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# LATEST NEWS

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**Hon'ble Supreme Court** reiterated that the right to property is still a constitutional right and a human right. The right to property includes any proprietary/hereditary interest in the right of management of a religion endowment, as well as anything acquired by inheritance. **Hari Krishnan Mandhir Trust V. State of Maharashtra, Civil Appeal No. 6156 of 2013.**

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**Hon'ble Supreme Court** says that there is unexplained delay on the part of drug authorities to test a sample can render any penalty under Drug and Cosmetics Act, 1940, based upon the said analysis of the same as void. The court held that while exercising its power to blacklist a company, the state has to act fairly and rationally without in any being arbitrary. **Medipol Pharmaceutical India Pvt. Ltd V. Post Graduate Institute of Medical Education and Research, 2020 SCC OnLine SC 638.**

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**Hon'ble Supreme Court** held that recognizing the equal rights of daughters in coparcenary property and the court has explained the law regarding devolution of coparcenary property and also the impact of 2005 amendment to Hindu Succession Act of daughters' right to it. **Vineeta Sharma V. Rakesh Sharma, Civil Appeal Diary No. 32601 of 2018.**

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**Madras High Court** says that noting the final report has been filed only after the lapse of the statutory period of 90 days and even before the final report was filed, the petitioner had moved the subordinate court seeking default bail and the court held that murder accused, in custody is entitled to be bail under Sec.167(2), Cr.P.C. **V. Madhan V. The State, CRL OP (MD). No. 8098 of 2020.**

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**Delhi High Court** modifies the format of asset, income and expenditure that has to be filed by both the parties, at the very threshold of matrimonial litigation. However, if the affidavit has not been filed at the stage of fixing the permanent alimony, the court shall direct the parties to file the same before fixing the permanent alimony. **Kusum Sharma V. Mahinder Kumar Sharma, 2020 SCC OnLine Del 931.**

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**Gujarat High Court** held that the court cannot be oblivious of the fact that it is dealing with those persons who themselves are the veterans of the field of investigation and may also be mastered the art of overacting in the process and transferred the investigation in the Vadodara custodial death case to CID case. **Sheikh Salim Shakhbabu V. State of Gujarat, R/S Special Criminal Application No.2595 of 2020.**

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**Delhi High Court** held that officers posted in the jails, particularly those of the rank of the Superintendents, Deputy Superintendents and Assistant Superintendents must be appraised of their duties and obligations in law on relation to unlawful detention of prisons not repeated in the future. **Sanjay Singh V. The State (Govt of NCT) of Delhi and Anr., 2020 SCC OnLine Del 932 .**

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**Allahabad High Court** directed the senior superintendent of police to file his personal affidavit explaining as to how the F.I.R has been registered under 66A of Information Technology (Amendment) Act, 2008. Section 66A of the Information Technology Act was struck down for being violative of Art.19(1) and not saved under Art 19(2). **Mohan Singh V. State of Uttar Pradesh, Criminal Misc. Writ Petition No. 7285 of 2020.**

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**Culcutta High Court** says that strict scrutiny of statutory safeguards relating to powers of arrest and investigation is necessary when it has been alleged that state power has been unleashed to silence to the voice of dissent. **Sk.Mofijul Islam and Another V. State of West Bengal and Others, 2020 SCC Online Cal 1336.**

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**Kerala High Court** says that the procedural mechanism under Sec.57 of the Transfer of property Act, 1882 to lift the encumbrance from an immovable property. It is held that Sec.57 is wider in its amplitude than Sec.83 or Order XXXIV Rule 12 of the CPC. Since it permits the court to declare a property free of encumbrance even against the will of the encumbrance and even in the case of sale not directed by order XXXIV of the CPC. **M.P Varghese V. Annama Yocobt and Others, MFA No. 47 of 2020.**

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#### **DISCLAIMER**

*This write up has been sent to you for information purposes only and is intended merely to highlight recent case laws. The information and/or observations contained in this issue do not constitute legal advice and should not be acted upon in any specific situation without appropriate legal advice. The views expressed in this issue do not necessarily constitute the final opinion of M/s.Wallcliffs Law Firm and should you have any queries in relation to any of the issues set out herein or on other areas of law, please feel free to contact us on mail@wallcliffs.com.*

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