AJMANI & LAW PARTNERS

NEWSLETTER - 2025 (ISSUE II)

Dear Readers,

As the second quarter of the year begins, we find ourselves amidst a legal landscape shaped by constant transformation and adaptation. At Ajmani & Law Partners, we are dedicated to share the legal developments, ensuring the different stakeholders are well-equipped with the latest legal insights and information.

Our continuous efforts to issue newsletters and research pieces exemplify this dedication. In this edition, we delve into the recent developments in various areas of law, including Civil Laws, Matrimonial Laws, and Defamation Laws, which have undergone notable changes in the second quarter of the year.

We deeply value the trust and support shown to us. We sincerely hope this newsletter serves as a valuable tool, offering comprehensive updates and perspectives to keep you all informed in today's ever-evolving legal landscape.

Thank you for being an integral part of the Ajmani & Law Partners family. Together, we navigate the future with knowledge, resilience, and unwavering commitment.

Warm regards,

Adv. Lalit Ajmani

Managing Principal | F/M Manager

AJMANI & LAW PARTNERS, NEW DELHI

Glimpse:-

- Civil & Commercial Laws
- Matrimonial Laws
- Defamation Laws
- Miscellaneous Laws
- Disclaimer

CIVIL AND COMMERCIAL LAWS

SUPREME COURT: REGISTER WITHIN 4 MONTHS OR FORGET OWNERSHIP

Mahnoor Fatima Imran & Ors. vs. Visweswara Infrastructure Pvt. Ltd. & Ors. (Supreme Court)

The Supreme Court firmly emphasized that a conveyance or sale deed must be submitted for registration within four months of its execution as per Section 23 of the Registration Act, 1908, with only a further four-month extension available upon payment of a penalty (under Section 25). Any attempt to register beyond this eight-month ceiling is invalid. In "Mahnoor Fatima Imran & Ors. vs. Visweswara Infrastructure Pvt. Ltd. & Ors." the Court struck down a sale agreement executed in 1982 but "validated" in 2006 - a full 24 years later - deeming this post-facto registration void and fraudulent, as it flouted the strict timeline prescribed by Sections 23-25. The Court stressed that the Registrar lacked the authority to register such an outdated deed, and that timely registration is not a mere formality but a substantive legal requirement to confer a valid title.

SUPREME COURT ENDS ENDLESS LITIGATION: ONCE IMPLEADED, YOU CAN'T OPT OUT!

Sulthan Said Ibrahim vs. Prakasan & Ors. (Supreme Court)

In "Sulthan Said Ibrahim vs. Prakasan & Ors.", the Supreme Court held that once a party is impleaded as a legal heir under Order XXII Rule 4 CPC and does not challenge it, then he/ she cannot later seek deletion under Order I Rule 10. A legal heir, who had actively participated in the proceedings without objection, later claimed he was not a legal heir and tried to assert tenancy rights to block execution of a specific performance decree. The Court rejected his plea, ruling that the earlier impleadment had attained finality and could not be undone. Terming the attempt as a dilatory tactic, the Court imposed Rs. 25,000 as cost.

CIVIL AND COMMERCIAL LAWS

SUPREME COURT: IN DEED CANCELLATION SUITS, 3-YEAR CLOCK CAN'T BE STRETCHED BY SEEKING POSSESSION

Rajeev Gupta & Ors. v. Prashant Garg & Ors. (Supreme Court)

In "Rajeev Gupta & Ors. v. Prashant Garg & Ors.", the Supreme Court held that in a composite suit seeking cancellation of sale deeds and possession, the three-year limitation applies as the cancellation is the primary relief, and not possession. The plaintiffs had challenged the sale deeds after more than three years of knowledge. The Court clarified that plaintiffs can't avoid limitation rules by framing the suit as one for possession. This ruling reinforces that timely action is essential in civil suits.

DELHI HIGH COURT: 120-DAY RULE APPLIES ONLY TO ORIGINAL PLEA - NOT AMENDED PLAINT

M/S A. G. Overseas Pvt Ltd & Ors. vs. Chetan Dass (Delhi High Court, May 20, 2025)

In "M/S A. G. Overseas Pvt Ltd & Ors. vs. Chetan Dass", the Delhi High Court on May 20, 2025, held that the mandatory 120-day time limit under Order VIII Rule 1 CPC for filing a written statement applies solely to the original plaint, and not to the amended plaints. In this case, the defendants appeared and were served summons. When the plaintiff amended the plaint under Order VI Rule 17 and provided the defendants a fresh opportunity to file their statement, they failed to do so within 120-day time line. The trial court consequently struck off the defence. However, the Delhi High Court overruled this, asserting that the 120-day deadline is irrelevant to replies filed in response to amended pleadings.

MATRIMONIAL LAWS

SUPREME COURT: NO 498A AGAINST IN-LAWS AFTER DIVORCE

Sushila & Ors. v. State of U.P. & Ors. (Supreme Court)

In "Sushila & Ors. v. State of U.P. & Ors.", the Supreme Court quashed dowry and cruelty charges against a husband's relatives, holding that such prosecution cannot continue once the marriage has legally ended. The Court noted that the complaint was filed three years after the divorce and contained vague, generalised allegations. It ruled that Section 498A IPC and Section 4 of the Dowry Prohibition Act require a subsisting marital relationship, and post-divorce complaints without specific accusations are invalid.

FEW TAUNTS HERE & THERE DON'T ATTRACT S.498A: SUPREME COURT QUASHES THE FIR

Kamal & Ors. vs. State of Gujarat & Anr. (Supreme Court)

In "Kamal & Ors. vs. State of Gujarat & Anr.", the Supreme Court partially quashed an FIR under Section 498A and 114 IPC against a father-in-law and mother-in-law, while allowing proceedings against the husband alone. The Court observed that the wife's FIR was lodged just three days after receiving divorce summons - raising strong inference of mala fide intent - and the allegations against the in-laws were vague and non-specific. Highlighting that casual taunts and routine domestic friction are not legally cognizable cruelty, the bench found no concrete evidence implicating the in-laws.

MATRIMONIAL LAWS

SUPREME COURT DOUBLES ALIMONY TO Rs. 50K, ADDS BIENNIAL 5% HIKE - SETS NEW MAINTENANCE BENCHMARK

Rakhi Sadhukhan vs. Raja Sadhukhan (Supreme Court)

In "Rakhi Sadhukhan vs. Raja Sadhukhan", the Supreme Court significantly enhanced permanent maintenance to Rs. 50,000 per month, with an automatic 5% increase every two years, based on the husband's Rs. 4 lakh monthly income - more than doubling the Calcutta High Court's earlier Rs. 20,000 award. The court held that maintenance must reflect the wife's standard of living during marriage and adjust for inflation. This is a strong precedent for upward-adjusting maintenance based on the financial capacity and living standards.

MADRAS HIGH COURT: MATRIMONIAL MISCONDUCT CAN COST A GOVERNMENT JOB

G. Arul Prakash vs. The State of Tamil Nadu & Ors. (Madras High Court, Madurai Bench)

In "G. Arul Prakash vs. The State of Tamil Nadu & Ors.", the Madras High Court (Madurai Bench) upheld the dismissal of a government employee who was implicated in a criminal case arising out of a matrimonial dispute. The petitioner challenged his termination under Rule 19(2) of the Tamil Nadu Government Servants' Conduct Rules, 1973, after being removed from service without any departmental inquiry due to the gravity of the charges. The Court held that when a government servant's conduct - whether in public or private life - raises questions of integrity or criminality, the employer has the right to act swiftly in the public interest. Even though the dispute was rooted in his personal life, the Court ruled that such criminal implication affects the dignity and integrity expected of public servants, justifying dismissal without regular inquiry.

DEFAMATION LAWS

SUPREME COURT SHIELDS HOMEBUYERS: PEACEFUL BANNER PROTEST != DEFAMATION

Shahed Kamal & Ors. vs. M/s A. Surti Developers Pvt. Ltd. (Supreme Court)

In "Shahed Kamal & Ors. vs. M/s A. Surti Developers Pvt. Ltd.", the Supreme Court quashed defamation proceedings against flat-owners who had displayed a banner listing construction defects like leaks, faulty lifts, and lack of society formation. The court held that the banner was a "peaceful, temperate, non-abusive protest" and came under the Ninth Exception to Section 499 IPC - offering qualified privilege for statements made in good faith to protect one's interests or public welfare. The Court also reinforced that fundamental rights under Articles 19(1)(a)-(c) protect such consumer protests, ensuring builders cannot weaponize criminal defamation to silence legitimate grievances.

BOMBAY HIGH COURT: YOUTUBERS MUST DELETE DEFAMATORY VIDEOS ON MINISTER MAHAJAN

Anil Thatte & Shyam Giri vs. Girish Mahajan (Bombay High Court)

In "Anil Thatte & Shyam Giri vs. Girish Mahajan", the Bombay High Court issued an interim order directing the two YouTubers to remove six videos from YouTube that were found to be prima facie defamatory against Maharashtra Water Resources Minister Girish Mahajan. The court accepted the minister's plea, noting that the videos contained false, reckless, and unsubstantiated allegations, and pointed out that the defendants failed to appear to justify their statements. Additionally, the court imposed a restraining order preventing them from uploading any further defamatory material while the suit proceeds.

DEFAMATION LAWS

PUNJAB & HARYANA HIGH COURT QUASHES DEFAMATION CASE AGAINST THE TRIBUNE - FAIR REPORTING, NO MALICE

Rajesh Ramachandran & Ors. vs. State of Punjab & Ors. (Punjab & Haryana High Court)

In "Rajesh Ramachandran & Ors. vs. State of Punjab & Ors.", the Punjab & Haryana High Court dismissed a criminal defamation case filed by AAP MLA Nazar Singh Manshahia against journalists and editors of The Tribune and The Punjabi Tribune. The court held that the accused merely reported statements made by Bhagwant Singh Mann in a press conference, without any intention or knowledge that such reporting would harm the complainant's reputation. The Court recognised that truthful press coverage of public discourse cannot constitute defamation in the absence of intent to defame.

TELANGANA HIGH COURT QUASHES DEFAMATION CASE AGAINST KTR OVER Rs. 25,000 CRORE SIPHONING ALLEGATION

Kalvakuntla Taraka Rama Rao vs. State of Telangana (Telangana High Court)

In "Kalvakuntla Taraka Rama Rao vs. State of Telangana", the Telangana High Court quashed a defamation complaint filed by a Congress member against BRS Working President K.T. Rama Rao. The court found no prima facie offence under Sections 352, 353(2), or 356(2) of the Bharatiya Nyaya Sanhita (BNS), stating the statements lacked mens rea, provocation, or intent to foment hatred or public disorder. In the Court's view, the remarks were political critique - not defamatory speech.

MISCELLANEOUS LAWS

SUPREME COURT OPENS SENIOR ADVOCATE TAG TO TRIAL COURT LAWYERS - MERIT OVER FORUM

Jitender @ Kalla vs. State (Govt. of NCT of Delhi) & Ors. (Supreme Court)

In "Jitender @ Kalla vs. State (Govt. of NCT of Delhi) & Ors.", the Supreme Court clarified that advocates practising in District Courts and Tribunals are equally eligible for designation as Senior Advocates under Section 16(2) of the Advocates Act, 1961. The Court stated that "the qualities of ability, standing at the Bar, and special knowledge and experience in law" are found not only in High Court and Supreme Court practitioners but also among trial court lawyers. It emphasised that applications for designation are not mandatory - the Full Court can recommend names suo motu with the advocate's consent. The judgment ensures inclusivity in the senior designation process and discourages over-reliance on rigid point systems or interviews.

SUPREME COURT RESTORES 3-YEAR PRACTICE RULE FOR ENTRY-LEVEL JUDGES - NO MORE FRESHERS

All India Judges Association vs. Union of India (Supreme Court)

In "All India Judges Association vs. Union of India", the Supreme Court reinstated the requirement of a minimum of three years of legal practice for advocates seeking appointment as Judges (Junior Division). The court overruled its 2002 decision that allowed fresh law graduates to enter the judiciary directly. Emphasising that theoretical knowledge alone is insufficient for judging matters impacting life, liberty, and property, the Court mandated practical courtroom experience to enhance judicial competence. Importantly, the rule applies prospectively, exempting ongoing recruitments but requiring all future candidates to follow this new ruling.

MISCELLANEOUS LAWS

SUPREME COURT: NON-PAYMENT OF SALE PRICE != CHEATING - FIR QUASHED IN EXPORT DISPUTE

Ashok Kumar Jain vs. State of Gujarat & Anr. (Supreme Court)

In "Ashok Kumar Jain vs. State of Gujarat & Anr.", the Supreme Court quashed an FIR alleging criminal breach of trust (Section 406 IPC) and cheating (Section 420 IPC). The respondent claimed unpaid payment for exported sarees, but the Court found that the non-payment stemmed from a valid contractual transaction routed through an exporter is not a dishonest intent. Relying on precedents like Hridaya Ranjan Prasad Verma, the court noted that the absence of fraudulent intent at the deal's inception precludes charges under cheating or breach of trust. This ruling underscores that commercial disputes should not be fast-tracked into criminal courts in the absence of clear, pre-existing dishonest intent.

SUPREME COURT ACQUITS WOMAN IN NDPS CASE: NO PROOF SHE WAS THE ARRESTED ACCUSED

K. Shikha Barman vs. State of Madhya Pradesh (Supreme Court)

In "K. Shikha Barman vs. State of Madhya Pradesh", the Supreme Court quashed the conviction under Sections 8 and 20(b)(ii)(C) of the NDPS Act after finding that the prosecution failed to establish her identity as the woman arrested with contraband. All contemporaneous records - including the memo of arrest and seizure have no direct evidence linking Barman to her. Crucially, during her Section 313 examination, no attempt was made to confront the accused with allegations that she was ABC, depriving her of a fair opportunity to respond. Recognising the serious prejudice caused, the court held that guilt was not proven beyond a reasonable doubt and ordered the acquittal.

DISCLAIMER

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