

JAN 2026 MONTHLY DIGEST

Dr. Amit Arya Vs. Kamlesh Kumari: 2025 INSC 1486 –

Whether the delay in depositing the balance sale consideration beyond the two-month period fixed by the Trial Court rendered the decree of specific performance inexecutable?-

HELDFacts: The parties entered into an agreement to sell a plot of land situated in Kalka, District Panchkula and Rs 1 lakh was paid as „earnest money“. The appellant filed a suit for specific performance and permanent injunction against respondent, restraining her from alienating the suit land by way of sale, mortgage, gift, or otherwise in favour of any third party. In the alternative, it was prayed that the appellant be paid Rs 2,46,000 with interest. The Trial Court decreed the suit. The First Appellate Court reversed the judgment. The appellant preferred a second appeal, and the judgment of the First Appellate Court was set aside, and that of the Trial Court was restored.

The appellant filed an Execution Application. Objections were filed thereagainst on the primary ground that the application was filed with a delay of 87 days, which is after the two-month period provided by the judgment. The Civil Judge dismissed the objections. The High Court held that the Executing Court has no power to extend the time, even if an application is filed. Aggrieved thereby, the appellant approached the Apex Court.

Ratio Decidendi: Hon“ble Supreme Court emphasised that specific performance is an equitable remedy and should not be defeated by hyper-technical objections, especially where the buyer is shown to be ready and willing. Under Section 28 of the Specific Relief Act, 1963, non-payment within a time frame fixed by a trial decree does not automatically constitute abandonment of the contract in the absence of positive refusal to comply. A mere delay of 87 days in filing execution and depositing the balance amount was insufficient to infer abandonment of the contract.

Outcome: The Supreme Court set aside the High Court“s order that dismissed the execution petition and restored the order of the Executing Court (which had rejected the objections). The Court directed that the Executing Court proceed in accordance with law to execute the decree of specific performance.

NAK Engineering Company Pvt. Ltd. v. Tarun Keshrichand Shah & Ors.: SLP (C) Nos. 6024-6025 OF 2022 –

Whether NAK Engineering was a necessary or proper party to the recovery suit under Order I Rule 10 CPC, and is required to be impleaded against the plaintiffs’ wishes?-

The Supreme Court of India dismissed the appeals, ruling that a plaintiff is the *dominus litis* (master of the suit) and cannot be compelled to add a party against their wishes unless that party is legally "necessary" for the case's resolution.

Case Summary & Key Findings

- **The Dispute:** The case arose from a 2007 recovery suit filed by property owners (the respondents) for unpaid service charges against a firm (respondent no. 3). NAK Engineering sought to be impleaded as a defendant in 2018, claiming it was the legal successor-in-interest of the original firm.
- **Dominus Litis Principle:** The Court reaffirmed that a plaintiff has the right to choose the defendants they wish to sue. A third party cannot force its inclusion if the plaintiff seeks no relief against them and their presence is not essential for a decree.
- **Failure to Prove Succession:** The Court held that a mere certificate of incorporation does not automatically prove a company is a "successor-in-interest" to another entity. NAK Engineering failed to provide conclusive legal proof of such succession.
- **Inordinate Delay:** The appellant waited nearly a decade after gaining knowledge of the suit before seeking impleadment, which the Court viewed as an attempt to delay proceedings.
- the Supreme Court upheld the [High Court's decision](#) to deny the impleadment. However, to protect the appellant's future rights, it directed that any decree passed in the suit cannot be executed against NAK Engineering

Golden Food Products India vs. State Of Uttar Pradesh & Others: 2026 INSC 22-

Whether cancelling a validly concluded auction merely on the expectation of a higher bid later (especially based on comparison with dissimilar assets) is arbitrary and violative of Article 14 of the Constitution? –

HELDFacts : The Ghaziabad Development Authority (GDA) conducted an auction for an industrial plot. Golden Food Products India (the appellant) submitted the highest bid, exceeding the reserve price. However, the GDA cancelled the appellant's bid, citing that "similar properties" had fetched higher prices, and announced a fresh auction. The appellant's earnest money was refunded. The appellant challenged the cancellation before the Allahabad High Court, seeking a writ of mandamus for the issuance of an allotment letter and execution of a sale deed. The High Court dismissed the writ petitions. The appellant challenged the same before Hon^{ble} Supreme Court.

Ratio Decidendi: Hon^{ble} Supreme Court observed and held that once an auction is validly held and the highest bid exceeds the reserve price, it crystallises future rights and obligations between the parties. A state authority cannot cancel a valid highest bid merely because it expects to obtain a higher price in a future auction. Such expectation, without any established irregularity, is arbitrary and violative of Article 14. Even if no allotment letter was issued, a highest bidder acquires a legitimate expectation that a valid auction will be honoured if procedural norms are satisfied.

Outcome: Hon^{ble} Supreme Court allowed the Civil Appeals, quashed GDA's decision to cancel the appellant's highest bid, directed that the appellant re-deposit the earnest money within four weeks, directed that GDA issue the allotment letter in favour of Golden Food Products India within two weeks of the re-deposit.

Alka Shirrang Chavan & Anr. Versus Hemchandra Rajaram Bhonsale & Ors.: 2026 INSC 52-

Whether the decree for specific performance was executable when the judgment debtor had already transferred the property before execution of the court-executed sale deed.?

Whether a transferee pendente lite must be joined in the sale deed or execution proceedings for valid transfer of title.? Whether the appellants could resist execution and claim independent title under Order XXI Rules 97–101 CPC.?-

The Supreme Court of India ruled that **transferees pendente lite** (those who purchase property while litigation is pending) cannot obstruct the execution of a decree by claiming independent title or bona fide purchase.

Key Legal Takeaways

- **Lis Pendens Primacy:** The Court reaffirmed that the **Doctrine of Lis Pendens** under [Section 52 of the Transfer of Property Act, 1882](#) prevails over protections for subsequent buyers.
- **No Right to Obstruct:** Under **Order XXI Rule 102 of the CPC**, a purchaser during the pendency of a suit has no right to resist the execution of a decree.
- **Specific Relief Act Limitation:** The protection offered to "bona fide purchasers for value without notice" under [Section 19\(b\) of the Specific Relief Act, 1963](#) does not apply once a suit is filed and *lis pendens* is in effect.

Case Background

- **The Dispute:** The case involved a property agreement from 1973. A suit for specific performance was filed in 1986.
- **Obstruction:** While the suit was pending, the original owner sold the property to multiple parties. These subsequent purchasers (the appellants) resisted the execution of the decree for over 30 years.
- **Final Decision:** The Supreme Court dismissed the appeals, holding that the appellants' title was subservient to the rights of the decree holder. It directed the appellants to hand over physical possession of the property by **February 15, 2026**.

The judgment, delivered by a bench comprising **Justice Manoj Misra** and **Justice Ujjal Bhuyan**, aimed to prevent "execution abuse" where successful litigants are denied the fruits of their decree due to tactical delays by third-party buyers

Sanjay Paliwal vs Bharat Heavy Electricals Ltd: 2026 INSC 61-

1. Whether High Court rightly dismissed suit under Section 41(h) of Specific Relief Act, 1963?
2. Whether mandatory injunction simpliciter is maintainable amid disputes of title, possession, and property identity?-

The Supreme Court of India reaffirmed that a suit for a **mandatory injunction simpliciter** (a standalone injunction) is not maintainable when there is a serious dispute regarding the title, possession, or identity of the property.

Case Overview

- **The Dispute:** The plaintiffs (Sanjay Paliwal and another) sought a mandatory injunction to compel Bharat Heavy Electricals Ltd. (BHEL) to remove a boundary wall. They alleged the wall was illegally constructed on their land and obstructed their access to a public road.
- **Procedural History:** While the Trial Court and First Appellate Court initially ruled in favor of the plaintiffs, the [Uttarakhand High Court](#) reversed these findings in a second appeal, dismissing the suit.
- **Supreme Court Ruling (January 15, 2026):** A bench of Justices Aravind Kumar and N. Kotiswar Singh dismissed the plaintiffs' appeal, upholding the High Court's decision.

Key Legal Principles

- **Section 41(h) of the Specific Relief Act, 1963:** The Court held that an injunction cannot be granted when an "equally efficacious relief" is available. Since the defendant (BHEL) seriously disputed the plaintiffs' title and possession, the proper remedy was a suit for **declaration of title and recovery of possession**.
- **Requirement for Possession:** Reaffirming the landmark ruling in *Anathula Sudhakar v. P. Buchi Reddy*, the Court stated that where the defendant's actions amount to trespass or dispossession, the plaintiff must seek possession rather than just an injunction.
- **Lack of Evidence:** The Court noted "fatal flaws" in identifying the exact location of the wall and the plaintiffs' parcel of land, making a decree for mandatory injunction unsustainable without conclusive proof.
- **Partnership Act:** The Court repelled an objection regarding Section 69 of the Partnership Act, ruling that even if the plaintiffs' firm was unregistered, they could still maintain a common law action to protect property rights.

Final Outcome

The Supreme Court [dismissed the appeal](#), directing the parties to bear their own costs. The plaintiffs' only remaining remedy is to file a fresh suit for declaration of title and recovery of possession

LATEST CASES: CRIMINAL

XXX v. State of Kerala: 2026 INSC 88-

HELD Facts: A complaint alleged sexual offences by police officers during official duty. The Magistrate, under Section 175(4) BNSS, called for reports from superiors without ordering investigation. The

complainant filed a writ petition under Article 226 of the constitution of India seeking FIR registration, the Single Judge allowed it. The Division Bench reversed, deeming interference premature. The Supreme Court upheld this, dismissing the appeal.

It a landmark judgment by the Supreme Court of India regarding the procedural safeguards for complaints against public servants under the [Bharatiya Nagarik Suraksha Sanhita \(BNSS\), 2023](#).

Key Rulings

- **Mandatory Affidavit:** The Court held that an application filed before a Magistrate seeking an investigation against a public servant under **Section 175(3)** of the BNSS must be supported by an **affidavit**.
- **Interplay of Sections 175(3) and 175(4):** The Court clarified that **Section 175(4)**—which allows a Magistrate to call for a report from a superior officer—is not a standalone provision. It serves as an **adjunct** or extra safeguard to Section 175(3) to prevent frivolous or motivated litigation against officials.
- **No Immunity for Personal Crimes:** While procedural safeguards exist for acts done in the "discharge of official duties," the Court emphasized that these protections do not provide immunity for crimes unrelated to official functions, such as **sexual assault**.

Case Background

The appellant alleged she was sexually assaulted by three police officers on separate occasions while pursuing a property dispute complaint. She sought a direction for the registration of an FIR, leading to a legal dispute over whether the Magistrate must first follow the specific preliminary inquiry procedures mandated for public servants under the new BNSS framework.

Abhijit Pandey v. State of Madhya Pradesh: 2026 INSC 83-

HELDFacts: The appellant, a dentist, was running a clinic at Bhopal, where he came in contact with the deceased Dr. Richa Pandey. After one and a half years of relationship, they got married and started their matrimonial life while residing at Bhopal. The deceased died on 21.03.2025 which was initially termed as suicide, but subsequently, a charge-sheet was filed for the offences punishable under Sections 108 and 80(2) of the BNS and Sections 3 and 4 of the Dowry Prohibition Act. The Special Judge framed charges under Sections 108 and 80(2) of the BNS and, in the alternative, under Sections 103 and 85 of the BNS and Sections 3 and 4 of the Dowry Prohibition Act. The bail application of appellant was dismissed by High Court.

Key Legal Issues & Findings

- **Initial Charges vs. Later Allegations:** The FIR was initially registered for **abetment to suicide** (Section 108 BNS). Charges of **dowry death** (Section 80 BNS) and violations of the **Dowry Prohibition Act** were added later in the charge-sheet based on subsequent witness statements.
- **Lack of Prima Facie Evidence:** The Court observed that allegations of dowry demands were notably absent from the initial statements made by the deceased's family members.

- **Medical Evidence:** The Court noted that injuries on the deceased's body could be attributed to medical procedures or were self-inflicted, consistent with an overdose rather than physical assault or murder.
- **Right to Liberty:** Emphasizing that the appellant had been in custody since March 2025 and was not a "hardened criminal," the Court held that he was entitled to bail as the trial would take time.

Decision

The Supreme Court **set aside** the Madhya Pradesh High Court's order (dated October 6, 2025) that had denied him bail. The appellant was ordered to be released on bail subject to conditions imposed by the Trial Court, including full cooperation with the proceedings and a prohibition on influencing witnesses.

Tulasareddi @ Mudakappa v. State of Karnataka: 2026 INSC 67-

HELDFacts: The appellants have preferred the present appeals challenging the common judgment and order dated 28.11.2023 passed by the High Court whereby the High Court has quashed and set aside the order of acquittal passed by the concerned Trial Court and thereby convicted the present appellants for committing the offences punishable under Sections 302, 120-B, 201, 506 read with Section 34 of the Indian Penal Code, 1860.

Ratio Decidendi: It has been observed that the following principles have to be kept in mind by the Appellate Court while dealing with the appeals against an order of acquittal:

- Whether the judgment of acquittal suffers from patent perversity;
- Whether the judgment is based on misreading/omission to consider the material evidence on record;
- An order of acquittal is to be interfered with only when there are "compelling and substantial reasons" for doing so. If the order is "clearly unreasonable", it is a compelling reason for interference.'
- The appellate court, while deciding an appeal against acquittal, after reappreciating the evidence, is required to consider whether the view taken by the trial court is a possible view which could have been taken on the basis of the evidence on record;
- If the view taken is a possible view, the appellate court cannot overturn the order of acquittal on the ground that another view was also possible; and
- The appellate court can interfere with the order of acquittal only if it comes to a finding that the only conclusion which can be recorded on the basis of the evidence on record was that the guilt of the accused was proved beyond a reasonable doubt and no other conclusion was possible.

Keshaw Mahto @ Keshaw Kumar Mahto v. State of Bihar: Law Finder Doc Id # 2839603-

HELDFacts: An FIR in Bhagalpur district alleged castebased abuse and assault at an Anganwadicentre, implicating appellant and others under Sections 3(1)(r), 3(1)(s) SC/ST Act, alongwith IPC sections for rioting and hurt. Police filed a chargesheet; a Special Court took cognisance. Appellant sought quashing,

denied by trial court and High Court. He appealed present SLP, arguing no specific caste slur or intent attributed to him and only alleged presence with co-accused.

The Supreme Court of India ruled that merely using abusive language against a person from a Scheduled Caste (SC) or Scheduled Tribe (ST) does not automatically constitute an offence under the **SC/ST Act**.

Key Legal Findings

- **Caste-Based Intent:** For Sections 3(1)(r) and 3(1)(s) of the SC/ST Act to apply, the prosecution must prove a clear **intent to humiliate or intimidate** the victim specifically based on their caste.
- **Mere Abuse Insufficient:** The Court clarified that "mere abuse" or insults in a personal dispute, even if the victim's caste is known to the accused, do not trigger the Act unless they are denigrating toward the caste.
- **Element of Humiliation:** The "element of humiliation" is essential. The Court noted that neither the FIR nor the chargesheet in this case alleged that the appellant used caste-based slurs or had the intention to humiliate the complainant on that basis.

Case Outcome

The Supreme Court set aside a 2025 Patna High Court order and **quashed the criminal proceedings** against the appellant. The Bench, comprising **Justice J.B. Pardiwala** and **Justice Alok Aradhe**, found that the allegations, even if accepted entirely, did not prima facie satisfy the requirements of the SC/ST Act.

State of Uttar Pradesh v. Anurudh: 2026 INSC 47-

HELD Facts: The respondent and another were accused of abducting and sexually assaulting a girl claimed to be 12 years old under Sections 7/8 of POCSO Act and IPC provisions. The High Court granted bail after medical board report during investigation showing victim over 18 and noting inconsistencies in school records, victim statements (under CrPC Sections 161/164), and alleged misuse of POCSO for revenge. High Court confirmed interim bail based on medical age. The State preferred the present appeal.

The Supreme Court of India addressed critical issues regarding the [Protection of Children from Sexual Offences \(POCSO\) Act, 2012](#) and the limits of judicial intervention during bail proceedings.

Key Rulings & Observations

- **Bail Jurisdiction Limits (Section 439 CrPC):** The Court held that a High Court, while exercising its [bail jurisdiction under Section 439 of the CrPC](#), cannot issue broad systemic directions or mandate medical age-determination tests across all cases.
- **Age Determination is a Matter of Trial:** Conclusive determination of a victim's age is a [matter for the trial stage](#), not the bail stage. At the bail stage, courts should only take a *prima facie* view of available documents to avoid conducting impermissible "mini-trials".

- **Hierarchy of Age Proof:** The Court reiterated that age determination must strictly follow the hierarchy established under Section 94 of the Juvenile Justice (JJ) Act, 2015, where medical tests are a last resort used only in the absence of valid documents like matriculation or birth certificates.
- **Proposal for "Romeo-Juliet Clause":** Notably, the Supreme Court urged the Union Government to consider introducing a "**Romeo-Juliet clause**" in the POCSO Act. This exception would protect genuine consensual adolescent relationships and prevent the law from being [misused to settle scores](#).

State (NCT) of Delhi v. Khimji Bhai Jadeja: 2026 INSC 25 –

HELD Facts: The question for reference before high court was:

(a). Whether in a case of inducement, allurement and cheating of large number of investors/depositors in pursuance to a criminal conspiracy, each deposit by an investor constitutes a separate and individual transaction or all such transactions can be amalgamated and clubbed into a single FIR by showing one investor as complainant and others as witnesses?

(b). If in case the Hon'ble Court concludes that each deposit has to be treated as separate transaction, then how many such transactions can be amalgamated into one charge sheet?

It was answered by high court as: Thus, our answer to Question (a) is that in a case of inducement, allurement and cheating of large number of investors/depositors in pursuance to a criminal conspiracy, each deposit by an investor constitutes a separate and individual transaction. All such transactions cannot be amalgamated and clubbed into a single FIR by showing one investor as the complainant and others as witnesses. In respect of each such transaction, it is imperative for the State to register a separate FIR if the complainant discloses commission of a cognizable offence.

Thus, our answer to question (b) is that in respect of each FIR, a separate final report (and wherever necessary supplementary/further charge sheet(s)) have to be filed, and there is no question of amalgamation of the final reports that may be filed in respect of different FIRs. The amalgamation, strictly in terms of Section 219 Cr.P.C., would be considered by the Court/ Magistrate at the stage of framing of charge, since Section 219(1) mandates that where the requirements set out in the said Section are met, the accused "may be charged with, and tried at one trial for, any number of them not exceeding three".

The Supreme Court of India ruled that a single FIR is permissible for investigating large-scale financial frauds involving multiple victims if the acts are part of a **single criminal conspiracy**.

Key Rulings and Legal Principles

- **Transactional Unity:** The Court held that the number of victims does not dictate the number of FIRs. If multiple acts of cheating arise from a "single overarching conspiracy" with a unity of purpose and design, they may be treated as the "**same transaction**" under Section 220(1) of the CrPC.

- **Procedural Efficiency:** Registering a single FIR and treating subsequent complaints as statements under Section 161 CrPC prioritizes judicial efficiency and prevents the legal system from being overwhelmed by thousands of individual cases for the same scheme.
- **Victim Rights:** To protect complainants who are treated as witnesses in a single FIR, the Court reaffirmed their right to file **protest petitions** if a closure report is filed or if the accused is discharged.
- **Sentencing:** Concerns regarding the proportionality of punishment in mass-harm cases must be addressed through established sentencing frameworks (e.g., Section 71 IPC) rather than by mechanically multiplying FIRs.

Case Background

The case originated from a large-scale fraud where approximately **1,852 victims** were induced to invest ₹46.40 crores based on false promises of tripling their money through "divine powers". The Delhi High Court had previously suggested that each deposit required a separate FIR; however, the Supreme Court set aside this view, emphasizing that the Magistrate should determine transactional unity at the stage of framing charges.