

SARFAESI Act, 2002. Once the sale deed is executed/confirmation of sale is made in favour of the auction purchaser, the right of the borrower to redeem the mortgage gets extinguished. Karnataka High Court.

02-January-2023 03:23



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When the Bank rejects and cancels One Time Settlement offer, it cannot retain the amount paid under OTS and put the property to sale. Karnataka High Court.

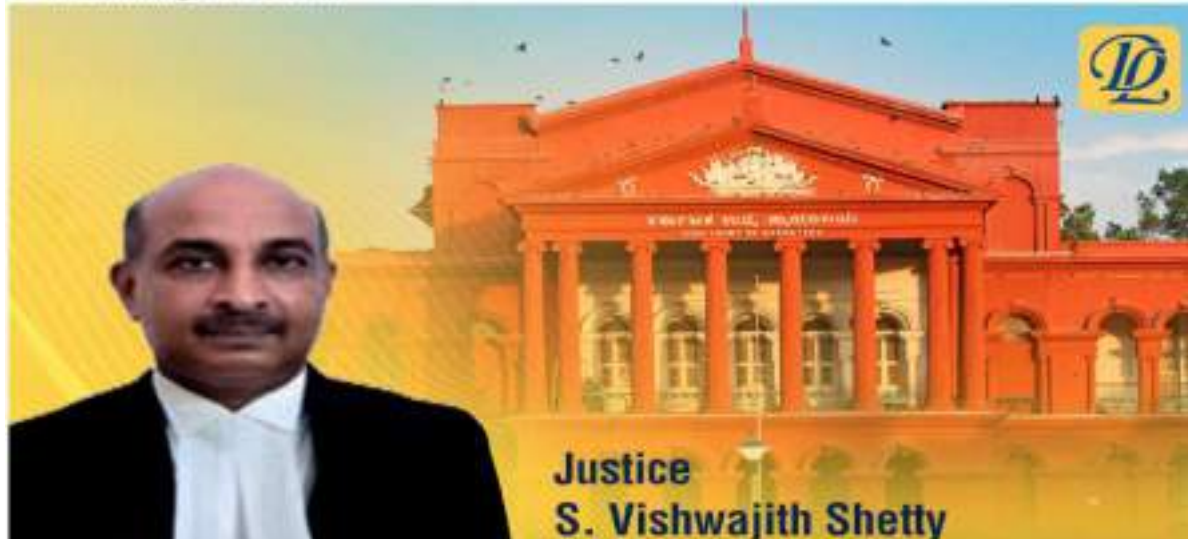
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Order XVIII Rule 3 of CPC. Rebuttal evidence is permissible only in respect of issues casting onus on the other side and the said opportunity cannot be utilized to fill up the lacuna in the evidence of the party leading evidence first. Karnataka High Court

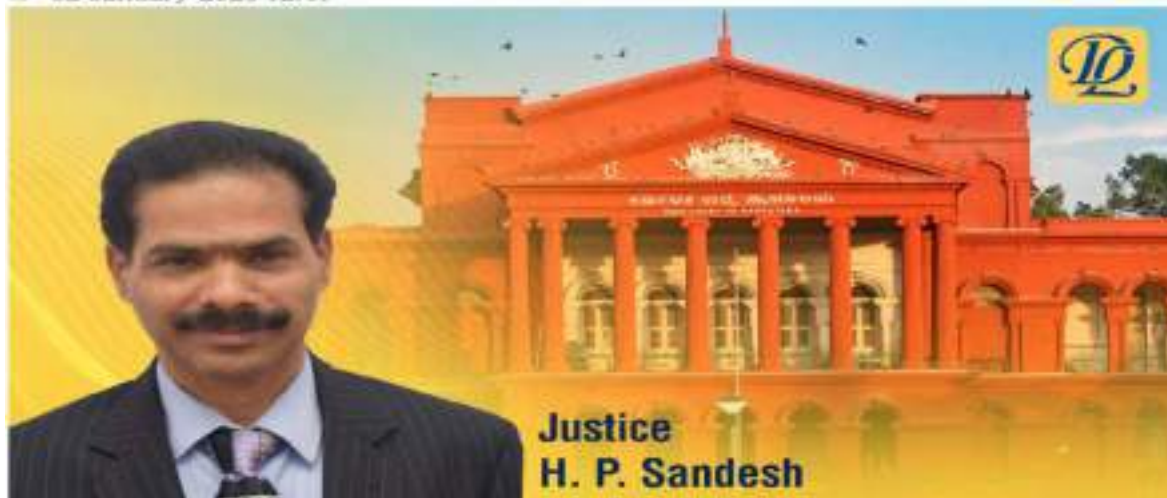
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Rejection of earlier bail petition does not bar the Court from considering further developments on different considerations in a successive bail petition subject to gravity of the offence. Karnataka High Court.

02-January-2023 12:41



<https://dakshalegal.com/judgements/actionRead/FgEu4HDTYbKvaixUAgcvpiqmm>

“If marriage does not change the status of son, same cannot change the status of a daughter”. Karnataka High Court strikes down Guideline which excluded married daughter of ex-serviceman for dependent I-card eligibility.

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Women are now leading the Defense Forces. Time to change the title from "Ex-Servicemen" to "Ex-Service Personnel". Karnataka High Court calls for gender neutrality in consonance with Article 14.

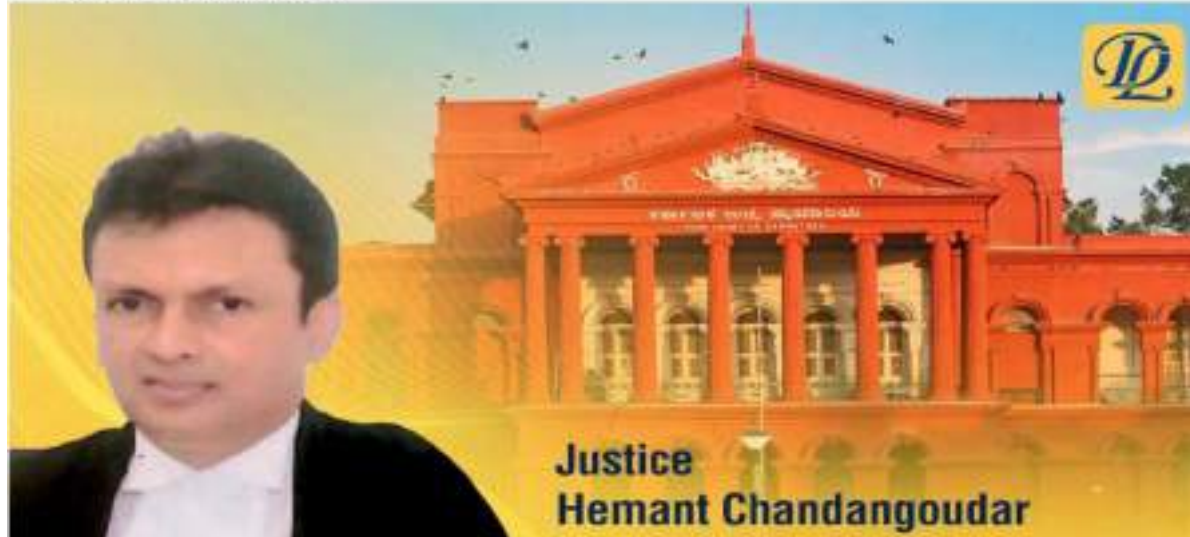
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While considering the application to engage private Prosecutor under Section 302 Cr.P.C, the Magistrate must form an opinion as to whether cause of justice would be subserved. Karnataka High Court.

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**Justice
Hemant Chandangoudar**

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Person participating in tender process cannot question the tender conditions being contrary to industry norms. Karnataka High Court.

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**Justice
M. Nagaprasanna**

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Public procurement cannot be frustrated due to delay in disposing the appeals by the Appellate Authority. Karnataka High Court stresses the need for speedy disposal.

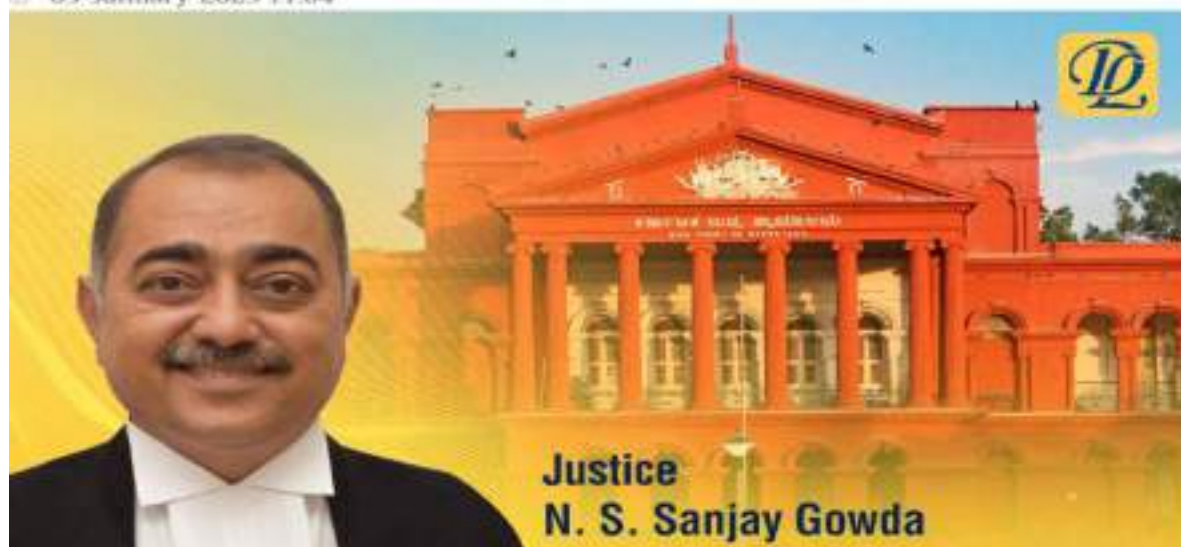
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Once an instrument is admitted in evidence, even by inadvertence, the admissibility of the document on the ground it was insufficiently stamped cannot be questioned thereafter. Karnataka High Court.

03-January-2023 11:04



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Where contractual term provides pre estimate amount as 'earnest money', the onus to prove that the same was 'penal' in nature lies on the party seeking refund of the same failing which the amount would become genuine pre estimate of loss. Supreme Court.

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Order rejecting bail petition does not preclude another petition on a later occasion giving more materials, further developments and different considerations. Karnataka High Court reiterates.

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When a single parent applies for passport of the child, consent of the other spouse is not necessary. Passport Manual cannot run contrary to the Passports Rules. Karnataka High Court.

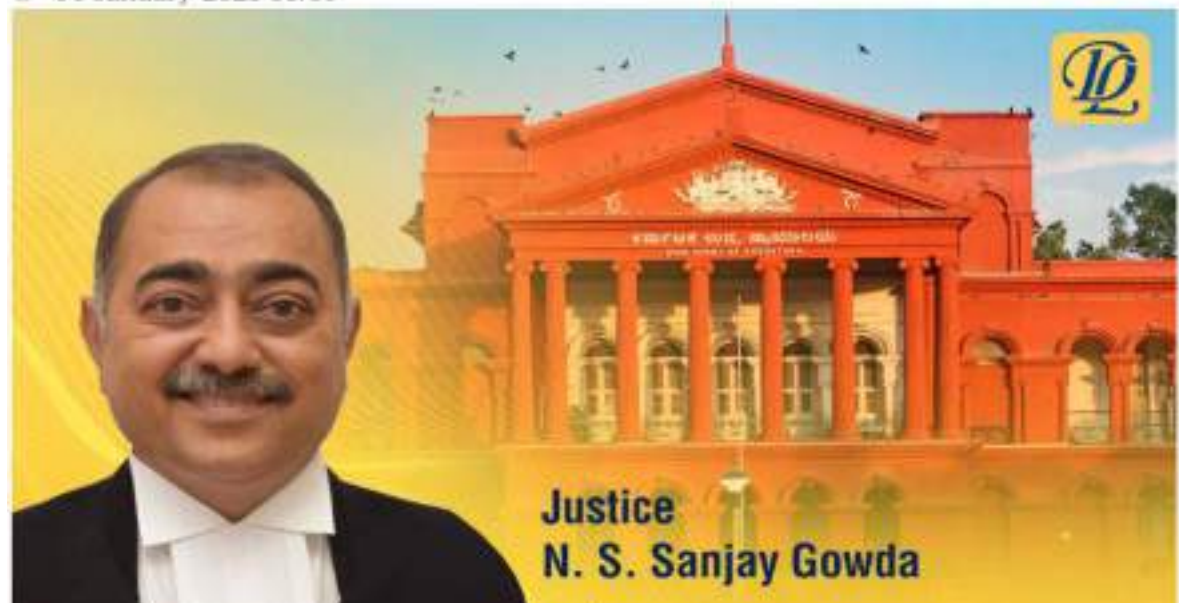
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District Court has no jurisdiction to direct the Trial Court to examine the admissibility of a document on the ground of non/under stamping after it had been admitted in evidence. Karnataka High Court.

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Administrative Law. If a show cause notice is for a particular purpose and the party replies for that particular purpose, the authorities cannot pass order on something more to which the party had no notice. Karnataka High Court.

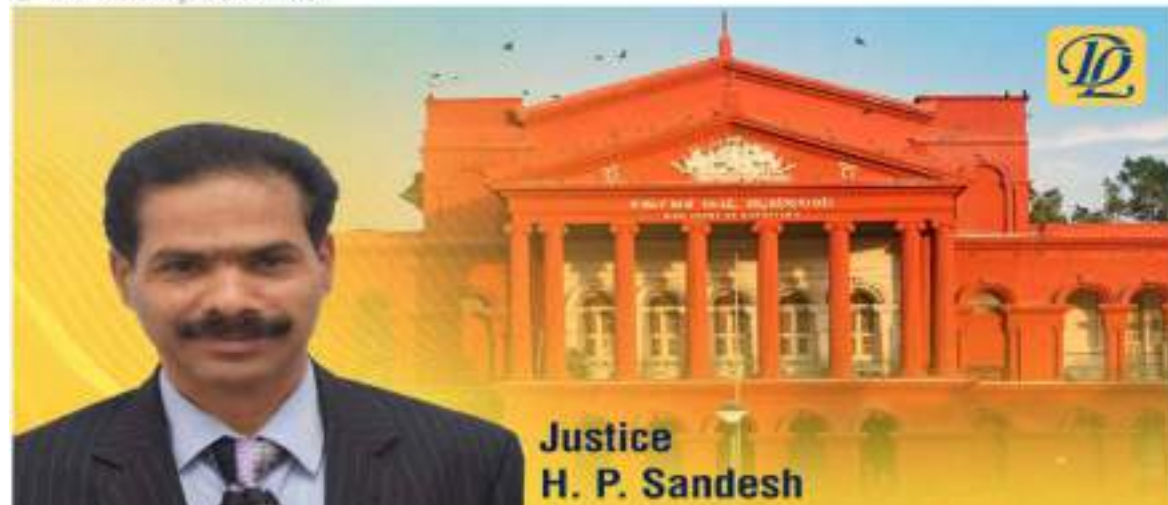
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Order 41 Rule 33 CPC can be invoked to enhance compensation even in an appeal filed by the insured as well as Insurance Company in the absence of appeal filed by the claimant. Karnataka High Court.

04-January-2023 12:31



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Service Law. Premature transfer cannot be ordered simply because of the complaints against the public servant. Karnataka High Court.

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Where driver of vehicle had no valid and effective driving licence, the insurance company shall pay the compensation to the claimant and recover the same from owner of the vehicle. Karnataka High Court reiterates.

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Assesseees are not liable to pay tax under the Interest-Tax Act, 1974 on the interest component included in the hire-purchase instalments paid under the hire-purchase agreement. Supreme Court.

05-January-2023 08:47



<https://dakshalegal.com/judgements/actionRead/HjXhUPyVeEe4RiPaT0kGFU0bl>

MVC Act. Amputation of leg need not always result in 100% disability for the purpose of awarding compensation when the claimant can do the work which is not strenuous in nature. Karnataka High Court.

05-January-2023 10:44



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Government has no power to prescribe fee structure in private unaided Schools. Karnataka High Court strikes down offending provisions of the Karnataka Education Act as unconstitutional.

05-January-2023 18:37



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Borrower of motor vehicle steps into the shoes of the owner of the vehicle and hence the borrower of the vehicle or his legal heirs are not entitled for compensation. Karnataka High Court.

06-January-2023 03:22



<https://dakshalegal.com/judgements/actionRead/4uLoS35AvEzCdQGRQu01p74ja>

In computing limitation period to an application under Section 9, IBC the suspension period under Section 22 (1) of the Sick Industrial Companies (Special Provisions Act, 1985) has be excluded. Supreme Court.

06-January-2023 07:00



<https://dakshalegal.com/judgements/actionRead/TZImA7mzDvOEU68cJKhDnrCkE>

Order XXIII Rule 1(3)(b) of CPC applies even to writ proceedings. Withdrawal of writ petition with liberty to file fresh petition on the same cause of action does not act as resjudicata. Karnataka High Court.

06-January-2023 08:50



<https://dakshalegal.com/judgements/actionRead/1MLGpIP6hSb2ZDQQzIK2V6xAQ>

Anti Defection Law. In the absence of any steps taken to serve whip in the manner known to law i.e., RPAD and courier or by personal service, mere affixture of the whip on the door is not sufficient. Karnataka High Court.

06-January-2023 10:35



<https://dakshalegal.com/judgements/actionRead/sxYhhsgKb4eBAnV7KVJdWOuzw>

Real Estate (Regulation and Development) Act does not apply to completed projects or to which completion certificate is issued and hence the Authority has no power to deal with complaints in respect of such projects. Karnataka High Court.

06-January-2023 12:26



<https://dakshalegal.com/judgements/actionRead/YwrbFTP6NvSqSXUMmbM8cNcMi>

Karnataka Local Authorities (Prohibition of Defection) Act. Karnataka High Court issues guidelines regulating service of whip.

07-January-2023 03:22



<https://dakshalegal.com/judgements/actionRead/W18eKlrt54Inlx3z9nT3Lki06>

Recovery proceedings/ recoveries under the MSMED Act do not prevail over the recoveries made / recovery proceedings under provisions of the SARFAESI Act. Supreme Court.

07-January-2023 07:04



<https://dakshalegal.com/judgements/actionRead/sHQRMa50opT6gO5cqtNehdo00>

Negotiable Instruments Act. Time barred debt cannot be revived by mere issuance of a cheque. Issuance of cheque in such cases is not an acknowledgment of debt. Karnataka High Court.

🕒 09-January-2023 09:03



<https://dakshalegal.com/judgements/actionRead/bW0G1vT3UogVyw5EPBMc8r9L8>

Demonetization. The Govt notification does not suffer from any flaws in the decision-making process and satisfies the proportionality test. Supreme Court.

🕒 09-January-2023 06:32



<https://dakshalegal.com/judgements/actionRead/yu8uucwr6MHhuQKzE98kvxikz>

SARFAESI Act.50% deposit in appeal under Section 18 includes interest also. Further, when borrower challenges auction, he cannot claim adjustment of the amount realised by sale of the secured properties and deposited by the auction purchaser.Supreme Court

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Karnataka Court Fees and Suits Valuation Act, 1958. Suit for cancellation of sale deed in respect of agricultural land. Valuation is based on the land revenue and not on the amount shown in the sale deed. Karnataka High Court.

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SEBI is the real-time security market regulator. Scrutiny and examination of a transaction allegedly in violation of the SEBI (PIT) Regulations will have to be agitated only before the SEBI. Supreme Court.

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Karnataka Land Reforms Act. Tenancy cannot be claimed against a person who is not a landlord even within the extended definition. Karnataka High Court quashes Land Tribunal order after 25 years.

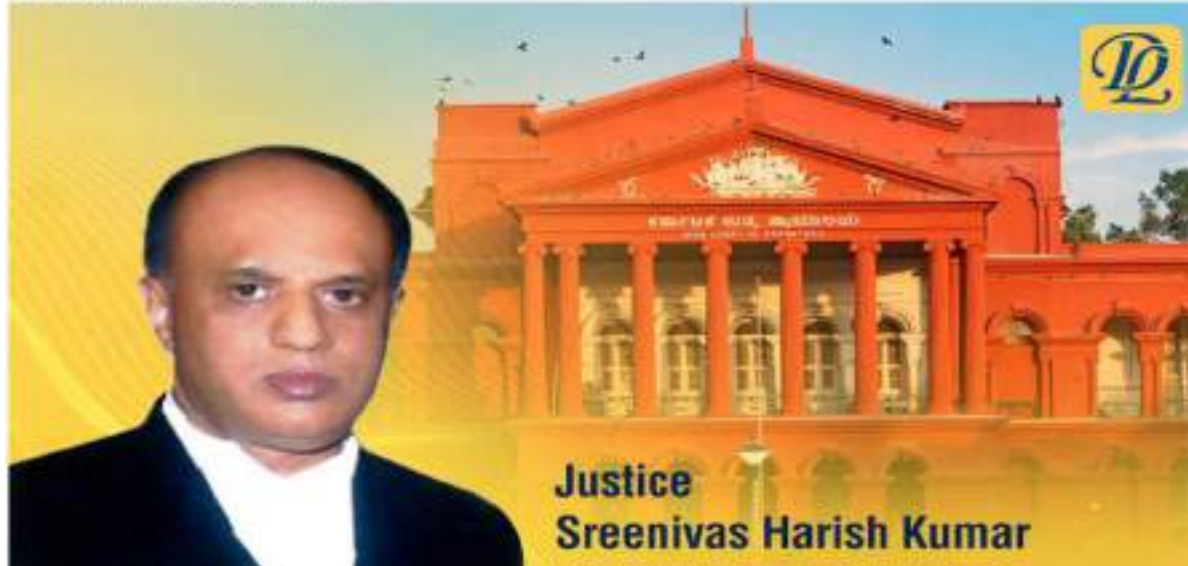
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Prosecution for dishonour of cheque issued towards time barred debt is permissible when cheque was issued under a subsequent written agreement between the parties. Karnataka High Court.

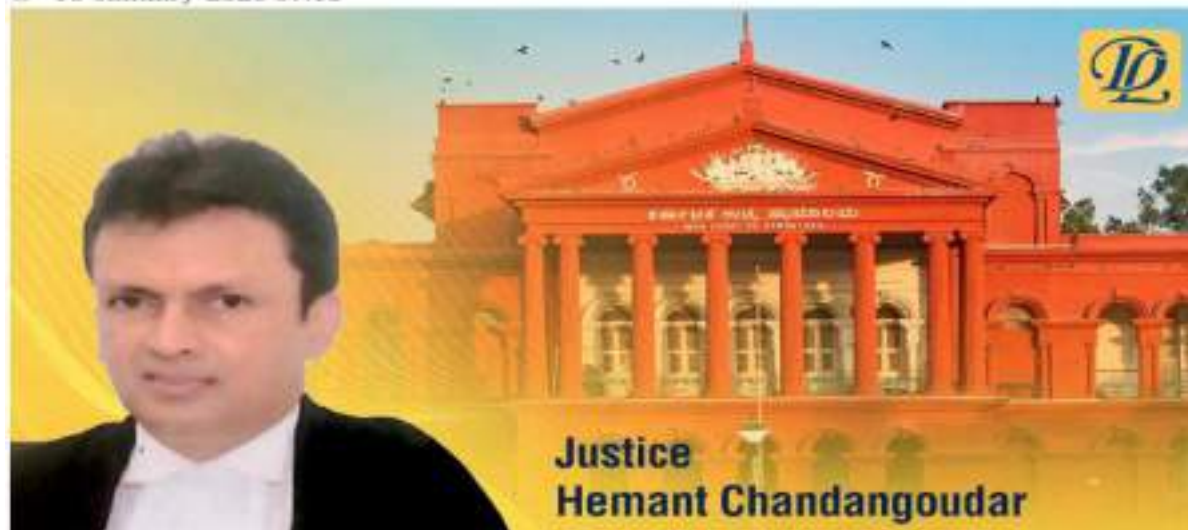
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Karnataka Tax on Entry of Goods Act. Denatured spirit and ethyl alcohol are two different products. Clarification cannot run counter to the Tax Entries to levy entry tax. Karnataka High Court.

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<https://dakshalegal.com/judgements/actionRead/vgnf93T2JSqPcRRAvpynVWpo1>

Motor Vehicles Act. Under 'Act Policy or Statutory Policy' occupants of the vehicle cannot be considered as third parties. Insurance company is liable for the occupants only if the policy is comprehensive. Karnataka High Court.

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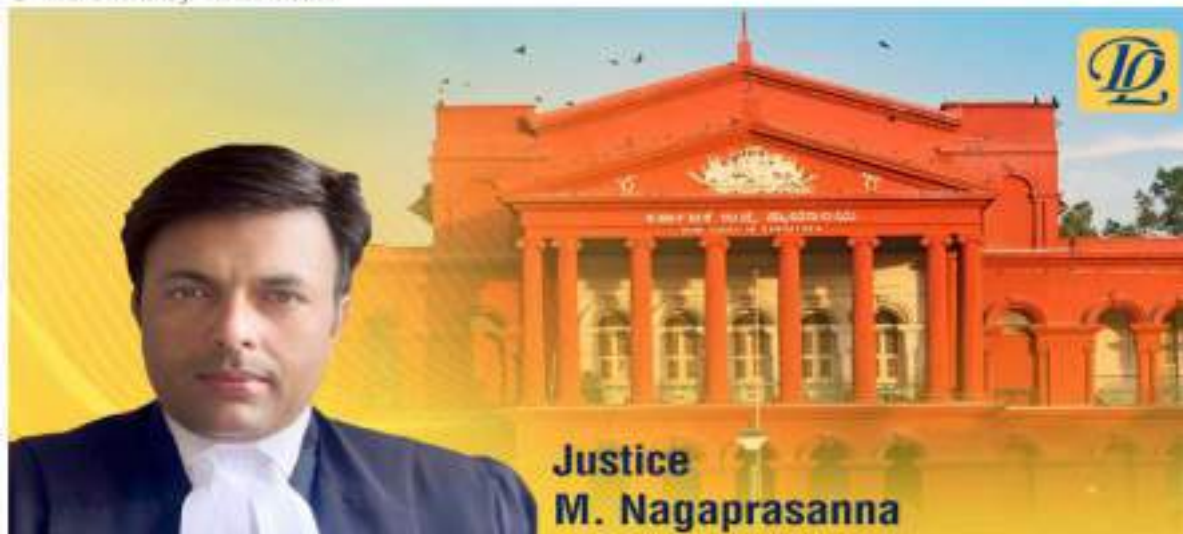


**Justice
Hanchate Sanjeevkumar**

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When the proceedings in the predicate offence under the Indian Penal Code are stayed, proceedings of attachment under the Prevention of Money Laundering Act cannot continue. Karnataka High Court.

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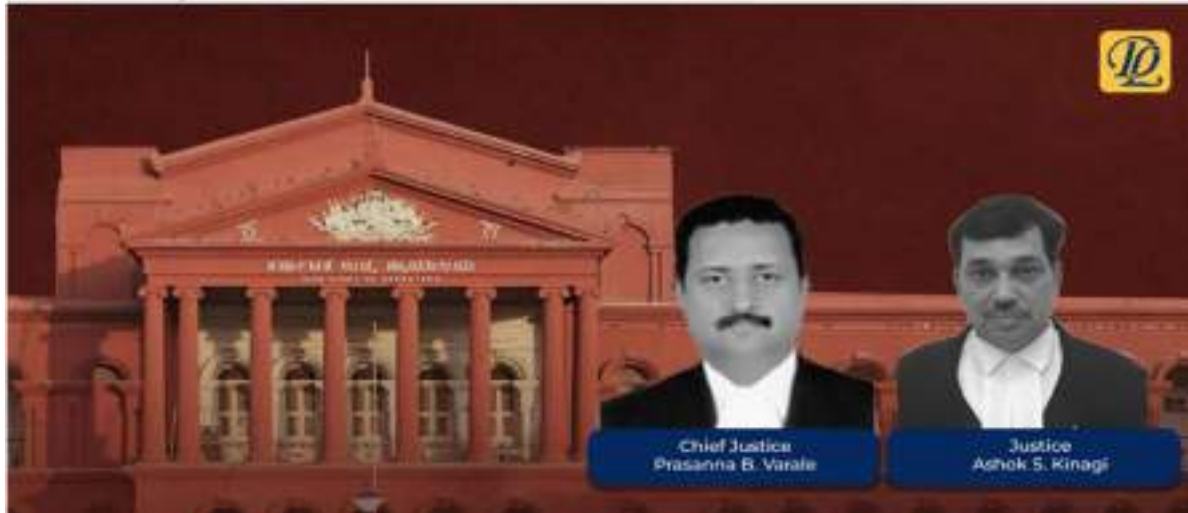


**Justice
M. Nagaprasanna**

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Committees under Article 194(3) of the Constitution are not vested with adjudicatory jurisdiction which belongs to judicature under the constitutional scheme. Karnataka High Court.

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Service Law. Employee of a Gram Panchayat cannot be removed on acts of misconduct without enquiry. Karnataka High Court.

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Promissory Estoppel. Concession given by a statutory authority cannot be withdrawn unless the concession was contrary to law. Karnataka High Court.

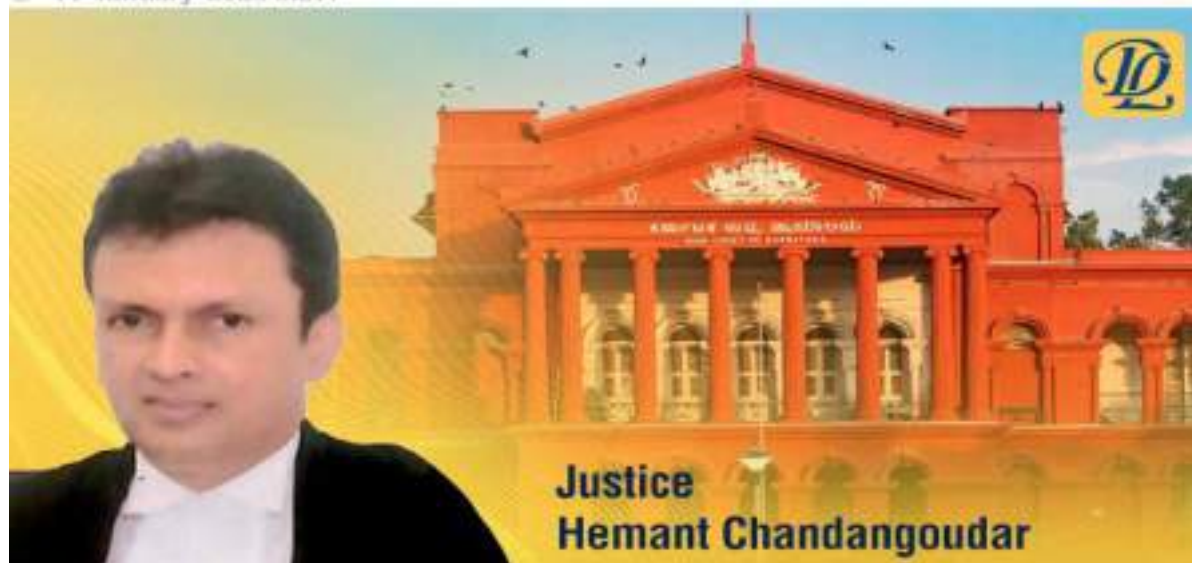
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Death of employee due to the negligence of the owner/occupier of the factory. Simultaneous prosecution under Section 304-A of IPC and Section 92 of the Factories Act is not permissible. Karnataka High Court.

🕒 11-January-2023 02:17



<https://dakshalegal.com/judgements/actionRead/Pss0vLAdKgL2lgINsv89rHyvp>

Civil Procedure Code. Transfer of case under Section 24. Though balance of convenience of the parties is a relevant consideration in matrimonial matters convenience of the wife is to be preferred. Karnataka High Court.

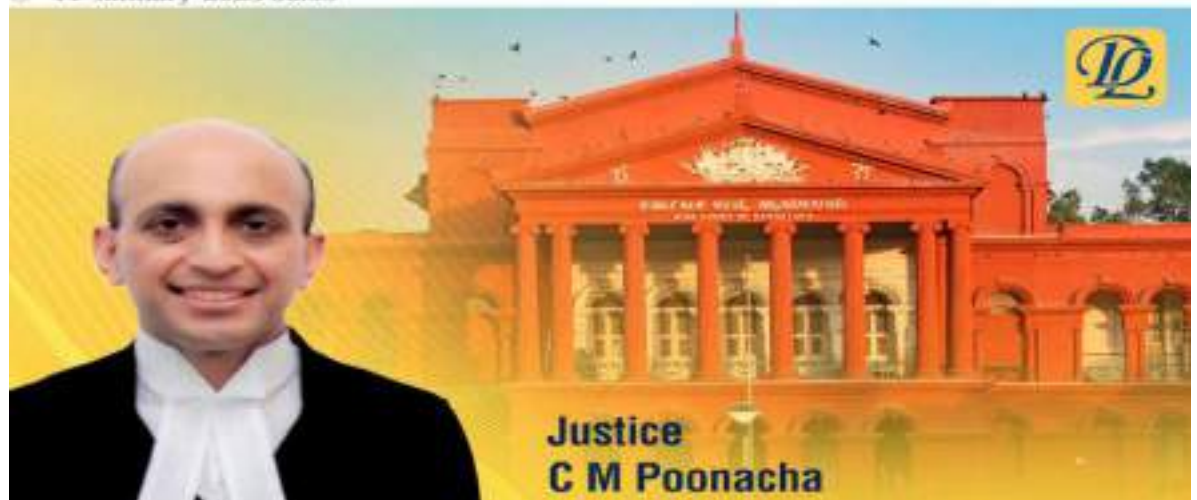
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Alienation of the re-granted 'Service Inam Land' from the period 1:2:1963 to 7:8:1978 is valid and permission for sale is only a formality since the Deputy Commissioner is bound to give permission. Karnataka High Court reiterates.

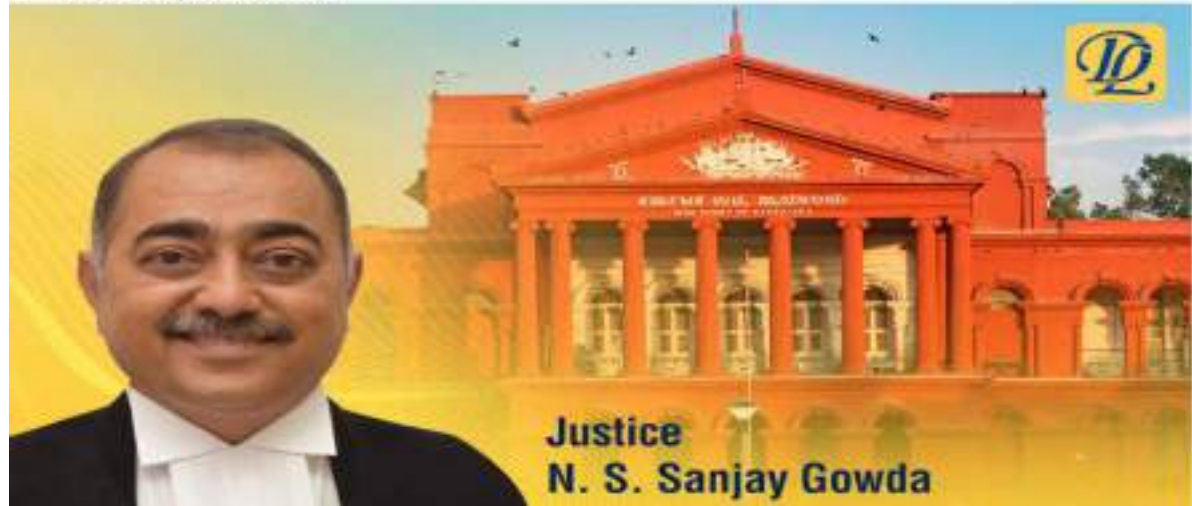
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National Highways Act. Disbursement of the compensation cannot be withheld or delayed merely on the ground that the award is sought to be challenged. Karnataka High Court.

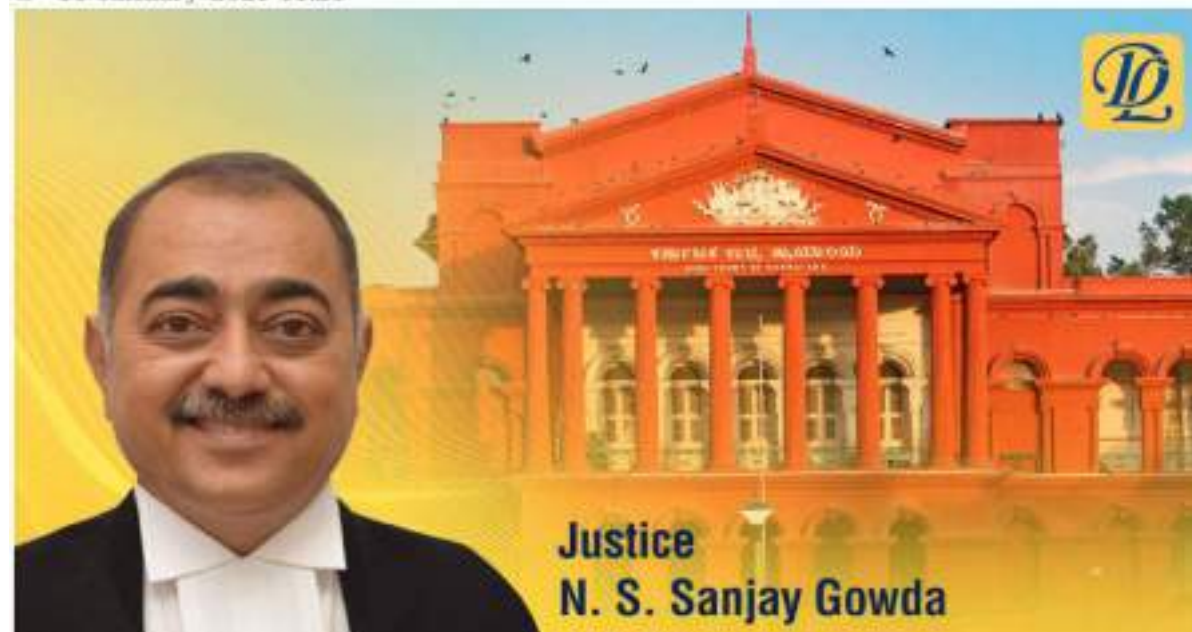
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Manufacture of Ethanol using sugarcane juice, sugar or sugar syrup is a sugar factory as defined under Clause 2(c) of the Sugarcane (Control) Order, 1966. Karnataka High Court.

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If land falls within Corporation limits, there is no requirement to obtain permission under Section 95 of the Karnataka Land Revenue Act for diverting agricultural land for non-agricultural purpose. Karnataka High Court.

12-January-2023 03:25



<https://dakshalegal.com/judgements/actionRead/4Cf22BBPuGEHgl3yvzkl5DuxD>

Valuation of Suit. Suit for specific performance. Only value of the property shown in the agreement has to be considered for the purpose of jurisdiction. Karnataka High Court.

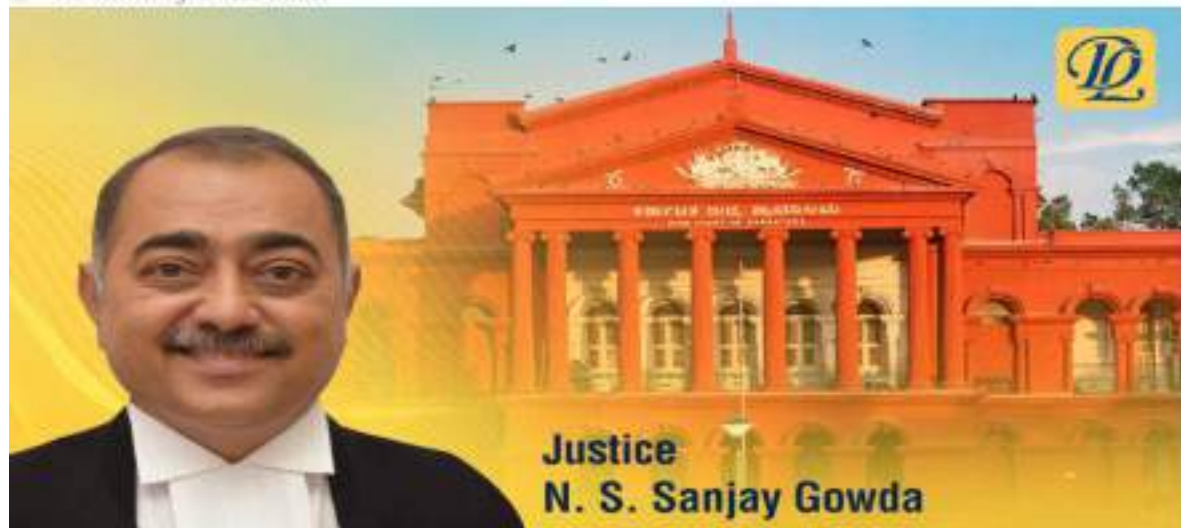
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Karnataka Municipalities Act. Deputy Commissioner in exercise of powers under Section 306 cannot act as an appellate authority and decide validity of the resolution passed by the Municipal Council. Karnataka High Court.

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Goods manufactured by use of modern technologies cannot be said to be “diversification” unless the goods are different from the goods manufactured before such diversification, to claim the exemption from trade tax. Supreme Court.

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Director appointed by a Venture Capital Company can be prosecuted as regards criminal offences alleged against the company where investment is made. Karnataka High Court

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Negotiable Instruments Act. Section 138. Non mentioning of transaction date in the complaint is not fatal to the case when evidence is led to corroborate the transaction details. Karnataka High Court.

12-January-2023 17:48



<https://dakshalegal.com/judgements/actionRead/z659c6l3c06GslmwRjAcrVvGx>

Trademarks of Company in liquidation are custodia legis of the Company Court. Only the Company Court can determine the ownership of the mark and declare any disposition as void. Karnataka High Court.

13-January-2023 03:22



<https://dakshalegal.com/judgements/actionRead/p8WI3syHgsuBpFsqyFC1G6tEI>

CPC. Mere marking of an inadmissible document does not establish its proof. Karnataka High Court.

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The specified value and suit valuation in IPR suits below Rs. 3 lakhs shall be examined by the Courts to ensure it is not arbitrary or unreasonable and the suit is not undervalued. Karnataka High Court.

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<https://dakshalegal.com/judgements/actionRead/RbQ1DGFvwqSIFy1MmB9JiRBaS>

Persons having tenancy rights can challenge acquisition proceedings initiated under the 2013 land acquisition Act. Karnataka High Court.

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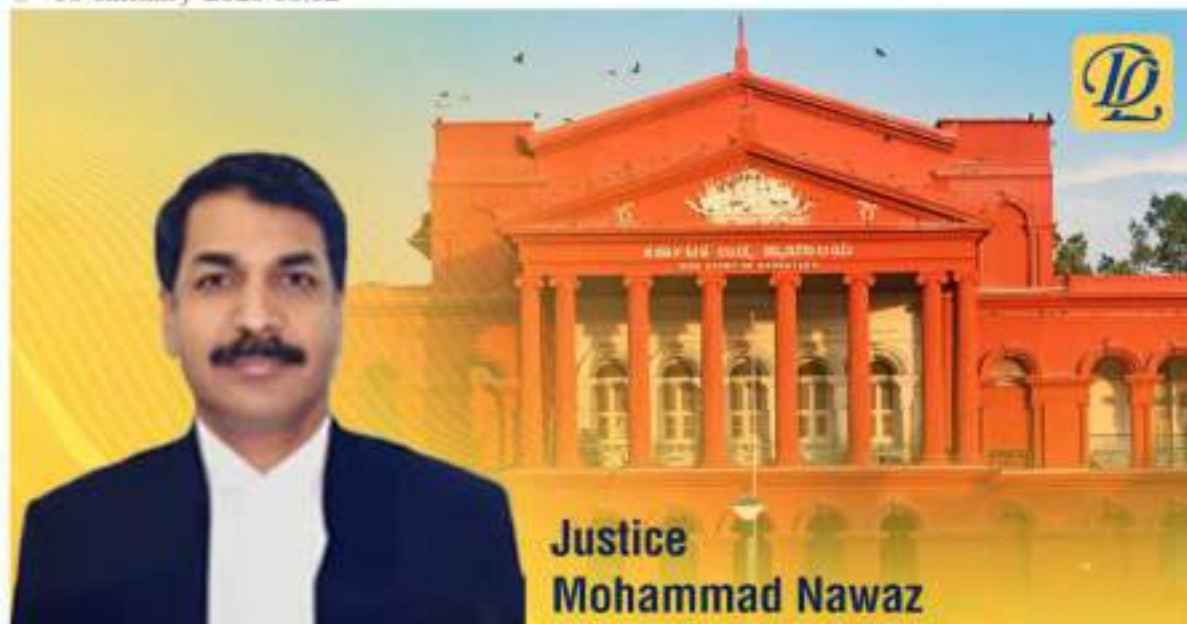


**Justice
N. S. Sanjay Gowda**

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Criminal Trial. Expert handwriting opinion can be relied only when it is supported by internal and external evidence. Law on the point discussed. Karnataka High Court.

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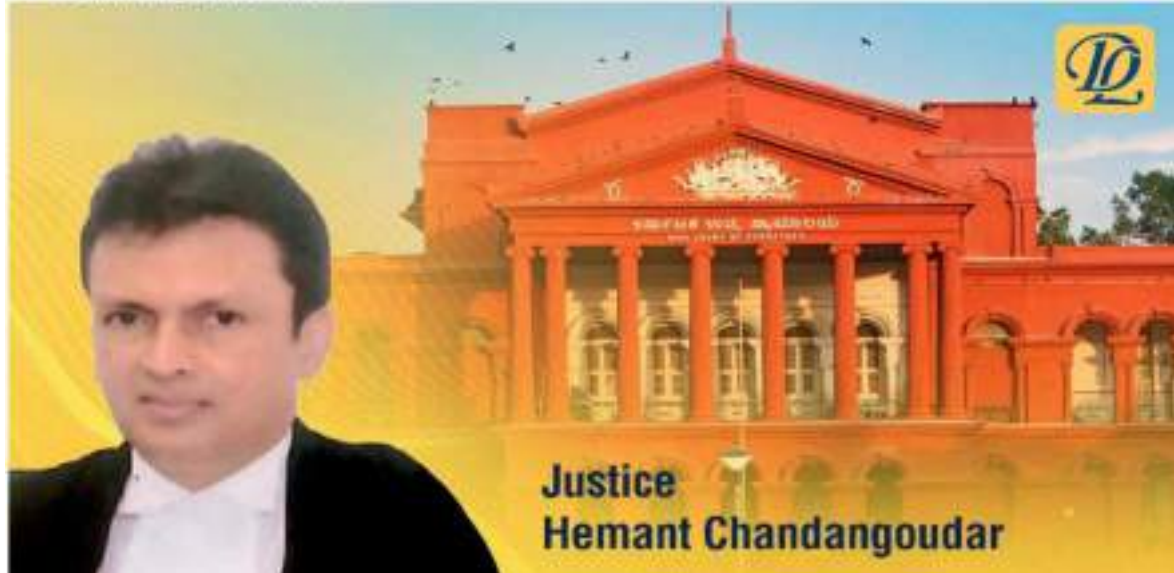


**Justice
Mohammad Nawaz**

<https://dakshalegal.com/judgements/actionRead/J4jI29DiZNawbI3m0ZWp1UZ0U>

Insecticides Act. Criminal prosecution only against employee of Company cannot be launched without arraigning the Company also as an accused. Karnataka High Court.

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Criminal Trial. Wife cannot be dragged into criminal case simply because she is signatory to cheques along with her husband who is involved in illegal business transactions. Such practice should be curtailed. Karnataka High Court.

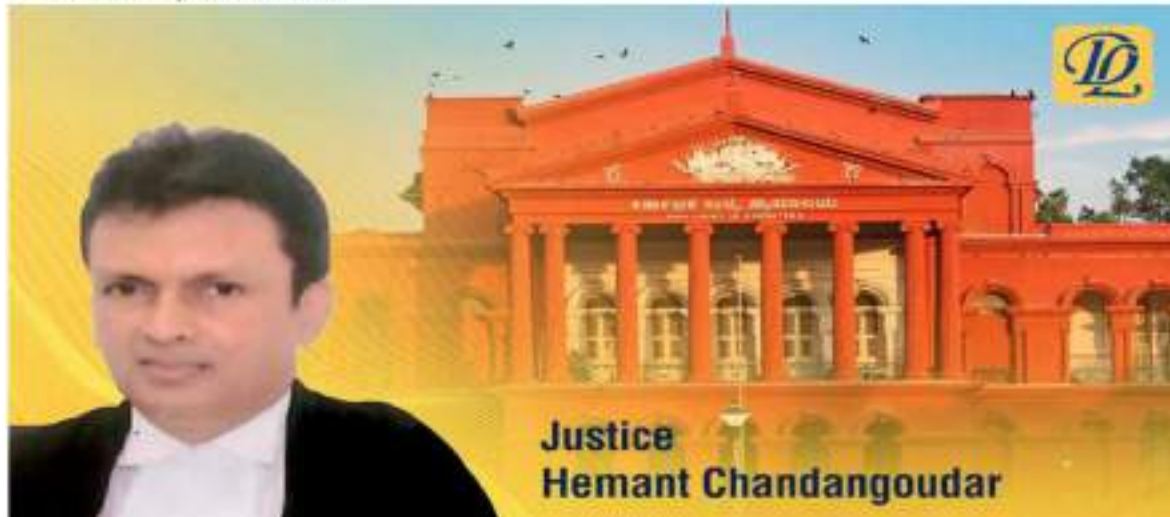
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<https://dakshalegal.com/judgements/actionRead/6RXPosFYC3k8TILkFSu8aVqBC>

Employee of an alleged scamster company cannot be criminally prosecuted unless it is shown that he connived with the fraudsters. Karnataka High Court.

14-January-2023 03:22



<https://dakshalegal.com/judgements/actionRead/6RXPosFYC3k8TILkFSu8aVqBC>

N.I.Act. Cheque issued to managing partner of partnership firm. Complaint filed in the name of partnership firm not maintainable. Karnataka High Court.

14-January-2023 14:31



<https://dakshalegal.com/judgements/actionRead/C16w9m6iE6J0BBcUuy87Ae9xP>

Income Tax Act. All the Directors of the Company cannot be automatically prosecuted for any violation of the Income Tax Act. There has to be specific allegations made against each of the Directors who is intended to be prosecuted. Karnataka High Court.

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**Justice
Suraj Govindaraj**

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Income Tax Act. Section 158BFA(1) and Section 140A operate independently and the liability to pay interest does not stop merely on filing of the return but is attracted in terms of Section 140A till payment of tax. Supreme Court.

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**Justice
M.R. Shah**

**Justice
C.T. Ravikumar**

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Karnataka SC ST PTCL Act. Conversion and sale of granted land by original grantee after prohibition period. Conversion amounts to deemed permission. Sale is valid. Karnataka High Court.

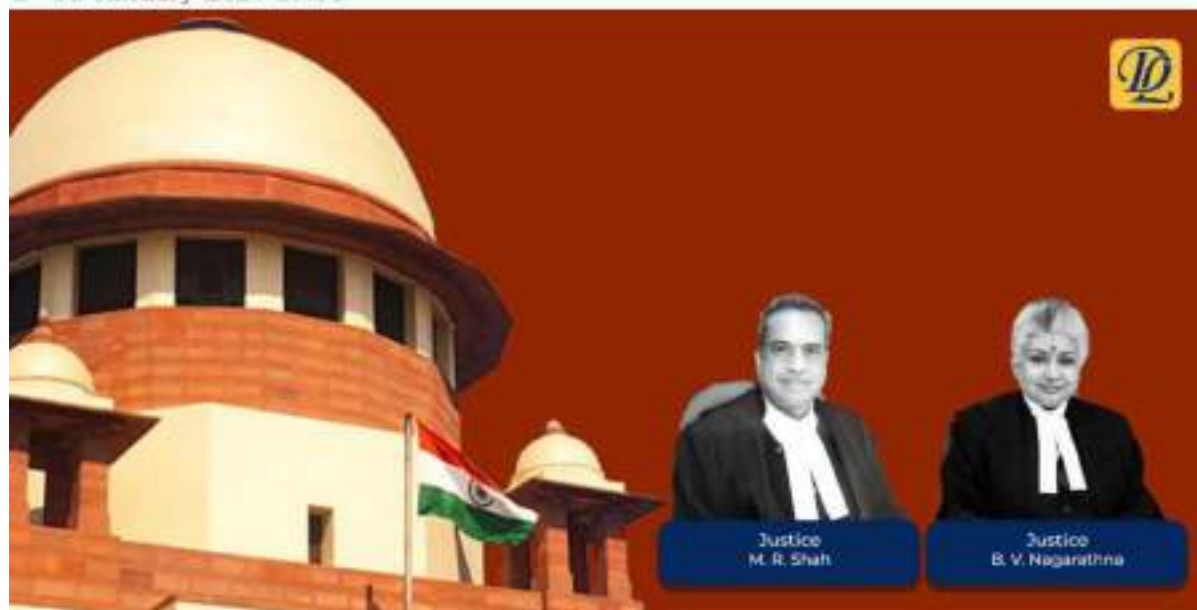
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<https://dakshalegal.com/judgements/actionRead/MpgVli5oBaiprLIstcKruGh0x>

Association of Old Settlers of Sikkim and Ors. vs Union of India and Anr. Separate Judgements of Justice MR Shah and Justice BV Nagarathna.

🕒 16-January-2023 07:54



<https://dakshalegal.com/judgements/actionRead/WuDvpAgto9VsmIZAyifBo95uS>

Manik Majumder and Others vs Dipak Kumar Saha (Dead) through Lrs. & Others. Separate Judgments of Justice MR Shah and Justice BV Nagarathna

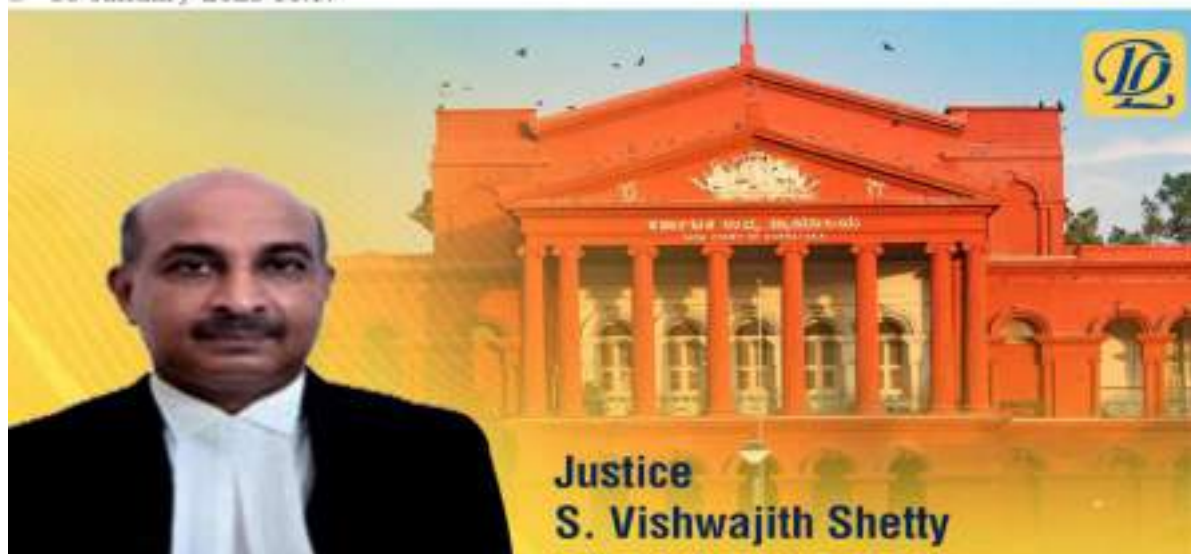
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Criminal Procedure Code. Power under Section 311 to summon material witness or examine person present can be invoked by the court suo motu and even at a stage when the case is posted for judgment. Karnataka High Court.

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C. Haridasan vs Anappath Parakkattu Vasudeva Kurup & Others. Separate Judgements of Justice MR Shah and Justice BV Nagarathna.

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<https://dakshalegal.com/judgements/actionRead/nQgVViYtg8PNZWolyOSWiXHSf>

Prosecution for obtaining false caste certificate can be launched only if the certificate is cancelled by the Competent Authority. Magistrate cannot decide the validity of the Caste certificate. Karnataka High Court.

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<https://dakshalegal.com/judgements/actionRead/wOE9XpoTUaBlinXLmrJ3uE1q3>

Land acquisition. Kharab lands falling under category 'A' of the Karnataka Land Revenue Rules belong to landowners and not to Government. Landowners are entitled to compensation. Karnataka High Court reiterates.

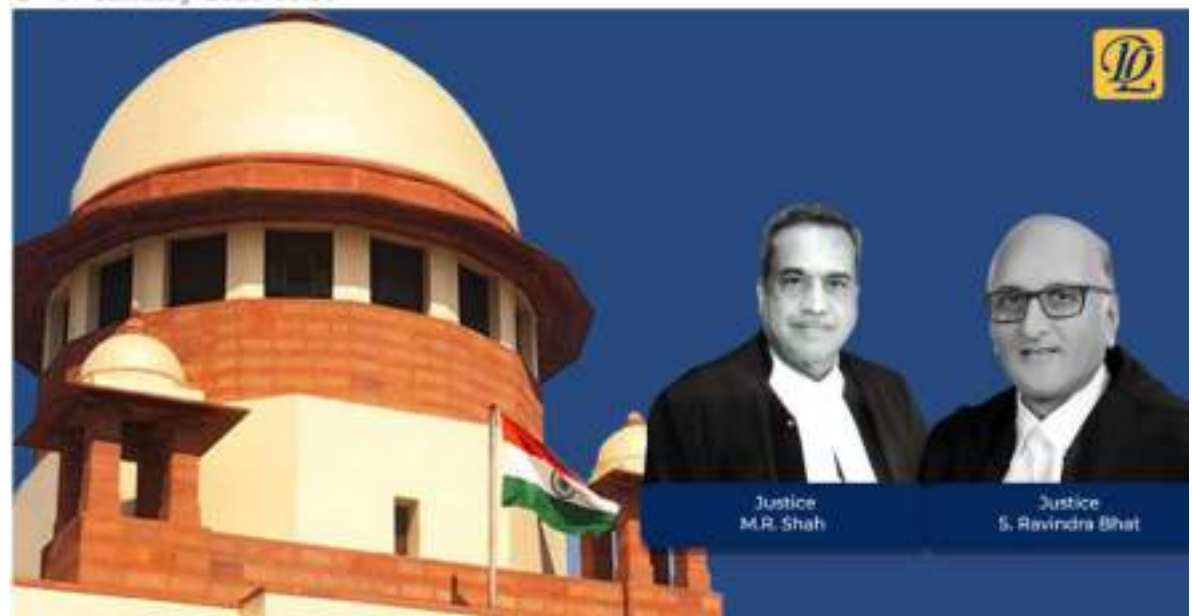
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Encroachers of land cannot seek declaration that the acquisition is lapsed under Section 24(2) of the 2013 land acquisition Act. Supreme Court.

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When a partner commits criminal breach of trust in his individual capacity, the partnership firm need not be made party in the criminal proceedings. Karnataka High Court.

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<https://dakshalegal.com/judgements/actionRead/Y95iRsZtEiXrkyJal21c7rkAj>

Imposition of additional special road tax on transport vehicle used without a valid permit is not a penalty but regulatory in nature within the competence of the HP State Legislature. Supreme Court.

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<https://dakshalegal.com/judgements/actionRead/lKXdIEYoeIOdVwIEi5zIKT0v>

Lookout Circulars issued at the behest of creditor banks against loan defaulters does not require prior notice. Karnataka High Court.

17-January-2023 17:51



<https://dakshalegal.com/judgements/actionRead/gi9FVCCzKXI72MwGvGtS0OWHf>

Purchaser who acquires right, title or interest in the land subsequent to the acquisition proceedings and subsequent to passing of the award cannot question the acquisition proceedings. Supreme Court reiterates.

18-January-2023 16:45



<https://dakshalegal.com/judgements/actionRead/C1bbZwVmJlulzDo4DB2LISTa2>

Default bail granted under Section 167(2) Cr.P.C. can be cancelled when special reasons/grounds are made out from the chargesheet and the chargesheet reveals the commission of a nonbailable crime. Supreme Court.

© 18-January-2023 07:06



<https://dakshalegal.com/judgements/actionRead/AdDi0ewnl6sXKKSWNB358BMQI>

Industrial Disputes Act 1947. Section 17B. Payment of full wages to workman pending proceedings in higher Courts is not absolute especially when relation of employer and employee is in serious dispute. Karnataka High Court.

© 18-January-2023 13:35



<https://dakshalegal.com/judgements/actionRead/In1ajZiP7Bm0vOzTw6nZIDfJ1>

A subsequent purchaser has no locus to challenge the acquisition and/or lapsing of the acquisition under the 2013 land acquisition Act. Supreme Court reiterates.

🕒 18-January-2023 09:25



<https://dakshalegal.com/judgements/actionRead/FYhk4kzRNclxGwhp2Sgucw2h>

No need to pay ad valorem Court fee when the petition for grant of probate is contested and converted into a regular suit. Full Bench of the Karnataka High Court.

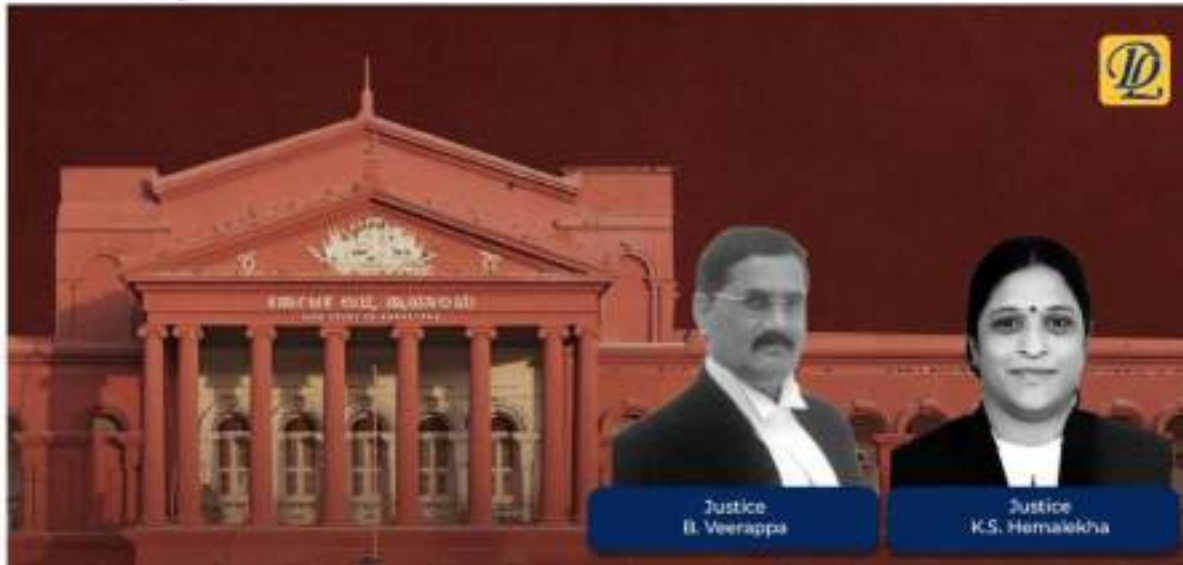
🕒 18-January-2023 18:39



<https://dakshalegal.com/judgements/actionRead/spyOMn12UjWi2hkD37AqOKUPE>

"Remove encroachments and provide burial grounds to all the villages and towns". Karnataka High Court

19-January-2023 05:30



<https://dakshalegal.com/judgements/actionRead/cxScGAAjYuRJ9J4La5kiUXT92>

Educational Institutions. Property tax exemption would also apply to persons who have leased the property for educational purposes. Karnataka High Court.

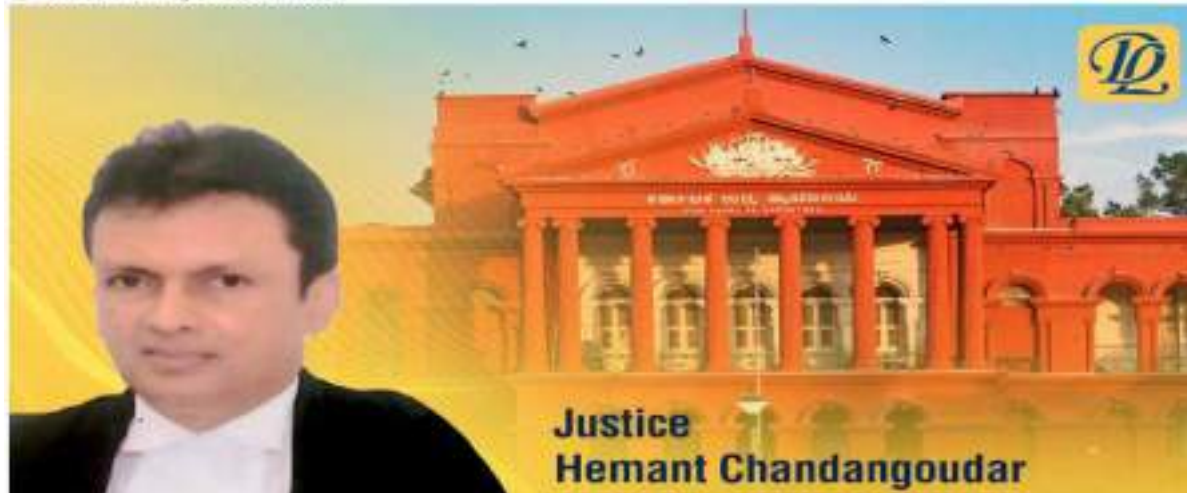
19-January-2023 14:32



<https://dakshalegal.com/judgements/actionRead/k9KgiuRLk69mv62S389rvi7Es>

N.I. Act. Section 138. When cheque is delivered for collection within the territorial jurisdiction of a Court where the payee maintains the account, proceedings cannot be initiated in other place. Karnataka High Court.

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Applicant can be permitted to adduce evidence in an application filed under Section 34 of the Arbitration & Conciliation Act, 1996 only in exceptional cases. Supreme Court.

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<https://dakshalegal.com/judgements/actionRead/ZTAeiO6JKyBSK5FQ2Q3THwNVk>

Karnataka Stamp Act Stamp 1957. Stamp duty can NOT be levied on interest portion when an instrument-including Arbitration award-is registered. Karnataka High Court.

🕒 20-January-2023 12:03



<https://dakshalegal.com/judgements/actionRead/rjcU8cfxHyQk0N5PqxAurtpJy>

POCSO Act. Special Judge has no power to reduce minimum sentence of seven years for the penetrative sexual assault punishable under Section 4. Karnataka High Court.

🕒 20-January-2023 07:34



<https://dakshalegal.com/judgements/actionRead/elCK4hgctbj6MbVNFhrL0iCXP>

Interpretation of Statutes. "Provisions of the statute are to be read as they are. Nothing to be added and or taken away." Supreme Court.

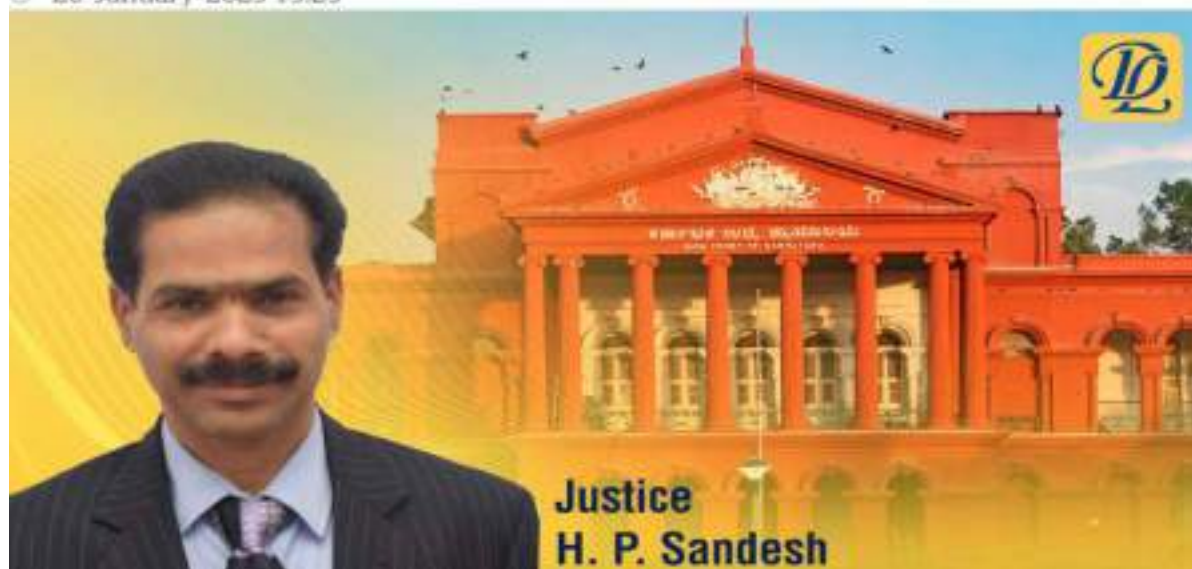
🕒 20-January-2023 09:07



<https://dakshalegal.com/judgements/actionRead/ALU0pQYlelclwd9kfNi3JVecS>

Cr.P.C. Section 482. Though a transaction is civil in nature, if the complaint specifically avers dishonest and fraudulent acts inducing complainant to part with money, the criminal proceedings can NOT be quashed. Karnataka High Court.

🕒 20-January-2023 15:25



<https://dakshalegal.com/judgements/actionRead/x7T1G9RZnXL7341qcduK4KF0o>

Bail. Merely because another accused who was granted bail was armed with similar weapon is not sufficient to determine whether bail can be granted on the basis of parity. Karnataka High Court.

🕒 20-January-2023 11:15



<https://dakshalegal.com/judgements/actionRead/kkH4gMKbqdtAMizQ0BT2wAz6>

Prevention of Money Laundering Act 2002. Investigating-arresting Officer must inform and provide copy of arrest order and grounds of arrest to the person being arrested. Mere oral information would not be sufficient. Karnataka High Court.

🕒 20-January-2023 17:00



<https://dakshalegal.com/judgements/actionRead/26EhqxuXfwUtQkvfc6sASu3Rs>

Children adopted by a widow of a government servant, after the death of the government servant, are not entitled to receive family pension. Supreme Court.

© 21-January-2023 03:22



<https://dakshalegal.com/judgements/actionRead/7qpzWM0zmqknMfzzUeEI4ezoA>

Land acquisition for Urban Development Authorities. Prolonged delay in issuing final notification after preliminary notification amounts to abandonment of acquisition. Landowner can utilize the lands in accordance with law. Karnataka High Court.

© 21-January-2023 11:43



<https://dakshalegal.com/judgements/actionRead/Rur2eEXZMG7yKzmsosROngM24>

“When the State or its agents fear the people there is LIBERTY; when the people fear the State or its agents, there is TYRANNY”. Karnataka High Court awards Rs. 3 lakhs compensation to Advocate who was illegally arrested and tortured by the Police.

© 21-January-2023 13:28



<https://dakshalegal.com/judgements/actionRead/4KUwUBeqII5lkiB6vwISj78H2>

Negotiable Instruments Act. 1881. Section 138. Notice demanding lesser amount than the cheque amount, after giving deduction to part payment, is NOT a defective notice. Karnataka High Court.

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<https://dakshalegal.com/judgements/actionRead/FQ7ALto65kqwMAAt2aPVdBiN8>

Negotiable Instruments Act. Even a blank cheque leaf voluntarily signed and handed over by the accused towards some payment would attract presumption under Section 139 of the Negotiable Instruments Act. Supreme Court.

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Civil Procedure Code. Order 39 Rule 2A. Party knowingly violating injunction order cannot contend that the order is null and void or irregular and hence need not be obeyed. Karnataka High Court.

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<https://dakshalegal.com/judgements/actionRead/doq2ZJ1cL174XoTShzazVpvY1>

Karnataka SC/ST Commission has NO powers to deal with matters under Karnataka SC/ST (Prohibition of Certain Lands) Act, 1978. Karnataka High Court.

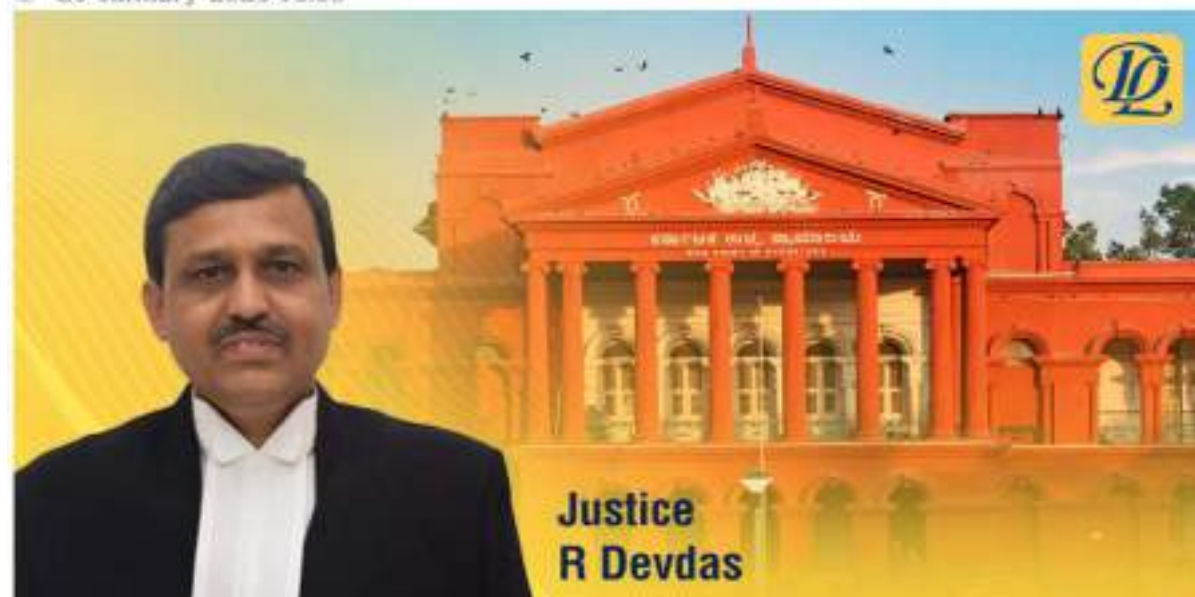
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<https://dakshalegal.com/judgements/actionRead/gbtITYCmpJNLXhBcClbDbHKVP>

Service Law. Person who questions a Government order in Court and accepts another Government order without demure loses right to challenge the first order. Karnataka High Court.

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Motor Vehicle Act. Vehicle insured but without valid fitness certificate. Insurer is not liable. However 'pay and recover' is applicable. Karnataka High Court.

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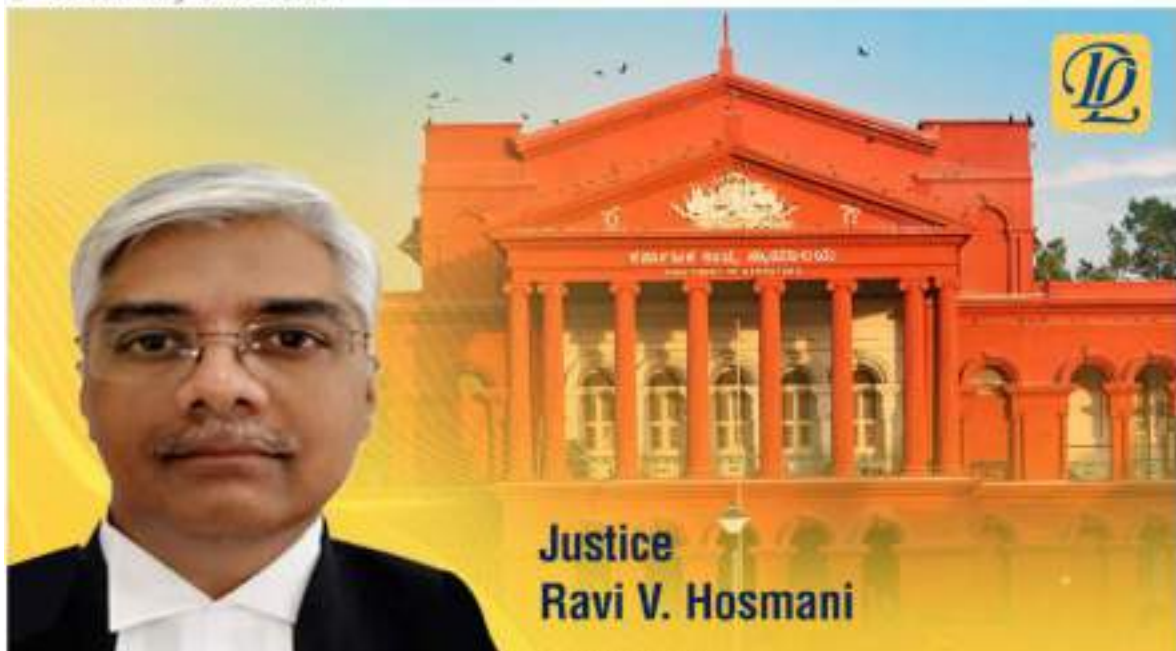


**Justice
Hanchate Sanjeevkumar**

<https://dakshalegal.com/judgements/actionRead/Lt9wWhe5IH8vh1TDLEe8Ogy6V>

N.I Act. Section 138. When a probable defence is set up by accused, burden is on the complainant to explain it. Karnataka High Court.

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**Justice
Ravi V. Hosmani**

<https://dakshalegal.com/judgements/actionRead/fq80TkD3zDwKK8sXA2DbB6aiV>

There must be consistency in the matter of interim orders though the principle of binding precedents cannot apply. Supreme Court.

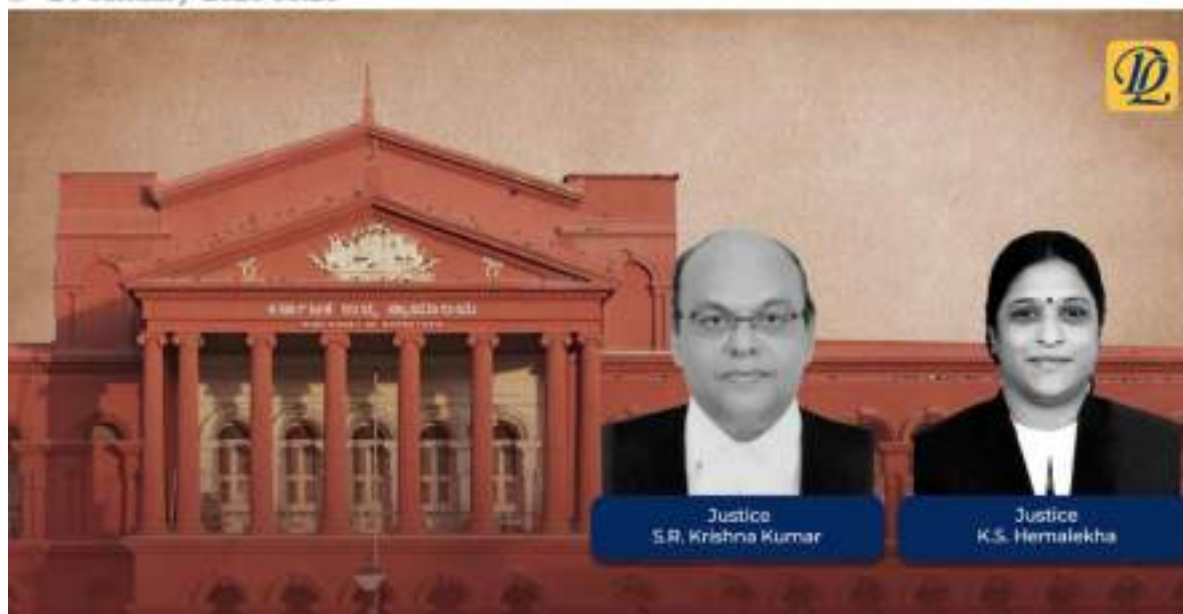
🕒 23-January-2023 13:00



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Property of grandfather directly inherited by grandson, when his father had predeceased the grandfather, becomes the self-acquired property of the grandson. Karnataka High Court.

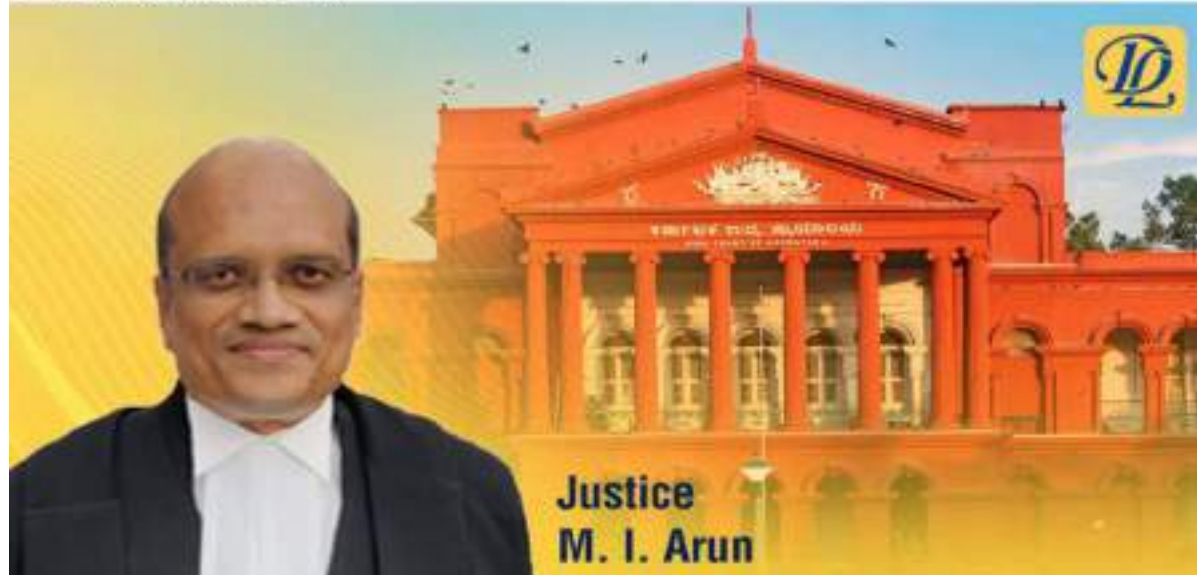
🕒 24-January-2023 03:21



<https://dakshalegal.com/judgements/actionRead/Yn3aGBzO2cTIfUr28EI4GkmE>

Hindu Succession Act, 1956. Ancestral property partitioned and sold prior to 2005 amendment. Suit for partition by daughter is maintainable under the 1994 Karnataka amendment. Plaint cannot be rejected.

© 24-January-2023 13:10



<https://dakshalegal.com/judgements/actionRead/lbmbNrvwKN8j3BijpRs3AfViX>

Ownership and title has to be first established and proved to file the writ petition challenging the acquisition/lapse of acquisition proceedings. Supreme Court.

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Right to Property. Planning Authority cannot deprive owner of private property without acquisition or purchase. Supreme Court.

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Reservation in promotion. Evaluation of inadequacy of representation need not be made at every stage of making fresh promotion. Karnataka High Court.

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<https://dakshalegal.com/judgements/actionRead/knxZNTma2sfgsZRSgaCc63A92>

Companies Act 2013. Except the Registrar Shareholder and Official Liquidator no other person can initiate any criminal proceedings against a company for the offences under the Act. Karnataka High Court.

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ESI Act applies irrespective of number of persons employed in a factory or establishment and notwithstanding that the number of persons employed therein at any time falls below the limit specified under the ESI Act. Supreme Court.

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Supreme Court rejects PIL seeking publication of Chargesheets along with the relevant documents on the public domain and on the websites of the State Governments.

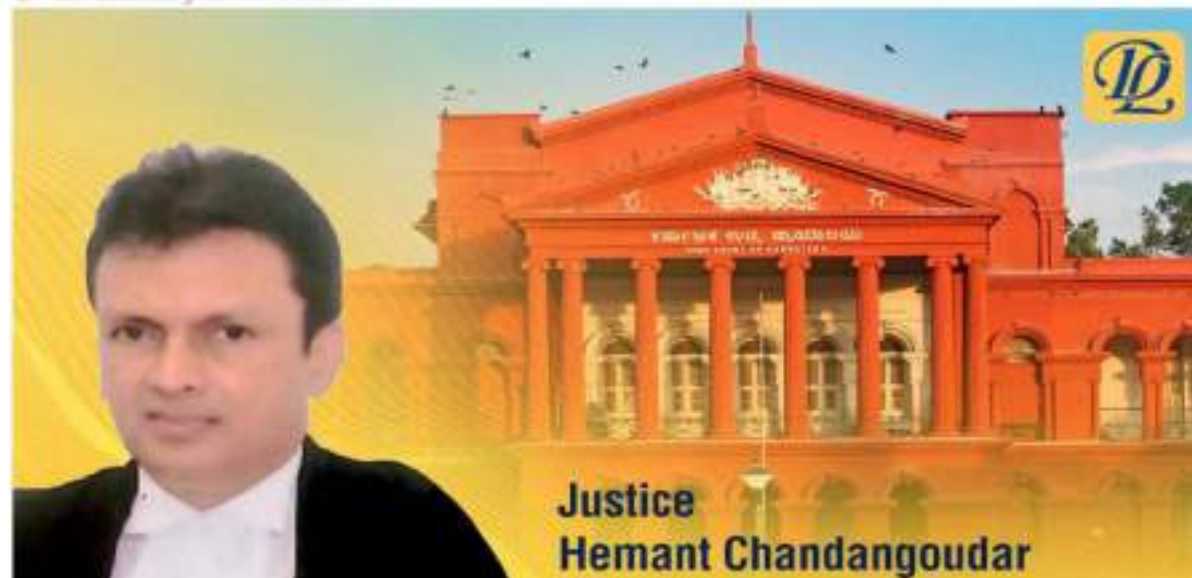
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Sale of property pursuant to proceedings under the SARFAESI Act for the default committed by the borrower cannot be given the colour of criminal offences. Karnataka High Court.

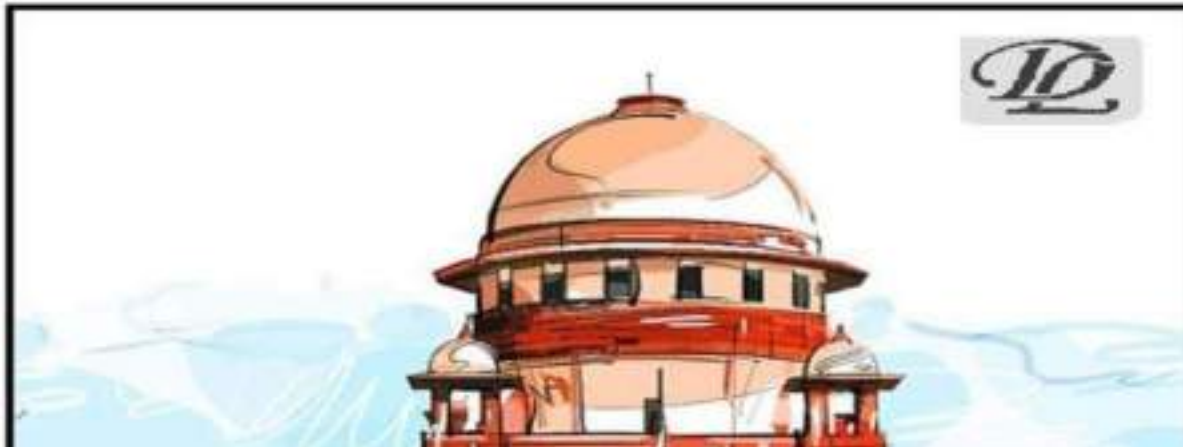
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Arbitration. Forfeiture of lease for non payment of rent. Arbitrator has powers to invoke equitable jurisdiction under Sections 114 and 114A of Transfer of Property Act to relieve lessee from forfeiture if the arrears of rent are paid. Supreme Court.

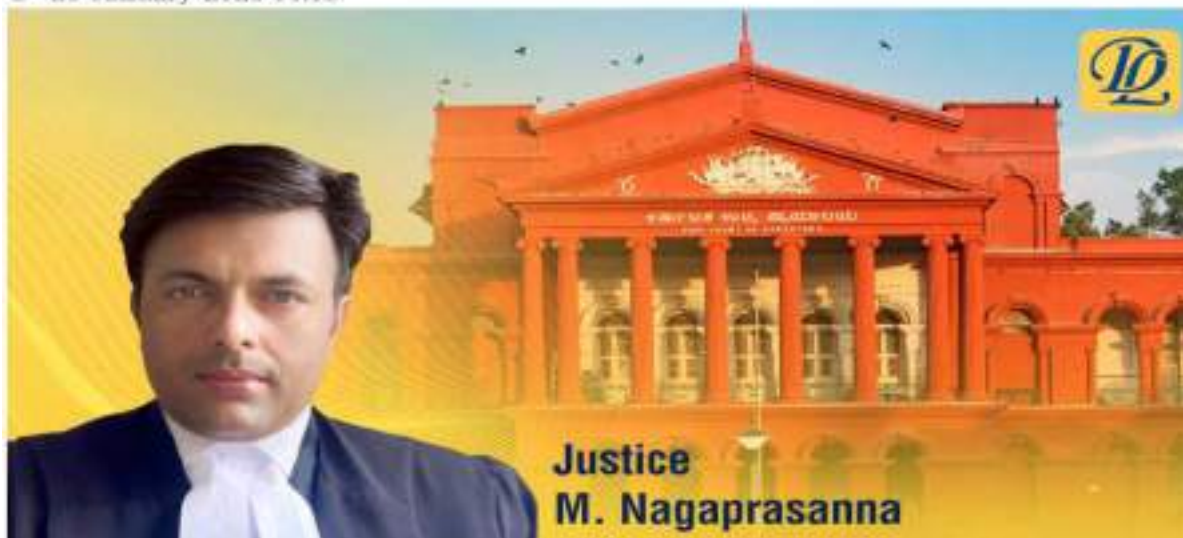
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“It is better to wear out; than rust out’. Gender neutral provision i.e. Section 24 of the Hindu Marriage Act cannot be used by lethargic husband to seek maintenance from wife. Karnataka High Court.

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<https://dakshalegal.com/judgements/actionRead/LhT808ps82hR9utTNwZXqKEYr>

Educational Institutions. Property tax exemption is available even to any land or building used for the purpose of educational institution or incidental thereto such as bank canteen and staff quarters. Karnataka High Court.

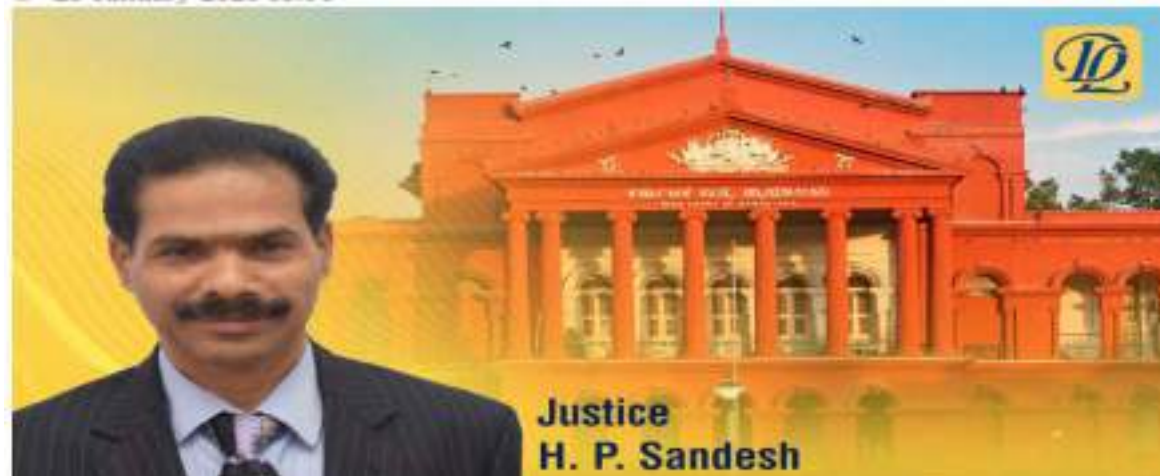
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<https://dakshalegal.com/judgements/actionRead/aneO4s04YSQSYpLCag9fmIIzs>

NDPS. Possession could mean physical possession with animus; exercise of dominion and control as a result of concealment; or personal knowledge as to the existence of the contraband and the intention based on such knowledge. Karnataka High Court.

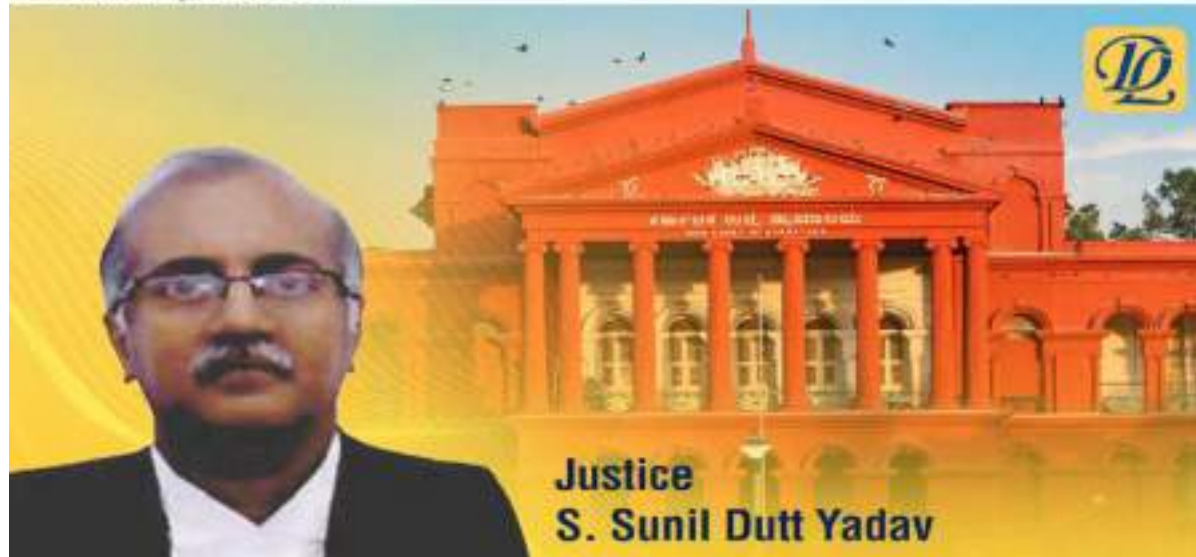
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Claim to property based on adverse possession. Period starts from the time of giving up the claim based on title. Plea of title and adverse possession are mutually inconsistent. Karnataka High Court.

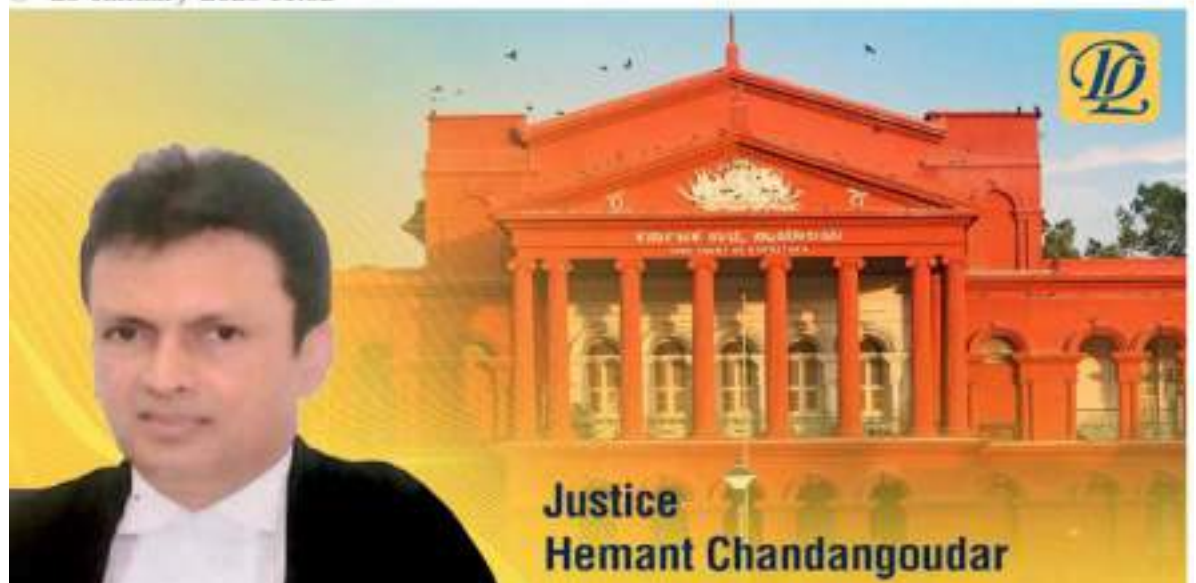
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Registration of the FIR under Sections 30 and 35 of the Arms Act which are non- cognizable cases without the order of a Magistrate is illegal. Karnataka High Court.

🕒 25-January-2023 11:02



<https://dakshalegal.com/judgements/actionRead/OCEPpJx9o5hT8hnKGlubc7zLa>

Forcible, unauthorised, Illegal encroachment of private property by BDA. Karnataka High Court orders allotment of equivalent developed land to the owner. Imposes cost of 5 lakhs to be recovered from the officers at default.

© 25-January-2023 12:26



<https://dakshalegal.com/judgements/actionRead/SCileBmmnga5F5in7edNyDeqJ>

Transfer of Property Act. Gift. When the document is in the nature of a dedication of immovable property to God or deity the same does not require registration. Supreme Court

© 25-January-2023 16:07



<https://dakshalegal.com/judgements/actionRead/gq5ZvvxwKMpPRAYAPBrWcgcoy>

Negotiable Instruments Act. Whether a cheque is issued in respect of a time barred debt is a matter for trial. Proceedings cannot be quashed on this ground. Karnataka High Court.

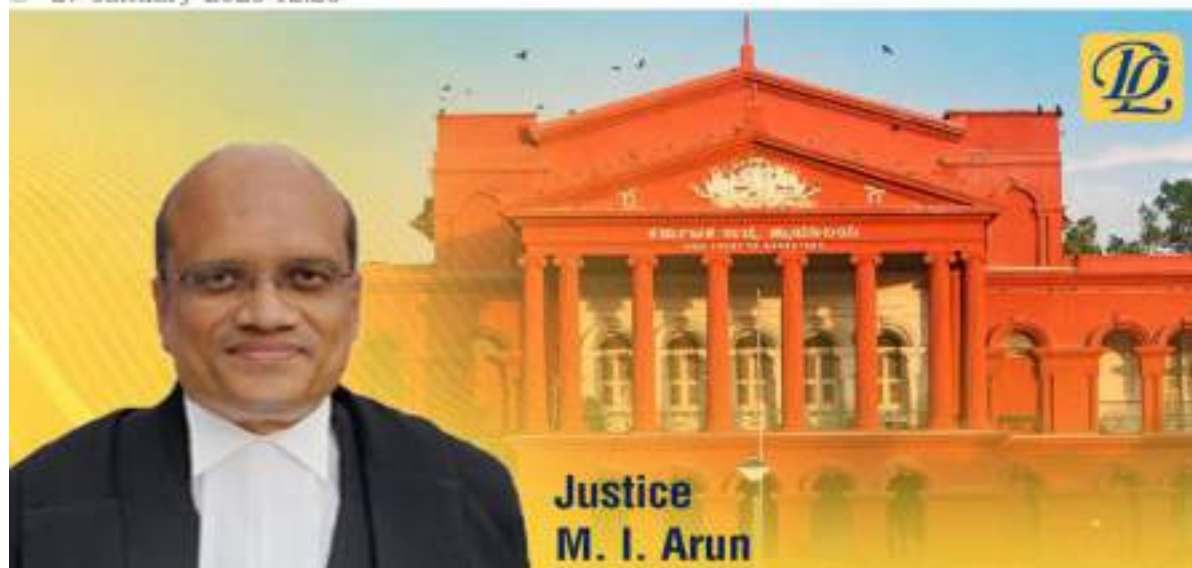
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<https://dakshalegal.com/judgements/actionRead/7bphhFPLCyWiewTYZBh9CjXY7>

Acquisition under BDA Act will not lapse when acquisition is complete though Scheme has lapsed. Incomplete acquisition quashed. Karnataka High Court.

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Negotiable Instruments Act. Section 138. Even a blank cheque leaf voluntarily signed and handed over by the accused towards some payment would attract the Section unless contrary is proved. Supreme Court.

27-January-2023 13:57



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ತಾತನಿಗಿಂತ ಮೊದಲೇ ತಂದೆ
ತೀರಿಕೊಂಡಾಗ ತಾತನ ಸ್ವಯಾರ್ಜಿತ
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ಆಸ್ತಿಯಾಗುತ್ತದೆ. ಕರ್ನಾಟಕ
ಉಚ್ಚನ್ಯಾಯಾಲಯ.

<https://dakshalegal.com/kannada/actionRead/QFAkFseixpCu7MdZViMFhJ5OK>

Karnataka Stamp Act, 1957. Intending purchaser already in possession prior to agreement of sale. Purchaser has to pay stamp duty as if possession delivered 'under the agreement'. Stamp duty cannot be avoided by relying on prior possession.

© 27-January-2023 15:45



<https://dakshalegal.com/judgements/actionRead/P9Af00pxLLnSEjwJORu28sN2y>

Tahasildar has no power to evict a person from Government lands under Section 39 of the Karnataka Land Revenue Act. Karnataka High Court.

© 28-January-2023 03:21



<https://dakshalegal.com/judgements/actionRead/P9Af00pxLLnSEjwJORu28sN2y>

Property Tax imposition on Educational Institutions in Corporation, Municipality and Gram Panchayat areas. Legal position explained.

27-January-2023 20:52



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Estoppel. Though a son cannot release his share in the self-acquired property of his father during the lifetime of the father, a duly executed release deed prevents him and his children from claiming the property when the succession opens. Supreme Court.

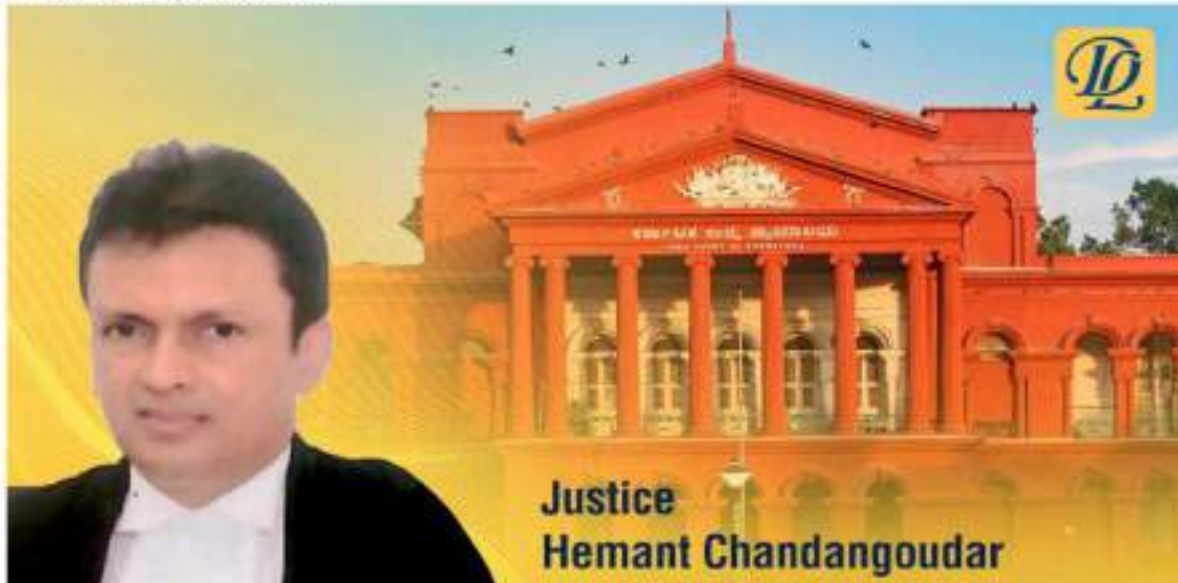
28-January-2023 10:25



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Wild Life (Protection) Act, 1972. Cognizance cannot be taken merely on the basis of the final report submitted by the Range Forest Officer. Karnataka High Court.

30-January-2023 03:36



<https://dakshalegal.com/judgements/actionRead/xPcoiRvgMJSiOE7bUA1oH07CO>

Criminal Procedure Code. Section 482. Mere pendency of civil suit on the issue is not a ground to quash criminal proceedings when serious allegations are made in chargesheet. Karnataka High Court.

30-January-2023 10:43



<https://dakshalegal.com/judgements/actionRead/48FA9iVPCttGxZ7khhaFJidMJ>

Karnataka Societies Registration Act. Prosecution for not conducting annual general body meeting cannot launched after six months from the date of the alleged offence. Karnataka High Court.

30-January-2023 07:13



<https://dakshalegal.com/judgements/actionRead/j1ztmZf81oJ3xCdJE7mDlyY17>

Transfer of Property Act. Property can be gifted even without transfer of possession of such property. Supreme Court.

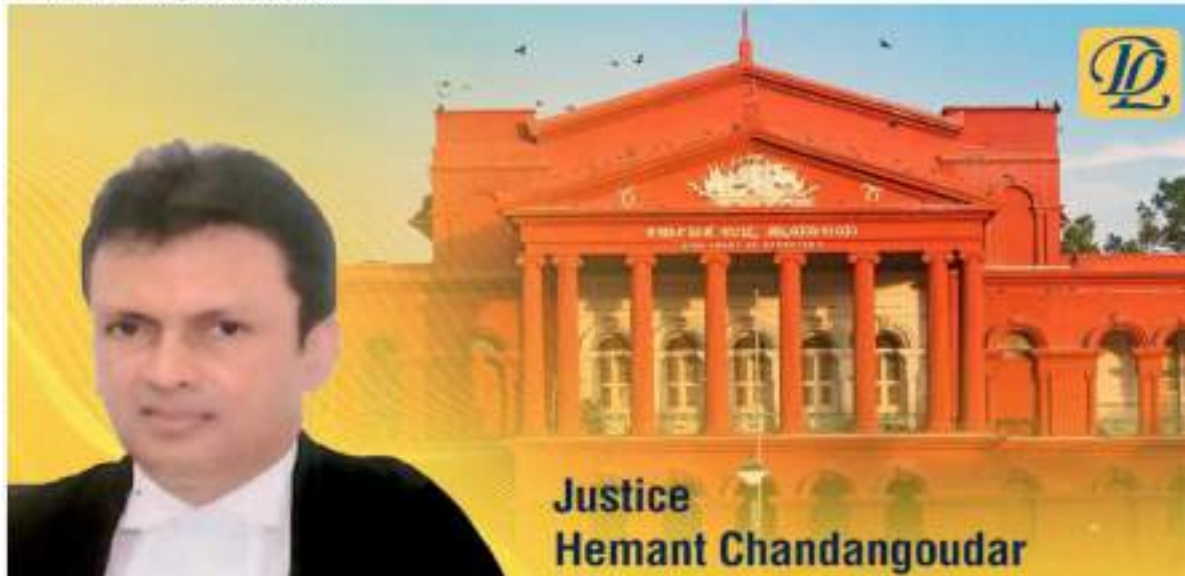
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Failure to pay fashion event organiser does not amount to fraud under Section 420 IPC unless there are clear allegations of intention to defraud from the inception. Karnataka High Court.

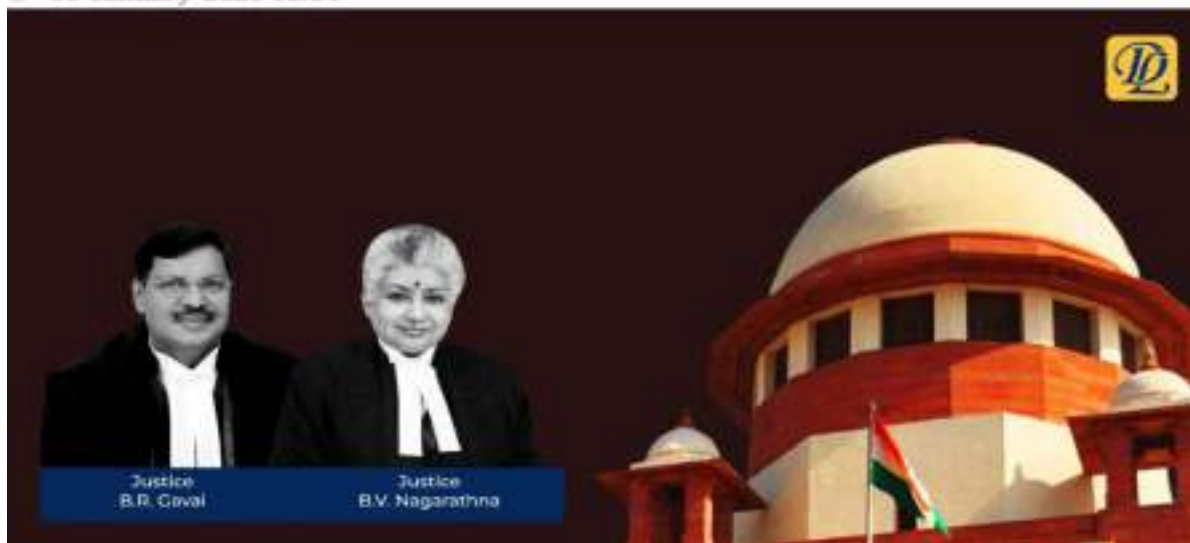
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<https://dakshalegal.com/judgements/actionRead/laBANU3hGwwtVjL8cgrKLfzAp>

Diploma holders in Medicine and Rural Health Care cannot practice modern scientific medicine including allopathic medicine. Supreme Court.

30-January-2023 18:04



<https://dakshalegal.com/judgements/actionRead/GFSUSzx3e3avdzMWREHhQG0I2>

Cancellation of tender after tender process got concluded, award being notified, and contract being signed amounts to arbitrary exercise of power and violative of tenets of Article 14 of the Constitution of India. Karnataka High Court.

31-January-2023 03:27



**Justice
M. Nagaprasanna**

<https://dakshalegal.com/judgements/actionRead/6Kyo9DzvRTfJXubSdxrx90Hjf>

Accused, after obtaining bail absconds and proclaimed by Court as 'absconding accused'. He is not entitled for anticipatory bail. Karnataka High Court.

30-January-2023 17:05

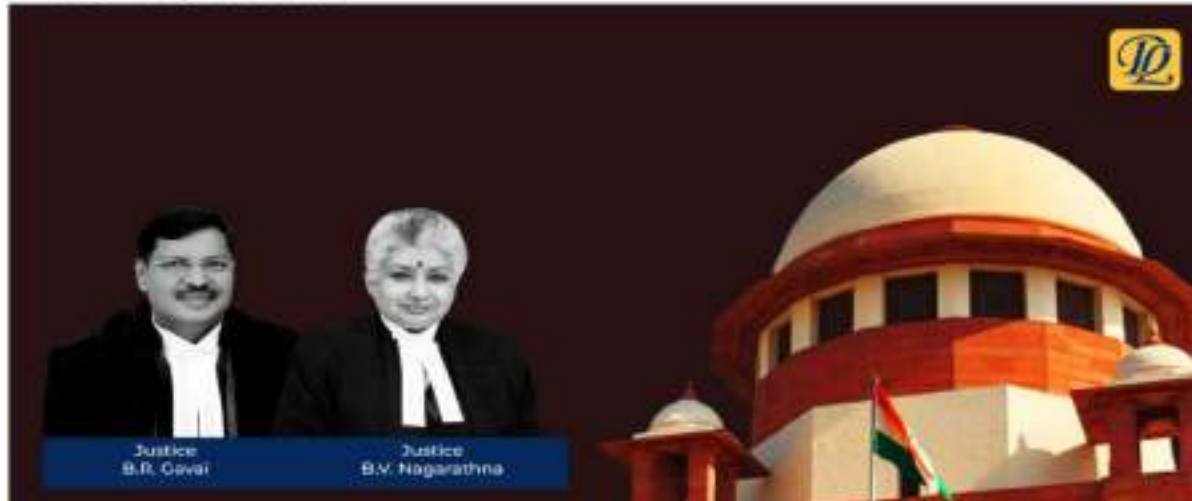


**Justice
M. G. Uma**

<https://dakshalegal.com/judgements/actionRead/HB1WdZ0SUH046jClpD55jxkSz>

Citizens residing in rural areas have an equal right to access healthcare services, by duly qualified staff. They cannot be allowed to be treated by Diploma holders in Medicine and Rural Health Care. Supreme Court.

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<https://dakshalegal.com/judgements/actionRead/4bvLJVllqkyozpidxH3Awn2I>

Transfer of Property Act 1882. Section 114. Relief against forfeiture for non payment of rent. The section does NOT come to the rescue of a tenant who lacks bonafides in conduct. Karnataka High Court.

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<https://dakshalegal.com/judgements/actionRead/kZabplcPeCt5SdVbVj0ALwNI4>

SC/ST (Prevention of Atrocities) Act. Mere taking the name of the caste of the victim would not make it an offence unless it is with an intention to insult the person belonging to the said caste. Karnataka High Court.

© 31-January-2023 09:04



<https://dakshalegal.com/judgements/actionRead/IqN9e4BoAXmtTyvMVKcku62bx>

“Review Petition portrays that Muslim women are subordinate to the will of their male counterparts. Clergies are unable to digest the unilateral right of Muslim women to divorce by khula”. Kerala High Court.

© 31-January-2023 10:33



<https://dakshalegal.com/judgements/actionRead/s1qyJcSGx9BViGfgXfZ7Gci6D>

Coca-Cola and Thums Up are food items and are covered under the Food Safety and Standards Act. Prosecution cannot be launched under the Legal Metrology Act. Karnataka High Court.

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