & Ors. v. State of Tripura

(5) s.357(3) - Award of compensation - Held: Sub-s. (3) of s.357 is categorical that compensation can be awarded only where fine does not form part of the sentence - Sub-s. (1) of s.357 provides that where the court imposes a sentence of fine or a sentence of which fine forms a part, the court may direct the fine amount to be applied in the payment to any person of compensation for any loss or injury caused by the offence, when compensation is, in the opinion of the court, recoverable by such person in a civil court - Thus, if compensation could be paid from out of the fine, there is no need to award separate compensation - Only where the sentence does not include fine but only imprisonment and the court finds that the person who has suffered any loss or injury by reason of the act of the accused person, requires to be compensated, it is permitted to award compensation u/s.357(3) - Negotiable instruments Act, 1881 - Compensation.

(Also see under: Negotiable instruments Act, 1881)

R. Vijayan v. Baby and Anr.

(6) s.386(e) - Power of High Court - Held: High Court is competent to enhance the sentence suomotu - However, it is permissible only after giving opportunity of hearing to the accused.

(Also see under: Penal Code, 1860)


COMPENSATION:

(1) (See under: Land Acquisition; and Goa Land Use (Regulation) Act, 1991)

(2) (See under: Land Acquisition Act, 1894)

(3) (See under: Negotiable instruments Act, 1881; and Code of Criminal Procedure, 1973)
CONSTITUTION OF INDIA, 1950:

(1) (i) Art. 14 - Class legislation - Permissibility of - Held: Art. 14 forbids class legislation - However, it does not forbid reasonable classification for the purpose of legislation - Thus, class legislation is permitted in law provided the classification is founded on an intelligible differentia.

(ii) Art. 14 - Violation of - Held: Art. 14 strikes at arbitrariness because an action that is arbitrary, must necessarily involve negation of equality - Doctrine of arbitrariness is not restricted only to executive actions, but also applies to legislature - There must be a case of substantive unreasonableness in the statute itself for declaring the act ultra vires Art. 14.

(iii) Art. 19(1)(c) - Right to form associations or unions under - Scope of statutory intervention - Held: When the association gets registered under the Co-operative Societies Act, it is governed by the provisions of the Act and rules framed thereunder - In case the association has an option/choice to get registered under a particular statute, if there are more than one statutes operating in the field, State cannot force the society to get itself registered under a statute for which the society has not applied - Co-operative societies. (Also see under: Andhra Pradesh Mutually Aided Co-operative Societies (Amendment) Act, 2006 and Administrative law)

A.P. Dairy Development Corporation Federation v. B. Narasimha Reddy & Ors. .... 1

(2) Arts. 16(4) and 16(4A).
(See under: Service law). .... 502

(3) Arts. 21 and 22 - Police atrocities, torture, custodial death and illegal detention - Protection of victim against - Held: State must ensure prohibition of torture, cruel, inhuman and degrading treatment to any person particularly at the hands of any State agency/police force - If there is some material on record to reveal the police atrocities, court must take stern action against the erring police officials in accordance in law - Administration of justice - Criminal justice. (Also see under: Penal Code, 1860)


(4) Art. 22(2) - Right u/Art. 22(2) is available only against illegal detention by police - It is not available against custody in jail of a person pursuant to a judicial order - Art. 22(2) does not operate against the judicial order. (Also see under: Bail; and Code of Criminal Procedure, 1973)

Sadhwi Pragyna Singh Thakur v. State of Maharashtra .... 617

(5) (i) Art. 136 - Interference by Supreme Court - Suit for possession of premises by landlord alleging that the respondents were gratuitous licencees regarding one room and unauthorized encroachers in respect of the second room, decreed - Suit for permanent injunction by respondents that they were tenants - Held: Burden was on the respondents to establish that they were tenants and not licensees but the first appellate court wrongly placed the burden upon the appellants - None of the documents produced or relied upon by respondents evidenced tenancy or payment of rent - First appellate court failed to record any finding that respondents were tenants
- High Court did not interfere on the ground that no question of law was involved - It failed to notice that the inferences and legal effect from proved facts is a question of law and the inferences drawn by the first appellate court were wholly unwarranted - Judgments of first appellate court and High Court are unsustainable - Decree for possession of the suit portions granted by trial court restored.

(ii) Art. 136 - Jurisdiction under - Exercise of - Interference with findings of facts - When warranted - Stated.

_Dnyaneshwar Ranganath Bhandare & Anr. v. Sadhu Dadu Shettigar (Shetty) & Anr._

(6) Art. 142.
(See under: Land Acquisition Act, 1948) .... 821

(7) Art. 311(2) (b).
(See under: Service Law) .... 1089

(8) Seventh Schedule, List II, Entry 51 - Held: Entry 51 should be read not only as authorizing the imposition of excise duty, but also as authorizing a provision which prevents evasion of excise duty - To ensure that there is no evasion of excise duty in regard to manufacture of beer, State is entitled to make a provision to prevent evasion of excise duty, though it is leviable at the stage of issue from the brewery - Liquor.
(Also see under: Uttar Pradesh Excise Act, 1910)

_State of U.P. & Ors. v. Mohan Meakin Breweries Ltd. & Anr._

(9) Double jeopardy.
(See under: Service Law) .... 1089

(10) Right to property.
(See under: Adverse possession; Evidence; and Property) .... 211

(11) Statutory body - Whether a 'State'.
(See under: Right to Information Act, 2005) .... 328

_CONSUMER PROTECTION ACT, 1986:_

(1) Hire-Purchase Agreement in respect of a Maruti Omni Car - On failure of hirer to pay hire charges in terms of repayment schedule, owner-bank took possession of financed vehicle and sold it in auction - Complaint by hirer before Consumer District Forum alleging deficiency in service - Allowed by District Forum directing owner to pay a sum of Rs.1,50,000 - Held: After vehicle was seized, it was also sold and third party rights had accrued over the vehicle - Appellant-bank had complied with the directions of the District Forum notwithstanding the pendency of the case - Since appellant Bank had already accepted decision of District Forum and had paid the amounts as directed, no relief could be granted to appellant.
(Also see under: Hire Purchase Agreement)

_Citicorp. Maruti Finance Ltd. v. S. Vijayalaxmi_

(2)(i) Object and historical background of the enactment - Discussed.

(ii) Complaint by consignor claiming compensation - Jurisdiction of National Commission - Held: National Commission has jurisdiction to entertain and decide a complaint filed by the consignor claiming compensation for deficiency of service by the carrier, in view of the provisions of the Carriage by Air Act and the Warsaw Convention - Carriage by Air Act, 1972.
(iii) Deficiency in service - Delivery of consignment - Complaint filed before National Commission by consignor claiming compensation for deficiency in service on the ground that the consignments were delivered to wrong person - National Commission held that the services rendered by carrier were deficient and held it liable to pay compensation - Held: There was no legal infirmity in the National Commission exercising its jurisdiction, as the same can be considered a court within the territory of a High Contracting Party for the purpose of Rule 29 of the Second Schedule to the CA Act and the Warsaw Convention - National Commission was justified in holding that there was deficiency of service on the part of the carrier in not effecting the delivery of goods to the consignee.

(iv) National Commission whether a "court" - Held: The use of the word "Court" in Rule 29 of the Second Schedule of the Act has been borrowed from the Warsaw Convention - The word "Court" has not been used in the strict sense in the Convention as has come to be in our procedural law - The word "Court" has been employed to mean a body that adjudicates a dispute arising under the provisions of the CP Act - The Act gives the District Forums, State Forums and National Commission the power to decide disputes of consumers - The jurisdiction, the power and procedure of these Forums are all clearly enumerated by the Act - Though, these Forums decide matters after following a summary procedure, their main function is still to decide disputes, which is the main function and purpose of a court.

Trans Mediterranean Airways v. M/s Universal Exports & Anr. .... 47

CONTRACT:
(See under: Code of Criminal Procedure, 1973) .... 154

CONTRACT ACT, 1872:
ss.182 and 230.
(See under: Maharashtra Rent Control Act, 1999; and Textile Undertakings (Nationalisation) Act, 1995) .... 472

CO-OPERATIVE SOCIETIES:
(See under: Andhra Pradesh Mutually Aided Co-operative Societies (Amendment) Act, 2006). .... 1

COPYRIGHT ACT, 1957:
(See under: Right to Information Act, 2005). .... 328

COSTS:
(1) (See under: Adverse possession).... 211

(2) (See under: Land Acquisition Act, 1894) .... 1113

CRIME AGAINST WOMEN:
(See under: Code of Criminal Procedure, 1973) .... 1033

CRIMINAL LAW:
(1) Murder case - Corpus Delicti - Recovery of - Held: Conviction for offence of murder does not necessarily depend upon corpus delicti being found - Corpus delicti in a murder case has two components-death as result and criminal agency of another as the means - Where there is a direct
proof of one, the other may be established by circumstantial evidence.  
(Also see under: Penal Code, 1860)  

(2) Motive - Held: Proof of motive is not a sine qua non before a person can be held guilty of the commission of a crime] Motive being a matter of the mind, is more often than not, difficult to establish through evidence.  
(Also see under: Penal Code, 1860).

Deepak Verma v. State of Himachal Pradesh  

CRIMINAL TRIAL:  
(1) (i) Hostile witness - Evidence of - Appreciation of - Held: Merely because a witness deviates from his statement made in the FIR, his evidence cannot be held to be totally unreliable - The evidence of hostile witness can be relied upon at least up to the extent, he supported the case of prosecution - However, the court should be slow to act on the testimony of such a witness, normally, it should look for corroboration with other witnesses.  
(ii) Large number of offenders - Necessity of corroboration - Held: Where a large number of offenders are involved, it is necessary for the court to seek corroboration, at least, from two or more witnesses as a measure of caution - It is the quality and not the quantity of evidence to be the rule for conviction even where the number of eye-witnesses is less than two.  
(Also see under: Penal Code, 1860; and Code of Criminal Procedure, 1973)  

Mrinal Das & Ors. v. State of Tripura  

(2) (i) Non-mentioning the name of accused by witness in his statement u/s.161 Cr.P.C. - Accused named for the first time in the deposition in court - Held: Accused is entitled to benefit of doubt.  
(ii) Extra-ordinary case - Extra-ordinary situations demand extra-ordinary remedies - In an unprecedented case, the court has to innovate the law and may also pass unconventional order keeping in mind the extra-ordinary measures.  
(Also see under: Penal Code, 1860)  


CUSTODIAL DEATH:  
(See under: Penal Code, 1860; and Constitution of India, 1950)  

CUSTOMS ACT, 1962:  
(See under: Central Excise Act, 1944)  

DELAY/LACHES:  
(1) Delay in lodging FIR - Effect on prosecution case - Plea that all the family members of deceased did not make any statement to police until the eventual disclosure of the names of the two accused by deceased herself in her dying declaration - Held: It is not expected that the close family members would proceed to police station to lodge a report when the injured are in critical condition - Delay in lodging complaint could not be considered fatal to the prosecution case.  
(Also see under: Penal Code, 1860).  

Deepak Verma v. State of Himachal Pradesh  


DOCTRINES/PRINCIPLES:

1. Doctrine of estoppel.
   (See under: Administrative law) .... 1

2. Doctrine of proportionality.
   (See under: Administrative Law; and Code of Civil Procedure, 1908) .... 1141

3. Wednesbury principle.
   (See under: Administrative Law; and Service Law) .... 840

   (i) (See under: Natural justice) .... 1000
   (ii) (See under: Administrative Law; and Service Law) .... 840

EDUCATION/EDUCATIONAL INSTITUTIONS:

Admission to Post-Graduate or Diploma Courses in medicine - Modification in the conditions by the State Government after declaration of result and preparation of select list - Power of - Held: Once the results had been declared and a select list had been prepared, it was not open to the State Government to alter the terms and conditions just a day before counselling was to begin, so as to deny the candidates, who had already been selected, an opportunity of admission in the said courses - Benefits of admission in the reserved category is the result of the policy adopted by the State Government to provide for candidates from the reserved category - Appellants having been selected on the basis of merit, in keeping with the results of the written examination, the submission that such admissions in the reserved category will have to be made keeping in mind the necessity of upholding the standard of education in the institution, cannot be accepted.

Parmender Kumar & Ors. v. State of Haryana & Ors. .... 1065

EQUITY:

(See under: Adverse possession; and Evidence) .... 211

ESTOPPEL:

(See under: Administrative law) .... 1

EVIDENCE:

1. Burden of proof - Held: A person pleading adverse possession has no equities in his favour since he is trying to defeat the rights of the true owner - It is for him to clearly plead and establish all facts necessary to establish adverse possession - Equity.
   (Also see under: Adverse Possession)

State of Haryana v. Mukesh Kumar & Ors. .... 211

2. Circumstantial evidence - Held: Though conviction may be based solely on circumstantial evidence, however, the circumstances from which the conclusion of guilt is to be drawn should be fully established - The facts so established must be consistent with the hypothesis of the guilt of the accused and the chain of evidence must be
so complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and must show that in all human probability, the act must have been committed by the accused.
(Also see under: Penal Code, 1860)

Haresh Mohandas Rajput v. State of Maharashtra

(3) Dying declaration.
(See under: Penal Code, 1860)

(4) (i) Evidence of an accomplice not put on trial - Conviction on basis of his uncorroborated testimony - Held: Such an accomplice is a competent witness - He deposes in court after taking oath and there is no prohibition in any law not to act upon his deposition without corroboration - However, no reliance can be placed on the evidence of accomplice unless evidence is corroborated in material particulars - There has to be some independent witness tending to incriminate the accused in the crime.

(ii) Testimony of sole eye-witness - Reliability of - Held: There is no legal impediment in convicting a person on the sole testimony of a single witness - If there are doubts about testimony, court would insist on corroboration - Test is whether the evidence is cogent, credible and trustworthy or otherwise.
(Also see under: Penal Code, 1860)


(5) Onus to prove incurable unsound mind of spouse - Lies on the party alleging it.
upon corroboration is based on the rule of caution and is not merely a rule of law - Corroboration need not be in the form of oocular testimony of witnesses and may even be in the form of circumstantial evidence.
(Also see under: Penal Code, 1860; and Code of Criminal Procedure, 1973)

Mrinal Das & Ors. v. State of Tripura .... 411

EXCISE LAWS:
Liquor.
(See under: Uttar Pradesh Excise Act, 1910) .... 98

FOREIGN EXCHANGE MANAGEMENT ACT, 1999:
(1) s.19 - Appeal - Pre-deposit of penalty - Dispensation of - Held: The appellants failed to make out a case, which could justify an order by Appellate Tribunal to relieve them of the statutory obligation to deposit the amount of penalty - Appellants had the exclusive knowledge of their financial condition/status and it was their duty to candidly disclose all their assets, movable and immovable, including those in respect of which orders of attachment may passed by judicial and quasi judicial forums - Besides, they deliberately concealed the facts relating to their financial condition - Therefore, Appellate Tribunal rightly refused to entertain their prayer for total exemption.

Ketan V. Parekh v. Special Director, Directorate of Enforcement and Anr. .... 1204

(2) s. 35.
(See under: Limitation Act, 1963) .... 1024

GOA, DAMAN AND DIU AGRICULTURAL TENANCY ACT, 1964:
(See under: Goa Land Use (Regulation) Act, 1991) .... 735

GOA LAND USE (REGULATION) ACT, 1991:
(i) ss.2, 13 - Compensation - Determination of - Acquisition of agricultural land - Held: - In view of permanent restriction regarding user and the bar in regard to any non-agricultural use, the acquired land would have to be valued only as an agricultural land and could not be valued with reference to sales statistics of other nearby lands which had the potential of being used for urban development - At least 50% would have to be deducted from market value of freehold land with development potential to arrive at market value of such land which could be used only for agricultural purposes - Goa, Daman and Diu Agricultural Tenancy Act, 1964.

(ii) Object of the enactment - Discussed.
(Also see under: Land acquisition)

Goa Housing Board v. Rameshchandra Govind Pawaskar & Anr. .... 735

HINDU MARRIAGE ACT, 1955:
(i) s.13 - Petition for divorce by husband on grounds of (i) 'cruelty' and (ii) incurable 'unsound mind' of wife - Held: Husband established and proved both the grounds - Various doctors and other witnesses examined to prove that the wife was suffering from mental disorder - All the four doctors/Psychiatrists who treated the wife and prescribed medicines also expressed the view that it was "incurable" - The acts and conduct of the wife were such as to cause pain, agony and suffering to the husband which amounted to cruelty.
in matrimonial law - Further, they were living separately for the last more than nine years and there is no possibility to unite them - Divorce petition filed by husband allowed.

(ii) s.13 - Dissolution of marriage by decree of divorce on ground of 'unsound mind' - Held: The onus of proving that the other spouse is incurably of unsound mind or is suffering from mental disorder lies on the party alleging it - It must be proved by cogent and clear evidence.

(iii) s.13 - Dissolution of marriage by decree of divorce on ground of 'cruelty' - Repeated threats to commit suicide - Held: Cruelty postulates treating of a spouse with such cruelty as to create reasonable apprehension in his mind that it would be harmful or injurious for him to live with the other party - Giving repeated threats to commit suicide amounts to cruelty.

Pankaj Mahajan v. Dimple @ Kajal .... 945

HIRE-PURCHASE AGREEMENT:
Recovery process - Forcible possession of vehicles - Held: Even in case of mortgaged goods subject to Hire-Purchase Agreements, recovery process has to be in accordance with law - Guidelines laid down by Reserve Bank of India are significant - If any action is taken for recovery in violation of such guidelines or the principles as laid down by Supreme Court, such action cannot but be struck down.
(Also see under: Consumer Protection Act, 1986).

Citicorp. Maruti Finance Ltd. v. S. Vijayalaxmi .... 1050

INTERLOCUTORY APPLICATIONS:
Orders passed by trial court on interlocutory applications Challenged before Supreme Court - Plea that the trial court erred in not adhering to the pre-trial procedures and contentions raised by defendants not considered by High Court - Held: Not permissible - The proper course available to defendants was to bring to the notice of High Court the aspect by filing a review application - Such course was never adopted.
(Also see under: Code of Civil Procedure, 1908).

Rasiklal Manickchand Dhariwal & Anr. v. M/s. M.S.S. Food Products .... 1141

INTERNATIONAL ARBITRATION ACT, 2002 (SINGAPORE):
(1) (i) International commercial arbitration - Held: Where the arbitration agreement provides that the seat of arbitration is Singapore and arbitration proceedings are to be conducted in accordance with the Singapore International Arbitration Centre Rules (SIAC Rules) then the Act 2002 of Singapore will be the law of arbitration as is provided in rule 32 of SIAC Rules - Once the arbitrator is appointed and the arbitral proceedings are commenced, the SIAC Rules become applicable shutting out the applicability of s.42 of the 1996 Act including Part I and the right of appeal u/s.37 thereof - Arbitration and Conciliation Act, 1996 - ss.2, 9, 42 - Singapore International Arbitration Centre Rules - r.32.

(ii) Proper law and Curial law - Distinction between - Discussed.
(Also see under: Arbitration)

Yograj Infrastructure Ltd. v. SSang Yong Engineering and Construction Co. Ltd. .... 301
(2) Interlocutory application - Clarification/correction of clerical errors in the judgment - In para 35 of the judgment reported in 2011 SCR 14 301, it was indicated that the SIAC Rules would be the Curial law of the arbitration proceedings - Held: It is clarified that the Curial law is the International Arbitration law of Singapore and not the SIAC Rules.

Yograj Infrastructure Ltd. v. SSang Yong Engineering and Construction Co. Ltd. .... 324

INTERNATIONAL LAW:
Warsaw Convention.
(See under: Consumer Protection Act, 1986).
.... 47

INTERPRETATION OF STATUTES:
(1) Compliance - Held: When any statutory provision provides a particular manner for doing a particular act, the said thing or act must be done in accordance with the manner prescribed therefor in the Act - Jammu and Kashmir Land Acquisition Act, 1990.
(Also see under: Jammu and Kashmir Land Acquisition Act, 1990).

J & K Housing Board & Anr. v. Kunwar Sanjay Krishan Kaul & Ors. .... 976

(2) Same words having different meanings in different provisions of the same enactment - Permissibility - Held: The same words used in different parts of a statute should normally bear the same meaning - But depending upon the context, the same words used in different places of a statute may also have different meaning - The use of the words 'publication of the notification' in ss.4(1) and 6 on the one hand and in s.23(1) on the other, in the LA Act, is a classic example, where the same words have different meanings in different provisions of the same enactment - The context in which the words are used in ss.4(1) and 6, and the context in which the same words are used in s.23(1) are completely different - Land Acquisition Act, 1894 - ss.4, 6 and 23.
(Also see under: Land Acquisition Act, 1894)

Kolkata Metropolitan Development Authority v. Gobinda Chandra Makal & Anr. .... 373
information, the authorities did not send proper notice to the respondents or comply with the provisions, particularly, s.4(1)(c) - Order of High Court quashing the acquisition proceedings from the stage of s.5A of the Act upheld - Land Acquisition.
(Also see under: Interpretation of Statutes).

J & K Housing Board & Anr. v. Kunwar Sanjay Krishan Kaul & Ors. .... 976

JUNIOR ACCOUNTS OFFICERS SERVICE POSTAL WING (GROUP C) RECRUITMENT RULES, 1977:
rr.14 and 18.
(See under: Service Law) .... 840

JURISDICTION:
Jurisdiction of civil court.
(See under: Public Premises (Eviction of Unauthorised Occupants) Act, 1971) .... 533

LABOUR LAWS:
Dismissal from service - Theft committed by workman - Domestic enquiry - Workman found guilty - Labour Court upheld the punishment of dismissal - Acquittal in criminal case - On writ petition by workman, Single Judge of High Court modified the order of dismissal into an order of termination and directed the employer to pay the terminal benefits - Division Bench, on appeal by workman, quashed the award of Labour Court and held the workman entitled to reinstatement into service with all consequential benefits - Held: High Court simply decided the case taking into consideration the acquittal of delinquent employee and nothing else - There was no finding by High Court that the charges leveled in the domestic

enquiry had been the same which were in the criminal trial - Workman shall be entitled only to the relief granted by the writ court, as the employer did not challenge the said order.
(Also see under: Service law).

Divisional Controller, KSRTC v. M.G. Vittal Rao .... 1089

LAND ACQUISITION:
(1) Acquisition of agricultural land - State and its instrumentalities resorting to massive acquisition of agricultural land in the name of public purpose, without complying with the mandate of the statute - Held: It is wholly unjust, arbitrary and unreasonable to deprive such persons of their houses/land/industry by way of acquisition of land in the name of development of infrastructure or industrialization - Before acquiring private land the State and/or its agencies/instrumentalities should, as far as possible, use land belonging to the State for the specified public purposes - If the acquisition of private land becomes absolutely necessary, then the authorities must strictly comply with the relevant statutory provisions and the rules of natural justice.
(Also see under: Land Acquisition Act, 1894)

Raghbir Singh Sehrawat v. State of Haryana and Ors. .... 1113

(2) (i) Compensation - Determination of, in respect of similarly situated land in the same area - Held: Similarly situated land in the same area, having the same advantages and acquired under the same notification should be awarded the same compensation - But if an acquired land is subject to a statutory covenant that it can be used only for
agriculture and cannot be used for any other purpose, necessarily it will have to be valued as agricultural land.

(ii) Vacant land vis-à-vis land in possession of long term lessee - Compensation - Determination of.
(Also see under: Goa Land Use (Regulation) Act, 1991)

Goa Housing Board v. Rameshchandra Govind Pawaskar & Anr. .... 735

(3) (See under: Jammu and Kashmir Land Acquisition Act, 1990) .... 976

LAND ACQUISITION ACT, 1894:
(1) ss. 4(1) and 6 - Land acquisition for expansion of depot of Roadways Corporation - Held: The decision taken by the Government is not vitiates by any error of law nor is it irrational or founded on the extraneous reasons - Corporation or its successor not being a 'company' as defined in s. 3(e), Part VII of the Act is not applicable and as such procedure contemplated in Part VII having not been followed, it cannot be said that acquisition is bad in law - Appellants can be suitably compensated - Not a case fit for exercise of power under Art. 142 - Constitution of India, 1950 - Art. 142.

Ramji Veerji Patel & Ors. v. Revenue Divisional Officer & Ors. .... 821

(2) ss. 4(1), 6(1), 5A(2) and 9 - Acquisition of agricultural land - No opportunity of hearing given - Actual possession of land still with land-owner - Held: No evidence to show that actual possession of the land on which the crop was standing had

been taken after giving notice to the appellant nor was he present at the site when the possession of the acquired land was stated to have been delivered to the beneficiary - Exercise showing delivery of possession was farce and inconsequential - The record prepared by the revenue authorities showing delivery of possession of the acquired land to the beneficiary has no legal sanctity - Land-owner was not given opportunity of hearing as per the mandate of s.5A(2) - Thus, acquisition of his land is illegal and is quashed - State directed to pay to land-owner, cost of Rs. 2,50,000/- - Costs.
(Also see under: Land acquisition)

Raghibir Singh Sehrawat v. State of Haryana and Ors. .... 1113

(3) (i) s.23 - Acquisition of land classified as agricultural land marsh land - Compensation as enhanced by reference court and affirmed by High Court, modified.

(ii) s.23 - Acquisition of land - Determination of compensation - Addition towards appreciation in value between the date of exemplar sale and the date of preliminary notification as regards the acquisition in question - Held: Unless the difference is more than one year, normally no addition should be made towards appreciation in value, unless there is special evidence to show some specific increase within a short period.

(iii) s.23 - Acquisition of land - Determination of compensation - Addition of percentages for advantageous frontage - Held: Advantage of a better frontage is considered to be a plus factor while assessing the value of two similar properties,
particularly in any commercial or residential area, when one has a better frontage than the other. However, where the value of large tracts of undeveloped agricultural land situated on the periphery of a city in an area which is yet to be developed is being determined with reference to value of nearby small residential plot, the question of adding any percentage for the advantage of frontage to the acquired lands, does not arise.

(iv) ss. 23 - Acquisition of land - Determination of compensation - Deductions for development from value of small developed plots to arrive at the value of acquired lands - Factors to be taken into consideration - Explained - On facts, the reference court after considering the facts found that one-third of the value of the small developed plot should be deducted towards development/development cost, to arrive at the value of the acquired lands - High Court did not interfere with the said percentage of deduction - In the circumstances, no reason to alter the percentage of deduction of 33.33%.

(v) ss. 4 and 23 - Acquisition of land - Determination of compensation - Relevant date - Adjustment of advance payment - Held: The relevant date for determination of compensation would be the date of publication of the preliminary notification u/s.4(1) of the LA Act - However if in anticipation of acquisition the Land Acquisition Officer had made any payment to the landowner they will be entitled to credit thereof with interest at 15% per annum from the date of payment to date of publication of preliminary notification - Though solatium and additional amount will be calculated on the entire compensation amount, statutory interest payable to land-owner will be calculated only after adjusting the advance payment with interest therein towards the compensation amount.

(vi) ss. 4 and 23 - Acquisition of land - Determination of compensation - Relevant date for determining compensation - Held: One of the principles in regard to determination of market value u/s 23(1) is that the rise in market value after the publication of the notification u/s.4(1) of the Act should not be taken into account for the purpose of determination of market value - In s.23(1), the words "the date of publication of the notification u/s 4(1)" would refer to the date of publication of the notification in the gazette.

(Also see under: Interpretation of Statutes)

*Kolkata Metropolitan Development Authority v. Gobinda Chandra Makal & Anr.* .... 373

**LEGISLATION:**

Need for legislation - There is an urgent need for a fresh look on the entire law of adverse possession - Recommendation to Union of India to immediately consider and seriously deliberate either abolition of the law of adverse possession and in the alternate to make suitable amendments in law of adverse possession.

(Also see under: Adverse possession)

*State of Haryana v. Mukesh Kumar & Ors.* .... 211

**LIFE INSURANCE CORPORATION ACT, 1956:**

s. 21 - Corporation to be guided by directions of Central Government - Guidelines dated 30.5.2002 laid down by the Central Government that the provisions of the Public Premises Act, 1971 should be used primarily to evict totally unauthorised
occupants and to secure periodic revision of rent in terms of the provisions of the Rent Control Act in each State, or to move under genuine grounds under the Rent Control Act for resuming possession - Held: The guidelines are not directions u/s. 21 - Purpose of these guidelines is to prevent arbitrary use of powers under the Public Premises Act - Relevance of the guidelines would depend upon the nature of guidelines and the source of power to issue such guidelines - Source of the right to apply for determination of standard rent is the Rent Control Act, and not the guidelines - Also, by subsequent clarificatory order, the Central Government made it clear that the guidelines dated 30.5.2002 would not apply to affluent tenants - Public Premises (Eviction of Unauthorised Occupants) Act, 1971. (Also see under: Public Premises (Eviction of Unauthorised Occupants) Act, 1971)

Banatwala & Company v. L.I.C. of India & Anr. .... 533

LIMITATION ACT, 1963:
s.14 - Delay in filing appeal - Condonation of - Imposition of penalty on appellants for contravening provisions of FEMA - Plea that the entire period during which writ petition remained pending before Delhi High Court should be excluded - Held: Not tenable - Existence of good faith is a *sine qua non* for invoking s.14 - Appellants filed writ petition before wrong forum and came to the forum having jurisdiction to entertain the appeal after delay of 1056 days and sought condonation of delay - Delay was rightly held not condonable since there was no averment in the applications seeking condonation that they had been prosecuting remedy before a wrong forum, i.e. the Delhi High Court with due diligence and in good faith - Besides, the prayer made in the applications was for condonation of 1056 days delay and not for exclusion of the time spent in prosecuting the writ petitions before the wrong forum Delhi High Court - This showed that the appellants were seeking to invoke s.5 which cannot be pressed into service in view of the language of s.35 of the FEMA - There was total absence of good faith, which is *sine qua non* for invoking s.14 - Foreign Exchange Management Act, 1999 - Delay - Condonation of. (Also see under: Foreign Exchange Management Act, 1999)

*Ketan V. Parekh v. Special Director, Directorate of Enforcement and Anr.* .... 1204

LIQUOR:
Beer - Process of Brewing - Discussed. (Also see under: Uttar Pradesh Excise Act, 1910) .... 98

MAHARASHTRA CONTROL OF ORGANISED CRIME ACT, 1999:
s. 21.
(See under: Bail) .... 617

MAHARASHTRA RENT CONTROL ACT, 1999:
(1) ss. 2(14), 8 and 29 - Provisions for fixation of standard rent and maintenance of essential services under the Act - Applicability of, to public premises owned by public corporations/ undertakings - Held: The subjects of fixation of standard rent and restoration of essential services by the landlord are covered under the Rent Control
Act and not under the Public Premises Act - Application of the tenants for the said matters when necessary, are maintainable under the Rent Control Act - Eviction and recovery of arrears of rent are alone covered under the Public Premises Act - Thus, the provisions of the Maharashtra Rent Control Act with respect to fixation of standard rent for premises, and requiring the landlord not to cut off or withhold essential supply or service, and to restore the same when necessary, are not in conflict with or repugnant to any of the provisions of the Public Premises Act - Provisions of Rent Control Act govern the relationship between the public undertakings and their occupants to the extent it covers the other aspects of the relationship between the landlord and tenants, not covered under the Public Premises Act - Public Premises (Eviction of Unauthorised Occupants) Act, 1971 - ss. 2(e), 5, 7 and 15.

(Also see under: Public Premises (Eviction of Unauthorised Occupants) Act, 1971; Constitution of India, 1950; Life Insurance Corporation Act, 1956; and Rent control and eviction)

Banatwala & Company v. L.I.C. of India & Anr. .... 533

(2) ss.3(1)(a) and (b) - Exemption from application of the Act - Claim for - Tenability - Status of appellant - (National Textile Corporation) - Held: The Central Government and the appellant are separate legal entities and not synonymous - Appellant is being controlled by the provisions of the 1995 Act and not by the Central Government - Appellant is a Government Company and neither government nor government department - Nor can it claim the status of an 'agent' of the Central Government as the rights vested in the appellant stood crystallised after being transferred by the Central Government - Hence not entitled for exemption u/s.3(1)(a) or 3(1)(b) of the Act - Textile Undertakings (Nationalisation) Act, 1995 - Contract Act, 1872 - ss.182 and 230.

(Also see under: Textile Undertakings (Nationalisation) Act, 1995; and Pleadings)

National Textile Corporation Ltd. v. Nareshkumar Badrikumar Jagad & Ors. .... 472

MINES AND MINERALS:

Mining lease - Overlapping of the area covered by the two leases - Held: When large areas are granted for mining purposes, some confusion as to the boundaries of such areas especially if they are adjacent to each other is not abnormal - In such cases, a fresh demarcation is to be conducted and boundaries are to be fixed - Directions issued for proper identification and demarcation of the areas.

Ashok Kumar Lingala v. State of Karnataka & Ors. .... 800

MOTOR VEHICLES ACT, 1988:

(i) ss. 149(2) and 170 - Claim petition - Position in cases where the claimants implead the insurer as a respondent - Held: Where the insurer is a party-respondent, either on account of being impleaded as a party by the tribunal u/s. 170 or being impleaded as a party-respondent by the claimants in the claim petition voluntarily, it would be entitled to contest the matter by raising all grounds, without being restricted to the grounds available u/s. 149(2) of the Act.
(ii) s. 149(2) - Claim petition - Position in cases where the insurer is only a noticee u/s. 149(2) and has not been impleaded as a party to the claim proceedings - Held: An insurer, without seeking to avoid or exclude its liability under the policy, on grounds other than those mentioned in s. 149(2)(a) and (b), can contest the claim, in regard to the quantum - s. 149(2) does not require the insurer to concede wrong claims or false claims or not to challenge erroneous determination of compensation - If the owner of the vehicle(insured) fails to file an appeal when an erroneous award is made, he fails to contest the same and consequently, the insurer should be able to file an appeal, by applying the principle underlying s. 170 - Matter referred to larger bench.

(iii) ss. 173, 168 and 149 - Joint appeal by the owner of the vehicle (insured) and insurer - Maintainability of - Held: Maintainable - When the insurer becomes a co-appellant, the insured does not cease to be a person aggrieved - When a counsel holds vakalatnama for an insurer and the insured in a joint appeal, the court cannot say his arguments and submissions are only on behalf of the insurer and not on behalf of the insured.

(iv) Claim petition - For compensation in regard to a motor accident - Nature of - Held: An award by the tribunal cannot be seen as an adversarial adjudication between the litigating parties to a dispute but a statutory determination of compensation on the occurrence of an accident, after due enquiry, in accordance with the statute.

United Insurance Co. Ltd. v. Shila Datta & Ors. .... 763

NATURAL JUSTICE:

(1) Principles of natural justice - Extent and application of - Requirement of giving reasonable opportunity of being heard before an order is made by an administrative, quasi-judicial or judicial authority, when such an order entails adverse civil consequences - Held: There can be exceptions to the said doctrine - Its extent and its application cannot be put in a strait-jacket formula - Whether the principle has to be applied or not is to be considered bearing in mind the express language and the basic scheme of the provision conferring the power; the nature of the power conferred; the purpose for which the power is conferred and the final effect of the exercise of that power on the rights of the person affected. (Also see under: Special Court (Trial of Offences Relating to Transactions in Securities) Act, 1992)

Ashiwin S. Mehta & Anr. v. Union of India & Ors. .... 1000

(2) (See under: Administrative Law) .... 840

NEGOTIABLE INSTRUMENTS ACT, 1881:

(i) s.138 - Sentencing under - Respondent found guilty u/s.138 - Magistrate sentenced her to pay a fine of Rs.2000 and in default to undergo imprisonment and also directed her to pay Rs.20,000 as compensation to the complainant and in default to undergo simple imprisonment for three months - Held: Magistrate having levied fine of Rs.2,000/-, it was impermissible to levy any compensation having regard to s.357(3), Cr.P.C. - Code of Criminal Procedure, 1973 - s.357(3).

(ii) s.138 - Methods to improve the disposal of
cases u/s.138 of the Act - Suggested.

(iii) s.138 - Purpose of enactment - Held: Cases arising u/s.138 are really civil cases masquerading as criminal cases - The avowed object of Chapter 17 of the Act is to "encourage the culture of use of cheques and enhance the credibility of the instrument" - It provides a single forum and single proceeding, for enforcement of criminal liability (for dishonouring the cheque) and for enforcement of the civil liability (for realization of the cheque amount) thereby obviating the need for the creditor to move two different forums for relief.

(iv) s.143(1) - Imposition of fine - Held: In view of conferment of such special power and jurisdiction upon the First Class Magistrate, the ceiling as to the amount of fine stipulated in s.29(2) of the Code is removed - Consequently, in regard to any prosecution for offences punishable u/s.138 of the Act, a First Class Magistrate may impose a fine exceeding Rs.5000/-, the ceiling being twice the amount of the cheque.
(Also see under: Code of Criminal Procedure, 1973)

R. Vijayan v. Baby and Anr. .... 712

PENAL CODE, 1860:

(1) (i) s.302 r/w s.34 - Murder - 13 accused - Prayer of A-12 for grant of 'pardon' and to treat him as an 'approver' allowed by trial court - Disclosure made by him - Examined as PW-6 - Trial court convicted two accused u/s.302 but acquitted the remaining ten accused - High Court set aside acquittal of four accused and convicted them u/ss. 302/34 and also affirmed conviction of the other two accused u/s.302 - Held: Justified - The statement of approver (PW-6) was confidence inspiring and there was nothing wrong in accepting his entire statement - The ocular evidence of the approver (PW-6) stood corroborated by the medical evidence - There was common intention among the accused persons including the six persons identified by the eye-witnesses - High Court was right in applying s.34 and basing conviction of six accused persons.

(ii) s.34 - Applicability of - Held: The existence of common intention amongst the participants in the crime is the essential element for application of s.34 and it is not necessary that the acts of several persons charged with the commission of an offence jointly must be the same or identically similar - In the instant case, from the materials placed by the prosecution, particularly, from the eye-witnesses, the common intention can be inferred among the accused persons including the six persons identified by the eye-witnesses - It is clear that the 13 assailants had planned and remained present on the shore of the river to eliminate the deceased - In view of these materials, High Court was right in applying s.34 IPC to base conviction of six accused persons.

(iii) ss.34 and 149 - Distinction between common intention and common object - Discussed.
(Also see under: Code of Criminal Procedure, 1973; and Evidence Act, 1872)

Mrinal Das & Ors. v. State of Tripura .... 411

(2) (i) ss. 302/34, 364/34 and 201/4 - Conviction and sentence - Abduction and murder of human right activist by police officials - Conviction of DSP
and ASI u/ss. 302/34 and sentence of life imprisonment imposed - Conviction of four appellants u/ss. 120-B and 364/34 and sentence of RI for five years and seven years respectively - High Court acquitted ASI, however, enhanced the sentence of four appellants from 7 years rigorous imprisonment to life imprisonment - Held: There is trustworthy evidence in respect of abduction of the activist as well as his illegal detention - Courts below rightly drew the presumption that the appellants were responsible for the abduction, illegal detention and murder - Order of the High Court upheld.

(ii) s.302/34 - One accused convicted u/s.302/34, other accused persons stood acquitted - Effect of - Held: It is impossible to hold that accused shared the common intention with other co-accused who is acquitted unless it is shown that some other unknown persons were also involved in the offence - Accused can be charged for having shared the common intention with another or others unknown, either by direct evidence or by legitimate inference.

(Also see under: Code of Criminal Procedure, 1973; Constitution of India, 1950; Criminal law; Criminal trial; Evidence; and Evidence Act.)


(3) (i) ss.302 and 323 r/w s.27 of Arms Act - Conviction of two accused for causing death of two persons by gun shot injuries - Held: Prosecution established that it was only on account of the rejection of marriage proposal that the accused, as an act of retaliation and vengeance, jointly committed the offence - Dying declaration of the victim and the statements of her relations, who had appeared as prosecution witnesses, duly established the commission of the offence, as well as, the common motive for the two accused to have joined hands in committing the crime - Conviction upheld.

(ii) ss.302 and 323 r/w s.27 of Arms Act - Conviction of two accused for causing death of two persons - Plea of A-2 that no role attributed to him - Held: Evidence on record showed that the two accused had come together on a scooter to commit the offence - A-1 fired first two shots at the victim from his double barrel gun - Thereafter A-2 provided two live cartridges to A-1 - After commission of the crime, both accused jointly made escape on a scooter - Therefore, it cannot be held that A-2 was merely a bystander and was incidentally present at the place of occurrence - He was rightly convicted.

(Also see under: Delay/laches; and Criminal law)

Deepak Verma v. State of Himachal Pradesh .... 270

(4) ss. 302 and 376 - Rape and murder of a minor girl -Circumstantial evidence - Conviction - Held: Dead body of deceased was found inside the house of accused - There were blood stains on the bed-sheet and on the floor underneath the cot - Evidence of the doctor who conducted the post-mortem, that there had been sexual assault on the victim and she died of strangulation - Conviction affirmed - However, the case does not fall within the "rarest of rare cases" - Punishment of death sentence awarded by High Court set aside and the sentence of life imprisonment as
awarded by trial court restored.
(Also see under: Evidence; and Sentence/sentencing).

Haresh Mohandas Rajput v. State of Maharashtra

(5) ss.405, 406, 420 r/w s.34.

(6) ss. 406 r/w s. 34
(See under: Code of Criminal Procedure, 1973)

PLEADINGS:
(i) Purpose and necessity of - Held: Pleadings
and particulars are necessary to enable the court
to decide the rights of the parties in the trial - A
decision of a case cannot be based on grounds
outside the pleadings of the parties - A party has
to take proper pleadings and prove the same by
adducing sufficient evidence - In view of the
provisions of O. 8, r. 2, CPC, the appellant was
under an obligation to take a specific plea to show
that the eviction suit filed against it was not
maintainable which it failed to do - The appellant
ought to have taken a plea in the written statement
that it was merely an 'agent' of the Central
Government, thus the suit against it was not
maintainable - The appellant did not take such
plea before either of the courts below - More so,
whether A is an agent of B is a question of fact
and has to be properly pleaded and proved by
adducing evidence - The appellant miserably failed
to take the required pleadings for the purpose
- Code of Civil Procedure, 1908 - O. 8, r. 2.
(ii) New plea - Held: A new plea cannot be taken
in respect of any factual controversy whatsoever,
however, a new ground raising a pure legal issue
for which no inquiry/proof is required can be
permitted to be raised by the court at any stage
of the proceedings.
(Also See under: Maharashtra Rent Control
Act, 1999; and Textile Undertakings
(Nationalisation) Act, 1995).

National Textile Corporation Ltd. v.
Nareshkumar Badrikumar Jagad & Ors.

PROPERTY:
(i) Right to property - Held: Is not only constitutional
or statutory right but also a human right -
Therefore, even claim of adverse possession has
to be read in that context - Constitution of India,
1950.
(ii) Protection of property rights - Discussed.
(Also see under: Adverse possession)

State of Haryana v. Mukesh Kumar & Ors.

PUBLIC PREMISES (EVICTION OF UNAUTHORISED
OCCUPANTS) ACT, 1971:
(i) ss. 2(e), 5, 7, 15 - Eviction of unauthorised
occupants from Public Premises and recovery of
arrears of rent from them - Initiation of proceedings
under the Act - Held: Proceedings initiated by the
landlord would be fully competent under the Act -
Occupants would not be entitled to seek any
remedy under the Bombay Rent Act or the
subsequent Maharashtra Rent Control Act since
the jurisdiction of the civil court has been ousted
u/s. 15 - Bombay Rents, Hotel and Lodging House
Rates (Control) Act, 1947 - Maharashtra Rent
Control Act, 1999.
(ii) ss. 10 and 15 - Jurisdiction of civil courts for the remedies of fixation of rent or maintenance of essential services - Held: Is not ousted - Actions covered under the Act are concerning eviction of unauthorised occupants and recovery of arrears of rent - The Act does not speak anything about the fixation of standard rent or maintenance of essential services and no remedy is provided thereunder - The fact that the proceeding for one purpose is provided under one statute cannot lead to an automatic conclusion that the remedy for a different purpose provided under another competent statute becomes unavailable.

(Also see under: Maharashtra Rent Control Act, 1999; and Constitution of India, 1950).

Banatwala & Company v. L.I.C. of India & Anr.

REFERENCE TO LARGER BENCH:

Appeal by insurer - Maintainability - Question referred to larger Bench.

(See under: Motor Vehicles Act, 1988)

RENT CONTROL AND EVICTION:

(1) (i) Exemption from operation of Rent Act - Legislative expectations from public bodies as landlords - Held: Exercise of discretion of public authorities must be tested on the assumption that they would act for public benefit and would not act as private landlords - However, these principles not relevant while considering a dispute between a statutory body as landlord and an affluent tenant in regard to a commercial or non-residential premises.

(ii) Relationship between landlord and tenant in general - Changes brought about by the Rent Control Acts - Explained and discussed.

(Also see under: Public Premises (Eviction of Unauthorised Occupants) Act, 1971; Maharashtra Rent Control Act, 1999; and Constitution of India, 1950).

Banatwala & Company v. L.I.C. of India & Anr.

(2) (See under: Maharashtra Rent Control Act, 1999; and Textile Undertakings (Nationalisation) Act, 1995)

RIGHT TO INFORMATION ACT, 2005:

(i) s.8(1)(d) - Examination of candidates for enrolment as Chartered Accountants - Claim as intellectual property by Institute of Chartered Accountants of India (ICAI) of its instructions and solutions to questions given to examiners and moderators and exemption thereof u/s 8(1)(d) of the Act - Held: ICAI voluntarily publishes the "suggested answers" in regard to the question papers in the form of a book for sale every year, after the examination - Therefore s.8(1)(d) of the Act does not bar or prohibit the disclosure of question papers, model answers (solutions to questions) and instructions if any given to the examiners and moderators after the examination and after the evaluation of answer scripts is completed, as at that stage they will not harm the competitive position of any third party.

(ii) s.9 - Examination of candidates for enrolment as Chartered Accountants - Claim of copy right by ICAI with regard to instructions and solutions to questions issued by it to examiners and moderators and thus seeking protection u/s 9 -
Held: ICAI being a statutory body created by the Chartered Accountants Act, 1948 is 'State' - Providing access to information in respect of which ICAI holds a copyright, does not involve infringement of a copyright subsisting in a person other than the State - Therefore ICAI is not entitled to claim protection against disclosure u/s.9 of the Act - Besides, the words 'infringement of copyright' have a specific connotation - A combined reading of ss. 51 and 52(1)(a) of Copyright Act shows that furnishing of information by an examining body, in response to a query under the RTI Act may not be termed as an infringement of copyright.

(iii) s. 8(1)(e) - Examination of candidates for enrolment as Chartered Accountants - Examination held by appellant ICAI - Held: The instructions and solutions to questions communicated by the examining body to the examiners, head-examiners and moderators, are information available to such persons in their fiduciary relationship and, therefore, exempted from disclosure u/s.8(1)(d) of the Act.

(iv) s.4(1)(b) and (c) - Information to which RTI Act applies - Explained - In dealing with information not falling u/s.4(1)(b) and (c), the competent authorities under the Act will not read the exemptions in s.8 in a restrictive manner but in a practical manner so that the other public interests are preserved and the Act attains a fine balance between its goal of attaining transparency of information and safeguarding the other public interests.

(v) ss. 3, 4, 8, 9, 10 and 11 - Object of the Act - Held: Is to harmonize the conflicting public interests, that is, ensuring transparency to bring in accountability and containing corruption on the one hand, and at the same time ensure that the revelation of information, in actual practice, does not harm or adversely affect other public interests which include efficient functioning of the governments, optimum use of limited fiscal resources and preservation of confidentiality of sensitive information, on the other hand - While ss. 3 and 4 seek to achieve the first objective, ss. 8, 9, 10 and 11 seek to achieve the second objective.

(vi) s.8 - Categories of information which are exempted from disclosure u/s.8 - Explained - In the instant case the Chief Information Commissioner rightly held that the information sought under queries (3) and (5) were exempted u/s.8(1)(e) and that there was no larger public interest requiring denial of the statutory exemption regarding such information.

(vii) Examination of candidates for enrolment as Chartered Accountants held by ICAI - Information sought under the Act - Held: As the information sought under parts (i), (iii) and (v) of the query are not maintained and is not available in the form of data with ICAI in its records, it is not bound to furnish the same - Chartered Accountants Regulations, 1988 - Regulation 39(2).

(viii) Examination of candidates for enrolment as Chartered Accountants held by ICAI - Information sought under the Act - Held: On facts, it cannot be said that the applicant had indulged in improper use of the Act - His application was intended to bring about transparency and accountability in the functioning of ICAI - However, how far he was entitled to the information was a different issue.
(ix) New regime of disclosure of maximum information - Duty of competent authorities under the RTI Act to maintain a proper balance - Held: Examining bodies like ICAI should tune themselves to the new regime - Accountability and prevention of corruption is possible only through transparency - As the examining bodies and their examination processes have not been exempted, the examining bodies will have to gear themselves to comply with the provisions of the Act - Additional workload is not a defence.

Institute of Chartered Accountants of India v. Shaunak H. Satya & Ors. .... 328

SENTENCE/ SENTENCING:
Death sentence - 'Rarest of the rare case' - Explained - For awarding the death sentence, there must be existence of aggravating circumstances and the consequential absence of mitigating circumstances - As to whether death sentence should be awarded, would depend upon the factual scenario of the case in hand.
(Also see under: Penal Code, 1860).

Haresh Mohandas Rajput v. State of Maharashtra .... 921

SERVICE LAW:
(1) Disciplinary proceedings - Departmental Inquiry against a Junior Clerk in the Subordinate Court - Chief Judge on consideration of the report submitted by the Inquiry Officer, dismissed the delinquent from service - Held: The Inquiry Officer did not base his findings on the evidence recorded ex-parte but referred to that only for purposes of appreciation of the evidence of the witnesses examined by the department in de novo inquiry wherein the appellant fully participated - The findings were based on evidence recorded subsequently in presence of the delinquent and, as such, did not suffer from any legal infirmity - Delinquent's right of departmental appeal was not taken away and he could have challenged that order in the departmental appeal to the higher authority - He did not avail of that opportunity and instead challenged the order in a writ petition before the High Court - His right of appeal not affected by the order passed by the Chief Judge - Central Civil Services (Classification, Control and Appeal) Rules, 1965 - r. 14.

S. Loganathan v. Union of India and Ors. .... 1081

(2) Promotion - Examination for promotion to the post of Junior Accounts Officer - Candidates stated to have resorted to mass-copying - Held: High Court ought not to have interfered with the decision taken by the employers requiring the candidates to reappear in the subsequent examination, in order to qualify for regular promotion - The procedure adopted by the employers cannot be said to be suffering from any such irrationality or unreasonableness, which would have enabled the High Court to interfere with the decision - Junior Accounts Officers Service Postal Wing (Group C) Recruitment Rules, 1977 - rr.14 and 18.
(Also see under: Administrative Law)

Chief General Manager, Calcutta Telephones District, Bharat Sanchar Nigam Limited and Ors. v. Surendra Nath Pandey and Ors. .... 840

(3) TERMINATION/DISMISSAL:
(i) Dismissal from service - Workman found guilty
of theft and awarded punishment of dismissal - Acquittal in criminal case - Plea of reinstatement - Held: The question of considering reinstatement after the decision of acquittal or discharge by a competent criminal court would arise only if dismissal from service was based on conviction by criminal court in view of the provisions of Art. 311(2)(b) of the Constitution or analogous provisions in the statutory rules - In a case where enquiry has been held independently of the criminal proceedings, acquittal in the criminal case is of no help - Constitution of India, 1950 - Art. 311(2)(b).

(ii) Misconduct - Theft - Loss of confidence - Plea of reinstatement - Held: Once the employer has lost confidence in the employee and the bona fide loss of confidence is affirmed, the order of punishment must be considered to be immune from challenge, for the reason that discharging the office of trust and confidence requires absolute integrity, and in a case of loss of confidence, reinstatement cannot be directed - In case of theft, loss of confidence of employer in employee is important and not the quantum of theft.

(iii) Departmental proceedings vis-à-vis criminal proceedings - Standard of proof - Held: While in departmental proceedings, the standard of proof is one of preponderance of probabilities, in a criminal case, the charge has to be proved by the prosecution beyond reasonable doubt - As the standard of proof in both the proceedings is quite different, and termination is not based on mere conviction of an employee in a criminal case, the acquittal of the employee in criminal case cannot be the basis of taking away the effect of departmental proceedings - Nor can such an action of the department be termed as double jeopardy - Facts, charges and nature of evidence etc. involved in an individual case would determine as to whether decision of acquittal would have any bearing on the findings recorded in the domestic enquiry - Evidence.

(Also see under: Labour Laws).

*Divisional Controller, KSRTC v. M.G. Vittal Rao*

1089

(4) (i) Upgradation - Applicability of reservation provisions - Biennial Cadre Review (BCR) Scheme - Nature of - Held: As upgradation involves neither appointment nor promotion, it will not attract reservation - The BCR scheme was a scheme for upgradation simpliciter without involving any creation of additional posts or any process of selection for extending the benefit - Such a scheme of upgradation did not invite the rules of reservation - Constitution of India, 1950 - Arts. 16(4) and 16(4A).

(ii) Promotion and upgradation - Distinguished - Principles relating to applicability of rules of reservation - Discussed.

*Bharat Sanchar Nigam Ltd. v. R. Santhakumari Velusamy & Ors.*

502

SPECIAL COURT (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES) ACT, 1992:

(i) ss. 11, 3(3) and (4) - Attachment of properties of Notified persons - Sale of shares - Appellants, their family members and the corporate entities purchased more than 90 lakh shares in 'A'
Company - Attachment of the majority of the holding - Order of the Special Court permitting the Custodian to sell 54,88,850 shares of 'A' Company at Rs. 90/- per share - Held: Special Court failed to make a serious effort to realise the highest possible price for the said shares - Special Court overlooked the norms laid down by it; ignored the directions of Supreme Court and glossed over the procedural irregularities committed by the Custodian - However, sale of 54,88,850 shares was approved and all procedural modalities are stated to have been carried out and 36.90 lakh shares of 'A' Company are claimed to have been extinguished, the relief sought for by the appellants to rescind the entire sale of 54,88,850 shares would be impracticable and fraught with grave difficulties - Matter remitted to Special Court for taking necessary steps to recover the 4.95% shares from 'A' Company or its management, and put them to fresh sale strictly in terms of the norms.

(ii) s. 10 - Sale of shares of Notified persons - Discretion exercised by Special Court under - Held: On facts, Special Court exercised its discretion in complete disregard to its own scheme and 'terms and conditions' approved by it for sale of shares and in violation of the principles of natural justice, thus, the facts of the case calls for interference.

(iii) Object and purpose of the Act - Held: Is not only to punish the persons involved in the act of criminal misconduct by defrauding the banks and financial institutions but also to see that the properties, belonging to the persons notified by the Custodian were appropriated and disposed of for discharge of liabilities to the banks and financial institutions - Thus, a notified party has an intrinsic interest in the realisations, on the disposal of any attached property because it would have a direct bearing on the discharge of his liabilities in terms of s. 11 - Custodian has to deal with the attached properties only in such manner as the Special Court may direct - Custodian is required to assist in the attachment of the notified person's property and to manage the same thereafter - Special Court shall be guided by the principles of natural justice - Doctrines/principles - Principles of natural justice.

(Also see under: Natural justice).

Ashiwin S. Mehta & Anr. v. Union of India & Ors. .... 1000

TELECOM REGULATORY AUTHORITY OF INDIA ACT, 1997:
(i) s.14(a)(i) - Jurisdiction of Tribunal - Held: Tribunal has no jurisdiction to decide upon the validity of the terms and conditions incorporated in the license of a service provider, but it will have jurisdiction to decide "any" dispute between the licensor and the licensee on interpretation of the terms and conditions of the license - The incorporation of the definition of Adjusted Gross Revenue in the license agreement was part of the terms regarding payment which had been decided upon by the Central Government as a consideration for parting with its rights of exclusive privilege in respect of telecommunication activities, and having accepted the license and availed the exclusive privilege of the Central Government to carry on telecommunication activities, the licensees could not have
approached the Tribunal for an alteration of the definition of Adjusted Gross Revenue in the license agreement - The decision of the Central Government on the point was final under the first proviso and the fifth proviso to s.11(1) of the Act - Telegraph Act, 1885.

(ii) 11(1)(a) - Recommendations of TRAI - Held: TRAI has been conferred with the statutory power to make recommendations on the terms and conditions of the license to a service provider and the Central Government is bound to seek the recommendations of TRAI on such terms and conditions at different stages, but the recommendations of TRAI are not binding on the Central Government and the final decision on the terms and conditions of a license to a service provider rested with the Central Government.

(iii) s.11(1)(b), (c), (d) - Recommendations of TRAI - Held: The functions of TRAI under clause (b) of sub-s. (1) of s.11 of TRAI Act are not recommendatory.

(iv) s.11(1)(a) and s.11(1)(b) - Distinction between - Discussed.

(v) s.14(a)(i) - Stage when dispute can be raised regarding the computation of Adjusted Gross Revenue made by the licensor - Held: The dispute can be raised by the licensee, after the license agreement has been entered into and the appropriate stage when the dispute can be raised is when a particular demand is raised on the licensee by the licensor - When such a dispute is raised against a particular demand, the Tribunal will have to go into the facts and materials on the basis of which the demand is raised and decide whether the demand is in accordance with the license agreement and in particular the definition of Adjusted Gross Revenue in the license agreement and can also interpret the terms and conditions of the license agreement.

(Also see under: Appeal; and Telegraph Act)

Union of India and Anr. v. Association of Unified Telecom Service Providers of India and Ors. .... 657

TELEGRAPH ACT:

s.4(1), proviso - Held: A license granted in favour of any person under proviso to sub-s.(1) of s.4 of the Act is in the nature of a contract between the Central Government and the licensee - Consequently, the terms and conditions of the license are part of a contract between the licensor and the licensee - Telecom Regulatory Authority of India Act, 1997.

(Also see under: Telecom Regulatory Authority of India Act, 1997)

Union of India and Anr. v. Association of Unified Telecom Service Providers of India and Ors. .... 657

TEXTILE UNDERTAKINGS (NATIONALISATION) ACT, 1995:

ss.3(1) and (2) - Right, title and interest of textile undertaking vested in Central Government and thereafter in appellant-National Textile Corporation by statutory transfer - Meaning of the expression 'vesting' - Held: 'Vesting' means having obtained an absolute and indefeasible right - It refers to and is used for transfer or conveyance - 'Vesting' may mean vesting in title, vesting in possession or vesting in a limited sense, as indicated in the context in which it is used in a particular provision
of the Act.
(Also See under: Maharashtra Rent Control Act, 1999; and Pleadings)

National Textile Corporation Ltd. v. Nareshkumar Badrikumar Jagad & Ors. .... 472

UTTAR PRADESH BREWERY RULES 1961:
r.53.
(See under: Uttar Pradesh Excise Act, 1910).
.... ....98

UTTAR PRADESH EXCISE ACT, 1910:
(i) s.29(e)(i) - Beer - Excisability of - Stage when the beer manufactured is exigible to duty - Held: When the fermentation process of wort is completed, it becomes an alcoholic liquor for human consumption and there is no legal impediment for subjecting beer to excise duty at that stage - State has legislative competence to levy excise duty on beer either after the completion of the process of fermentation and filtration, or after fermentation - Excise laws - Liquor.
(ii) s.28A - Imposition of additional duty - Excess manufacturing wastage - Basis for determination - Held: The base measurement is taken in the fermentation vessel and 9% standard allowance is provided to cover losses on account of evaporation, sullage and other contingencies within the Brewery - Uttar Pradesh Brewery Rules 1961 - r.53.
(Also see under: Constitution of India, 1950)

State of U.P. & Ors. v. Mohan Meakin Breweries Ltd. & Anr. .... 98

WARSAW CONVENTION:
(See under: Consumer Protection Act, 1986)
.... 47

WORDS AND PHRASES:
(1) 'Court' - Meaning of - Discussed.
Trans Mediterranean Airways v. M/s Universal Exports & Anr. .... 47

(2) Term 'intellectual property' - Meaning of.
Institute of Chartered Accountants of India v. Shaunak H.Satya & Ors. .... 328

(3) 'Vesting' - Meaning of.
National Textile Corporation Ltd. v. Nareshkumar Badrikumar Jagad & Ors. .... 472
THE SUPREME COURT REPORTS
Containing Cases Determined by the Supreme Court of India

VOLUME INDEX
[2011] 14 S.C.R.

EDITORS
RAJENDRA PRASAD, M.A., LL.M.
BIBHUTI BHUSHAN BOSE, B.Sc. (Hons.), M.B.E., LL.B.

ASSISTANT EDITORS
KALPANA K. TRIPATHY, M.A., LL.B.
NIDHI JAIN, B.A., LL.B., PGD in IPR. and ITL.
DEVIKA GUJRAL, B.Com. (Hons.), Grad. C.W.A., LL.B.

LIST OF THE MEMBERS OF THE SUPREME COURT
COUNCIL OF LAW REPORTING

CHAIRMAN
HON'BLE SHRI. S.H. KAPADIA
CHIEF JUSTICE OF INDIA

MEMBERS
HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE G.S. SINGHVI
MR. G.E. VAHANVATI
(ATTORNEY GENERAL FOR INDIA)
MR. PRAVIN H. PAREKH
(NOMINEE OF THE BAR ASSOCIATION)

Secretary
SUNIL THOMAS
(Registrar)

PUBLISHED UNDER THE AUTHORITY OF THE SUPREME COURT OF INDIA
BY THE CONTROLLER OF PUBLICATIONS, DELHI.
(www.supremecourtofindia.nic.in)

ALL RIGHTS RESERVED
JUDGES OF THE SUPREME COURT OF INDIA  
(From 02.09.2011 to 29.11.2011)  

1. Hon’ble Shri. S.H. Kapadia, Chief Justice of India  
2. Hon’ble Mr. Justice Altamas Kabir  
3. Hon’ble Mr. Justice R. V. Raveendran (Retired on 14.10.2011)  
4. Hon’ble Mr. Justice Dalveer Bhandari  
5. Hon’ble Mr. Justice D. K. Jain  
6. Hon’ble Mr. Justice Markandey Katju (Retired on 19.09.2011)  
7. Hon’ble Mr. Justice H. S. Bedi (Retired on 04.09.2011)  
8. Hon’ble Mr. Justice P. Sathasivam  
9. Hon’ble Mr. Justice G. S. Singhvi  
10. Hon’ble Mr. Justice Aftab Alam  
11. Hon’ble Mr. Justice J. M. Panchal (Retired on 05.10.2011)  
12. Hon’ble Dr. Justice Mukundakam Sharma (Retired on 17.09.2011)  
13. Hon’ble Mr. Justice Cyriac Joseph  
14. Hon’ble Mr. Justice Asok Kumar Ganguly  
15. Hon’ble Mr. Justice R.M. Lodha  
16. Hon’ble Mr. Justice H. L. Dattu  
17. Hon’ble Mr. Justice Deepak Verma  
18. Hon’ble Dr. Justice B. S. Chauhan  
19. Hon’ble Mr. Justice A. K. Patnaik  
20. Hon’ble Mr. Justice T. S. Thakur  
21. Hon’ble Mr. Justice K.S. Radhakrishnan  
22. Hon’ble Mr. Justice Surinder Singh Nijjar  
23. Hon’ble Mr. Justice Swatanter Kumar  
24. Hon’ble Mr. Justice Chandramauli Kr. Prasad  
25. Hon’ble Mr. Justice H. L. Gokhale  
26. Hon’ble Mrs. Justice Gyan Sudha Misra  
27. Hon’ble Mr. Justice Anil R. Dave  
28. Hon’ble Mr. Justice S.J. Mukhopadhaya  
29. Hon’ble Mrs. Justice Ranjana Prakash Desai  
30. Hon’ble Mr. Justice J.S. Khehar  
31. Hon’ble Mr. Justice Dipak Misra  
32. Hon’ble Mr. Justice J. Chelameswar
### CORRIGENDA
VOLUME INDEX 14 (2011)

<table>
<thead>
<tr>
<th>Page No.</th>
<th>Line No.</th>
<th>Read for</th>
<th>Read as</th>
</tr>
</thead>
<tbody>
<tr>
<td>612</td>
<td>10 from bottom</td>
<td>benefit <em>of</em></td>
<td>benefit <em>without</em></td>
</tr>
</tbody>
</table>

### ERRATA
VOLUME INDEX 14 (2011)

<table>
<thead>
<tr>
<th>Page No.</th>
<th>Line No.</th>
<th>Read for</th>
<th>Read as</th>
</tr>
</thead>
<tbody>
<tr>
<td>108</td>
<td>6 from bottom</td>
<td>Jhanvi <em>Woraha</em></td>
<td>Jhanvi <em>Waraha</em></td>
</tr>
</tbody>
</table>