UTTARAKHAND JUDICIAL AND LEGAL ACADEMY
BHOWALI, NAINITAL

REFRESHER COURSE ON CIVIL PROCEDURAL LAWS
FOR CIVIL JUDGES (S.D.)
(12.10.2026 TO 16.10.2026)

(STUDY MATERIAL)

(INDEX OF CASE LAWS)

S. No.	Title/ Citation/Abstract
	I- CONDUCT OF JUDGES
1	**Daya Shankar v. High Court of Allahabad, (1987) 3 SCC 1** ***Judicial officer cannot have two standards, one in the court and another outside the court:*** "**11.** In our opinion the conclusion reached by the Inquiry Officer that the petitioner used unfair means is fully justified. No amount of denial could take him away from the hard facts revealed. The conduct of the petitioner is undoubtedly unworthy of a judicial officer. Judicial officer cannot have two standards, one in the court and another outside the court. They must have only one standard of rectitude, honesty and integrity. They cannot act even remotely unworthy of the office they occupy. The second contention urged for the petitioner also fails and is rejected."
2	**High Court of Judicature at Bombay v. Udaysingh, (1997) 5 SCC 129** ***Acceptability of the judgment depends upon the credibility of the conduct, honesty, integrity and character of the officer:*** "11. Under these circumstances, the question arises whether the view taken by the High Court could be supported by the evidence on record or whether it is based on no evidence at all. From the narration of the above facts, it would be difficult to reach a conclusion that the finding reached by the High Court is based on no evidence at all. The necessary conclusion is that the misconduct alleged against the

	respondent stands proved. The question then is what would be the nature of punishment to be imposed in the circumstances? Since the respondent is a judicial officer and the maintenance of discipline in the judicial service is a paramount matter and since the acceptability of the judgment depends upon the credibility of the conduct, honesty, integrity and character of the office and since the confidence of the litigant public gets affected or shaken by the lack of integrity and character of the judicial officer, we think that the imposition of penalty of dismissal from service is well justified. It does not warrant interference."
3	**Amar Pal Singh v. State of U.P., (2012) 6 SCC 491** ***A Judge is required to maintain decorum and sanctity which are inherent in judicial discipline and restraint:*** "**27.** A Judge is required to maintain decorum and sanctity which are inherent in judicial discipline and restraint. A Judge functioning at any level has dignity in the eyes of public and credibility of the entire system is dependent on the use of dignified language and sustained restraint, moderation and sobriety. It is not to be forgotten that independence of the Judiciary has an insegregable and inseparable link with its credibility. Unwarranted comments on the judicial officer creates a dent in the said credibility and consequently leads to some kind of erosion and affects the conception of rule of law. The sanctity of decision-making process should not be confused with sitting on a pulpit and delivering sermons which defy decorum because it is obligatory on the part of the superior courts to take recourse to correctional measures. A reformative method can be taken recourse to on the administrative side. **28.** It is condign to state that it should be paramount in the mind of a Judge of a superior court that a judicial officer projects the face of the judicial system and the independence of the Judiciary at the ground reality level and derogatory remarks against a judicial officer would cause immense harm to him individually (as the expunction of the remarks later on may not completely resuscitate his reputation) but also affects the credibility of the institution and corrodes the sacrosanctity of its zealously cherished philosophy. A Judge of a superior court however strongly he may feel about the unmerited and fallacious order passed by an officer, but is required to maintain sobriety, calmness, dispassionate reasoning and poised restraint. The concept of *loco parentis* has to take a foremost place in the mind to

	keep at bay any uncalled for or any unwarranted remarks.”
4	**Shrirang Yadavrao Waghmare v. State of Maharashtra, (2019) 9 SCC 144** ***Since the foundation of judiciary is based on honesty and integrity, it is necessary that judicial officers shouldpossess sterling quality of integrity.*** ***Gratification does not only mean monetary gratification but can also include gratification for lust, power, etc.:*** **“**7. Judges are also public servants. A Judge should always remember that he is there to serve the public. A Judge is judged not only by his quality of judgments but also by the quality and purity of his character. Impeccable integrity should be reflected both in public and personal life of a Judge. One who stands in judgments over others should be incorruptible. That is the high standard which is expected of Judges. **8.** Judges must remember that they are not merely employees but hold high public office. In ***R.C. Chandel v. High Court of M.P., (2012) 8 SCC 58*** this Court held that the standard of conduct expected of a Judge is much higher than that of an ordinary person. The following observations of this Court are relevant: (SCC p. 70, para 29) *“29. Judicial service is not an ordinary government service and the Judges are not employees as such. Judges hold the public office; their function is one of the essential functions of the State. In discharge of their functions and duties, the Judges represent the State. The office that a Judge holds is an office of public trust. A Judge must be a person of impeccable integrity and unimpeachable independence. He must be honest to the core with high moral values. When a litigant enters the courtroom, he must feel secured that the Judge before whom his matter has come, would deliver justice impartially and uninfluenced by any consideration. The standard of conduct expected of a Judge is much higher than an ordinary man. This is no excuse that since the standards in the society have fallen, the Judges who are drawn from the society cannot be expected to have high standards and ethical firmness required of a Judge. A Judge, like Caesar's wife, must be above suspicion. The credibility of the judicial system is dependent upon the Judges who man it. For a democracy to thrive and the rule of law to survive, justice*

	system and the judicial process have to be strong and every Judge must discharge his judicial functions with integrity, impartiality and intellectual honesty." **9.** There can be no manner of doubt that a Judge must decide the case only on the basis of the facts on record and the law applicable to the case. If a Judge decides a case for any extraneous reasons then he is not performing his duty in accordance with law. **10.** In our view the word "gratification" does not only mean monetary gratification. Gratification can be of various types. It can be gratification of money, gratification of power, gratification of lust etc., etc. In this case the officer decided the cases because of his proximate relationship with a lady lawyer and not because the law required him to do so. This is also gratification of a different kind. 11. The judicial officer concerned did not live up to the expectations of integrity, behaviour and probity expected of him. His conduct is as such that no leniency can be shown and he cannot be visited with a lesser punishment. "
5	**Gummadi Usha Rani v. Sure Mallikarjuna Rao, 2026 SCC OnLine SC 341** ***"Use of Artificial Intelligence (AI) in Decision Making - A decision based on non-existent and fake alleged judgments is not an error in the decision making, it would be a misconduct :*** **"7.** We take cognizance of the Trial Court deploying AI generated non-existing, fake or synthetic alleged judgments and seek to examine its consequences and accountability as it has a direct bearing on integrity of adjudicatory process. At the outset, we must declare that a decision based on such non-existent and fake alleged judgments is not an error in the decision making. It would be a misconduct and legal consequence shall follow. It is compelling that we examine this issue in more detail. "
II- DISCIPLINARY PROCEEDINGS	
6	**Virinder Pal Singh Versus Punjab And Sind Bank & Ors.** **2026 LiveLaw (SC) 268** If the service Rules/regulations permit, the disciplinary proceedings initiated against an officer/employee before retirement can be continued even after attaining the age of superannuation, and penalties such as reduction in pay can be enforced by recalculating pensionary benefits.
7	**Airports Authority Of India Versus Pradip Kumar Banerjee**

	2025 LiveLaw (SC) 162 If a public servant is acquitted in a corruption case due to a lack of evidence meeting the "beyond a reasonable doubt" standard, they may still face a departmental inquiry.
8	**National Bal Bhawan & Anr. V. Khazan Chand & Ors.** **2026 LiveLaw (SC) 363** A disciplinary authority against whom an employee has previously levelled allegations of bias must recuse from the proceedings, stressing that justice must not only be done but must also appear to be done.
9	**Satyendra Singh Versus State of Uttar Pradesh & Anr.** **2024 LiveLaw (SC) 896** When disciplinary proceedings involve allegations warranting a major penalty, it is the Inquiry Officer's duty to record substantive evidence to support the charges brought against the government employee.
10	**Dr. Nigam Prakash Narain VS. National Medical Commission & ORS.** **2026 LiveLaw (SC) 467** A delinquent employee who has successfully defended the charge against him cannot be removed on the new charge on which he was not granted an opportunity to defend.
III- LAW OF INJUNCTION	
11	**Maria Margadia Sequeria V. Erasmo Jack De Sequeria (D)** **(2012) 5 SCC 370** Understanding types of Possession in a suit for injunction in order to qualify as a condition for grant of injunction.- Whose possession is a Court supposed to protect in a suit for injunction.
12	**Rame Gowda (D) by Lrs V. M. Varadappa Naidu (D) by Lrs and Anr,** **(2004) 1 SCC 769** Court to protect only settled possession. The expression "Settled Possession" explained.
13	**Anathula Sudhakar V. P. Buchi Reddy (D) by LR and ors.** **AIR 2008 SC 2033** Prohibitory permanent injunction based on possession; where basis of possession is the title of the plaintiff, where title of plaintiff is under cloud.
14	**Velayudhan and ors V. Mohammedkutty,** **(2017) 13 SCC 249** For Identifying a suit for Permanent Injunction Simpliciter from one involving question of title.

15	**Zarif Ahamad (D) Thr. Lrs and another Vs. Mohd. Farooq** **AIR 2015 SC 1236** Standard of proof of possession in injunction suits.
16	**M.S. Ananthamurthy V. Manjula Etc.** **2025 SCC OnLine SC 448** Where a finding on title is necessary for granting an injunction and has been substantially dealt with by the Trial Court in a suit for injunction, a direct and specific prayer for a declaration of title is not a necessity.
17	**Lavanya C. v. Vittal Gurudas Pai,** **[2025] 3 SCR 450; 2025 SCC OnLine SC 499** **Order 39 Rule 2A CPC -** Consequence of disobedience or breach of injunction Subsequent setting aside of an injunction order does not absolve a party from liability for disobedience committed during its pendency.
18	**Rajat Kumar v. S.D. Adarsh Jain Kanya Maha Vidyalaya Sadhaura, 2026 INSC 648** Courts cannot compel Plaintiff to accept compensation In lieu of Injunction when no such prayer made.
19	**Sanjay Paliwal v. Bharat Heavy Electricals Ltd., 2026 INSC 61** A suit for a simple mandatory injunction is not maintainable when there is a serious dispute about the title, possession, or identity of the property. In such cases, the plaintiff must file a suit for declaration of title and recovery of possession.
20	**Jennifer Messias v. Leonard G Lobo, 2026 INSC 502** Merely because no separate application for passing a final decree under Order XX Rule 18 of the Code of Civil Procedure was filed, a preliminary decree would not become inexecutable, especially where the decree itself provided that the property should be auctioned if partition by metes and bounds was not possible, thereby giving the decree the character of a final decree as well.
21	**Shruti Manav Sharma & Anr. v. Sunanina Singh & Ors., 2026 INSC 843** **No Mini-Trials at Interlocutory Stage:** Appellate courts must not conduct "mini-trials" or re-evaluate complex questions of law or fact when reviewing temporary injunction orders.
IV- POWER OF ATTORNEY	
22	**Umadevi Nambiar V. Thamarasseri Roman Catholic Diocese, (2022) 7 SCC 90** Purported sale by agent (Power of Attorney holder) - Whether binding on principle in the absence of an authority to sell.
23	**Amar Nath V. Gian Chand, (2022) 11 SCC 460** Power of Attorney holder can present the document for registration.
24	**M.S. Ananthamurthy V. Manjula Etc., 2025 SCC OnLine SC 448** Independent Reading of the General Power of Attorney and the Agreement to Sell.

25	**Bhisham Mehta v. Mrs. Gita Vig & Ors., Citation: 2026 LiveLaw (Del) 796** General Power of Attorney holder can't claim ownership of property, must remit sale proceeds to Principal.
V -JURISDICTION	
26	**M/s Kamala Mills Lid v State of Bombay, AIR 1965 SC 1942** **Suit Expressly Barred:** Suits though of a civil nature, are not triable by civil courts, if the cognizance of such suits is expressly or impliedly barred.
27	**Dhulabhai vs. State of M.P., AIR 1969 SC 78** **The 07 Principles governing the exclusion of jurisdiction of civil courts:** "The result of this inquiry into the diverse views expressed in this Court may be stated as follows: (1) Where the statute gives a finality to the orders of the special tribunals the civil courts' jurisdiction must be held to be excluded if there is adequate remedy to do what the civil courts would normally do in a suit. Such provision, however, does not exclude those cases where the provisions of the particular Act have not been complied with or the statutory tribunal has not acted in conformity with the fundamental principles of judicial procedure. (2) Where there is an express bar of the jurisdiction of the court, an examination of the scheme of the particular Act to find the adequacy or the sufficiency of the remedies provided may be relevant but is not decisive to sustain the jurisdiction of the civil court. Where there is no express exclusion the examination of the remedies and the scheme of the particular Act to find out the intendment becomes necessary and the result of the inquiry may be decisive. In the latter case it is necessary to see if the statute creates a special right or a liability and provides for the determination of the right or liability and further lays down that all questions about the said right and liability shall be determined by the tribunals so constituted, and whether remedies normally associated with actions in civil courts are prescribed by the said statute or not. (3) Challenge to the provisions of the particular Act as ultra vires cannot be brought before tribunals constituted under that Act. Even the High Court cannot go into that question on a revision or reference from the decision of the tribunals. (4) When a provision is already declared unconstitutional or the constitutionality of any provision is to be challenged, a suit is open. A writ of certiorari may include a direction for refund if the claim is clearly within the time prescribed by the Limitation Act but it is not a compulsory remedy to replace a suit. (5) Where the particular Act contains no machinery for refund of tax collected in excess of constitutional limits or illegally collected a suit lies. (6) Questions of the correctness of the assessment apart from its constitutionality

	are for the decision of the authorities and a civil suit does not lie if the orders of the authorities are declared to be final or there is an express prohibition in the particular Act. In either case the scheme of the particular Act must be examined because it is a relevant enquiry. (7) An exclusion of the jurisdiction of the civil court is not readily to be inferred unless the conditions above set down apply."
28	**Dhruv Green Field Ltd. vs. Hukam Singh, (2002) 6 SCC 416** ***Principles on Civil Court Jurisdiction:*** If a statute contains an express provision barring civil courts, the jurisdiction is ousted. However, this is subject to the provision providing an adequate alternative remedy. Even without an explicit bar, if a statute creates a special right or liability and provides a specific forum for its enforcement, an exclusion of civil court jurisdiction is implied.
29	**Sri Ram and anr V. Ist Additional District Judge and ors** **(2001) 3 SCC 24** Suit for cancellation of Sale deed not hit by Section 331 of the UPZA&LR Act 1950.
30	**Jagraj Singh vs. Birpal Kaur, AIR 2007 SC 2083** ***Merits Cannot Be Decided Once Lack of Jurisdiction is Found:*** Once a court determines it lacks the jurisdiction to entertain a matter, it must stop right there and cannot proceed to rule on the merits of the case.
31	**Nusli Neville Wadia Vs. Ivory Properties, (2020) 6 SCC 557** ***Meaning of Jurisdiction :*** Jurisdiction generally means an authority of law to entertain, hear and determine a matter. It is the power to decide rightly or wrongly.
32	**Horil V. Keshav and anr; (2012) 5 SCC 525** Jurisdiction of Civil Court versus Revenue Court.
33	**Ram Awalamb V. Jatashankar and ors; AIR 1969 All 526** Question of jurisdiction is regulated by the main relief cognizable by a Revenue Court.
34	**Shyam Kumar and ors V. Budh Singh and ors;** **AIR 1977 Raj 238** Decree of Revenue Court can be set aside by Civil Court.
35	**Babu Singh v. Consolidation Officer, 2026 INSC 395** Under the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, a Sub-Divisional Officer has no authority to change the classification of land recorded as public utility land so as to enable grant of bhumidhari rights.

36	**Kishorekumar Mohan Kale v. Kashmira Kale,** **2026 LiveLaw (SC) 259** ***Decree of Foreign Court:*** A decree of divorce passed by a court in the United States of America (USA) on the grounds of irretrievable breakdown of marriage is not enforceable in India.
37	**International Asset Reconstruction Co. Pvt. Ltd. v. Jayant Vitamins Ltd. & Anr., Diary Number / Civil Appeal / SLP: Diary No. 35171 / 2023; Civil Appeal No. 7063 of 2023 / SLP(C) No. 012913 of 2024 (17.09.2026)** ***SARFAESI Act & DRT Bar:*** Civil Courts have no jurisdiction to entertain suits or award damages regarding actions taken by financial institutions under the SARFAESI Act, 2002, as Section 34 explicitly bars civil interference in matters falling within the powers of the DRT (Debts Recovery Tribunal).
38	**Ambalal Sarabhai Enterprises Ltd. v. K.S. Infraspace LLP, (2020) 15 SCC 585** ***Strict interpretation of "commercial dispute" regarding immovable property- under Section 2(1)(c)(vii) of the Commercial Courts Act, an agreement relating to immovable property qualifies as a commercial dispute only if the property is "actually and currently used" exclusively in trade or commerce at the time of the suit or agreement. Mere future, potential, or intended commercial use does not trigger the jurisdiction of a commercial court. If a property is not in active commercial use, regular civil courts retain jurisdiction:*** "13. The learned senior advocate for the appellant would however, contend that a strict interpretation as in the case of taxing statutes would not be appropriate in the instant case where the issue relates to jurisdiction. In that regard, the learned senior advocate has referred to the statement of objects and reasons with which the Commercial Courts Act, 2015 is enacted so as to provide speedy disposal of high value commercial disputes so as to create the positive image to the investors world about the independent and responsive Indian Legal System. Hence, he contends that a purposive interpretation be made. It is contended that a wider purport and meaning is to be assigned while entertaining the suit and considering the dispute to be a commercial dispute. Having taken note of the submission we feel that the very purpose for which the CC Act of 2015 has been enacted would be defeated if every other suit merely because it is filed before the Commercial Court is entertained. This is for the reason that the suits which are not actually relating to commercial dispute but being filed merely because of the high value and with the intention of seeking early disposal would only clog the system and block the way for the genuine commercial disputes which may have to be entertained by the Commercial Courts as intended by the law makers. In commercial disputes as defined a special procedure is provided for a class of litigation and a strict procedure will have to be followed to entertain only that class of litigation in that jurisdiction. If the same is

	strictly interpreted it is not as if those excluded will be non-suited without any remedy. The excluded class of litigation will in any event be entertained in the ordinary Civil Courts wherein the remedy has always existed."
39	**Patil Automation (P) Ltd. v. Rakheja Engineers (P) Ltd., (2022) 10 SCC 1** ***Commercial Courts Act, 2015*** Section 12-A of the Commercial Courts Act, 2015 is mandatory and hold that any suit instituted violating the mandate of Section 12-A of the Commercial Courts Act, 2015 must be visited with rejection of the plaint under Order 7 Rule 11.
40	**Shri Shravan Kumar V. Smt. Sarita Gupta, 2026:UHC:2095 (Uttarakhand High Court)** ***Civil and SCC Jurisdiction - Section 4(6) of the Uttarakhand Tenancy Act, 2021 Bar:*** "9. However, in the present case, the Uttarakhand Tenancy Act, 2021 lays a specific bar, as it has been clearly specified in Section 4 (6) that in absence of any statement of information provided before the Rent Authority/Competent Authority, the landlord and the tenant shall not be entitled to any relief under the Act. Section 4 (6) of the Uttarakhand Tenancy Act, 2021 is quoted below: *"(6) The information provided under sub-section (1) and sub-section (2) shall be conclusive proof of the facts relating to tenancy and matters connected therewith, and in the absence of any statement of information, the landlord and the tenant shall not be entitled to any relief under the provisions of this Act."* 10. Admittedly, in the present case, there was no written agreement between the plaintiff and the respondent and admittedly, no information about the tenancy was submitted before the Rent Authority/Competent Authority. Thus, the suit filed by the plaintiff in the present case was maintainable before the Civil Court only and any relief claimed by the revisionist was barred by Section 4 (6) of the Uttarakhand Tenancy Act, 2021."
VI - SUIT VALUATION AND COURT FEE	
41	**Agra Diocesan Trust Assn. v. Anil David, (2020) 19 SCC 183** Section 7(*iv*-A). Section 7(*v*)(*i*) contains two clauses (*a*) and (*b*) both are in respect of revenue paying lands. The petitioner valued its suits on the basis of revenue which according to it, was payable. - There is no compulsion for the plaintiff to, at the stage of filing the suit, prove or establish the claim that the suit lands were revenue paying and the details of such revenue paid.

42	**Suhrid Singh v. Randhir Singh, (2010) 12 SCC 112** Section 7(*iv*)(*c*) provides that in suits for a declaratory decree with consequential relief, the court fee shall be computed according to the amount at which the relief sought is valued in the plaint.
43	**Shailendra Bhardwaj v. Chandra Pal, (2013) 1 SCC 579** Article 17(*iii*) of Schedule II of the Court Fees Act makes it clear that this article is applicable in cases where the plaintiff seeks to obtain a declaratory decree without consequential reliefs and there is no other provision under the Act for payment of fee relating to relief claimed. If there is no other provision under the Court Fees Act in case of a suit involving cancellation or adjudging/declaring void or voidable a will or sale deed on the question of payment of court fees, then Article 17(*iii*) of Schedule II shall be applicable.
44	**Tajender Singh Ghambhir v. Gurpreet Singh, (2014) 10 SCC 702** It is the duty of court to determine as to whether or not court fee paid on plaint is deficient. On finding court fee to be deficient, court must first grant time to plaintiff to pay the deficient court fee. If despite the said order of court the deficient court fee is not paid, it is only then the consequence as provided in Sections 6(2) and (3), CF Act must follow. Deficiency in court fee in respect of plaint can be made good during the appellate proceedings.
45	**Bharat Bhushan Gupta v. Pratap Narain Verma, (2022) 8 SCC 333** Market value of immovable property involved in litigation might have its relevance depending on nature of relief claimed but, ultimately, valuation of any particular suit has to be decided primarily with reference to relief/reliefs claimed. As a necessary corollary, market value does not become decisive of suit valuation merely because an immovable property is subject-matter of litigation.
46	**Surender Singh v. State of Haryana, (2018) 3 SCC 278** Court fee paid on memorandum of appeals in High Court and Supreme Court by landowners involved in land acquisition proceedings in question, directed to be refunded where matter is remanded to court below (i.e. Reference Court) for fresh adjudication on merits.
47	**High Court of Madras v. M.C. Subramaniam, (2021) 3 SCC 560** Refund of court fees is permissible even in cases in which parties, without any reference by court, privately agree to settle their dispute outside modes contemplated under S. 89 CPC and such settlement is legally arrived at.
48	**Raptakos Brett & Co. Ltd. v. Ganesh Property, (1998) 7 SCC 184** If the plaintiff seeks possession of the demised premises from the erstwhile tenant, court fee payable would not be on the market value of the suit property but on the basis of the valuation of the premises computed on the basis of 12 months' rent as it would not be a suit simpliciter on title against a rank trespasser. Only in the latter type of suits that the market value would be the valuation for the purpose of court

	fees.
49	**Marg Ltd. v. Sushil Lalwani, 2026 INSC 402** ***Plaint Can't Be Rejected Over Deficiency In Valuation, Court Fee Without Giving Chance To Rectify. Deficiency in court fees does not render the suit non-maintainable at the threshold:*** *"33.A plain and conjoint reading of clauses (b) and (c) of Order VII Rule 11 of the Code makes it abundantly clear that the power to reject a plaint on the grounds enumerated therein, is not to be exercised in the first instance, without affording an opportunity to the plaintiff. The statutory scheme contemplates a two-step process. Firstly, the Court must form an opinion that the relief claimed is undervalued or that the court fee paid is insufficient. Secondly, upon such determination, the Court is obligated to require the plaintiff to correct the valuation and/or supply the requisite court fee within a time to be fixed by it. It is only upon failure of the plaintiff to comply with such direction within the stipulated time,that the consequences of rejection of the plaint can ensue. Thus, the rejection of a plaint under Order VII Rule 11(b) or (c) is not automatic upon a finding of undervaluation or deficit court fee; rather, it is conditional upon non-compliance with the opportunity so granted by the Court."*
VII – SPECIFIC PERFORMANCE	
50	**Balbir Singh V. Baldev Singh (Dead) through LR, (2025) 3 SCC 543** Decree for specific performance – Extension of time to Judgment Debtor.
51	**Tomorrowland Ltd. v. Housing & Urban Development Corpn. Ltd., (2025) 4 SCC 19** In commercial disputes, the award of interest pendente lite or post-decree is typically granted as a matter of course.
52	**Desh Raj V. Rohtash Singh, (2023) 3 SCC 714** Specific Performance of Contract – Time , whether the essence of the contract.
53	**Pramod Shroff v. Mohan Singh Chopra, 2026 INSC 378** To succeed in a suit for specific performance, the plaintiff must prove: (i) the existence of a valid contract; (ii) a breach of contract by the defendant; and (iii) the readiness and willingness of the plaintiff to perform their part of the contract.
54	**V.N.A.S Chandran v S. Venila and others, 2026 LiveLaw (SC) 758** A decree for specific performance of an agreement to sell is not an automatic consequence of a valid contract and can be refused if the purchaser fails to continuously demonstrate readiness and willingness to perform the contract throughout the litigation. The Court also held that a long lapse of time between the

	agreement and the final adjudication is a relevant factor that may disentitle a party from obtaining the equitable relief of specific performance.
55	**Subhash Aggarwal v. Mahender Pal Chhabra & Anr. 2026 INSC 11** Specific performance is not an automatic right, and a plaintiff must continuously plead and prove readiness and willingness from the date of the contract until the decree.
56	**Bombay Garage Ahmedabad Limited & Ors. v. J.P. Iscon Private Ltd. & Anr., 2026 INSC 1066** If the relief of specific performance was available at the time of filing an earlier suit (such as a suit for permanent injunction) based on the same cause of action and was omitted without court leave under **Order II Rule 2 of the CPC**, a fresh suit seeking specific performance is barred.
57	***Bombay Garage Ahmedabad Limited & Ors. v. J. P. Iscon Private Ltd. & Anr., 2026 INSC 1066*** If the relief of specific performance was available at the time of filing an earlier suit (such as a suit for permanent injunction) based on the same cause of action and was omitted without court leave under **Order 2 Rule 2 of the CPC**, a fresh suit seeking specific performance is barred.
VIII – CANCELLATION & DECLARATION	
58	**Jamila Begum v. Shami Mohd., (2019) 2 SCC 727** A registered document carries with it a presumption that it was validly executed and it is for the party challenging the genuineness of the transaction to show that the transaction is not valid in law.
59	**R. Kandasamy v. T.R.K. Sarawathy, (2025) 3 SCC 513** Where the vendor unliterally cancels an agreement for sale, the vendee who is seeking specific performance of such agreement ought to seek declaratory relief to the effect that the cancellation is bad and not binding on the vendee.
60	**Miteshgiri @ Mulrajgiri Sevagiri Goswami & Anr. v State of Gujarat, 2026 LiveLaw (SC) 1025** A plaintiff seeking a declaration of title over a property is not required to specifically seek the cancellation of a sale deed executed by another party over the same property as per Section 31 of the Specific Relief Act, 1963 (“SRA”).
61	**Ravi Kala v. Casablanca Estate (2026) 6 SCC 208** Under **Section 34** of the Specific Relief Act, an inference of title and the identity of a property cannot be legally sustained without proper, independent adjudication. Courts cannot grant a declaration of legal character or right without concrete proof

	and proper adjudication of the underlying property boundaries and title claims.
62	**Channappa v. Parvatewwa; 2026 INSC 343** A subsequent suit for declaration of title would be barred under Explanation IV to Section 11 CPC (constructive res judicata) if the plaintiff had omitted to seek title declaration in the earlier suit for permanent injunction where title was under dispute.
63	**Pawan Garg v. South Delhi Municipal Corporation; 2026 INSC 389** **Importance of entry in the property records:** Mere entry in the property records maintained by a municipal authority cannot, by itself, establish ownership over land, reiterating the primacy of legally recognized title documents and judicial findings.
64	***Smt. Rano Singh And Others Versus Sh. Gurbax Singh (D) Th Lrs And Others 2026 INSC 1137*** Agreement to Sell, without the execution of a registered Sale Deed does not confer any right title or ownership over the immovable property. If a party had an Agreement to Sell only in his name but no registered Sale Deed was ever executed, in such a case he cannot seek possession without any prayer for declaration for cancellation the Sale Deed or seek specific performance of the Agreement to Sell.
IX - EXECUTION OF DECREE	
65	**Ashan Devi & Anr vs Phulwasi Devi & Ors , (2003) 12 SCC 219** Meaning and test of the terms "Possession" and "Dispossession" in context of land (especially vacant)
66	**Banwar Lal versus Satyanarain and another, (1995) 1 SCC 6** For differentiation between O 21 R 35 (3) and Rule 97. Under Rule 35 (3) the resistor must claim derivative title from the judgment-debtor. Under Rule 97, the DH gets a right over third party also.
67	**Pratibha Singh and anr versus Shanti Devi Prasad and another, (2003) 2 SCC 330** Errors like a Defect in the Court records as to draft sale deed caused due to oversight is curable by resort to Section 47 when possession has not been taken yet by the DH plaintiff.
68	**Rameshwar Das Gupta V. State of UP and anr, (1996) 5 SCC 728** Executing Court cannot go beyond the order or decree under execution.

69	**Kanta Devi V. Arya Smaj Pratinidhi Sabha Haldwani with Satyendra Kumar V. Arya Smaj Pratinidhi Sabha Haldwani and anr.** **2015 SCC Online Utt 531; AIR 2015 (NOC 1063) 404** Additional defence cannot be taken under Section 47 of the CPC- JD cannot challenge the title of the DH once again during execution proceedings.
70	**Rahul S. Shah V. Jinendra Kumar Gandhi; (2021) 6 SCC 418** Directions issued to all courts dealing with the execution proceedings.
71	**Periyammal (Dead) through LRS v. V. Rajamani; 2025 SCC OnLine SC 507** Hon'ble Supreme Court directs High Courts to proceed to issue an administrative order or circular, directing their respective district judiciary to ensure that the execution petitions pending in various courts shall be decided and disposed of within a period of six months without fail otherwise the presiding officer concerned would be answerable to the High Court on its administrative side.
72	**Bhudev Mallick V. Ranajit Ghoshal; 2025 SCC OnLine SC 360** Burden of Proof in Execution petitions of Injunction Decree.
73	**Om Prakash Gupta v. Satish Chandra; 2025 INSC 183** Imprisonment under Order 21 Rule 32 for violating an injunction decree is a severe measure requiring clear evidence of wilful disobedience.
74	**Saraswati Devi v. Santosh Singh; 2025 SCC OnLine SC 1145** A permanent injunction, being perpetual, remains enforceable against future violations without being barred by res judicata. Each fresh breach constitutes a new cause of action, and no limitation period applies under Article 136 for enforcing such decrees.
75	**Balbir Singh & Anr. v. Baldev Singh (D) Through His LRs & Ors.; 2025 INSC 81** ***Interplay between the Doctrine of Merger and Section 28 of the Specific Relief Act, 1963:*** Once a High Court restores a trial court's specific performance decree in a second appeal, the original trial court deadline ceases to exist because it merges into the final appellate decree. A specific performance decree acts as a **preliminary decree**, meaning the trial court retains control over the execution until the final sale deed is completed.
76	**Anand Narayan Shukla vs Jagat Dhari; 2026 INSC 463** A specific performance decree is not automatically rescinded if the balance consideration isn't deposited in time, acting instead as a preliminary decree under continuous court supervision. While delays don't automatically invalidate the decree, extensions aren't automatic either and require equity evaluation by the execution court. Courts hold discretionary power to extend timelines under Section 28 of Specific Relief Act, 1963.

77	**Rajat Kumar v. S.D. Adarsh Jain Kanya Maha Vidyalaya Sadhaura, 2026 INSC 648** Courts Cannot compel Plaintiff to accept compensation In lieu of Injunction when no such prayer made.
78	**Maurice W. Innis v. Lily Kazrooni @ Lily Arif Shaikh, 2026 INSC 340** The execution court cannot go behind the decree and has to execute the decree as it is.
79	**Gajanan v. Pralhad, 2026 LiveLaw (SC) 341** An execution petition filed within 12 years from the dismissal of an appeal for default (owing to non-appearance) is maintainable, as such dismissal triggers a fresh limitation period.
X– LAW OF LIMITATION	
54	**B.B. & D. Mfg. Co. v. ESI Corporation, AIR 1972 SC 1935** The object of the Statutes of Limitations to compel a person to exercise his rights of action within a reasonable time as also to discourage and suppress stale, fake or fraudulent claims.
55	**Ramlal and others v. Rewa Coalfields Ltd., AIR 1962 SC 361** Even if the sufficient cause has been shown a party is not entitled to the condonation of delay in question as a matter of right. The proof of a sufficient cause is a condition precedent for the exercise of the discretionary jurisdiction vested in the court by section 5.
56	**Collector, Land Acquisition, Anantnag and Ors. vs. Katiji and Ors. (1987) 2 SCC 107** Liberal approach should be adopted in condoning the delay for 'sufficient cause'.
57	**Basawaraj & Anr vs. Special Land Acquisition Officer, (2013) 14 SCC 81** Equity is not a ground to extend the limitation period by condoning the delay if there is no "sufficient cause". An unlimited period of litigation would have an impact of rendering a sense of insecurity and uncertainty, depriving a successful party of enjoying the fruits of litigation.
58	**Balakrishnanv. M.A. Krishnamurthy, (1998) 7 SCC 123** The Limitation Act is based upon public policy which is used for fixing a life span of a legal remedy for the purpose of general welfare.
59	**Shrimant Shamrao Suryavanshi v. Pralhad Bhairoba Suryavanshi, (2002) 3 SCC 676** The Limitation Act does not extinguish a defence, but only bars the remedy.

60	**Bhag Mal alias Ram Bux and Ors. vs. Munshi (Dead) by LRs. and Ors. (2007) 11 SCC 285** Different provisions of Limitation Act may require different construction.
61	**Sunil Kumar Maity Vs State Bank of India, 2022 LiveLaw (SC) 77** If a complainant chooses to bring an action in a Civil Court, he is free to file an application under Section 5 of the Limitation Act, 1963.
62	**S. Tirupathi Rao vs M. Lingamaiah & Ors, 2024 LiveLaw (SC) 503** There could be cases where the party wants to seek an exemption from the law of limitation under Section 20. This could be done per the principle flowing from Order VII Rule 6 (Grounds of exemption from limitation law) of the Code of Civil Procedure, 1908, by showing the grounds upon which the exemption is claimed.
63	**Pathapati Subba Reddy (Died) By L.Rs. & Ors. V. The Special Deputy Collector (LA), 2024 INSC 286** Law of Limitation explained by Hon'ble Supreme Court. Law of Limitation is based on public policy.
64	**Mallavva v. Kalsammanavara Kalamma, 2024 SCC OnLine SC 3846** The period of limitation to regain title over the suit property and recover the possession by setting aside the sale deed is three years and not twelve.
65	**Indian Evangelical Lutheran Church Trust Assn. v. Sri Bala & Co. 2025 SCC OnLine SC 48** The right to sue under Article 113 of the Limitation Act accrues when there is an accrual of rights asserted in the suit and an unequivocal threat by the defendant to infringe the right asserted by the plaintiff in the suit.
66	**Bhudev Mallick @ Bhudeb Mallick v. Ranajit Ghoshal, 2025 SCC OnLine SC 360** A decree granting a perpetual injunction is not subject to limitation under Article 136 of the Limitation Act, 1963.
67	**H.Guruswamy & Ors V. A. Krishnaiah Since Deceased By Lrs., 2025 INSC 53** While considering an application to condone delay, the court must not start with the merits of the main matter. It owes a duty first to ascertain the bona fides of the explanation offered by the party seeking condonation.
68	**Shivamma (Dead) by LRs v. Karnataka Housing Board & Ors., 2025 INSC 1104** Analysis of Section 5 of the Limitation Act. What is to be understood by "sufficient cause" in Section 5 of the Limitation Act.
69	**Reliance Eminent Trading v. Delhi Development Authority, 2026 INSC 436** Although limitation is ordinarily a mixed question of law and fact when foundational facts are contested, the Court can decisively address and determine the

	issue of limitation at the summary judgment stage if it rests on admitted and undisputed material on record - Forcing a matter to proceed to a full-fledged trial despite absolute clarity of the material on record contradicts the principle of proportionality and needlessly prolongs ripe litigation
70	**Mageba Bridge Products Private Limited Versus M/s. Trade Centre, 2026 LiveLaw (SC) 795** The period spent in pursuing winding up proceedings cannot be excluded under Section 14 of the Limitation Act for filing a recovery suit, as the relief sought in the two proceedings is fundamentally different.
XI – COMMISSION	
71	**Subhaga Vs. Shoba, (2006) 5 SCC 466** Identification of Immovable Property on Commission Proper Mode
72	**Ram Lal V. Saligram, AIR 2019 SC 729** Discourse to be adopted when Court not satisfied with report.
73	**M. Siddiq v. Suresh Das, (2020) 1 SCC 1** The commission report and the evidence taken by commissioner be treated as evidence in the suit and that it "shall form part of the record".
74	**Anjuman Intezamia Masajid (Gyanvapi Mosque Committee) v. Rakhi Singh, (2024) 3 SCC 336** Appreciation of commission report.
75	**Ram Bihari Dwivedi V. State of U.P. and others, 2017:AHC:28363 (Allahabad High Court)** ***Validity of commission report when survey done without legal demarcation on basis of fixed points:*** It is settled law that a valid survey must necessarily be made on the basis of fixed points. No fixed points are mentioned either in the report or in the map prepared after the alleged survey. Moreover, the map does not contain any measurements. The report therefore was not in accordance with law and could not be the basis of the impugned order.
76	**Badan Prasad Jaiswal V. Bira Khamari, AIR 1990 Ori 1989** Procedure to be adopted by a Survey commissioner in order to make the survey report acceptable before Court.
XII - AMENDMENTS IN PLEADINGS	
77	**Jai Jai Ram Manohar Lal v. National Building Material Supply, (1969) 1 SCC 869**

	All amendments should be permitted as may be necessary for the purpose of determining the real question in controversy between the parties, unless by permitting the amendment injustice may result to the other side.
78	**Venkateswarlu Vs. The Motor & General Traders, AIR 1975 SC 1409** Where a landlord, who filed an eviction suit on the ground of bona fide requirement for himself and his family, passes away, his legal heirs may amend the pleadings to incorporate additional grounds of bona fide need, provided such amendments do not conflict with or alter the original basis of the suit.
79	**Salem Advocate Bar Assn. (2) v. Union of India, (2005) 6 SCC 344** **26.** Order 6 Rule 17 of the Code deals with amendment of pleadings. By Amendment Act 46 of 1999, this provision was deleted. It has again been restored by Amendment Act 22 of 2002 but with an added proviso to prevent application for amendment being allowed after the trial has commenced, unless the court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial. The proviso, to some extent, curtails absolute discretion to allow amendment at any stage. Now, if application is filed after commencement of trial, it has to be shown that in spite of due diligence, such amendment could not have been sought earlier. The object is to prevent frivolous applications which are filed to delay the trial. There is no illegality in the provision.
80	**M/s Revajeetu Builders V. M/s Narayanswamy & Sons, (2009) 10 SCC 84** ***Whether amendment in defendant's pleading can change the nature of the suit?*** 63. On critically analysing both the English and Indian cases, some basic principles emerge which ought to be taken into consideration while allowing or rejecting the application for amendment: (1) whether the amendment sought is imperative for proper andeffective adjudication of the case; (2) whether the application for amendment is bona fide or malafide; (3) the amendment should not cause such prejudice to the otherside which cannot be compensated adequately in terms of money; (4) refusing amendment would in fact lead to injustice or lead to multiple litigation; (5) whether the proposed amendment constitutionally or fundamentally changes the nature and character of the case; and (6) as a general rule, the court should decline amendments if a fresh suit on the amended claims would be barred by limitation on the date of application. 64. The decision on an application made under Order 6 Rule 17 is a very serious judicial exercise and the said exercise should never be undertaken in a casual manner. We can conclude our discussion by observing that while deciding

	applications for amendments the courts must not refuse bona fide, legitimate, honest and necessary amendments and should never permit mala fide, worthless and/or dishonest amendments.
81	**Vidyabai v. Padmalatha, (2009) 2 SCC 409** **10.** By reason of the Civil Procedure Code (Amendment) Act, 2002 (Act 22 of 2002), Parliament inter alia inserted a proviso to Order 6 Rule 17 of the Code, which reads as under: "Provided that no application for amendment shall be allowed after the trial has commenced, unless the court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial." It is couched in a mandatory form. The court's jurisdiction to allow such an application is taken away unless the conditions precedent therefor are satisfied viz. it must come to a conclusion that in spite of due diligence the parties could not have raised the matter before the commencement of the trial. 19. It is the primal duty of the court to decide as to whether such anamendment is necessary to decide the real dispute between the parties. Only if such a condition is fulfilled, the amendment is to be allowed. However, proviso appended to Order 6 Rule 17 of the Code restricts the power of the court. It puts an embargo on exercise of its jurisdiction. The court's jurisdiction, in a case of this nature is limited. Thus, unless the jurisdictional fact, as envisaged therein, is found to be existing, the court will have no jurisdiction at all to allow the amendment of the plaint. In ***Salem Advocate Bar Assn. [(2005) 6 SCC 344]*** this Court has upheld the validity of the said proviso. In any event, the constitutionality of the said provision is not in question before us nor we in this appeal are required to go into the said question. Furthermore, the judgment of the High Court does not satisfy the test of judicial review. It has not been found that the learned trial Judge exceeded its jurisdiction in passing the order impugned before it. It has also not been found that any error of law has been committed by it. The High Court did not deal with the contentions raised before it. It has not applied its mind on the jurisdictional issue. The impugned judgment, therefore, cannot be sustained, which is set aside accordingly.
82	**Mohinder Kumar Mehra V. Roop Rani Mehra, (2018) 2 SCC 132** ***Time limitation on Amendment- How and when?*** **Or. 6 R. 17 CPC Proviso:** Proviso barring entertainment of application for amendment of pleadings after commencement of trial - Trial when commences.
83	**Basavaraj v. Indira, (2024) 3 SCC 705** **Amendment of plaint- Principles summarized** Amendment which would change the nature of the suit can not be allowed.

84	**State of W.B. v. Pam Developments (P) Ltd., (2025) 3 SCC 356** If the amendment sought amounts to a continuous cause of action and maintains the nature and character of the suit than Section 80 CPC is irrelevant.
85	**Akkiraju Panduranga Rao and another v. Gunlapally Ranga Rao, 2026 SCC OnLine SC 805** The principal considerations while deciding an application for amendment are, first, whether the amendment is necessary for determining the real question in controversy and secondly, whether it can be allowed without causing injustice or prejudice to the opposite party. While considering an application for amendment, courts should adopt a liberal approach and should not be unduly concerned with technicalities.
86	***Haramani Sahoo & Others v Lalita Nayak & Others, 2026 INSC 1112*** 14.1. The real inquiry is whether the amendment introduces a distinct and independent controversy having no connection with the original cause of action, or whether it merely brings on record additional facts and consequential reliefs having a direct nexus with the existing controversy. On the facts of the present case, the proposed amendment falls within the latter category. The subject matter of the proposed amendment and the original suit substantially overlap,and the adjudication of the proposed issue would have a direct bearing upon the title and possession claimed in respect of the suit property.
87	***Annaya Kocha Shetty (Dead) through LRs v. Laxmibai Narayan Satose,* 2025 INSC 466** **Warning Against AI-Generated Pleadings:** The Hon'ble Court specifically flagged the emerging use of **Artificial Intelligence (AI) and computer-generated statements** in drafting. It was noted that while technology enhances efficiency, it often leads to copy-pasted, "placid pleadings" that add bulk without adding clarity or legal substance. **Active Duty of Trial Courts:** THe trial judges to proactively invoke their jurisdiction under **Order VI Rule 16 CPC** to strike out irrelevant material at the right stage. Litigants should not force courts to sift through excessive wording to find the real core of a dispute. **The Principle of Concision:** Pleadings must remain concise, structured, and strictly limited to the cause of action.

XIII - ORDER 7 RULE 11 CPC	
88	**Uma Devi v. Anand Kumar, (2025) 5 SCC 198** Object of Order 7 Rule 11(*a*) is that if in a suit, no cause of action is disclosed, or the suit is barred by limitation under Rule 11(*d*), the Court would not permit the plaintiff to unnecessarily protract the proceedings in the suit.
89	**Future Sector Land Developers LLP v. Bagmane Developers (P) Ltd., (2023) 5 SCC 368** Applications both under Order 7 Rule 10, and Order 7 Rule 11 CPC – Proper mode of disposal- Law clarified.
90	**Bhargavi Constructions vs Kothakapu Muthyam Reddy, (2018) 13 SCC 480** The expression "Law" in Order 7 Rule 11 includes a law declared by the High Courts as well the Supreme Court.
91	**Asma Lateef v. Shabbir Ahmad, (2024) 4 SCC 696** Scope and extent of power under Order-8 Rule-10 CPC, 1908.
92	**N. Asha Devi V. R Aravind Kumar & Anr., 2026 INSC 908** ***A court should reject a suit at the threshold under Order VII Rule 11 of CPC if the pleadings themselves clearly show that the case is barred by limitation:*** While limitation is generally a mixed question of fact and law which requires adjudication in trial, however, where the facts about the plaint being barred by limitation are glaring from the plaint averments themselves, the court must exercise its power under Order VII Rule 11 of the Code of Civil Procedure, 1908 to reject the plaint at the threshold stage without waiting for a trial.
93	**Manjula And Others V. D.A. Srinivas, 2026 INSC 465** ***Threshold Rejection & Clever Drafting:*** Courts must distinguish between a genuine cause of action and an illusory one created through clever drafting. It held that the substance of the plaint, and not merely its form or language, must govern the inquiry under Order VII Rule 11 CPC. A civil suit based on a benami transaction is barred at the threshold under Order VII Rule 11 of the Code of Civil Procedure.
XIV – INDIAN STAMP ACT, 1899 & REGISTRATION ACT, 1908	
94	**Chief Revenue Controlling Officer Cum Inspector General Of Registration, & Ors. V. P. Babu, 2025 INSC 44** ***Duty of Registering Officer to ensure that S. 47-A(1) of Indian Stamp Act doesn't work as engine of oppression nor as a matter of routine- No Power to***

	Refuse or Demand Duty: In case of undervaluation of property sale's price, the Registering Authority under the Indian Stamp Act, 1899 cannot mechanically make reference to the Collector (stamps) for determination of the correct market value of the property. Instead, an opportunity is to be provided to the party, and reasons have to be furnished by the Registering Authority for arriving at a conclusion that the property is undervalued.
95	**Interplay Between Arbitration Agreements under Arbitration Act, 1996 & Stamp Act, 1899, In re, (2024) 6 SCC 1** An unstamped or inadequately stamped instrument is inadmissible in evidence but not void, as the defect is curable under the Stamp Act through payment of the requisite stamp duty and penalty.
96	**G.M. Shahul Hameed v. Jayanthi R. Hegde, (2024) 7 SCC 719.** Section 33 obliges the court to examine and impound an insufficiently stamped document, while Section 35 bars a later challenge only where the document was admitted in evidence after a conscious judicial determination of its admissibility; mechanical or inadvertent marking does not attract Section 35.
97	**Shriram Piston and Rings Limited v. State of U.P., 2011 SCC OnLine All 1291** Extension of time under Section 25 of the Registration Act is discretionary and can be granted only when the applicant establishes genuine urgent necessity or unavoidable circumstances causing the delay, and mere convenience, negligence or an unexplained delay is insufficient.
98	**Zestha Developers Ltd. v. State of Uttarakhand, 2008 SCC OnLine Utt 27** Delayed presentation for registration could be condoned under Section 25 of the Registration Act on sufficient unavoidable grounds and payment of fine.
99	**State of Punjab v. Ferrous Alloy Forgings (P) Ltd., 2024 SCC OnLine SC 3372** **Sale certificate and Stamp Duty.—**Mere filing under Section 89(4) of the Registration Act itself is sufficient when a copy of the sale certificate is forwarded by the authorised officer to the registering authority. However, as long as the sale certificate remains as it is, it is not compulsorily registrable. It is only when the auction purchaser uses the certificate for some other purpose that the requirement of payment of stamp duty, etc. would arise.
100	**Syndicate Bank v. Estate Officer & Manager, APIIC Ltd., (2007) 8 SCC 361** Partition of joint family property by way of family settlement does not require registration.

101	**B. Arvind Kumar v. Govt. Of India, (2007) 5 SCC 745.** Property sold by public auction and sale certificate issued by court, as per Section 17(2)(xii), does not require registration.
102	**Meghmala v. G. Narasimha Reddy, (2010) 8 SCC 383.** **Registered sale deed.—**A registered sale deed alone conveys valid title. Sale agreement does not create any valid title.
103	**Suraj Lamp & Industries (P) Ltd. v. State of Haryana, (2009) 7 SCC 363.** **Effect of Registration.—**Registration ensures safety and transparency. It avoids fraud and forgery. Registration ensures that every person dealing with immovable property can rely with confidence on statements contained in registers maintained under the Act.
104	**Ishwar Dass Jain v. Sohan Lal, (2000) 1 SCC 434.** **Presumption of correctness.—**There is presumption of correctness of endorsement made in the deed by Sub-Registrar under Section 58 that presumption can be rebutted only by strong evidence to the contrary.
105	**Hariom Agrawal v. Prakash Chand Malviya, (2007) 8 SCC 514.** **Photocopy of original instrument-** could neither be validated by impounding nor could it be admitted as secondary evidence under the Stamp Act. Power under Section 37 of the Stamp Act and Rule 19 of the M.P. Stamp Rules, 1942 (regarding admission of improperly stamped instruments) could be exercised in relation only to original instrument and not a copy thereof. That apart, even Section 48-B of the Stamp Act did not authorise the Collector to impound the copy of the instrument.
106	**Tirupati Developers v. State of Uttarakhand, (2013) 9 SCC 332.** **Insufficiently stamped instruments.—**Subsequent cancellation of insufficiently stamped instruments by parties concerned after their production before Deputy Registrar, would not affect taking of action under Sections 33/38.
107	**Avinash Kumar Chauhan v. Vijay Krishna Mishra, (2009) 2 SCC 532.** **Power to impound insufficiently stamped instrument.—**Court before admitting document/instrument, held, is empowered to direct payment of unpaid duty and penalty. Even an unregistered sale deed requires payment of stamp duty applicable to deed of conveyance.
108	**Barium Chemicals Ltd. v. Vishwa Bharati Mining Corpn., (2009) 16 SCC 262.** **Document not duly stamped.—**Document not duly stamped, is to be dealt with under Section 35 before it is admitted in evidence, failing which, its admission in evidence cannot be questioned at any later stage. Further held, a document which

	is neither duly stamped nor registered (though required to be registered) can be admitted in evidence for collateral purposes under proviso to Section 49 of the Registration Act, 1908.
109	**Shyamal Kumar Roy v. Sushil Kumar Agarwal, (2006) 11 SCC 331.** **Evidentiary value.—**If an instrument, though understamped sought to be admitted in evidence is admitted without the other side objecting to it, the right to reopen the issue is lost.
XV- ORDER I RULES 10 CPC IMPLEADMENT OF PARTIES	
110	**Ramesh Hirachand Kundanmal v. Municipal Corpn. of Greater Bombay, (1992) 2 SCC 524** ***Direct Legal Interest vs. Commercial Interest:*** A person can only be joined as a party if they have a **direct legal interest** in the subject matter of the litigation. A legal interest means that the final judgment will directly affect or curtail their legal rights. Merely having a commercial, financial, or peripheral interest is not enough. ***Possession of Evidence is Insufficient:*** The court explicitly clarified that a person cannot seek impleadment just because they possess relevant information or evidence regarding the dispute. That status makes them a **necessary witness**, not a necessary party. ***The Core Test for a Necessary Party:*** A person is a necessary party only if the dispute **cannot be completely and effectively settled** without their presence. They must be someone who will be legally bound by the result of the action. ***Dominus Litis:*** The plaintiff is generally the master of their suit (*dominus litis*). They cannot be compelled to fight against a party they do not want to sue, unless a clear legal requirement exists.
111	**NAK Engg. Co. (P) Ltd. v. Tarun Keshrichand Shah, (2026) 3 SCC 631** **Para 40.** There is one another reason for not interfering with the impugned judgment and order ***[Tarun Keshrichand Shah v. Kishore Engg. Co., 2022 SCC OnLine Bom 348]*** of the High Court. The summons issued in the suit meant to be served upon Respondent 3, were served in the year 2008. The seal and signatures on the acknowledgment on the said summons is of the appellant which clearly indicates that the appellant had acquired knowledge of the suit in the year 2008. However, the appellant kept silent and moved the motion for impleadment only after the evidence was closed in the year 2014 and the court had directed to proceed ex parte in the matter. The impleadment application was filed almost after

	nine years of the knowledge of the pendency of the suit. Thus, the impleadment has been rightly refused to the appellant by the High Court.
112	**Sudhamayee Pattnaik v. Bibhu Prasad Sahoo, (2022) 17 SCC 286** 11. However, at the same time, considering the fact that defendants have also filed counterclaim for declaration of their right, title and interest over the suit property and permanent injunction and in case the counterclaim is allowed, as the plaintiffs are opposing to implead the subsequent purchasers as party defendants, thereafter it will not be open for the plaintiffs to contend that no decree in the counterclaim be passed in absence of the subsequent purchasers. Therefore, non-impleading the subsequent purchasers as defendants on the objection raised by the plaintiffs shall be at the risk of the plaintiffs.
113	**Rahul S. Shah v. Jinendra Kumar Gandhi, (2021) 6 SCC 418** 38. Based on the report of the Commissioner or an application made in that regard, the court may proceed to add necessary or proper parties under Order 1 Rule 10. The court may permit objectors or claimants upon joining as a party in exercise of power under Order 1 Rule 10, make a joinder order under Order 2 Rule 3, permitting such parties to file a written statement along with documents and lists of witnesses and proceed with the suit.
114	**Poonam v. State of U.P., (2016) 2 SCC 779** 45. In this context, we may refer to certain other authorities where there has been an expansion of the concept of necessary party. The Constitution Bench in ***U.P. Awas Evam Vikas Parishad v. Gyan Devi (1995) 2 SCC 326*** has laid down that in a land acquisition proceeding, the local authority is a necessary party in the proceedings before the Reference Court and is entitled to be impleaded as a party in those proceedings wherein it can defend the determination of the amount of compensation by the Collector and oppose enhancement of the said amount and also adduce evidence in that regard. That apart, it has also been stated that in the event of enhancement of the amount of compensation by the Reference Court, if the Government does not file an appeal, the local authority can file an appeal against the award in the High Court after obtaining leave of the Court. That apart, the Court also opined that in an appeal by the person having an interest in the land seeking enhancement of the amount of compensation awarded by the Reference Court, the local authorities should be impleaded as a party and is entitled to be served notice of the said appeal and that could apply to appeal in the High Court as well as in the Supreme Court.

115	**Razia Begum v. Sahebzadi Anwar Begum & Others, AIR 1958 SC 886** **Under Order 1 Rule 10(2) CPC, the court can add a person as a party if their presence is necessary to enable the court to completely and effectively adjudicate all questions involved in the suit.** In a suit for a declaration of status (such as a marriage or maintenance claim), the court has wide judicial discretion under Order 1, Rule 10(2) of CPC to implead proper parties—even against the plaintiff's wishes—to prevent collusive decrees and avoid a multiplicity of suits.
116	**Kasturi v. Iyyamperumal, (2005) 6 SCC 733** 16. That apart, from a plain reading of the expression used in subrule (2) Order 1 Rule 10 CPC "all the questions involved in the suit" it is abundantly clear that the legislature clearly meant that the controversies raised as between the parties to the litigation must be gone into only, that is to say, controversies with regard to the rightwhich is set up and the relief claimed on one side and denied on the other and not the controversies which may arise between the plaintiff-appellant and the defendants inter se or questions between the parties to the suit and a third party. In our view, therefore, the court cannot allow adjudication of collateral matters so as to convert a suit for specific performance of contract for sale into a complicated suit for title between the plaintiff-appellant on one hand and Respondents 2 and 3 and Respondents 1 and 4 to 11 on the other. This addition, if allowed, would lead to a complicated litigation by which the trial and decision of serious questions which are totally outside the scope of the suit would have to be gone into. As the decree of a suit for specific performance of the contract for sale, if passed, cannot, at all, affect the right, title and interest of Respondents 1 and 4 to 11 in respect of the contracted property and in view of the detailed discussion made hereinearlier, Respondents 1 and 4 to 11 would not, at all, be necessary to be added in the instant suit for specific performance of the contract for sale. 18. That apart, there is another principle which cannot also be forgotten. The appellant, who has filed the instant suit for specific performance of the contract for sale is dominus litis and cannot be forced to add parties against whom he does not want to fight unless it is a compulsion of the rule of law, as already discussed above. For the reasons aforesaid, we are, therefore, of the view that Respondents 1 and 4 to 11 are neither necessary parties nor proper parties and therefore they are not entitled to be added as partydefendants in the pending suit for specific performance of the contract for sale. 21. It may be reiterated here that if the appellant who has filed the instant suit for specific performance of contract for sale even after receiving the notice of claim of title and possession by Respondents 1 and 4 to 11 does not want to join Respondents 1 and 4 to 11 in the pending suit, it is always done at the risk of the

	appellant because he cannot be forced to join Respondents 1 and 4 to 11 as party-defendants in such suit. In the case of ***Ramesh Hirachand Kundanmal v. Municipal Corpn. of Greater Bombay [(1992) 2 SCC 524]*** on the question of jurisdiction this Court has clearly laid down that it is always open to the Court to interfere with an order allowing an application for addition of parties when it is found that the courts below had gone wrong in concluding that the persons sought to be added in the suit were necessary or proper parties to be added as defendants in the suit instituted by the plaintiff-appellant. In that case also this Court interfered with the orders of the courts below and rejected the application for addition of parties. Such being the position, it can no longer be said that this Court cannot set aside the impugned orders of the courts below on the ground that jurisdiction to invoke power under Order 1 Rule 10 CPC has already been exercised by the two courts below in favour of Respondents 1 and 4 to 11.
117	**M.V. Polaris Galaxy v. Banque Cantonale De Geneve, (2024) 5 SCC 750** 57. There being no inconsistency between Order 1 Rule 10(2) and any provision of the Admiralty Act, Order 1 Rule 10(2)CPC would be applicable to suits and/or proceedings governed by the Admiralty Act. Order 1 Rule 10(2) enables the Court to add any person as party at any stage of the proceedings, on its own, irrespective of whether there is any application before it, if the Court deems it necessary to do so, to enable the Court to effectively and completely adjudicate and settle all questions involved in the suit. One of the objects of Order 1 Rule 10(2) is to avoid multiplicity of proceedings.
118	**Mumbai International Airport (P) Ltd. v. Regency Convention Centre & Hotels (P) Ltd., (2010) 7 SCC 417** 22. Let us consider the scope and ambit of Order 1 Rule 10(2) CPC regarding striking out or adding parties. The said sub-rule is not about the right of a non-party to be impleaded as a party, but about the judicial discretion of the court to strike out or add parties at any stage of a proceeding. The discretion under the sub-rule can be exercised either suo motu or on the application of the plaintiff or the defendant, or on an application of a person who is not a party to the suit. The court can strike out any party who is improperly joined. The court can add anyone as a plaintiff or as a defendant if it finds that he is a necessary party or proper party. Such deletion or addition can be without any conditions or subject to such terms as the court deems fit to impose. In exercising its judicial discretion under Order 1 Rule 10(2) of the Code, the court will of course act according to reason and fair play and not according to whims and caprice. 25. In other words, the court has the discretion to either to allow or reject an application of a person claiming to be a proper party, depending upon the facts and circumstances and no person has a right to insist that he should be impleaded as a party, merely because he is a proper party.

119	**J.N. Real Estate v. Shailendra Pradhan, 2025 SCC OnLine SC 1015** 26. However, this Court, in its subsequent decision in Sumtibai (supra), was faced with a factual scenario wherein the sons of the original defendant were also prima facie found to be co-owners of the contracted property. The sons were already impleaded in their capacity of being legal representatives to the deceased defendant who had entered into an agreement to sell in favour of the plaintiff therein. In this background, it was observed that it cannot be laid down as an absolute proposition that in a suit for specific performance, a third party can never be impleaded. It was opined that the decision of this court in Kasturi (supra) must be seen in the context in which it was delivered. Furthermore, some circumstantial flexibility is necessary to be taken into account in each case, since an additional or different fact may materially change the conclusion. Therefore, the sons of the original defendant were allowed to file an additional written statement and take the defence of co-ownership which was available to them.
120	**Yogesh Goyanka v. Govind, (2024) 7 SCC 524** 19. The respondents herein assail the impleadment of the appellant on the ground that he is not a bona fide purchaser as he had full knowledge of the pending litigation. While that is the admitted position, there exists no bar to the impleadment of transferees pendente lite with notice. Permitting the impleadment of a transferee pendente lite is, in each case, a discretionary exercise undertaken to enable a purchaser with a legally enforceable right to protect their interests especially when the transferor fails to defend the suit or where there is a possibility of collusion. 21. On the other hand, the appellant has a registered sale deed in his favour and has therefore seemingly acquired an interest in the subject land. Whether or not the consideration was paid, is a disputed question of fact that shall be determined by the trial court. Therefore, in the considered opinion of this Court, considering the totality of the circumstances in this case, including the fact that the trial has not progressed significantly, the appellant herein, in the interest of justice, is entitled to impleadment in the underlying suit in order to protect his interests, if any, in the subject land.
121	**Pankajbhai Rameshbhai Zalavadiya v. Jethabhai Kalabhai Zalavadiya, (2017) 9 SCC 700** 10. Order 1 Rule 10 of the Code enables the court to add any person as a party at any stage of the proceedings, if the person whose presence in court is necessary in order to enable the court to effectively and completely adjudicate upon and settle all the questions involved in the suit. Avoidance of multiplicity of proceedings is also one of the objects of the said provision. Order 1 Rule 10 of the Code

	empowers the court to substitute a party in the suit who is a wrong person with a right person. If the court is satisfied that the suit has been instituted through a bona fide mistake, and also that it is necessary for the determination of the real matter in controversy to substitute a party in the suit, it may direct it to be done. When the court finds that in the absence of the persons sought to be impleaded as a party to the suit, the controversy raised in the suit cannot be effectively and completely settled, the court would do justice by impleading such persons. Order 1 Rule 10(2) of the Code gives wide discretion to the court to deal with such a situation which may result in prejudicing the interests of the affected party if not impleaded in the suit, and where the impleadment of the said party is necessary and vital for the decision of the suit. 20. Having regard to the totality of the narration made supra, there is no bar for filing the application under Order 1 Rule 10, even when the application under Order 22 Rule 4 of the Code was dismissed as not maintainable under the facts of the case. The legal heirs of the deceased person in such a matter can be added in the array of parties under Order 1 Rule 10 of the Code read with Section 151 of the Code subject to the plea of limitation as contemplated under Order 7 Rule 6 of the Code and Section 21 of the Limitation Act, to be decided during the course of trial.
XVI - ORDER XXII CPC Death, Marriage and Insolvency of Parties	
122	**Banwari Lal v. Balbir Singh, (2016) 1 SCC 607** **Interpretation and application —** Rules of procedure under Or. 22 CPC are designed to advance justice and should be so interpreted as not to make them penal statutes for punishing erring parties. On sufficient cause, delay in bringing the legal representatives of the deceased party on record should be condoned.
123	**Manovikas Kendra Rehabilitation & Research Institute v. Prem Prakash Lodha, (2005) 7 SCC 224** **Right to sue —**Whether decree under appeal could be sustained or not in view of the subsequent event of death of decree-holder, is a question to be examined by appellate court, but only after the applicant before it, is permitted to be brought on record.
124	**Ghat Talab Kaulan Wala v. Gopal Dass, (2020) 13 SCC 50** **Rights of legal representative —** Legal representative cannot get larger right than what was vested with original party.
125	**M. Siddiq v. Suresh Das, (2020) 1 SCC 1**

	Suit for enforcement of right to worship — The abatement of suit for enforcement of right to worship on death of plaintiff, depends on whether it was a private or public right to worship in respect of which suit had been filed. In case of the former, suit would abate, while in case of latter it would not.
126	**Banwari Lal v. Balbir Singh, (2016) 1 SCC 607** **Applicability of doctrine of abatement.—** Application to bring legal representatives of the deceased appellant on record, held, revives once appeal is restored. Doctrine of abatement is applicable equally to a suit as well as to an appeal.
127	**DDA v. Diwan Chand Anand, (2022) 10 SCC 428** **Abatement of appeal.—**Appeal as a whole cannot be dismissed as abated for not bringing on record legal representatives of cosharers/co-owners who died during pendency of appeal.
128	**Hemareddi v. Ramachandra Yallappa Hosmani, (2019) 6 SCC 756Death of one of the several appellants during appeal.—**On the death of one of the plaintiffs or appellants and the right to sue does not survive to the remaining plaintiff/plaintiffs or appellant/appellants alone, then the legal representatives of the deceased party can come on record. Should he not do so, ordinarily, the proceeding will abate as far as the deceased party is concerned.
129	**Maringmei Acham v. M. Maringmei Khuripou, (2023) 2 SCC 473** **Death of party and bringing of LRs on record.—**If the legal representatives are brought on record within the prescribed time at one stage of the suit, including at interlocutory/interim stage, it will ensure the benefit of all the subsequent stages of the suit. Consequently, main suit would not stand abated.
130	**Shahazada Bi v. Halimabi, (2004) 7 SCC 354** **Abatement of suit.—** In case of death of one of the defendants and omission to implead legal representatives (LRs) of the deceased defendant, the suit does not abate in entirety but only as against the deceased defendant but where the absence of LRs prevents the court from hearing the appeal as against other respondents, then the appeal abates in toto.
131	**T. Gnanavel v. T.S. Kanagaraj, (2009) 14 SCC 294 : (2009) 5 SCC (Civ) 346.** **Benefit of exemption.—** Exemption to bring on record the heirs and legal representatives of the deceased could be taken or granted by the court only before the judgment is pronounced and not after it.

132	**Vijay A. Mittal v. Kulwant Rai, (2019) 3 SCC 520.** **Impleadment of legal heirs**.—If out of all the legal representatives, majority of them are already on record and they contest the case on merits, it is not necessary to bring other legal representatives on record.
133	**Goli Vijayalakshmi v. Yendru Sathiraju, (2019) 11 SCC 352** **Abatement of appeal.—**For determination of abatement of appeal against all parties or some of them, principles summarized relating to test of mutually inconsistent or contradictory decrees.
134	**Jaladi Suguna v. Satya Sai Central Trust, (2008) 8 SCC 521** **Purpose of impleadment.—**Impleadment in suit/appeal is for the limited purpose of adjudication of case and not for the purpose of determination of proprietary rights. Proprietary rights are to be determined by way of separate suit.
135	**Satyanand v. Shyam Lal Chauhan, (2018) 18 SCC 485.** **Determination of question as to legal representative.—**It is the mandatory duty of the court determine the question as to who will come on record as legal heir.
136	**Chhabil Das v. Papu, (2006) 12 SCC 41** **Stage of Impleadment** - Once the question as to who is legal representative is decided at the stage of impleadment, the question cannot be reopened at later stage
137	**Varadarajan v. Kanakavalli, (2020) 11 SCC 598** **Substitution of legal representative(s).—**Determination as to who is the legal representative under Order 22 Rule 5 will of course be for the limited purpose of representation of the estate of the deceased, for adjudication of that case. Such determination for such limited purpose will not confer on the person held to be the legal representative, any right to the property which is the subject-matter of the suit, vis-à-vis other rival claimants to the estate of the deceased.
138	**Perumon Bhagvathy Devaswom v. Bhargavi Amma, (2008) 8 SCC 321** **Limitation**.—The courts can allow the application for condonation of delay and set aside the abatement, if: (i) the respondent had died during the period when the appeal had been pending without any hearing dates being fixed; (ii) neither the counsel for the deceased respondent nor the legal representatives of the deceased respondent had reported the death of the respondent to the court and the court has not given notice of such death to the appellant; (iii) the appellant avers that he was unaware of the death of the respondent and

	there is no material to doubt or contradict his claim. (iv) granting of said leave is within the discretion of the court, (v) however, the court has to exercise its said discretion judicially and according to well-established principles, (vi) further, unlike Rules 3 and 4 of Order 22 CPC, no limitation is prescribed for presentation of an application under Order 22 Rule 10 CPC, and (vii) thus, the right to make an application under Order 22 Rule 10 CPC is a right which accrues from day to day and can be exercised at any time during the pendency of suit.
139	**Perumon Bhagvathy Devaswom v. Bhargavi Amma, (2008) 8 SCC 321** **Nature and scope.—**It is the duty on the respondent's counsel to inform the court about the death. If the appellant pleads ignorance even after the court notifies him about the death of the respondent that may be indication of negligence or want of diligence.

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