



## **LEGAL AID FOR SOCIO ECONOMIC REFORM ORGANISATION (REGD)**

ACCESS TO JUSTICE IS A RIGHT FOR ALL

Agreement to sell - Suit for declaration and mandatory injunction - Agreement to sell not proved on record - Plaintiff thus, have no prima facie case in his favour to file a suit in relation to suit land once agreement was held not proved - Suit dismissed. **(S.C.)**

Cancellation of sale deed - Sought by adopted son - Suit not maintainable when suit filed by vendor himself had been dismissed. **(Allahabad H.C.)**

Dishonour of cheque - Execution - Proof - By suggestion in cross examination - Not sufficient proof. **(Kerala H.C.)**

Domestic Violence - Mother-in-law and married sister-in-law of victim, do not come within the definition of shared household and therefore, does not come in domestic relationship - Proceedings against applicants quashed. **(S.C.)**

Six FIR's - Against six Co-operative societies - Overlapping allegations may be that all were engaged in the same business - This fact by itself is not sufficient to quash five FIR's at the stage of investigation itself when their members are different, their area of operation is different, etc. etc. **(S.C.)**

Two FIR's - Quashing - When facts disclose prima facie cognizable case and also disclose remarkable identity between two FIRs as if the first FIR is filed second time with no change in allegations then Court may, in appropriate case, consider it proper to quash the second FIR. **(S.C.)**

Arbitration - Contempt of order of Arbitral Tribunal - Order issued by Arbitral Tribunal deemed to be orders of Court for all purposes and will be enforced under CPC in same manner as if they were orders of Court. **(S.C.)**

CPC - Production of document - While deciding application and more particularly while rejecting application for production of documents, Court is required to assign cogent reasons for such refusal. **(Rajasthan H.C.)**

Default bail - Statutory period of 90 days to complete the investigation expired - Bail application filed by petitioner much prior to filing of charge sheet - Subsequent filing of charge sheet shall not frustrate the petitioner's indefeasible right for being released on bail u/s 167(2) Cr.P.C. - Application allowed. **(Jharkhand H.C.)**

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NI - Drawer - Can be natural person or incorporated person or body of persons whether incorporated or not. **(Kerala H.C.)**

Rash and negligent driving - Compromise - Death of a young boy - Sentence reduced to period of imprisonment already undergone. **(Punjab & Haryana H.C.)**

Service - Dismissal - Theft - Once said charge is proved in enquiry, employer is justified in dismissing the employee from service. **(S.C.)**

Complaint u/s 156(3) Cr.P.C. - Lodging information with police u/s 154(1) and in case of inaction then reporting matter to SSP concerned, is obligatory for complainant, for passing of an order u/s 156(3) Cr.P.C. **(Calcutta H.C.)**

Service - Dismissal - Mere non-supply of inquiry report does not automatically warrant re-instatement of delinquent employee - It is incumbent upon on delinquent employee to plead and prove that he suffered a serious prejudice due to non-supply of inquiry report. **(S.C.)**

Divorce - Non disclosure of earlier marriage - Even if earlier marriage is annulled, non-disclosure before entering into second marriage, amounts to cruelty. **(Rajasthan H.C.)**

Limitation - Suit for damages u/s 1-A of Fatal Accidents Act - Specific period of limitation is 2 years from date of death of person provided u/art 82 of Limitation Act for such suit - Residuary Art.113 of Limitation Act cannot be invoked. **(S.C.)**

Revision - Order of discharge - When such order results in miscarriage of justice, private party or complainant in a case instituted on police report has right to revision against such order. **(Gauhati H.C.)**

Rent & Eviction - Sub-tenancy - Pleading that tenant had allowed one person to stay in a portion of the establishment - It cannot be said that there is no pleading of parting of possession wholly or partly. **(S.C.)**

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