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# LATEST NEWS

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**Hon'ble Supreme Court** reiterated while directing the centre hand back possession to the land to its owners and says though right to property is not a fundamental right; it remains a valuable constitutional right. The phrasing of Art-300A is determinative and its resemblance with Art.21 and 2265 cannot be overlooked. They are a guarantee of the supremacy of the rule of law. **B.K. Ravinchandra V. Union of India, Civil Appeal No. 1460/2010.**

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**Hon'ble Supreme Court** says that while setting aside an order of the Punjab and Haryana High court dismissing the plea of a man on a account of absence of his counsel, the liberty of a citizen cannot taken away in this manner. The High Court was manifestly in error in rejecting the revision order of conviction under the Arms Acct in default, on the ground that the appellant's advocate had remained absent on the previous four occasions. **Praveen V. State of Haryana, Special Leave To Appeal (Crl.) Nos. 4292-4295/2020.**

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**Hon'ble Supreme Court** held that to invoke Sec.17 of the limitation Act, 1963, the plaintiff has to plead and prove two ingredients i.e. the existence and discovery of fraud. Section 17 of the Limitation Act deals with the effect of fraud of the limitation period for instituting a suit. It says that when the suit is based on the fraud of the defendants, the period of limitation shall not begin to run until plaintiff or applicant had discovered the fraud. **Rattan Singh V. Nimal Gill, Civil Appeal No. 3681-3682 of 2020.**

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**Hon'ble Supreme Court** held that a person cannot file anticipatory bail application apprehending arrest following the cancellation of his regular bail. This is because person released on bail remains under the constructive custody of law and a person

in custody cannot seek anticipatory bail. **Manish Jain V. Haryana Pollution Board, SLP(Crl.) 5385/2020.**

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**Kerala High Court** recorded the submission made by the Additional Advocate General of Kerala that there will be no adverse action, registration of FIR or suo moto Cognizance based on the newly introduced controversial provision under Sec.118-A of the Kerala Police Act. **Anoop M.K V. The State of Kerala, W.P(C) No. 25875/2020 (S).**

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**Allahabad High Court** says that right to live with a person of his or has choice irrespective of religion professed by them, is intrinsic to right to life and personal liberty and held conversion for the purpose of marriage is not a good law. **Salmat Ansari & Others V. State of U.P & Others, Crl. Mis. Writ Petition, 11367 of 2020.**

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**Kerala High Court** held that an order under Sec.9 of the Arbitration and Conciliation Act, passed by a commercial court below the level of a District Judge is appealable under sec.13(1) of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Court Act. **Pranathmaka Ayurvedics Pvt Ltd V. Cocosath Health Products, OP(C). No. 1467/2020.**

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**Punjab & Haryana High Court** held that the provisions of the Advocated Act and the BCI rules do not bestow power on the State Bar Council to suspend the license to practice of an advocate while referring the complaint against him to his disciplinary committee. **Vijay Bharat Verma V. Bar Council of Punjab & Haryana CWP-13235-2020.**

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**Karnataka High Court** says that to permit the accused take a defence of grave and sudden provocation in the facts and circumstance of this case apart from being obnoxious, will result in negation of the fundamental right of the deceased under Art.14,19(1)(a) and 21 of the Constitution of India and such opposed to public policy. **Vijay @ Vijendra V. State, Criminal Appeal No. 200141/2016.**

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**Kerala High Court** held that even after the dissolution of the marriage, the husband will be deemed to hold in trust the properties entrusted with him by the wife before marriage in the form of dowry. Sect.20 of the Limitation Act. 1963 which exempts the application of limitation period to suit against trust and trustees will continue to apply to such property even after the dissolution of the marriage. Therefore, limitation period will not start running even after the dissolution of marriage with respect to the claim for return of property entrusted with husband or in-laws. **Sheela .K.K V. N.G Suresh, 2020 SCC ONLINE KER 4240.**

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*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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