



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

***Addl. District Judges (LAC & Probate) [Half of the total strength
General]***

26th and 27th November, 2021

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

New Delhi - 110078

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1.	<i>K.M. Chikkathayamma & Others v. The State of Karnataka & Others</i> (¶¶4-5, 18, 25)	ILR 2016 Kar 1603

4. Issues and considerations in property disputes

S. No.	Title	Citation
a)	Nature of title conferred by GPA/Will/Agreement to Sell	
	Supreme Court	
1.	<i>Suraj Lamp and Industries Pvt. Ltd. vs. State of Haryana and Ors.</i> (¶¶15-18)	AIR 2012 SC 206
2.	<i>Rambhau Namdeo Gajre v. Narayan Bapuji Dhotra</i> (¶¶8-10,14)	(2004) 8 SCC 614
3.	<i>Shrimant Shamrao Suryavanshi and Anr. v. Pralhad Bhairoba Suryavanshi</i> (¶16)	AIR 2002 SC 960
4.	<i>Narandas Karsondas vs. S.A. Kamtam and Ors.</i> (¶32)	AIR 1977 SC 774
5.	<i>Rambaran Prosad vs. Ram Mohit Hazra and Ors.</i> (¶17)	AIR 1967 SC 744
b)	Registration of GPA/Will/Agreement to Sell	
	Supreme Court	



1.	<i>Ramesh Chand Ardawatiya vs. Anil Panjwani.</i> (¶39)	AIR 2003 SC 2508
Other High Court		
1.	<i>Suresh Kumar and Ors. vs. Laxmi Devi</i> (¶¶12-13,15) (Himachal HC)	RSA No. 318 of 2007 Decided On: 09.09.2019
2.	<i>R. Suresh Babu vs. G. Rajalingam and Ors.</i> (¶76)	2017 (1) ALT 668 (AP)
3.	<i>Sardar Darshan Singh v. Sardar Ram Sing</i> (¶7)	2004 (6) ALT 217 (AP)
4.	<i>Ram Singh v. Ram Singh and Ors.</i> (¶9)	2004 (4) ALD 735 (AP)
c) Registration of Will		
1.	<i>Thulasidhara and Ors. v. Narayanappa and Ors.</i> (¶¶9.4-9.5)	(2019) 6 SCC 409
2.	<i>Bhagat Ram v. Suresh</i> (¶¶18-24)	AIR 2004 SC 43
3.	<i>Ishwardeo Narain Singh v. Kamta Devi and Ors.</i> (¶4)	AIR 1954 SC 280

5. Issues and Considerations in Contractual Dispute

Force Majure

1. CIRCULARS

S. No.	Title
1.	Ministry of Road Transport and Highways (' MORTH ') circular dated 18.05.2020 (' MORTH Circular ')
2.	Ministry of Home Affairs circular dated 17.05.2020
3.	Ministry of Finance office memorandum with respect to 'Manual for Procurement of Goods, 2017' dated February 19, 2020
4.	Ministry of Finance office memorandum with respect to 'Manual for Procurement of Goods, 2017' clarification dated May 13, 2020
5.	Ministry of New & Renewable Energy office memorandum with respect to solar project developers dated March 20, 2020

2. CASE LAWS

S. No.	Title	Citation
A.	Force Majeure and Performance of Contracts	
Supreme Court		
1.	<i>South East Asia Marine Engineering and Constructions Ltd. v. Oil India Limited</i> (¶¶21-27)	AIR 2020 SC2 323
2.	<i>Energy Watchdog v. Central Electricity</i> (¶¶32-42)	(2017) 14 SCC 80
3.	<i>The Naihati Jute Mills Ltd. vs. Khyaliram Jagannath</i> (¶20)	AIR1968 SC 522



4.	<i>Satyabrata Ghose v. Mugneeram Bangur and Company and Ors</i> (¶¶10-27)	AIR 1954 SC 44
	High Court of Delhi	
1.	<i>Rashmi Cement Ltd v. World Metals & Alloys (FZC) & Anr</i> (¶¶24-36)	O.M.P.(I)(COMM) 118/2020 Dated: 18.06.2020
2.	<i>M/S Polytech Trade Foundation v UOI</i> (¶¶45-51)	W.P.(C) 3029/2020 Order Dated: 22.05.2020
B.	Construction Contracts	
	High Court of Delhi	
1.	<i>MEP Infrastructure Developers Ltd. v South Delhi Municipal Corporation</i> (¶¶27, 29, 31)	W.P.(C) 2241/2020 Dated: 12.06.2020
C.	Invocation of Bank Guarantee	
	High Court of Delhi	
1.	<i>M/S Halliburton Offshore Services Inc. v. Vedanta Limited & Anr</i> (¶¶56-58, 62-63, 69)	O.M.P (I) (COMM.) No. 88/2020 Dated: 29.05.2020
2.	<i>Indrajit Power Private Limited vs. Union of India and Ors.</i> (¶¶54-55)	W.P. (C) 2957/2020 (URGENT) Dated: 28.04.2020
3.	<i>Coastal Andhra Power Limited v. Andhra Pradesh Central Power Distribution Co. Ltd. and Ors.</i> (¶29)	256(2019)DLT764
4.	<i>Global Steel Philippines v. STC of India Ltd.</i> (¶¶12,14,17-18)	FAO (OS) No. 186/2009, Dated: 12.05.2009
5.	<i>Global Steel Philippines (SPV-AMC) v. STC of India Ltd. and Ors.</i> (¶¶59-63)	2009 (110) DRJ 516
D.	Pledge of Shares	
	Other High Court	
1.	<i>Rural Fairprice Wholesale Limited and Ors. v. IDBI Trusteeship Services Limited and Ors.</i> (¶7)	2020 SCC OnLine Bom 518
E.	Classification of an asset as Non-Performing Asset (NPA)	
	High Court of Delhi	
1.	<i>Anant Raj Ltd v. Yes Bank</i> (¶¶25-31)	2020 SCC OnLine Del 543



2.	<i>Shakuntla Educational & Welfare Society v Punjab & Sind Bank</i> (¶¶13-14)	W.P.(C)2959/2020 Order Dated: 13.04.2020
3.	<i>India Bulls Housing Finance Ltd. v. Securities Exchange Board of India & Ors.</i> (¶8)	W.P.(C) Urgent No. 7/2020 order dated 03.04.2020
	Other High Court	
1.	<i>Transcon Skycity Pvt. Ltd. and Ors. v. ICICI Bank and Ors.</i> (¶¶38-44) (BOMHC)	Writ Petition LD-VC Nos. 28 and 30 of 2020 Dated: 11.04.2020
	F. Invocation of LC's (Letter of Credits)	
	Other High Court	
1.	<i>Standard Retail Pvt. Ltd. and Ors. v. G.S. Global Corp. and Ors</i> (¶4)	Commercial Arbitration Petition Nos. 408 and 407 of 2020 Dated: 08.04.2020 (BOMHC)
	G. Defaults in Payment of Reverse Factoring Facility	
	High Court of Delhi	
1.	<i>Eastman Auto & Power Ltd. v. Reserve Bank of India & Ors.</i> (¶¶15-16)	W.P.(C) 2997/2020 Order Dated: 27.04.2020
	H. Lease/Rent Agreements	
	Supreme Court	
1.	<i>Sushila Devi v. Hari Singh</i> (¶8)	AIR 1971 SC 1756
2.	<i>Dhruv Dev Chand v. Harmohinder Singh and Ors.</i> (¶¶9-11,17)	AIR 1968 SC 1024
	High Court of Delhi	
1.	<i>Gaurav Jain v. UOI</i> (¶¶4-6,9-10)	WP(C) 3519 of 2020, Dated: 15-06-2020
2.	<i>Ramanand and Ors. v. Girish Soni and Ors.</i> (¶¶30-32)	R.C. Rev. 447/2017 Dated: 21.05.2020
	I. Employment Contracts and Payment of Wages	
	Supreme Court	



1.	<i>Ficus Pax Private Ltd. and Ors. v. Union of India (UOI) and Ors.</i> (¶37)	(2020) 4 SCC 810
	Other High Court	
1.	<i>Align Components Pvt Ltd v Union of India</i> (¶¶6,8)	W. P. STAMP NO.10569 of 2020 Order Dated: 30.04.2020 (BOM HC)

6. EXECUTION

A.	Attachment before Judgment	
	Supreme Court	
1.	<i>Rahul S Shah v. Jinender Kumar Gandhi</i>	2021 SCC Online SC 341
2.	<i>Raman Tech. and Process Engg. Co. v. Solanki Traders</i> (¶¶5,6)	(2008) 2 SCC 302
	High Court of Delhi	
1.	<i>Manganese Ore (India) Ltd., Nagpur v. MangilalRungta, Calcutta</i> (¶¶9-12)	AIR 1981 Delhi 114
	Other High Courts	
1.	<i>Shanathi Engineering Works and Ors. vs. T.K.K.N.N. Vysya Charities</i> (¶¶39-51) (Madras)	C.M.P. No. 3066 of 2018 Dated: 25.04.2018
2.	<i>V. Gopi v. Bhaskaran and Ors.</i> (¶22) (Kerala)	2015 (3) KLT 835
3.	<i>Sunil Kakrania and Ors. v. Saltee Infrastructure Ltd. and Ors.</i> (¶¶24-27)	AIR 2009 Cal 260
4.	<i>Premraj Mundra v. Md. Maneck Gazi and Ors.</i> (¶10)	AIR 1951 Cal 156
B.	Execution	
	Supreme Court	
1.	<i>Rahul S Shah v. Jinender Kumar Gandhi</i>	2021 SCC Online SC 341
2.	<i>Sir Sobha Singh & Sons Pvt. Ltd. v. Shashi Mohan Kapur</i> (¶¶30-32)	2019 (9) SCALE 369
3.	<i>S. Bhaskaran v. Sebastian (Dead) by L.Rs. and Ors.</i> (¶9)	AIR 2019 SC 4306
4.	<i>West Bengal Essential Commodities Supply Corporation vs. Swadesh Agro Farming and Storage Pvt. Ltd. and Ors.</i> (¶19)	AIR 1999 SC 3421



	Delhi High Court	
1.	<i>Delhi Chemicals and Pharmaceuticals Works Pvt. Ltd. V. Himgiri Realtors Pvt. Ltd. And Another</i>	2021 SCC Online Del 3603
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
C.	Preliminary Decree versus Final Decree	
	Supreme Court	
1.	<i>Shub Karan Bubnav Saran Bubna</i> (¶¶12-14)	(2009) 9 SCC 689
2.	<i>Phoolchand and Ors. v. Gopal Lal</i> (¶7)	AIR 1967 SC 1470
D.	Preliminary Decree and Final Decree in Partition Suits	
	Supreme Court	
1.	<i>Ganduri Koteswar amma v. Chakiri Yanadi</i> (¶¶20)	AIR 2012 SC 169
2.	<i>Bimal Kumar v Shakuntala Debi</i> (¶27)	(2012) 3 SCC 548
3.	<i>Premav Nas Zanje Gowda</i> (¶¶ 11-20)	(2011) 6 SCC 462
4.	<i>Bikoba Deora Gaikwad vHirabai 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 Lokhandev Shankar Lokhande</i> (¶¶ 4,8)	(1995) 3 SCC 413
E.	No Limitation Period for the Execution of Preliminary Decree for Partition.	
	Supreme Court	
1.	<i>Venu v. Ponnusamy Reddiar (Dead) thr. L.Rs. and Ors.</i> (¶¶6-8)	AIR 2017 SC 2447
F.	Resistance to Execution of Decree	
1.	<i>Brahmdeo Choudhary v Rishikesh Prasad Jaiswal</i> (¶5)	AIR 1997 SC 856
G.	Suits for Partition and Possession	
	Supreme Court	



1.	<i>Nagabhush anammal v. C. Chandikeswaralingam</i> (¶¶18-20)	AIR 2016 SC 1134
2.	<i>Saheb Khan v Mohd. Yusufuddin & Others</i> (¶¶10-12)	(2006) 4 SCC 476
	Delhi High Court	
1.	<i>Rita Ghosh v. Rama Tiwari</i> (¶¶5-8)	C. R. P. 49/2020 Dated 13.03.2020
2.	<i>Ramesh DuttSalwan v Shiv DuttSalwan</i> (¶¶ 24-27)	2016 (158) DRJ 601
	Other High Courts	
1.	<i>Antony v Joseph & Others</i> (¶¶ 8-15, 17)(Ker.)	2010 (2) KLJ 508
H.	Resistance to Delivery of Possession and Grant of Police Aid	
	Supreme Court	
1.	<i>Brahmdeo Chaudhary, Advocate v Rishikesh Prasad Jaiswal</i> (¶¶ 4-6)	AIR 1997 SC 856
	Delhi High Court	
1.	<i>Prem Singh v. Girdhari Dhara</i> (¶¶27-32)	CM (M) 1244/2018 Dated: 19.03.2020
2.	<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
I.	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
J.	Limitation For Execution Of Foreign Decree	
	Supreme Court	



1.	<i>Bank of Baroda v. Kotak Mahindra Bank Ltd.</i> (¶¶¶ 19,35,39,43)	CA No. 2175 of 2020 Dated: 17.03.2020
K.	Guidelines for Executing Courts	
	High Court of Delhi	
1.	<i>Kusum Sharma v Mahinder Kumar Sharma</i> (¶¶¶103)	FAO 369/1996 Dated: 06.05.2020

7. Speedy Justice

<i>S no.</i>	<i>Name</i>	<i>Citation</i>
1.	<i>State of West Bengal v. Anwar Ali Sarkar (Para 15,16,17)</i>	<i>AIR 1952 SC 75</i>
2.	<i>Hussainara Khatoon(iv) v. Home Secretary, State of Bihar (Para 2,5)</i>	<i>(1980) 1 SCC 81.</i>
3.	<i>Kadra Pahadiya v. State of Bihar(Para 2)</i>	<i>(1983)2 SCC 104</i>
4.	<i>Mantoo Majumdar v. State of Bihar(Para7,8,9)</i>	<i>AIR 1980 SC 847.</i>
5.	<i>Madhu Mehta v. Union of India(Para3)</i>	<i>AIR 1989 SC 2299</i>
6.	<i>Abdul Rahman Antulay v. R.S. Nayak(Para 81,82,83,84,85,86,87,98)</i>	<i>(1992) 1 SCC 225</i>
7.	<i>Kartar Singh v. State of Punjab(Para185,186,190)</i>	<i>(1994) 3 SCC 569</i>
8.	<i>Babu Singh v. State of UP(Para4)</i>	<i>1978 SCC (1) 579</i>
9.	<i>Sheela barse v. union of india (Para3)</i>	<i>(1986) 3 SCC 632</i>
10.	<i>Supreme Court Legal Aid Committee Representing Undertrial Prisoners vs. Union of India(Para15,16,17,18)</i>	<i>(1995) 6 SCC 731</i>
11.	<i>Mohd. Hussain @ Julfikar Ali v. State (Government of NCT of Delhi) (Para9,11,24,28,40)</i>	<i>(2012) 9 SCC 408</i>
	<i>Now, on commercial courts Act. Speedy Justice in commercial suits.</i>	



12.	<i>Manyata Dealcom (P)Ltd. v. Dinkar Mishra, Jharkhand High Court. (Para14)</i>	<i>Com. Appeal No. 05 of 2018 dated 01.07.2020</i>
13.	<i>HPL (India) Limited & others Vs. QRG Enterprises and another. (Para5,23)</i>	<i>2017 SCC Online Del 6955</i>
14.	<i>M/s Lifelong Mediatech Pvt. Ltd vs. M/s United India Insurance Co. Ltd. (Para5)</i>	<i>2018 SCC OnLine Del 9559</i>
15.	<i>UNION OF INDIA. v. M/S ASSOCIATED CONSTRUCTION CO (Para11,16,26)</i>	<i>FAO(OS) (COMM) 14/2018, CM Nos. 3178/2018 & 3180/2018 dated 15.10.2019</i>
16.	<i>Ambalal Sarabhai Enterprises Ltd. v. K.S. Infraspace LLP & Anr(Para15,35,40,41)</i>	<i>2019 SCC OnLine SC 1311</i>



A. 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</u>

				<p><u>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></p>
5.	<i>PSA Nitrogen Ltd. v. Maeda Corporation</i>	CM (M) 4/19	17.09.19	<p>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></p>
6.	<i>Rajesh Aggarwal v. Om Prakash &Anr.</i>	CM(M) 768/19	17.09.19	<p>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></p>
7.	<i>M/s Prakash Oil Corporation &Anr. v. BrijKishan</i>	CM (M) 1002/18	19.09.19	<p>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</u></p>

				<u>between ensuring that the trial is not protracted and that the rights of the party are also not jeopardized</u> ". (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. The Court issued directions clarifying when the term "Proxy Counsel" ought to be used.(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. Insofar 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.</i>	CM(M)	22.11.19	In this case, the written statement was taken on

.	<i>Govind Singh</i>	1662/19		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 Nirog Dham 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 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</u>

				<i>justified.</i> ”(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 ; 13.01.20 ; 13.01.20	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 Id. 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. (<u>Naveen Kalkal: Para’s 6-9; Priya Baveja: Para’s 9-12; Deepanshu Bansal: Para’s 5-8</u>)
15	<i>YN Gupta (Deceased thr. LRs) v. MA Ramzana</i>	CM (M) 1827/19	24.12.19	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 ‘ <i>part-heard</i> ’ or listed ‘ <i>for orders</i> ’. The Court <u>held that it was impermissible to repeatedly adjourn cases for orders</u> and observed that the same “ <i>reflects extremely poorly on the Court system</i> ” and that “ <i>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.</i> ”(Para’s 18-20)



16	<i>Vateena Begum v. Shamim Zafar and Ors.</i>	CM Appls. 21460- 63/2020	17.12.20	<p><u>The execution of a decree for specific performance does not merely relate to a title of a property, but, also involves dispossessing a person who is already in physical possession of the property.</u> If at the time when the decree was passed it is not even clear as to who was in possession of the property, in such a situation, objections would have to be considered in detail by the Executing Court and may require leading of evidence to ascertain factual aspects, with respect to the suit property and the Original Owner.</p> <p><u>Further, While entertaining suits for specific performance and granting interim relief, and specifically while passing ex parte decrees for specific performance, courts ought to make sure that the property is secured during the pendency of the suit and that the decree, which is passed, is not merely a paper decree.</u> It would be advisable to ascertain as to who is in physical possession of the property, during the proceedings of a specific performance suit, in order to ensure that the complexities, of the kind that have arisen in the present case, do not arise in future. (Para's 38-39)</p>
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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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