



***Core Competence Conference on Knowledge, Skill and Perspective
Development***

JSCC-Cum -ASCJ-Gaurdianship Judge /Civil Judges

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Venue: Delhi Judicial Academy, Dwarka, Sector - 14,

New Delhi - 110078



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3.	<i>West Bengal Essential Commodities Supply Corporation vs. Swadesh Agro Farming and Storage Pvt. Ltd. and Ors.</i> (¶19)	AIR 1999 SC 3421
	High Court of Delhi	
1.	<i>Bhandari Engineers and Builders Pvt. Ltd. vs. Maharia Raj Joint Venture and Ors.</i> (¶¶45-55)	MANU/DE/4601/2019
2.	<i>H.S. Bedi vs. National Highway Authority of India</i> (¶¶6.1-6.5)	227 (2016) DLT 129
3.	<i>Sanjeev Kumar Mittal vs. The State</i> (¶¶10-11)	174 (2010) DLT 214
M.	Preliminary Decree versus Final Decree	
	Supreme Court	
1.	<i>Srihari v. Syed Maqdoom Shah</i> (¶20)	(2015) 1SCC 607
2.	<i>Shub Karan Bubna v Saran Bubna</i> (¶¶12-14)	(2009) 9 SCC 689
3.	<i>Maddineni Koteswara Rao v. Maddineni Bhaskara Rao and</i>	(2009)13SCC179



	<i>Anr.</i> (¶7-16)	
4.	<i>Phoolchand and Ors. vs. Gopal Lal</i> (¶7)	AIR 1967 SC 1470
N.	Preliminary Decree and Final Decree in Partition Suits	
	Supreme Court	
1.	<i>Ganduri Koteshwaramma v Chakiri Yanadi</i> (¶¶20)	AIR 2012 SC 169
2.	<i>Bimal Kumar v Shakuntala Debi</i> (¶27)	(2012) 3 SCC 548
3.	<i>Prema v NasZanje Gowda</i> (¶¶ 11-20)	(2011) 6 SCC 462
4.	<i>Bikoba Deora Gaikwad v Hirabai Marutirao Ghorgare</i> (¶¶ 9-14)	(2008) 8 SCC 198
5.	<i>Hasham Abbas Sayyad v Usman Abbas Sayyad</i> (¶8)	(2007) 2 SCC 355
6.	<i>Shankar Balwant Lokhande v Shankar Lokhande</i> (¶¶ 4,8)	(1995) 3 SCC 413
	High Court of Delhi	
1.	<i>The Jammu & Kashmir Bank Ltd. v. Mayur Exports and Ors.</i>	MANU/DE/0143/2017
2.	<i>Smt. Swaran Lata and Ors. v. Shri Kulbhushan Lal and Ors.</i>	AIR 2014 Delhi 86
O.	Resistance to Execution of Decree	
	Supreme Court	
1.	<i>Brahmdeo Choudhary vs Rishikesh Prasad Jaiswal & Anr</i> (¶5)	AIR 1997 SC 856
P.	Proclamation and Sale Order in Suits for Partition and Possession	
	Supreme Court	
1.	<i>Saheb Khan v Mohd. Yusufuddin & Others</i> (¶¶10-12)	(2006) 4 SCC 476
	High Court of Delhi	
1.	<i>Ramesh Dutt Salwan v Shiv Dutt Salwan</i> (¶¶ 24-27)	2016 (158) DRJ 601
	Other High Courts	
1.	<i>Antony v Joseph & Others</i> (¶¶ 8-15, 17)	2010 (2) KLJ 508 (Ker.)
Q.	Resistance to Delivery of Possession and Grant of Police Aid	
	Supreme Court	
1.	<i>Brahmdeo Chaudhary, Advocate v Rishikesh Prasad Jaiswal & Another</i> (¶¶ 4-6)	AIR 1997 SC 856
	High Court of Delhi	
1.	<i>SRM Infracon Private Limited & Others v A.N. Elegant Hospitality & Others</i> (¶¶13-18)	237 (2017) DLT 243



	Other High Courts	
1.	<i>Anjali Das & Others v Sri Samar Roy & Others</i> (¶¶ 7-8, 12-13)	2010 SCC Online Cal 1265
2.	<i>Shrimati Ratnabai , Advocate w/o Narayanrao Naik & Another v Shri Satwarao s/o Narayanrao Naik</i> (¶¶ 5, 7-8)	AIR 1995 Bom 61
R.	Execution of Foreign Court Decree (Section 44A, Sections 13 &14)	
	Supreme Court	
1.	<i>Alcon Electronics Pvt. Ltd. v. Celem S.A. of FOS 34320 Roujan, France and Ors.</i> (¶¶13-15, 21)	AIR 2017 SC 1
2.	<i>M/s. International Woolen Mills v. M/s. Standard Wool (U.K.) Ltd.</i> (¶30)	AIR 2001 SC 2134

G. Appellate Proceedings

S. No.	Title	Citation
A.	Appeals against Original Decrees and Orders	
	Supreme Court	
1.	<i>C. Venkata Swamy v. H.N. Shivamma (Dead) by LR and Others</i> (¶¶ 11-20)	(2018) 1 SCC 604
2.	<i>Neerja Realtors v. Janglu</i> (¶16)	(2018) III AD SC 29
3.	<i>Alcon Electronics Private Limited v. Celem S.A. of FOS 34320 Roujan, France & Others</i> (¶¶ 12, 15-17, 21)	AIR 2017 SC 1
4.	<i>Union of India v. K.V. Lakshman & Others</i> (¶¶ 22-31)	(2016) 13 SCC 124
5.	<i>Mangluram Dewangan v. Surendra Singh & Others</i> (¶¶ 7-8)	(2011) 12 SC 773
6.	<i>Arundhati alias Harshana v. Irranna alias Veerandra</i> (¶5)	(2008) 3 SC 181
7.	<i>Bachahan Devi and Ors. vs. Nagar Nigam, Gorakhpur and Ors.</i> (¶10)	AIR 2008 SC 1282
8.	<i>Ramachandra Sakharam Mahajan v. Damodar Trimbak Tansale (dead)</i> (¶14)	(2007) 6 SCC 737
9.	<i>Delhi, U.P. Madhya Pradesh Transport co. v. New India insurance</i> (¶5)	(2006) 9 SCC 213
10.	<i>P.S. Sathappan (Dead) by Lrs. vs. Andhra Bank Ltd. and Ors.</i> (¶¶135,138)	AIR 2004 SC 5152
11.	<i>Santosh Hazari Vs. Purushottam Tiwari (Dead) by Lrs.</i> (¶16)	MANU/SC/0091/2001
12.	<i>M/S International Woolen Mills v. M/S Standard Wool(U.K.) Limited</i> (¶¶ 13-14, 16-33)	AIR 2001 SC 2134
	Delhi High Court	
1.	<i>A.R. Nim v. Vishwamitra</i> (¶¶ 9-10)	178 (2011) DLT 450
	Other High Courts	
1.	<i>Nagen Chandra Das and Ors. v. Abhijit Deb and Ors.</i> (¶15)	MANU/GH/0496/2017



	(Gauhati High Court)	
2.	<i>Nemi Chand Gangwal v. Suresh Kumar Jain (Bakliwal)</i> (¶9) (Gauhati High Court)	MANU/GH/0351/2014
3.	<i>Hemendra Dutta Choudhury and Anr. v. Arun Kumar Bordoloi and Ors.</i> (Gauhati High Court)	MANU/GH/0143/1987
B.	Production of Additional Evidence	
	Supreme Court	
1.	<i>A. Andiasamy Chettiar v. A. Subburaj Chettiar</i> (¶¶ 11-19)	AIR 2016 SC 79
2.	<i>Surjit Singh & Others v. Gurwant Kaur & Others</i> (¶¶ 12, 17-20)	(2015) 1 SCC 665
3.	<i>Lekhraj Bansal v. State of Rajasthan & Another</i> (¶¶ 6-7)	2014 (3) SCALE 80
4.	<i>Shalimar Chemical Works v. Surendra Oil</i> (¶¶ 7-9, 11)	(2010) 8 SCC 423
5.	<i>Mahavir Singh & Others v. Naresh Chandra & Another</i> (¶ 5)	(2001) 1 SCC 309
6.	<i>K. Venkataramiah vs. A. Seetharama Reddy and Ors.</i> (¶¶ 13,16,18)	AIR 1963 SC 1526
	High Court of Delhi	
1.	<i>Lahorian Di Hatti v. Shyam Lal Meher Chand Jain Huf</i> (¶ 2, 13)	214(2014)DLT431
C.	Dismissal in <i>Limine</i> of appeal	
	Supreme Court	
1.	<i>Kalinga Mining Corporation v. Union of India (UOI) and Ors.</i>	(2013)5SCC252
2.	<i>UP Avastha Vikas Parishad v. Sheo Narain Kushwaha & Others</i> (¶¶ 5-7)	(2011) 6 SCC 456
	High Court of Delhi	
1.	<i>Hari Singh v. S. Seth</i> (¶¶ 7, 8, 11)	AIR 1996 Del 21
	Other High Court	
1.	<i>Sham Rajendra Agrawal v. Ghanshyam Hajarilal Sharma and Anr</i>	2007 (4) BOM CR 330
D.	Review	
	Supreme Court	
1.	<i>Pradeep Kumar Maskara v. State of West Bengal</i> (¶ 28)	(2015) 2 SCC 653
2.	<i>Haryana State Industrial Development Corporation Limited & Others Etc v. Mawasi & Others Etc</i> (¶¶ 9-19)	AIR 2013 SC 3874
3.	<i>The State of West Bengal & Others v. Kamal Sengupta & Another</i> (¶¶ 9-27)	(2008) 8 SCC 612



4.	<i>A.V. Papayya Sastry & Others v. Government of A.P. & Others</i> (¶¶ 25, 28-29, 31)	(2007) 4 SCC 221
5.	<i>Board of Control for Cricket, India and Ors. vs. Netaji Cricket Club and Ors.</i> (¶¶90)	AIR 2005 SC 592
6.	<i>Lily Thomas v. Union of India</i> (¶¶ 53-56, 58)	(2000) 6 SCC 224
E. Maintainability of Review & Appeal dismissed <i>in limine</i>		
1.	<i>Kunhayammed and Ors. vs. State of Kerala and Ors.</i> (¶¶35-38)	AIR 2000 SC 2587
2.	<i>Thungabhadra Industries Ltd. vs. The Government of Andhra Pradesh</i> (¶¶14-15)	AIR 1964 SC 1372
Delhi High Court		
1.	<i>A.V. DTC v. Delhi Administration Others</i> (¶ 15)	2016 III AD (Del) 258
2.	<i>M/s Kalakankar Investment(Private) Limited & Others v. Menlo Consultant India Private Limited & Others</i> (¶¶ 18, 24)	2013 SCC Online Del 4186
3.	<i>Sarla Devi Jain v. Union of India</i> (¶¶ 3-5)	121 (2005) DLT 426
F. Revision		
Supreme Court		
1.	<i>Nawab Shaqafath Ali Khan & Others v. Nawab Imdad Jah Bahadur & Others</i> (¶¶ 52-53)	(2009) 5 SCC 162
2.	<i>Shiv Shakti Coop. Housing Society, Nagpur vs. Swaraj Developers and Ors.</i> (¶32)	AIR 2003 SC 2434
3.	<i>ITI Limited v. Siemens Public Communications Network Limited</i> (¶¶ 8, 13, 18-22)	(2002) 5 SCC 510
4.	<i>Dhurandhar Prasad Singh v. Jai Prakash University & Others</i> (¶ 23)	(2001) 6 SCC 534
5.	<i>S.S. Khanna vs. F.J. Dillon</i> (¶13)	AIR 1964 SC 497
6.	<i>Kiran Singh and Ors. vs. Chaman Paswan and Ors.</i> (¶ 6)	AIR 1954 SC 340

H. Practice Directions by HMJ Pratibha M. Singh

S. No.	Suit Title	Suit No.	Date of Decision	Direction(s)
1.	<i>Amrish Agarwal v. Venus Home Appliances Pvt. Ltd.</i>	CM (M) 1059/18	27.08.19	The TC's order, taking on record the Legal Proceedings Certificate relating to the trademark, was challenged on the ground that evidence had already concluded and the matter was at the stage of final arguments. The Court

				observed that in a trademark infringement matter, it is imperative for the Court to be able to see that the trademark itself is registered. <u>Directions were therefore passed, specifying the documents, such as the Legal Proceedings Certificate, which ought to be filed along with the plaint in trade mark infringement matters. (Para 7)</u>
2.	<i>Lalit Kumar v. M/s Samsonite IP Holding SARL</i>	CM (M) 737/19	29.08.19	The TC's order, appointing an LC to seize the alleged counterfeit products, was challenged on the ground that the name of Defendant No. 2 was mentioned as 'Ashok Kumar'. The reason given for not specifying the name of the Defendant was that the Plaintiff was unaware of the name of the Defendant's proprietor. In order to ensure that such grievances are not raised in the future, <u>a direction was given that if the name of the proprietor of the Defendant or any other entity is not known, the trading name shall appear in the memo of parties as the name of the Defendant. (Para 7)</u>
3.	<i>Satender Singh Rana & Ors. v. Gaon Sabha Kadipur & Anr.</i>	CM (M) 1017/19	29.08.19	In view of the fact that several adjournments were taking place due to non-receipt or non-supply of copies of complete pleadings and documents, <u>directions were passed in respect of service of copies of documents/pleadings between counsels and court clerks. (Para 3)</u>
4.	<i>BVG India Ltd. v. Navin Saini</i>	CM (M) 1311/19	04.09.19	In this case, a handwritten notation had caused confusion as to whether only the dispute in the suit was settled or whether all the disputes arising under the agreements between the parties were settled. <u>It was observed that the court which recorded the settlement ought to have perused the report and clarified the same prior to disposing of the suit. Direction was given to Mediators to not allow any handwritten notations or words, in the Mediation/settlement agreements, especially if the same are not countersigned/initialed by the Mediator himself. (Para's 6&7)</u>

5.	<i>PSA Nitrogen Ltd. v. Maeda Corporation</i>	CM (M) 4/19	17.09.19	The TC's order, rejecting the Plaintiff's application for condonation of delay in filing the written statement to the Defendant's counterclaim, was challenged on the ground that the counter-claim had not been registered. The Court clarified that a counter-claim is governed by the same rules as applicable to plaints under the Commercial Courts Act. Hence, it was observed that every counter-claim must be registered before summons can be issued and the time for filing the written statement runs from the date of service of summons. <u>Directions were given prescribing the procedure to be followed for registration of counter-claims to ensure that there is no ambiguity in the timelines for filing of the written statement to the counter-claim. (Para 11)</u>
6.	<i>Rajesh Aggarwal v. Om Prakash & Anr.</i>	CM(M) 768/19	17.09.19	The TC's order, permitting an amendment to the plaint, was challenged on the ground that it was highly belated. The Court <u>observed that at the stage of final arguments the TC ought not to permit amendments in the plaint. (Para's 4&5)</u>
7.	<i>M/s Prakash Oil Corporation & Anr. v. BrijKishan</i>	CM (M) 1002/18	19.09.19	The question before the Court was whether the admissibility and mode of proof of an exhibited document is to be decided at the final stage or during the trial itself - at the time when the exhibit mark is being put on the document. The Court observed that the mere marking of a document as an exhibit does not amount to it being proved. Several judgments were relied on to clarify <u>the procedure to be adopted in the case of exhibition of documents. Finally, it was observed that "allowing objections regarding exhibited documents to be captured in the statement of the witness and permitting cross examination to be conducted without prejudice to the objections raised, would strike the right balance between ensuring that the trial is not protracted and that the rights of the party are</u>

				<i>also not jeopardized</i> ". (Para's 10-14)
8.	<i>Veena Gupta v. Bajaj Allianz Life Insurance Co. Ltd.</i>	CM (M) 1555/19	30.10.19	The TC's order, imposing costs on the Plaintiff for non-appearance, was challenged on the ground that the Junior Counsel's appearance had wrongly been recorded as 'Proxy Counsel', due to which the Plaintiff was considered as having not appeared. <u>The Court issued directions clarifying when the term "Proxy Counsel" ought to be used.</u> (Para 6)
9.	<i>Zile Singh v. Santosh@Santra & Ors.</i>	CM (M) 1296/18	06.11.19	This petition challenged an order of the TC by which the evidence of a witness was directed to not be read, as no affidavit had been filed on their behalf and the evidence of another witness, who was present in Court, was not recorded, on the ground that the list of witnesses was not filed. In so far as the second witness was concerned, the Court held that <u>"once witnesses are summoned and are present before the Court, with notice to the opposite party, the usual procedure ought to be to record their evidence rather than sending them back"</u> . As regards the first witness, it was found that a <u>non-existent affidavit had been exhibited</u> . In view of these discrepancies in the recordal of evidence, <u>directions were passed, specifying the manner in which evidence must be recorded.</u> (Para 14)
10	<i>Ganga Ram v. Shekhar Kumar</i>	CM (M) 1656/19	22.11.19	Two grievances were raised in this petition. The first was that the TC had accepted the Plaintiff's witness' evidence by way of affidavit without the Plaintiff having filed a list of witnesses. The second was in relation to the de-exhibition of exhibited documents. With respect to the first grievance, while an exception was made in this case, it was observed that <u>parties ought not to be permitted to commence evidence without having filed a list of witnesses</u> . As regards the second grievance, it was observed that <u>the mere exhibition of a document does not amount to it being proved.</u> (Para's 5-8)

11 .	<i>Harwant Singh v. Govind Singh</i>	CM(M) 1662/19	22.11.19	In this case, the written statement was taken on record, subject to costs. A demand draft was made out in the name of the Plaintiff, however, the same was not accepted on the ground that the costs were to be tendered in the name of the Plaintiff's counsel. On the Plaintiff's claim that costs had not been tendered, the written statement was taken off the record and additional costs were imposed on the Plaintiff. Setting aside this order, the Court held that - <u>"Whenever orders are passed imposing costs on parties, unless there is any specific person in whose favour the costs are directed to be paid, it is understood that costs are to be in the name of the party in whose favour the costs are being awarded."</u> (Para 5)
12 .	<i>Krishan Kumar v. Shanti Devi & Anr.</i>	CM(M) 1694/19	29.11.19	The grievance in this petition was that the TC had settled the issues and also directed affidavits-in-evidence to be filed, without waiting for the Plaintiff's to file their replication. After passing certain directions, specific to the case at hand, the Court observed that - <u>"In order to avoid unnecessary delays and complexities, by framing issues prior to filing of replication, it is directed that in future, Trial Courts shall ensure that if permission for replication is being granted, issues shall be framed only after the replication is filed."</u> (Para 4)
13 .	<i>Sarvesh Bisaria v. Anand NirogDham Hospital Pvt. Ltd.</i>	CM (M) 1787/19	17.12.19	In this case, though the suit had been filed under Order XXXVII CPC, summons were not issued under the said order. Instead, a template order had been passed which simply set out various portions of the CPC, did not record any satisfaction under Order XXXVII CPC and required the Defendant to file his written statement within 30 days of the receipt of summons. It was held that - <u>"Whenever summons are issued, the Court has to be conscious of the provision under which the summons is to be issued. The summons in a summary suit is completely different from the</u>

				<u>summons in Form No.2, for settlement of issues in an ordinary suit. Clearly, the Court has not taken into consideration that the suit was filed under Order XXXVII CPC and the Plaintiff's grievance is thus completely justified.</u> "(Para 10)
14	<i>ICICI v. Naveen Kalkal; ICICI v. Priya Baveja; ICICI v. Deepanshu Bansal & Anr. Connected Matters</i>	CM (M) 1821/2019; CM (M) 16/2020; CM (M) 18/2020	23.12.19 ; 13.01.2020; 13.01.2020	<p>These petitions concerned applications seeking permission to sell hypothecated vehicles. In all these cases, though possession of the vehicle had been taken by the Receiver, inordinate delay was being caused in the grant of permission for sale of the vehicle, leading to additional expenditure for maintenance etc. In view of this, as well as the fact that the value of the vehicle deteriorates as time passes by, the Court directed the TC to expeditiously consider such applications. The <u>directions, as to the manner in which cases of vehicle loans are to be dealt with</u>, as passed by a ld. Single Judge of the Delhi High Court in <i>M/s. ICICI Bank Ltd. v. Kamal Kumar Garewal, [FAO 49/2015, decided on 29th May, 2015]</i>, were reiterated and public auction was permitted in all the cases.</p> <p>(Naveen Kalkal: Para's 6-9; Priya Baveja: Para's 9-12; Deepanshu Bansal: Para's 5-8)</p>
15	<i>YN Gupta (Deceased thr. LRs) v. MA Ramzana</i>	CM (M) 1827/19	24.12.19	<p>In this case, the matter had been heard and adjourned on more than 10 hearings, with the order-sheet showing the matter as being either 'part-heard' or listed 'for orders'. The Court <u>held that it was impermissible to repeatedly adjourn cases for orders</u> and observed that the same "<u>reflects extremely poorly on the Court system</u>" and that "<u>Repeated hearing of arguments also increases the litigation costs for litigants, as they have to incur expenses for legal representation, etc., Such a practice would also make access to justice unaffordable.</u>"(Para's 18-20)</p>

Suggested Readings



S. No.	Title	Author	Source
A.	Grant of Probate and Letters of Administration		
1.	Application for Probate or Letters of Administration- Court Fee Payable	Justice S.A Kader	(2004) 2 LW (JS) 17
Land Acquisition Matters			
1.	Notes and Comments: 'Partners in Development' Under the New Land Acquisition Law: A Misnomer	Amita Punj, Associate Professor, National Law University, Delhi.	59 JILI (2017) 153
2.	Development and Participation Under the New Land Acquisition Legislation: A Paradigm Shift or A Safety Valve	Amita Punj, Associate Professor, National Law University, Delhi.	9 RMLNLUJ (2017) 42
3.	Holdout Problem and Private Takings in India	Khagesh Gautam, Associate Professor of Law, OP Jindal Global University, Sonapat	2 CALQ (2017) 7
4.	The Land Acquisition Policy in India With Special Reference to Property Rights: An Analysis	Hashmat Ali Khan, Assistant Professor, Department of Law, AMU, Aligarh.	23 ALJ (2015-16) 303

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