

NOVEMBER 2025

Annamalai vs Vasanthi and Others: 2025 INSC 1267-

1. Whether the buyer must seek a separate declaration that the vendor's termination was invalid before claiming specific performance?

2. Whether the vendor's acceptance of extra payment amounted to waiver of the right to terminate? – HELD

Facts of the Case Annamalai (buyer) entered into an agreement to purchase land for ₹4.8 lakh; ₹4.7 lakh was paid. Vendors later on demanded extra ₹2 lakh; buyer paid ₹1.95 lakh and vendors endorsed it on the agreement. Despite this, vendors cancelled the agreement and sold part of the property to a third party. Buyer sued for specific performance; trial court dismissed; appellate court decreed in his favour; High Court reversed; appeal reached Supreme Court.

Core Rulings & Legal Principles

- **Specific Performance Maintainability:** The Court held that a suit for specific performance is maintainable **without seeking a separate declaration** that the contract's termination was invalid. If a party waives their right to terminate by accepting payment after a deadline, they cannot later claim the contract is dead without a court's declaration.
- **Readiness and Willingness:** The Bench (Justices J.B. Pardiwala and Manoj Misra) emphasized that "readiness and willingness" must be judged by the **totality of the parties' conduct**. Since Annamalai had paid over 90% of the consideration and additional amounts demanded by the vendors, his willingness was clearly established.
- **Limits on Second Appeals (Section 100 CPC):** The Supreme Court criticized the High Court for interfering with factual findings made by the First Appellate Court. High Courts can only intervene if there is a "substantial question of law" or perversity, not merely to swap one plausible factual view for another.
- **"Cloud of Doubt" Test:** The judgment introduced/refined the idea that if a plaintiff's right is under a "cloud," they should seek a declaration; however, a void unilateral termination does not necessarily create such a cloud.

Ratio Decidendi When the vendor wrongfully repudiates the contract or waives the right to terminate by conduct, the buyer can directly sue for specific performance. Separate declaratory relief is unnecessary in such cases. Hon'ble Supreme Court analyzed the discretionary power of the court under Section 20 of the Specific Relief Act, 1963. Hon'ble Court held that in a suit for specific performance, the ultimate relief includes the right to possession, so a bona fide but unproven claim of existing possession is not a sufficient reason to deny the relief, especially when the plaintiff had paid over 90% of the total consideration and the conduct of the defendants was found to be fraudulent.

Outcome Appeal allowed. The Supreme Court **allowed the appeals**, set aside the High Court's judgment, and **restored the decree for specific performance** in favor of Annamalai. He was directed to deposit the remaining ₹10,000 balance within one month

Novenco Building And Industry A/S Versus Xero Energy Engineering Solutions Private Ltd. & Anr:2025 INSC 1256-

Whether a commercial suit seeking injunction for patent infringement can bypass mandatory pre-institution mediation under Section 12-A by merely claiming “urgent interim relief.”?-HELD

the Supreme Court of India ruled that ongoing intellectual property (IP) infringement inherently creates "urgent interim relief," allowing plaintiffs to bypass mandatory pre-institution mediation under **Section 12A** of the Commercial Courts Act, 2015.

Core Legal Principle

The Court established that in cases of continuing IP infringement, urgency is "**inherent in the nature of the wrong**".

- **Standpoint of the Plaintiff:** Urgency must be assessed holistically from the plaintiff’s perspective based on the plaint and annexed documents.
- **Delay is Not Fatal:** Mere delay between the discovery of infringement and the filing of the suit does not negate urgency if the violation is persistent.
- **Public Interest:** IP disputes involve a public interest dimension (preventing consumer deception and market confusion), which reinforces the need for immediate judicial intervention.

Case Background & Procedural History

- **Parties:** The appellant, **Novenco**, a Danish manufacturer of industrial fans, alleged that its former distributor, **Xero Energy**, was infringing its patents and registered designs by selling identical products.
- **High Court Ruling:** The Himachal Pradesh High Court (Single Judge and Division Bench) had rejected Novenco's plaint, holding that a six-month delay after an expert inspection showed a lack of urgency, making pre-institution mediation mandatory.
- **Supreme Court Intervention:** Earlier in the proceedings (February 2025), the Supreme Court directed the parties to attempt mediation while the legal question remained pending; that mediation ultimately **failed** on **June 23, 2025**.

Key Findings & Outcome

1. **Overruling High Court:** The Supreme Court set aside the High Court judgments, noting they erred by evaluating the *merits* of the interim relief rather than merely checking if the plea for urgency was *plausible*.
2. **Restoration of Suit:** Commercial Suit No. 13 of 2024 was restored to the High Court of Himachal Pradesh to be decided on its merits.

3. **Section 12A Exception:** Rigidly insisting on mediation during ongoing infringement would allow infringers to profit from procedural formalities, rendering the plaintiff remediless—an outcome the Act did not intend

Rajeswari & Ors. Versus Shanmugam & Anr.: 2025 INSC 1329 –

Whether a deed assigning a decree for specific performance of an agreement to sell immovable property is compulsorily registrable under Section 17(1)(e) of the Registration Act, 1908?-HELD

Facts The dispute arose from a 1993 ex parte decree for specific performance. The decree-holder assigned the decree in 1995 to the respondent, Shanmugam, through an unregistered deed. When the Respondent-assignee sought execution, the legal heirs of the judgmentdebtor/Appellants objected, arguing that the assignment was invalid as it was not registered. The executing court agreed to the objection and rejected the execution petition.

Ratio Decidendi The Court reiterated that the registration of sale deed is mandated because it transfers the title and interest in the property, and no registration is required for assignment deed assigning the specific performance decree because it doesn't transfer the title but only grants a right to seek enforcement of the agreement to sell.

Final Outcome The Supreme Court dismissed the appeal filed by the legal heirs of the judgmentdebtor. It upheld the judgment of the High Court, which had set aside the Executing Court's order. The Hon'ble Court conclusively held that:

1. A decree for specific performance of a contract for the sale of immovable property does not, by itself, create any right, title, or interest in the immovable property.
2. Consequently, a deed assigning such a decree does not purport or operate to assign any right, title, or interest in immovable property.
3. Therefore, an assignment deed of a specific performance decree does not require compulsory registration under Section 17(1)(e) of the Registration Act, 1908. The assignment deed was valid and enforceable, and the assignee was entitled to execute the decree.

Sanjay Tiwari Vs. Yugal Kishore Prasad Sao & Ors: 2025 INSC 1310-

Whether a defendant, after being impleaded in a suit, can file a counter-claim not against the plaintiff, but against a codefendant?-HELD

The Supreme Court of India clarified the procedural limits of filing counter-claims under the **Code of Civil Procedure (CPC), 1908**.

Key Ruling

The Court held that under **Order VIII Rule 6A of the CPC**, a counter-claim must be directed **solely against the plaintiff** and is not maintainable against a co-defendant.

Case Summary

- **Background:** The appellant (plaintiff) filed a suit for specific performance against the first defendant regarding an oral agreement to sell land. Two other individuals (Defendants 2 and 3) were later impleaded and attempted to file a counter-claim for specific performance and partition against their co-defendant (Defendant 1).
- **Lower Court Decisions:** Both the Trial Court and High Court allowed the counter-claim to proceed, citing the need to avoid multiplicity of litigation.
- **Supreme Court Findings:** The bench of **Justices K. Vinod Chandran and N. V. Anjaria** set aside these orders, ruling that:
 - A counter-claim is a statutory right that does not extend to disputes purely between co-defendants.
 - Procedural convenience (avoiding multiplicity) cannot override the clear statutory language of [Order VIII Rule 6A](#).
 - The impleadment of Defendants 2 and 3 was upheld to prevent non-joinder issues, but their counter-claim was rejected.

Legal Implication

This [judgment](#) reinforces that while a defendant may include a claim against a plaintiff (with or without a co-defendant), they cannot use a counter-claim to litigate independent grievances against another defendant within the same suit.

Mitc Rolling Mills Private Limited And Anr. Versus M/S. Renuka Realtors And Ors.: 2025 INSC 1300 –

Whether such an order (i.e., rejection of plaint) is appealable under Section 13(1A) of the Commercial Courts Act, 2015?-HELD

Facts Trial Court (Commercial Court) allowed the defendant's application and rejected the plaint under Order VII Rule 11 CPC for non-compliance with the mandatory PreInstitution Mediation and Settlement (PIMS) under Section 12A of the Commercial Courts Act, 2015. The plaintiff appealed under Section 13(1A) of the Commercial Courts Act, 2015. The High Court dismissed the appeal as nonmaintainable, reasoning that the order rejecting the plaint was not appealable (since it was not among the orders listed in Order XLIII, CPC). Hon'ble Supreme Court heard the appeal by special leave against the High Court's order.

Key Findings and Ruling

- **"Decree" Status:** Because a rejected plaint finally decides party rights, it constitutes a "decree" under CPC Section 2(2).
- **Appealability:** The Supreme Court clarified that the proviso in Section 13(1A) of the Commercial Courts Act, limiting appeals from *interlocutory* orders, does not prevent appeals against final decisions like plaint rejections.

- **Contrast with Non-Rejection:** Conversely, an order *refusing* to reject a plaint is an interlocutory order, which is not appealable, requiring a revision petition instead.

Hon'ble Supreme Court held that an order rejecting a plaint under Order VII, Rule 11 CPC decides the lis finally. Under Section 2(2) of the CPC, —decreel includes —the rejection of a plaint. Hon'ble Supreme Court examined Section 13(1A)- the main provision allows appeals from a —judgment or orderl of a Commercial Court. The proviso to Section 13(1A) restricts appeals only in respect of those interlocutory orders that are specifically enumerated in Order XLIII CPC (and certain arbitration orders). The Court held that the proviso must be read harmoniously with the main provision. The main provision gives a broad right; the proviso is a narrower exception.

Conclusion: The Supreme Court set aside the Bombay High Court's decision, affirming that such rejections are appealable and ordering the High Court to hear the appeal on its merits

LATEST CASES: CRIMINAL

Samadhan v. State of Maharashtra: 2025 INSC 1351-HELD

Facts: Accused had a 3-year consensual relationship with a married woman who later alleged he raped her by falsely promising marriage. FIR under IPC Sections 376, 376(2)(n), and 507 was filed. The High Court refused to quash proceedings, holding the matter required trial.

Core Legal Principles Established

1. **Distinction Between Breach and Misconception:** The Court clarified that for consent to be vitiated by a "misconception of fact" (Section 90 IPC), there must be evidence that the accused never intended to marry from the very beginning. A mere failure to fulfill a promise due to later circumstances does not amount to rape.
2. **Against Retrospective Branding:** Long-term physical intimacy within a voluntary relationship cannot be [retrospectively branded as rape](#) simply because the relationship did not culminate in marriage.
3. **Abuse of Legal Process:** Converting a "sour relationship" into a criminal case of rape was described as a "gross abuse of the process of law" that trivialises the seriousness of the offence and inflicts indelible stigma on the accused.
4. **Application of BNSS:** The appellant had challenged the High Court's refusal to exercise jurisdiction under [Section 528 of the BNSS, 2023](#) (the successor to Section 482 CrPC), which the Supreme Court found unsustainable.

Raj Kumar @ Bheema v. State of NCT of Delhi: 2025 INSC 1322 –HELD

Facts : Appellant was convicted by trial court and High Court for house-breaking and assault under relevant sections of Maharashtra Control of Organised Crime Act and IPC provisions. The prosecution relied on Test Identification Parade (TIP), but proceedings were questionable. The appellant had refused to participate in TIP.

The Supreme Court of India acquitted the appellant of murder charges, reversing a conviction that had been upheld by the Delhi High Court.

Key Facts & Prosecution Case

- **The Incident:** In November 2008, a house robbery occurred in Sukhdev Vihar, Delhi. The intruders killed Madan Mohan Gulati and severely injured his wife, Smt. Indra Prabha Gulati (PW-18).
- **Conviction:** The trial court acquitted all co-accused but convicted Raj Kumar @ Bheema under Section 302 of the IPC (now Section 103 of BNS), primarily based on the injured wife's identification and the recovery of a "chheni" (iron tool) and blood-stained pants.

Supreme Court's Findings & Reasoning

The bench of **Justices Vikram Nath and Sandeep Mehta** set aside the conviction for the following reasons:

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- **Unreliable Eyewitness Testimony:** The sole eyewitness identification occurred **eight and a half years** after the incident via video conferencing. The Court noted she was elderly (approx. 73 years old), infirm, and had weak eyesight, making the delayed identification unsafe to rely upon.
- **Flawed Test Identification Parade (TIP):** The Court observed that the accused's photographs were shown to the witness before the TIP, compromising the procedure's sanctity. They further ruled that no adverse inference could be drawn from the accused's refusal to participate in a compromised parade.
- **Forensic & Recovery Gaps:** While human blood was found on the recovered pants, the serology report was inconclusive as the blood group did not match the victims. Additionally, the "chheni" was recovered from an open area accessible to the public, weakening its evidentiary value.

Procedural Directions for Video Conferencing

The judgment established a significant procedural safeguard: for witnesses examined virtually, any prior statements must be **electronically transmitted** to them to ensure fair cross-examination and compliance with Sections 147–148 of the [Bharatiya Sakshya Adhiniyam](#) (corresponding to Sections 144–145 of the Evidence Act)

Nandkumar @ NanduManilalMudaliar v. State of Gujarat: 2025 INSC 1302 – HELD

The Supreme Court of India clarified the distinction between "intention" and "knowledge" in homicide cases.

Key Details of the Case

- **Bench:** Justice K. Vinod Chandran and Justice N.V. Anjaria.

- **The Incident:** The case originated from a 1998 neighborhood dispute in Ahmedabad where the appellant stabbed the victim, Louis Williams, following a sudden quarrel. The victim died 13 days later due to **septicemia** (infection).
- **The Ruling:** The Court set aside the murder conviction under **Section 302 IPC** and converted it to **Section 304 Part I IPC** (Culpable homicide not amounting to murder).

Legal Principles Established

1. **Intention vs. Knowledge:** The Court held that while the appellant had the *knowledge* that his actions could cause death, there was no *premeditated intention* to kill.
2. **Sudden Quarrel:** The assault was found to be a result of impulse, anger, and self-provocation rather than a planned attempt on the victim's life.
3. **Delayed Death:** The fact that death was not instantaneous and was caused by subsequent medical complications (sepsis) served as an indicator that the specific objective was not necessarily to cause death.

Outcome

The appellant's sentence was modified to the **14 years already served** in jail, which the Court deemed sufficient for the reclassified offence

Dharam Singh v. State of Himachal Pradesh: CRIMINAL APPEAL NO. OF 2025 (Arising out of SLP(Crl.) No.13782 of 2025)-HELD

Facts : The prosecution case was that on chance recovery, about 1.08 kg of substance later confirmed as charas was seized from the appellant, followed by his personal search which yielded nothing further. The trial court and High Court convicted him and imposed 10 years' rigorous imprisonment with fine of Rs. 1,00,000.

Ratio: Keeping in mind the fact that being an electronic scale, it has rightly been pointed out that there is lack of evidence to prove that the scale was recalibrated to indicate zero before the weighing was done. This raises some sort of a doubt with regard to the actual weight. This would be relevant in the facts of the present case for the reason that the commercial quantity is 1 kg and the weight in excess is alleged to be only 80 gms. Thus, a holistic and overall assessment of the facts and circumstances of the present case, a doubt having been created with regard to the actual weight of the charas/contraband, the appellant deserves to be given such benefit of doubt.

Mihir Rajesh Shah v. State of Maharashtra : 2025 INSC 1288 –HELD

Facts : The appellant, accused of causing death and injuries by rash and drunken driving of a BMW in Mumbai, was arrested two days after the incident under BNS and Motor Vehicles Act provisions. Although orally informed of the reasons for his arrest, he contended that he was never provided written

grounds of arrest as constitutionally and statutorily mandated. The case was not a trial on guilt but a focused review of procedural compliance regarding the arrest and detention.

The Supreme Court of India delivered a landmark judgment on November 6, 2025, mandating that the **grounds of arrest must be furnished in writing** to every arrestee. This ruling extends a standard previously established for special laws (like PMLA) to all criminal arrests across India, including those under the [Bharatiya Nyaya Sanhita \(BNS\)](#).

Core Mandates & Legal Principles

- **Written Grounds Requirement:** The Court determined that [Article 22\(1\) of the Constitution](#) and Section 47 of the BNSS require written, not just oral, communication of grounds for arrest.
- **Timing:** Written documentation must be provided, at minimum, two hours prior to the production of the accused for remand.
- **Legal Consequences:** Failure to comply with these requirements makes the arrest and subsequent remand illegal.

Ratio decidendi: The Court held that furnishing written grounds of arrest to the accused is mandatory. This must be done sufficiently in advance, ideally a couple of hours before first production in court to enable an effective legal challenge to the arrest and remand orders. Failure to supply written grounds renders the arrest and remand illegal, except in narrowly defined emergencies. This decision emphasizes protecting the arrested person's rights under Articles 21 and 22(1), reinforcing due process in criminal procedure.

Sadiq B. Hanchinmani v. State of Karnataka: 2025 INSC 1282 –HELD

The Supreme Court of India delivered a reportable judgment on November 4, 2025, clarifying the powers of a Magistrate under **Section 156(3) of the Code of Criminal Procedure (CrPC)**.

Case Summary

The Court set aside two orders from the Karnataka High Court that had quashed a Judicial Magistrate's direction to register an FIR and conduct a police investigation. The bench, consisting of **Justice Ahsanuddin Amanullah** and **Justice Pankaj Mithal**, ruled that when a private complaint prima facie discloses a cognizable offence, a Magistrate is justified in ordering an investigation.

Key Highlights

- **Facts of the Dispute:** The appellant alleged that the accused forged a Rent/Lease Agreement using a **fake e-stamp paper** to circumvent a High Court status quo order in a property dispute.
- **Substance Over Semantics:** The High Court had quashed the FIR partly because the Magistrate used the phrase "further investigation" in the referral order. The Supreme Court rejected this "unduly semantic reading," holding that the Magistrate's intent was clearly a pre-cognizance referral for a fresh investigation.

- **Threshold for Investigation:** The Court emphasized that at the Section 156(3) stage, a Magistrate only needs to see if a cognizable offence is disclosed. It cautioned High Courts against prematurely quashing investigations at a nascent stage using Section 482 powers.
- **Restoration of FIR:** The Supreme Court restored the FIR and directed the police to proceed with the investigation expeditiously

Jyoti Praveen Khandpasole v. Union of India, (SC) : (Writ Petition (Civil) No. 989/2025 -HELD

Facts: The matter came before Apex Court pertaining to the impediments in disbursement of victim compensation to the victims is the absence of a direction being issued by the Special Courts/Session Courts to pay compensation to the victims of a crime. It was observed that the victims have to seek such compensation on their own, either by making an application to the State Legal Services Authority or by any other means known to law. There is also an absence of awareness in this regard.

Core Judgment & Mandate

A Bench of **Hon'ble Mrs. Justice B.V. Nagarathna** and **Hon'ble Mr. Justice R. Mahadevan** addressed systemic delays in victim compensation, noting that trial courts often fail to issue necessary compensation orders during judgments.

- **Mandatory Directions:** The Court directed all **Special and Sessions Courts** to explicitly order victim compensation in appropriate cases, emphasizing it as a crucial **restorative and rehabilitative measure**.
- **Legal Framework:** These directives are anchored in **Section 357A** of the [Code of Criminal Procedure \(CrPC\)](#) (or **Section 396** of the [Bharatiya Nagarik Suraksha Sanhita \(BNSS\)](#)) and the **POCSO Act and Rules**.

Case Background & Implementation

- **Case Catalyst:** The petition arose from the tragic death of an intellectually disabled rape survivor who waited years for compensation.
- **Implementation Chain:** The Court ordered the registry to circulate this ruling to all **High Courts, Principal District Judges, and State Judicial Academies** to ensure swift, proactive compensation by [State Legal Services Authorities \(SLSA\)](#)