AJMANI & LAW PARTNERS

NEWSLETTER - 2026 (ISSUE I)

Dear Readers,

As the first quarter of the year ends, we find ourselves amidst a legal landscape shaped by constant transformation and adaptation. At Ajmani & Law Partners, we are dedicated to sharing 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, Defamation Laws, and Matrimonial Laws, which have undergone notable changes in the first 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 & COMMERCIAL LAWS

SUPREME COURT: PHOTOCOPY OF POA INSUFFICIENT TO VALIDATE SALE UNDER EVIDENCE ACT

Tharammel Peethambaran v. T. Ushakrishnan (Supreme Court)

In Tharammel Peethambaran v. T. Ushakrishnan, the Supreme Court set aside a property sale founded solely on a photocopied Power of Attorney, holding that a mere copy, being secondary evidence, is not evidence unless it satisfies the requirements of the evidence law.

NO UNLIMITED BURDEN ON GUARANTORS: SC DRAWS LINE ON POST-MODIFICATION LIABILITY

Bhagyalaxmi Co-Operative Bank Ltd. v. Babaldas Amtharam Patel (D) through LRs & Ors. (Supreme Court)

In Bhagyalaxmi Co-Operative Bank Ltd. v. Babaldas Amtharam Patel (D) through LRs & Ors., the Supreme Court has reiterated that a guarantor cannot be fastened with liability for amounts drawn by the borrower beyond the sanctioned limit, particularly where such enhancement or modification was undertaken without the surety's consent. At the same time, the Court clarified that the guarantor does not stand discharged altogether, but continues to remain liable to the extent of the original guarantee.

CIVIL & COMMERCIAL LAWS

NON-PARTIES NOT LEFT REMEDILESS: SUPREME COURT AFFIRMS RIGHT TO CHALLENGE ADVERSE JUDGMENTS

Dr. Jiji K.S. & Ors. v. Shibu K. & Ors. (Supreme Court)

In Dr. Jiji K.S. & Ors. v. Shibu K. & Ors., the Supreme Court has reiterated that persons who were not parties to a proceeding, yet find themselves adversely affected by the outcome, are not left without recourse. Such individuals are entitled to seek a review of the judgment or to challenge it before the appropriate forum in accordance with law. The Court particularly noted that in service jurisprudence, decisions often extend beyond the immediate parties and may impact other employees within the same cadre. In such circumstances, those affected cannot be denied the opportunity to put forth their grievances.

ORDER XLI RULE 27 CPC: ADDITIONAL EVIDENCE LIES WITHIN COURT'S DISCRETION, NOT PARTY'S VESTED RIGHT

Gobind Singh & Ors. v. Union of India & Ors. (Supreme Court)

In Gobind Singh & Ors. v. Union of India & Ors., the Supreme Court reiterated that a party does not have any vested or automatic right to produce additional evidence at the appellate stage under Order XLI Rule 27 CPC. The power to permit such evidence lies within the discretion of the appellate court and can be exercised only upon satisfaction of the conditions prescribed under the provision.

CIVIL & DEFAMATION LAWS

MUTATION AFTER 45 YEARS? ALLAHABAD HIGH COURT HOLDS DELAY RAISES SERIOUS DOUBTS

Dalbir & Ors. v. Board of Revenue, Prayagraj & Ors. (Allahabad High Court)

In Dalbir & Ors. v. Board of Revenue, Prayagraj & Ors., the Allahabad High Court held that although there is no prescribed limitation for seeking mutation in revenue records, such relief cannot be granted mechanically on the basis of a sale deed allegedly executed several decades earlier.

The Hon'ble Court observed that the mutation application in the present case had been filed after more than 45 years on the strength of an alleged sale deed. The Court noted that such an inordinate delay, though not barred by limitation, raises serious doubt regarding the genuineness of the document and, therefore, ought not to be accepted at face value.

NO DEFAMATION QUA PLEADINGS: REMEDY LIES IN PERJURY; DELHI HIGH COURT

Harkirat Singh Sodhi v. State of NCT of Delhi & Anr. (Delhi High Court)

The Delhi High Court in Harkirat Singh Sodhi v. State of NCT of Delhi & Anr., held that mere allegations made in pleadings, while prosecuting or defending a case, do not lead to defamation. It was observed that statements in judicial proceedings are intended to assert a party's version of truth, and even if ultimately disproved, cannot be presumed to be made with an intent to harm reputation. The Court clarified that if such statements are false, the appropriate remedy lies in perjury and not in initiating defamation proceedings. Noting that the allegations were confined to court pleadings and not circulated publicly, it found no lowering of reputation in the eyes of society. The summoning order was thus set aside, recognising a litigant's right to take all legal pleas in defence of his case.

DEFAMATION LAW

DELHI HC DECLINES TO ENTERTAIN WANKHEDE'S DEFAMATION SUIT OVER WEB SERIES FOR WANT OF JURISDICTION

Sameer Dnyandev Wankhede v. Red Chillies Entertainments Pvt. Ltd. & Ors. (Delhi High Court)

The Delhi High Court in Sameer Dnyandev Wankhede v. Red Chillies Entertainments Pvt. Ltd. & Ors. refused to entertain the defamation suit filed by Sameer Wankhede against the Netflix series, holding that the plaint was not maintainable for lack of territorial jurisdiction. It held that mere accessibility of content online or incidental connections with Delhi would not suffice to confer jurisdiction.

GUJARAT COURT REJECTS PUBLIC INTEREST DEFENCE IN DEFAMATION CASE

Adani Enterprise Ltd. vs Ravi Nair (Gandhinagar Magistrate Court)

The Gandhinagar Magistrate Court recently in the case of Adani Enterprise Ltd. vs Ravi Nair, convicted journalist Ravi Nair for criminal defamation, holding that a series of tweets, read together, carried a clear defamatory tenor against the complainant company. The Court observed that allegations of illegality, manipulation and unethical conduct went beyond fair comment and had the tendency to injure reputation. It rejected the defense of good faith and public interest, noting absence of material to justify the imputations or bring them within the statutory exceptions. Highlighting that proof of actual damage is not necessary, and the repeated and categorical nature of the posts showed knowledge of likely harm. The conviction under Section 499 IPC was thus sustained.

DEFAMATION LAW

NO DEFAMATION LIABILITY FOR ADVOCATES ACTING ON CLIENT INSTRUCTIONS: MADRAS HIGH COURT

JN Naresh Kumar v. Radhika Dolia (Madras High Court)

In JN Naresh Kumar v. Radhika Dolia, the Madras High Court observed that while there were "specific allegations" against the principal accused for spreading defamatory statements, the inclusion of the advocate as an accused was unwarranted. Highlighting the principle that a lawyer "speaks on behalf of another" and acts on client instructions, the Court held that no prosecution for defamation can lie against a counsel. It termed the complaint against the advocate a "clear abuse of process of law" and quashed proceedings against him.

MATRIMONIAL LAWS

PERMANENT ALIMONY NOT A MEANS TO EVADE HUSBAND'S FINANCIAL RESPONSIBILITY - JHARKHAND HIGH COURT

X v. Y (Jharkhand High Court)

In X v. Y, the High Court held that the proceedings under Section 125 CrPC are summary in nature to prevent vagrancy and destitution. It was further observed that an able-bodied husband has a sacrosanct duty to provide financial support and cannot evade this obligation, even if it requires earning through physical labour. The Court further underscored that permanent alimony does not absolve the husband's sacrosanct duty of financial support.

MADHYA PRADESH HIGH COURT ALLOWED DNA TEST OF A CHILD IN A DIVORCE PROCEEDING ON THE GROUND OF ADULTERY

X v. Y (Madhya Pradesh High Court)

In X v. Y, the Court upheld the Family Court's order of direction for a DNA test of a minor child in a pending divorce proceeding, which was challenged by the wife. Deciding the matter, the court held that where a divorce petition is based on specific allegations of adultery, coupled with clear pleadings of non-access, a DNA test to verify such claims does not offend the statutory presumption of legitimacy under the Evidence Act.

FORCED UNNATURAL SEX BY HUSBAND IS CRUELTY U/S 498A IPC AND NOT RAPE

Shubham Mangal v. State of Madhya Pradesh (Madhya Pradesh High Court)

In Shubham Mangal v. State of Madhya Pradesh, the Madhya Pradesh High Court observed that, under the amended definition of rape in Section 375, where the parties are married, the question of consent becomes immaterial and no offence is made out. The court noted that such offences are punishable as being cruelty however, the same is not rape.

MATRIMONIAL & MISCELLANEOUS LAWS

REPRODUCTIVE CHOICE WITHIN MARRIAGE: NO BAR FOR COUPLE ON IVF DESPITE EXISTING CHILD

Sarbjit Kaur v. State of Punjab (Punjab & Haryana High Court)

In Sarbjit Kaur v. State of Punjab, the Punjab & Haryana High Court held that there is no statutory prohibition under the ART framework preventing a couple from opting for IVF merely because they already have a child. The Court recognised that the decision to expand one's family falls within the realm of personal autonomy and reproductive choice.

OBC CREAMY LAYER TEST NOT BASED SOLELY ON INCOME: SUPREME COURT

Union of India & Ors. v. Rohith Nathan & Anr. (Supreme Court)

In Union of India & Ors. v. Rohith Nathan & Anr., the Supreme Court clarified that the determination of creamy layer status under the OBC category cannot rest solely on parental income, without considering the nature of the posts and the status held by the parents. The Court granted relief to several UPSC candidates who, despite successfully clearing the Civil Services Examination, were denied appointments on the ground that they fell within the creamy layer category. It found that the authorities had erroneously applied a purely income/wealth-based test to exclude them.

MISCELLANEOUS LAWS

NON-JOINING BY SELECTED CANDIDATE DOESN'T CREATE RIGHT FOR OTHERS: SC

State of Karnataka & Ors. v. Santhosh Kumar C. (Supreme Court)

In State of Karnataka & Ors. v. Santhosh Kumar C., the Supreme Court held that a candidate cannot claim appointment as a matter of right merely because some other selected candidate failed to complete pre-appointment formalities or did not join duty. The Court emphasised that such vacancies must be filled strictly in accordance with the applicable recruitment rules, and not by extending the operation of the select list beyond its permissible limits.

MANDATORY INQUIRY UNDER SECTION 202 CRPC CANNOT BE BYPASSED: UTTARAKHAND HIGH COURT

Bhim Singh v. Bhawan Dutt Bhatt 2026 (Uttarakhand High Court)

In Bhim Singh v Bhawan Dutt Bhatt 2026, the Uttarakhand High Court held that compliance with Section 202 CrPC is not a mere formality but a mandatory safeguard, especially when the accused resides beyond the territorial jurisdiction of the Magistrate. It was observed that issuance of a process without conducting the requisite inquiry or investigation vitiates the very foundation of the proceedings. The Court held that such an omission goes to the root of jurisdiction and cannot be cured at a later stage.

MISCELLANEOUS LAWS

LAME EXCUSE FOR DELAY: SUPREME COURT REFUSED TO CONDONE THE DELAY OF STATE

State of Odisha & Ors. v Managing Committee of Namatara Girls High School (Supreme Court)

The Supreme Court in the case State of Odisha & Ors. v Managing Committee of Namatara Girls High School, declined to condone inordinate delay by the State of Odisha, holding that condonation is a matter of discretion and not a vested right. While acknowledging that some latitude is ordinarily extended to governmental bodies due to procedural issues, the Court made it clear that such indulgence has its limits. Reiterating that the law of limitation binds all litigants alike, the Court dismissed the petition as time-barred, signaling that routine delays by the State will no longer be allowed.

BRING ROMEO JULIET CLAUSE IN POCSO ACT TO CURB MISUSE: SUPREME COURT

State of Uttar Pradesh v Anurudh and Another (Supreme Court)

In the case of State of Uttar Pradesh v Anurudh and Another, while setting aside directions of the Allahabad High Court mandating medical age determination in all POCSO bail matters, the Apex Court observed that genuine adolescent relationships were being unnecessarily drawn into the criminal justice system due to the rigid statutory framework. The Court noted the absence of any legislative mechanism to distinguish between exploitative conduct and consensual age-proximate relationships and suggested that the Union Government consider introducing a Romeo and Juliet clause to prevent such outcomes.

MISCELLANEOUS LAWS & DISCLAIMER

SUPREME COURT ALLOWS TERMINATION OF MINOR'S 30 WEEK PREGNANCY

A (Mother Of X) vs State Of Maharashtra (Supreme Court)

The Supreme Court recently, in A (Mother Of X) vs State Of Maharashtra permitted a girl to medically terminate her 30-week pregnancy, which resulted from a relationship when she was 17. The girl firmly expressed that continuing the pregnancy would harm her education and future. The Court respected her choice and upheld her right to decide. Justice Nagarathna observed that the court cannot force any woman, especially a minor, to complete a pregnancy against her will.

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