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# LATEST NEWS

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**Hon'ble Supreme Court** says that the accused gets an indefeasible right to 'default bail' if he makes an application after the maximum period for investigation of an offence is over and before a charge sheet is filed. The right to default bail is a fundamental right granted to an accused person to be released on bail once the condition of the first proviso to Sec.167(2) are fulfilled. **Bikramjit Singh V. State of Punjab, 2020 SCC Online SC 824.**

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**Hon'ble Supreme Court** that a suit for specific performance filed within limitation cannot be dismissed on the sole ground of delay or laches. Once, a suit for specific performance has been filed, any delay as a result of the court process cannot be put against the plaintiff as a matter of law in decreeing specific performance. **Ferrodous Estates (Pvt.) Ltd V. P.Gopirathnam (Dead), 2020 SCC Online 825.**

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**Hon'ble Supreme Court** dismissed plea of a District Judge aspirant whose candidature was on the ground of pendency of a criminal case under Sec.498A IPC filed by his wife. The mere fact that subsequently after more than a year when the person whose candidature has been cancelled has been acquitted cannot be a ground to turn the clock backward. **Anil Bhardwaj V. High Court of Madhya Pradesh.**

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**Hon'ble Supreme Court** says that testimony of the related witness, if found to be truthful can be the basis of conviction. If the witnesses are otherwise trustworthy, past enmity by itself will not discredit any testimony. **Karulal V. State of Madhya Pradesh, 2020 SCC Online SC 818.**

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**Hon'ble Supreme Court** held that it is not compulsory for the private medical colleges to provide for 15% NRI quota. Private Colleges and institution which offer such professional and technical courses can decide whether, and to what extent, they wish to offer NRI or management, quotas, subject to limits set by judicial precedents, enacted law or subordinate legislation. **Nilay Gupta V. Chairman NEET PG Medical and Dental, 2020 SCC Online SC 819.**

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**Hon'ble Supreme Court** held that right to pre-emption is a “very weak rights” and is capable of being defeated by all legitimate methods including the claim of superior or equal right. The right of pre-emption is a right of substitution which cannot be exercised recurrently, but only once. **Ragunath (D) V. Radha Mohan(D), Civil Appeal No.1442 of 2016.**

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**Hon'ble Supreme Court** has granted time up to end of January 2021 for the removal of the minerals excavated/mined on or before 15.03.2018. Subject to payment of royalties and other charges. The quantity of mineral to be moved by each of the lessees shall be determined by the concerned officials with reference to the records of Government maintained at the relevant point of time. If with the time stipulated above, the lessees could not remove the minerals, the Government shall invoke the power under Rules 12(1)(hh) of the minerals other than Atomic and Hydro Carbons Energy Minerals Concession Rules, 2016. **Chowgula and Company Pvt Ltd V. Goa Foundation and Others, 2020 SCC Online SC 103.**

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**Madras High Court** agreed to consider the issue to permissibility of participation of advocates in proceedings before ombudsman under the Banking Ombudsman Scheme 2006 promulgated by Reserve Bank of India. **V. Sivalingam V. State of Tamilnadu, W.P.No. 3450 of 2014.**



**Calcutta High Court** says that an application under Sec.9 of the Arbitration and Conciliation Act can be filed where a part of the cause of action has arisen. An application under Sec.9 for interim relief urged in the background of an arbitration agreement between the parties is time-sensitive where the court has to decide on a prime facie assessment of the material available before it. **Srei Equipment Finance Limited V. Seirra Infraventure Private Limited, A.P.185 Of 2020.**

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**Patna High Court** held that a foreign national does not automatically become an Indian Citizen on marriage with a citizen. Mere possession of a PAN card, Voter ID card or Aadhaar card cannot be said to be proof of Indian Citizenship. **Kiran Gupta V. State Election Commission Letters Patent Appeal No.139 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](mailto:mail@wallcliffs.com).*

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