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Weekly Legal Current Affairs

10–16 August 2026

This week at a glance

- A registered Will falls because one attesting witness's death was never proved; Section 69 cannot be reached until Section 68 is exhausted.
- When may an appellate court reverse a temporary injunction? The Court restores a Single Judge's order and warns against turning interlocutory hearings into mini-trials.
- A witch-hunting murder affirmed on one eyewitness daughter's word; the Court weighs evidence, not the number of witnesses.
- Sold shares while sitting on bad results; why the money went nowhere stops mattering once you trade on UPSI under the 2015 rules.

In this issue

Judgments of the week

1. Pazhanathal (D) Thr. Lrs v. Alamathal (D) Thr. Lrs Evidence

2026 INSC 860 · Sanjay Karol, Nongmeikapam Kotiswar Singh JJ · 13 August 2026

Facts. Arukkaniammal, the issueless third wife of Vaiyapuri Gounder, held his lands absolutely and allegedly executed a registered Will (Ex.B-13) dated 15.12.1976 favouring the four sons of her step-daughter Alamathal. The propounders examined neither of the two attesting witnesses, relying instead on the scribe (D.W.2), a beneficiary (D.W.1) and D.W.3, the son of one attestor. The trial court disbelieved the Will and decreed partition for the first wife's heirs; the High Court reversed and upheld the Will.

Issue. Whether Will (Ex.B-13) was duly executed and attested under Section 63(c) of the Indian Succession Act and proved under Sections 68 or 69 of the Evidence Act, and whether the suspicious circumstances were removed.

Held. The Court held that Sections 63 of the Indian Succession Act and 68 of the Evidence Act must be read cumulatively, so proof of the testatrix's thumb impression alone does not establish due execution absent proof of statutory attestation. Following N. Kamalam v. Ayyasamy, (2001) 7 SCC 503, Janki Narayan Bhoir v. Narayan Namdeo Kadam, (2003) 2 SCC 91 and M.L. Abdul Jabbar Sahib v. H.V. Venkata Sastri & Sons, (1969) 1 SCC 573, D.W.2 having signed only as scribe lacked animus attestandi and could not be treated as an attesting witness. Section 69 is an exceptional mode available only once it is proved no attesting witness can be found; Marappa Gounder's death was established through his son, but Avanashi Gounder's death was asserted only by an interested beneficiary (D.W.1) without particulars, so the condition precedent failed and the burden did not shift, per Babu Singh v. Ram Sahai, (2008) 14 SCC 754. The cumulative suspicious circumstances, including the false self-acquired recital, exclusion of two branches and non-examination of Alamathal, were not removed; the Will was not proved, and under Section 15(2)(b) of the Hindu Succession Act the property reverted to Vaiyapuri Gounder's heirs.

> ***Why it matters.*** *Registration never dispenses with proving attestation of a Will; establish each attesting witness's death or unavailability before reaching for Section 69.*

Provisions: Indian Succession Act 1925, s.63(c); Indian Succession Act 1925, s.59; Indian Succession Act 1925, s.61; Evidence Act 1872, s.68; Evidence Act 1872, s.69; Evidence Act 1872, s.67; Evidence Act 1872, s.47; Hindu Succession Act 1956, s.15(2)(b); Hindu Succession Act 1956, s.14(1)

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2. Shruti Manav Sharma v. Sunanina Singh Civil / CPC

2026 INSC 843 · Pamidighantam Sri Narasimha, Alok Aradhe · 12 August 2026

Facts. An elderly widow, the original plaintiff, sued to undo gift deeds and LLP transfers by which her granddaughter (defendant No.4) and another allegedly procured nearly the entire family shareholding and estate by undue influence. The Single Judge granted an interim injunction preserving the disputed shares and properties; the Division Bench of the Delhi High Court set it aside under Order XLIII Rule 1(r) of the Code of Civil Procedure, 1908, and the plaintiff's legal representatives appealed.

Issue. Whether the Division Bench, exercising appellate jurisdiction under Order XLIII Rule 1(r), was justified in substituting its own view for the Single Judge's discretionary grant of a temporary injunction, given the settled limits on appellate interference with discretionary orders.

Held. Applying Wander Ltd. v. Antox India P. Ltd., 1990 Supp. SCC 727, the Court held that a temporary injunction is discretionary and equitable, and an appellate court does not substitute its own view merely because it might have concluded differently, interfering only where discretion was exercised arbitrarily, capriciously or perversely. Tested against the trinity of prima facie case, balance of convenience and irreparable injury, the Single Judge's order stood on seven specific findings and could not be called perverse; loss of controlling shareholding and creation of third-party rights in disputed properties is irreparable injury no money decree can undo. The Court held that both the Single Judge and the Division Bench bore the marks of a mini-trial by construing clauses of the Will and applying Section 89 of the Companies Act, 2013 at the interlocutory stage, which the law forbids. The appeals were allowed, the Division Bench judgment set aside and the injunction restored, with the trial court to decide all questions on evidence uninfluenced by these observations.

> ***Why it matters.*** *The Wander Ltd. rule endures: an appellate court reviews how discretion was exercised, not whether it would have exercised it differently.*

Provisions: Code of Civil Procedure 1908, Order XLIII Rule 1(r); Code of Civil Procedure 1908, Order XXXIX Rules 1 and 2; Code of Civil Procedure 1908, s.94(c); Code of Civil Procedure 1908, s.151; Specific Relief Act 1963, s.36; Specific Relief Act 1963, s.37(1); Hindu Succession Act 1956, s.14; Companies Act 2013, s.89

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3. Balku Oram v. State of Odisha Criminal Law

2026 INSC 852 · Prashant Kumar Mishra, J. & N.V. Anjaria, J. · 13 August 2026

Facts. The appellant and a co-accused dragged Puni Naik from her home and beat her to death with a lathi, blaming her witchcraft for a girl's death. The sole eyewitness was P.W.3, the deceased's teenage daughter. Trial Court and the High Court of Orissa convicted under Section 302 read with Section 34 IPC and sentenced life imprisonment.

Issue. Whether conviction can rest on the sole testimony of a related eyewitness without independent corroboration, whether the offence is murder or culpable homicide under Section 304, and whether a day's delay in the FIR is fatal.

Held. The Court held that a close relative who is a natural witness is not an interested witness absent proof of animus, relying on Shio Shankar Dubey v. State of Bihar and Vadivelu Thevar v. State of Madras that quality, not quantity, of evidence governs under Section 134 of the Evidence Act. P.W.3's testimony stood corroborated by the post-mortem, so no exceptional ground under Article 136 justified disturbing concurrent findings. Applying Pulicherla Nagaraju v. State of A.P., injuries to head, neck, chest and other vital parts showed intention to kill, rejecting the plea to convert to Section 304 Part I or II. The delay of a day in the FIR, explained by the shock of the 15-16 year old witness, was not fatal per Ramdas v. State of Maharashtra and Om Pal v. State of U.P.

> ***Why it matters.*** *Evidence is weighed, not counted; a natural relative witness needs no corroboration unless animus is shown, echoing Vadivelu Thevar.*

Provisions: Indian Penal Code 1860, s.302; Indian Penal Code 1860, s.34; Indian Penal Code 1860, s.304; Indian Penal Code 1860, s.300; Indian Evidence Act 1872, s.134; Constitution of India, Article 136

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4. Securities and Exchange Board of India v. Rajeev Vasant Sheth Company / IBC

2026 INSC 826 · Sanjay Karol, Nongmeikapam Kotiswar Singh · 11 August 2026

Facts. Rajeev Vasant Sheth, Chairman and MD of Tara Jewels Limited, and his two daughters sold large parts of their shareholding during 02.10.2017 to 29.11.2017, while in possession of UPSI about the company's steep quarterly losses, avoiding roughly Rs.1.38 crores in losses. SEBI's Whole Time Member held all three guilty of insider trading, but the Securities Appellate Tribunal quashed that order, accepting that the sales were to guard against the company being downgraded to a non-performing asset.

Issue. Once an insider trades while in possession of UPSI, can the purpose behind the trade or the absence of gain be a defence under Regulation 4(1) of the PIT Regulations 2015, and does the legitimate-corporate-purpose reasoning of Abhijit Rajan survive the 2015 Regulations?

Held. The Court held that it was undisputed the respondents possessed UPSI and sold their shares while so possessed, so the note to Regulation 4(1) makes the reasons for trading and the use of proceeds irrelevant, and less or no profit is of no consequence. The word 'including' before the six defences in Regulation 4(1) shows they are not exhaustive and ejusdem generis does not apply, since specific words follow the general word; any further defence must be of similar nature. SEBI v. Abhijit Rajan, (2024) 11 SCC 645 was distinguished because it arose under the 1992 PIT Regulations, which carried no such note barring inquiry into the purpose of the trade, and there the shares were sold before a price rise. The Court restored the disgorgement of loss avoided under Section 11B, upheld the penalty under Regulation 9(1) read with Schedule B, but reduced the Section 15G penalty on Respondent No.1 to Rs.10 lakh; it also held SAT could not import the legitimate-corporate-purpose defence from Rakesh Agrawal v. SEBI, 2003 SCC OnLine SAT 38.

> ***Why it matters.*** *After the 2015 PIT Regulations, the motive-based escape route of Abhijit Rajan is gone; the note to Regulation 4(1) makes trading while holding UPSI the whole charge.*

Provisions: SEBI Act 1992, s.15Z; SEBI Act 1992, s.12A; SEBI Act 1992, s.15G; SEBI Act 1992, s.15J; SEBI Act 1992, s.11B; SEBI (Prohibition of Insider Trading) Regulations 2015, reg.3; SEBI (Prohibition of Insider Trading) Regulations 2015, reg.4(1); SEBI (Prohibition of Insider Trading) Regulations 2015, reg.9(1)

In brief — also on the docket this week

5 Nazim Shaikh Hasan v. Nasir Mushtaq Shaikh Property / TPA

2026 INSC 853 · Prashant Kumar Mishra, N.V. Anjaria · 13 August 2026

Issue. Whether execution of an agreement to sell by a landlord in favour of the tenant, upon receipt of part consideration, by itself ends the landlord-tenant relationship and substitutes it with fresh rights and obligations under the agreement.

Held. The Court distinguished R. Kanthimathi v. Beatrice Xavier (2000) 9 SCC 339, where the agreement expressly recorded surrender of possession and near-complete payment; here Clause 4 provided that on failure of the loan the agreement would stand cancelled and possession revert as before, confirming the tenancy continued. Relying on Shah Mathuradas Maganlal Co. v. Nagappa Shankarappa Malage (1976) 3 SCC 660 and Vayyaeti Srinivasarao v. Gaineedi Jagajyothi 2026 SCC OnLine SC 84, it held no express or implied surrender under Section 111(e) or (f) of the TP Act arose. Continued possession of a tenant does not amount to part performance under Section 53A, and per D.S. Parvathamma v. A. Srinivasan (2003) 4 SCC 705 a tenant cannot recast his possession as that of a transferee. The unregistered agreement was in any event barred from Section 53A protection by Section 17(1A) of the Registration Act, 1908, as reaffirmed in Ameer Minhaj v. Dierdre Elizabeth Issar (2018) 7 SCC 639; the SLP was dismissed.

6 Karnataka Power Transmission Corporation Limited v. Rekha General

2026 INSC 847 · Sanjay Karol, J. and Nongmeikapam Kotiswar Singh, J. · 12 August 2026

Issue. Whether a writ petition under Article 226 seeking tortious compensation for electrocution is maintainable where facts are disputed, and whether power utilities face strict or absolute liability and by what yardstick compensation is measured.

Held. Following Sukamani Das and Radha Krishan Industries v. State of H.P., the Court held that disputed questions of fact in electrocution claims make Article 226 an inappropriate remedy, and set aside both High Court judgments. Distinguishing M.C. Mehta (Shriram - Oleum Gas), it held that utilities like KPTC attract strict liability under the Rylands v. Fletcher rule as applied in Prabhakaran Vijaya Kumar and M.P. Electricity Board v. Shail Kumari, meaning the exceptions listed in Kaushnuma Begum remain available, not absolute liability. Relying on Raman v. Uttar Haryana Bijli Vitran Nigam Ltd., it held the Motor Vehicles Act, 1988 multiplier method inapplicable, since the Electricity Act 2003 fixes liability under Section 57 but not the computation, which must follow the just and reasonable, fair compensation standard. Interim compensation already paid was made non-recoverable and the claimants left free to seek alternate remedies.

7 Srinivasa Reddy Velagala v. Sravanthi Infratech Pvt. Ltd. Company / IBC

2026 INSC 835; Civil Appeal No. 876 of 2021 · J. B. Pardiwala, J. and Manoj Misra, J. · 12 August 2026

Issue. Whether the EPC contract was frustrated by efflux of time, whether the sums claimed were operational debt under Section 5(21) IBC, whether a pre-existing dispute barred the Section 9 application, and whether that application was time-barred under Article 137 of the Limitation Act.

Held. The Court held there was no frustration by efflux of time; suspension arising from the debtor's own non-payment is self-induced and cannot invoke Section 56 of the Indian Contract Act, 1872 (Boothalinga Agencies v. V.T.C. Poriaswami Nadar). Payment-schedule dues qualify as operational debt under Section 5(21) IBC, but suspension, idling and demobilization charges are damages that cannot be operational debt until crystallized by adjudication. No pre-existing dispute existed, as the debtor's total and consistent silence over seven years across all notices (applying Mobilox Innovations v. Kirusa Software) evidenced no genuine contestation. On limitation, default under Section 3(12) IBC occurs once, gives no continuing cause of action, and the debt acknowledged on 05.01.2012 and 03.02.2012 made the 2018 application time-barred; the appeal was allowed and both NCLT and NCLAT orders set aside, with liberty to approach the contractual dispute-resolution forum.

8 Rahul v. State of Uttar Pradesh Criminal Procedure

2026 INSC 825 · Sanjay Karol, Augustine George Masih · 11 August 2026

Issue. Whether a High Court exercising inherent jurisdiction under Section 482 CrPC may examine, at the threshold, an unimpeached official service record establishing the accused's absence, and whether the acquittal of co-accused on the identical evidence bears on continuing proceedings against him.

Held. Applying the four-step test in Rajiv Thapar v. Madan Lal Kapoor (2013) 3 SCC 330 and Prashant Bharti v. State (NCT of Delhi) (2013) 9 SCC 293, the Court held that the BSF Commandant's certificate dated 03.10.2016, never impugned as forged and corroborated by the IO, was unimpeachable material warranting threshold consideration and distinguishable from the affidavit-based alibi in Rajendra Singh v. State of U.P. (2007) 7 SCC 378. Read with the post-mortem showing a single ligature mark and no struggle injuries, the inquest recording the room bolted from inside, and the acquittal of the parents on the self-same evidence, the case fell within categories 1, 3 and 6 of State of Haryana v. Bhajan Lal 1992 Supp (1) SCC 335. The appeal was allowed and the FIR, chargesheet and Criminal Case No. 147 of 2018 quashed qua the appellant alone under Article 136 read with Section 482 CrPC.

9 Kashmir Ram @ Pappi v. State of Punjab Criminal Law

2026 INSC 854 · Sanjay Karol, Augustine George Masih JJ (judgment by Augustine George Masih, J.) · 12 August 2026

Issue. Whether the failure to record and transmit the secret information amounted to total non-compliance with Section 42 rather than substantial compliance, and whether Sections 50 and 52A were breached.

Held. The Court held that registration of an FIR is no substitute for the distinct Section 42 obligation, affirming Darshan Singh v. State of Haryana, but that this bars assuming compliance from an FIR alone, not weighing the ruqa alongside other circumstances. Applying paragraph 35 of Karnail Singh v. State of Haryana, it found substantial compliance because the information was received on a public road about a vehicle in transit, its substance was scribed in the ruqa Ex. P-1 before the search, and a Gazetted Officer was summoned to supervise, distinguishing the case from total non-compliance under clause (d). Section 50 NDPS Act was not attracted, the recovery resting on the vehicle search and nothing being found on the personal search, following State of Punjab v. Baljinder Singh; the delayed dispatch of samples was a procedural irregularity cured by the Magistrate's contemporaneous order recording the seals intact, per Narcotics Control Bureau v. Kashif, and the Section 54 presumption from possession stood unrebutted.

10 Sheela Gehlot v. Mohini Hardayal Singh & Ors. Civil / CPC

2026 INSC 863 · Pamidighantam Sri Narasimha, Alok Aradhe (Alok Aradhe, J.) · 14 August 2026

Issue. Whether non-compliance with Order XXI Rule 22 CPC affects an auction conducted under the 1993 Act, whether failure to serve Rule 2 notice under the Second Schedule to the Income Tax Act renders the sale void, and whether the Delhi house was exempt under Section 60(1)(ccc) CPC.

Held. The Court held that transfer under Section 31 of the 1993 Act clothed the Recovery Officer with recovery power under Section 29 read with the Second Schedule to the Income Tax Act, 1961, superseding CPC procedure, so Order XXI Rule 22 had no impact on the auction's validity. Though no notice under Rule 2 of the Second Schedule was served, respondent no.1 was already a party to the execution, knew of the proceedings, and never invoked the Rule 61 remedy, so no substantial injury arose and the sale was not void. Following the Delhi and Punjab & Haryana High Courts' reading of Section 60(1)(ccc) held for thirty-seven years, the exemption is personal to the judgment-debtor and unavailable to legal representatives, and the exemption plea, a mixed question of law and fact never pleaded below, could not be raised for the first time in a writ petition. C.A. Nos. 182 and 190 of 2016 were allowed, C.A. No. 191 of 2016 dismissed, and the High Court's remand quashed.

11 National Projects Construction Corporation Ltd. v. Ishvakoo (India) Pvt. Ltd. Arbitration

2026 INSC 828 · K. V. Viswanathan, J. and Alok Aradhe, J. · 11 August 2026

Issue. Whether the courts below were justified in directing the appellant to deposit Rs. 3.5 crores in the High Court Registry pending the respondent's Section 34 challenge, on a Section 9 application by a party that lost the arbitration.

Held. Following Home Care Retail Marts Pvt. Ltd. v. Haresh N. Sanghavi, 2026 SCC Online SC 670, the Court held that maintainability of a post-award Section 9 application by a losing party is no longer res integra, though the threshold is higher and relief is confined to rare and compelling cases to prevent irreparable prejudice and preserve the efficacy of the Section 34 challenge. Applying the Essar House Private Limited v. Arcellor Mittal Nippon Steel India Limited, (2022) 20 SCC 178 tests of prima facie case, balance of convenience and reasonable expedition, and Adhunik Steels Ltd. v. Orissa Manganese and Minerals (P) Ltd., (2007) 7 SCC 125, the Court found the respondent satisfied every parameter: no counter-claim was filed, the arbitrator was oblivious to the encashment, and there was no finding that the mobilisation advance went unused. Permitting the appellant to retain the money would unjustly enrich it and run counter to the 15.12.2005 order in OMP No. 363/2003. The appeal was dismissed with four weeks to deposit the amount, to be held in a fixed deposit till disposal of the Section 34 application.

12 Sudhir & Ors. v. Head of Human Resource, Dainik Bhaskar Group (D.B. Corp. Ltd.) & Ors. Service / Admin

2026 INSC 834 · Dipankar Datta, J. and Sheel Nagu, J. · 11 August 2026

Issue. Whether Section 17(2) of the Working Journalists Act, 1955 permits a State Government to delegate to another authority its power to refer a dispute over amounts due to a newspaper employee to a Labour Court.

Held. The Court held that while Section 17(1) expressly lets the State delegate certificate-issuing to a specified authority, Section 17(2) confers no such power, and the maxim unius est exclusio alterius means the legislature's silence excludes delegation of the referral function. Relying on Pradyot Kumar Bose v. Chief Justice of Calcutta High Court (1955) 2 SCC 791 and Sahni Silk Mills (P) Ltd. v. ESIC (1994) 5 SCC 346, it stressed that ultimate responsibility for exercising a statutory power cannot be delegated unless the law so provides, and distinguished Samarjit Ghosh v. Bennett Coleman & Co. (1987) 3 SCC 507, whose 'single scheme' observation did not concern delegation. The Maharashtra notification, which handed over the decision to refer rather than mere implementation, was declared bad. Invoking Article 142 and principles akin to ratification and distinguishing Marathwada University v. Seshrao Balwant Rao Chavan (1989) 3 SCC 132, the Court did not nullify past references but directed the State Government to independently revisit each reference and record fresh satisfaction within six months, the Working Journalists Act itself having been repealed by the Occupational Safety, Health and Working Conditions Code, 2020 from 21 November 2025.

Statutes, appointments & policy

NEW LAWS, AMENDMENTS & KEY BILLS

- **Tribunals Reforms Act, 2026 (Bill passed by Parliament; receives Presidential assent).** The Rajya Sabha passed the Tribunals Reforms Bill, 2026 on 11 August 2026 (Lok Sabha had passed it on 10 August), and it received Presidential assent on 13 August 2026. It repeals the Tribunals Reforms Act, 2021 and creates a National Tribunals Commission to conduct selections, review performance, handle complaints against members and maintain a National Tribunals Data Grid across tribunals, framed to comply with Supreme Court rulings on separation of powers and judicial independence that had struck down parts of the 2021 Act. **— 11 August 2026 · prsindia.org**
- **Supreme Court (Number of Judges) Amendment Act, 2026 receives Presidential assent.** President Droupadi Murmu assented to the Bill on 11 August 2026, making it an Act that raises the sanctioned strength of the Supreme Court from 34 to 38 (judges other than the CJI increased from 33 to 37). The Act is deemed to have come into force from 16 May 2026, the date the corresponding Ordinance was promulgated, and is the first increase in SC strength since 2019, aimed at reducing pendency of over 92,000 cases. **— 11 August 2026 · livelaw.in**
- **Bankers' Books Evidence Bill, 2026 passed by Parliament.** The Rajya Sabha passed the Bankers' Books Evidence Bill, 2026 on 10 August 2026 (Lok Sabha had passed it on 5 August), and it received Presidential assent on 13 August 2026. It repeals and replaces the colonial-era Bankers' Books Evidence Act, 1891 and expressly recognises electronic and digital banking records (including cloud, off-site and disaster-recovery storage) as admissible evidence, subject to authenticity and anti-tampering safeguards. **— 10 August 2026 · ddnews.gov.in**

POLICY & JUSTICE ADMINISTRATION

- **Supreme Court creates two new courtrooms to accommodate 38-judge strength.** A circular issued by the Administration General Branch of the Supreme Court Registry on 13 August 2026 created two additional courtrooms, numbered Court No. 18 and Court No. 19, along with two adjoining Registrar Court Rooms, to accommodate the expanded sanctioned strength of 38 judges following the Supreme Court (Number of Judges) Amendment Act, 2026. **— 13 August 2026 · lawstreet.co**
- **Monsoon Session of Parliament adjourned sine die; 12 Bills passed.** The 2026 Monsoon Session concluded on 13 August 2026, with 12 Bills passed by both Houses, including the justice-sector Tribunals Reforms Bill, the Supreme Court (Number of Judges) Amendment Bill and the Bankers' Books Evidence Bill. Livelaw noted most Bills were passed with little or no debate amid Opposition disruptions. **— 13 August 2026 · livelaw.in**

Clear Concepts — textbook revision of two core concepts

Culpable Homicide vs Murder: The Degrees of Intention (ss.299-300 IPC / ss.100-101 BNS)

Criminal Law (IPC / BNS)

ss.299-300 IPC = ss.100-101 BNS 2023; punishment ss.302/304 = ss.103/105 BNS

Culpable homicide is the genus, murder its species: all murder is culpable homicide, but not the reverse. Section 299 defines culpable homicide (causing death with intention to kill, intention to cause injury likely to cause death, or knowledge that the act is likely to cause death). Section 300 lifts culpable homicide to murder in four situations, unless one of five Exceptions pulls it back down. What separates them is the degree of intention or knowledge, not the label.

The distinction: degree, not kind. Punnayya reads the two sections as three grades of one offence.

- s.300 clause 2 needs the offender's knowledge that the injury is fatal to this particular victim (weak heart, enlarged spleen); s.299(b) needs no such knowledge.
- s.300 clause 3 asks whether the injury is 'sufficient in the ordinary course of nature to cause death'; s.299(b) only asks if it is 'likely'. The gap is one of probability.
- Where only knowledge (not intention) exists, it is culpable homicide not amounting to murder.
- Unless a case first fits s.299 and a clause of s.300, and escapes all five Exceptions, it is not murder.

The four clauses of s.300 and Virsa Singh's test.

- Clause 1: intent to cause death. Clause 2: intent to cause an injury the offender knows is likely to kill this victim. Clause 3: intent to cause an injury objectively sufficient to cause death. Clause 4: an imminently dangerous act done knowing it must in all probability cause death.
- Virsa Singh (clause 3): prove a bodily injury, its nature, that the offender intended that very injury, and that it was sufficient in the ordinary course of nature to cause death.
- Only the intention to cause the injury found must be proved, not an intention to kill; the sufficiency enquiry is purely objective.
- A single blow does not by itself decide s.302 vs s.304; the seat, weapon, force and circumstances reveal the intention.

Five Exceptions and the punishment ladder. These reduce murder to culpable homicide not amounting to murder.

- (1) grave and sudden provocation; (2) excess of private defence in good faith; (3) public servant exceeding lawful power; (4) sudden fight, no premeditation, no undue advantage or cruelty; (5) death with the victim's own consent (above 18).
- s.302 (BNS s.103): murder, death or life imprisonment.
- s.304 Part I (BNS s.105): act done with intention (clauses 1-2 of s.299) but saved by an Exception.
- s.304 Part II (BNS s.105): act done only with knowledge, no intention to cause death or fatal injury.

Leading cases.

- Virsa Singh v. State of Punjab (1958) - four-step objective test for murder under s.300 clause thirdly.
- State of A.P. v. Rayavarapu Punnayya (1976) - culpable homicide is genus, murder species; three degrees of the offence.
- Reg v. Govinda (1876) - Melvill J.'s clause-by-clause comparison of ss.299 and 300.
- K.M. Nanavati v. State of Maharashtra (1962) - grave and sudden provocation is a question of fact; cooling time defeats Exception 1.
- Rampal Singh v. State of U.P. (2012) - s.300 states both what is and is not murder; each case decided on its own facts.

Exam tip. First fit the facts into s.299, then test each clause of s.300, then run the five Exceptions; 'sufficient in the ordinary course of nature' (s.300-3) versus merely 'likely' (s.299-b) is the line most questions turn on.

Proof of a Will: Attestation, s.68 & the Registered-Will Trap

Law of Evidence (IEA / BSA)

s.63 Succession Act 1925; ss.68-69, 71 Evidence Act 1872 (= ss.67-68 BSA 2023)

A Will is a specially guarded document that two statutes must satisfy together. Section 63 of the Succession Act requires the testator to sign and two or more witnesses to attest, and s.68 of the Evidence Act bars the Will from being read in evidence until at least one attesting witness is examined. The burden of proving due execution rests wholly on the propounder, and registration is no substitute for attestation.

The twin statutory requirement.

- s.63 ISA: the testator signs or marks the Will, and two or more witnesses each attest, each having seen the testator sign and each signing in the testator's presence.
- s.68 IEA (now s.67 BSA): a document the law requires to be attested cannot be used as evidence until one attesting witness at least is called, if he is alive, within the court's process and able to depose.
- That witness must prove both the testator's signature and that each attesting witness signed in the testator's presence (Baldev, 2015); a scribe counts only if he signed animo attestandi (SR Srinivasa, 2010).
- The burden of proving valid execution lies wholly on the propounder (Naresh Charan Das Gupta).

Registration is no escape: the s.69 fallback.

- The proviso to s.68 frees a registered document from the need to call an attesting witness, but a Will is expressly excluded; a registered Will still needs its attestation proved (Rosammal Fernandez; Pazhanathal, 2026).
- s.69 IEA (now s.68 BSA) opens only when no attesting witness is available: none can be found, or all are dead or beyond the court's process.
- It is then proved that the attestation of one witness at least is in his handwriting and the executant's signature is in the executant's own hand (Paramu Ramakrishnan).
- Unavailability of every attesting witness must be established first; inconvenience or registration alone will not let the propounder jump to s.69 (Pazhanathal).

s.71 and the propounder's conscience.

- s.71 IEA: if the attesting witness denies or cannot recollect the execution, the Will may still be proved by other evidence (Chaitan Charan Parida).
- s.71 is a safety valve for a hostile or failing witness, not a licence to bypass s.68 or to dilute the two-witness rule of s.63.
- Where the circumstances are suspicious the propounder must dispel every reasonable doubt and satisfy the judicial conscience of the court (H. Venkatachala Iyengar).
- A party's own admission of execution binds him even for a Will the law requires to be attested (Komalsing Kuwarsing).

Leading cases.

- H. Venkatachala Iyengar v B.N. Thimmajamma (1959) — a document required to be attested cannot be read in evidence until an attesting witness proves execution; in a doubtful case the propounder must satisfy the conscience of the court.
- Rosammal Fernandez v Joosa Mariyan Fernandez (2000) — the s.68 proviso that spares registered documents from an attesting witness does not extend to a Will.
- Paramu Ramakrishnan v Bharathan (1990) — under s.69, where no attesting witness is available, prove one attestor's handwriting and the testator's own signature.
- Baldev v Dy Director of Consolidation (2015) — the attesting witness must depose to the testator's signature and that each witness signed in the testator's presence.
- Naresh Charan Das Gupta v Paresh Charan Das Gupta (1955) — the burden of proving that a Will was duly executed rests on its propounder.

Exam tip. Registration never cures a Will; s.69 opens only after every attesting witness is shown to be dead, untraceable or beyond process, and s.71 lets other evidence save a Will only when the witness turns hostile or forgets.

Revision capsule — one-line recap of every ruling

- **Pazhanathal (D) Thr. Lrs:** Section 69 of the Evidence Act cannot be invoked until the propounder proves that no attesting witness could be found; a beneficiary's bare, unparticularised assertion of one attestor's death does not establish that foundation, and the scribe's signature without animus attestandi is not attestation.
- **Nazim Shaikh Hasan:** Mere execution of an agreement to sell coupled with part payment does not determine a subsisting tenancy; there must be an express or implied surrender under Section 111(e) or (f) of the Transfer of Property Act, 1882, disclosed by the agreement's terms or the parties' unequivocal conduct.

- **Shruti Manav Sharma:** Appellate interference with a discretionary injunction is confined to arbitrariness, perversity or ignorance of settled principle; the Division Bench conducted an impermissible mini-trial on the merits and its reversal is set aside, the Single Judge's injunction restored.
- **Balku Oram:** Conviction may rest on a sole reliable eyewitness though related; evidence is weighed not counted; grievous injuries to vital parts show murderous intent under Section 302 IPC; an explained delay in the FIR is not fatal.
- **Securities and Exchange Board of India:** Under the note to Regulation 4(1) of the PIT Regulations 2015, once trading while in possession of UPSI is shown, the purpose of the trade and the presence or absence of profit are irrelevant; the six proviso defences are illustrative not exhaustive; SAT order set aside and WTM's penalty and disgorgement restored, with Respondent 1's Section 15G penalty reduced from Rs.25 lakh to Rs.10 lakh.
- **Karnataka Power Transmission Corporation Limited:** Transmission of electricity attracts strict liability, not absolute liability, so recognised exceptions survive; where negligence is disputed the writ under Article 226 is not maintainable and the claimant must pursue the civil forum.
- **Srinivasa Reddy Velagala:** A Section 9 IBC claim runs three years from each default under Article 137 Limitation Act; the subsistence of an unterminated EPC contract gives no continuing cause of action, and unanswered legal notices without a written acknowledgment under Section 18 cannot reset limitation.
- **Rahul:** Continuation of the criminal proceedings against the appellant is an abuse of process; where an official service record of sterling and unimpeached quality demolishes the prosecution case, it may be examined at the threshold under Section 482 CrPC and the proceedings quashed.
- **Kashmir Ram @ Pappi:** Where information reaches an officer on patrol about a vehicle in transit and its substance is reduced to a ruqa and a Gazetted Officer summoned to supervise, that is substantial compliance with Section 42, not the total non-compliance that vitiates a trial; Section 50 governs only the search of the person, not of a vehicle.
- **Sheela Gehlot:** Once execution passes to the DRT under the 1993 Act, Order XXI Rule 22 CPC has no bearing on the auction; absence of Rule 2 notice does not void a sale where no substantial injury results; and the Section 60(1)(ccc) exemption is personal to the judgment-debtor and cannot be claimed by legal representatives.
- **National Projects Construction Corporation Ltd.:** A Section 9 application by an unsuccessful award-debtor party is maintainable at a higher threshold; deposit of 3.5 crore rupees pending Section 34 was justified since no counter-claim was filed, no finding tied the guarantees to unused mobilisation advance, and retention would unjustly enrich the appellant.
- **Sudhir & Ors.:** Section 17(2) of the Working Journalists Act, 1955 empowers only the State Government to refer a wage dispute to the Labour Court; the express delegation power in Section 17(1) is deliberately absent from Section 17(2) and cannot be borrowed, so the Maharashtra notification delegating referral to Labour Commissioners is void.

Prelims Q&A — real past questions, with old→new code mapping

Q1. An act resulting in death done with the knowledge of its very serious consequences does not by itself become murder under clause (4) of Section 300 I.P.C. It must further be shown that:

A. the accused had some knowledge about the fact that it will cause death.
B. even though the accused knew about the consequences, he did the act without any excuse for incurring the risk of causing death.
C. the accused had no valid excuse for the act done by him.
D. his intention was to kill the victim as the victim had certain qualities which were against the norms of the society.

> **Ans: B.** Clause 'Fourthly' of Section 300 requires that the act be so imminently dangerous that it must in all probability cause death AND be committed 'without any excuse for incurring the risk of causing death'. Mere knowledge of serious consequences is not enough; the absence of excuse for running the risk is the additional ingredient. Old: s.300 clause fourthly IPC → New: s.101 BNS, 2023 (murder); culpable homicide is s.299 IPC → s.100 BNS. **[Delhi Judiciary Prelims 2019]**

Q2. A will can be proved under Section 68 of Indian Evidence Act by calling-

A. One of the attesting witnesses.
B. The advocate who only drafted the will.
C. The stenographer who only typed the will.
D. All of the above.

> **Ans: A.** A will is a document required by law to be attested (s.63 Indian Succession Act). Under s.68, such a document cannot be used in evidence until at least one attesting witness (if alive, subject to process and capable of giving evidence) is called to prove its execution. A drafting advocate or the typist is not an attesting witness. Old: s.68 Evidence Act → New: s.67 BSA, 2023. **[Delhi Judiciary Prelims 2023]**

Q3. A attacks Z under grave and sudden provocation. B, who was passing by, having an intention to kill Z, also takes advantage and attacks Z who dies. What is the offence committed by them?

A. Murder, as both had common intention to kill.
B. Both are guilty of offence of culpable homicide not amounting to murder.
C. Both are guilty of causing grievous injury.
D. A is guilty only of culpable homicide, while B is guilty of murder.

> **Ans: D.** Exception 1 to Section 300 (grave and sudden provocation) is personal to the provoked offender. A, being deprived of self-control by provocation, commits culpable homicide not amounting to murder; B, who had no provocation but an independent intention to kill, cannot claim the exception and is guilty of murder. Old: s.300 Exception 1 IPC → New: s.101 Exception 1 BNS, 2023. **[Delhi Judiciary Prelims 2023]**

Q4. Legal provision for restoring to a party on the modification, variation or reversal of a decree what has been lost to him in execution of decree or in direct consequence of decree is

A. Application under Section 114 CPC
B. Application under Section 115 CPC
C. Application under Section 144 CPC
D. Appeal under Section 96 CPC

> **Ans: C.** Section 144 CPC embodies the doctrine of restitution: on variation or reversal of a decree, the court which passed it must place the parties in the position they would have occupied but for the erroneous decree, including refund of what was recovered in execution. s.114 is review, s.115 is revision, s.96 is first appeal. CPC unchanged. **[MP Judiciary Prelims 2019]**

Q5. What is the period of limitation prescribed for a suit to recover movable property pawned from a pawnee (by the Limitation Act, 1963)?

A. 6 years
B. 3 years
C. 1 year
D. 2 years

> **Ans: B.** Article 70 of the Schedule to the Limitation Act, 1963 prescribes 3 years for a suit to recover movable property deposited or pawned from a depositary or pawnee, running from the date of refusal after demand. Limitation Act unchanged (relevant this week to IBC limitation under the residuary Article 137). **[Andhra Pradesh Judiciary Prelims 2019]**

Q6. What is the period of limitation prescribed for a suit to establish a periodically recurring right (by the Limitation Act, 1963)?

A. 2 years
B. 6 years
C. 5 years
D. 3 years

> **Ans: D.** Article 15 of the Schedule to the Limitation Act, 1963 prescribes 3 years for a suit to establish a periodically recurring right, computed from when the plaintiff is first refused the enjoyment of the right. Limitation Act unchanged. **[Andhra Pradesh Judiciary Prelims 2019]**

Q7. Section 25 of the Limitation Act, 1963 deals with:

A. continuing breaches and torts
B. effect of acknowledgment in writing
C. acquisition of easement by prescription
D. computation of time mentioned in instruments

> **Ans: C.** Section 25 governs acquisition of easements (right to light, air, way, watercourse, etc.) by 20 years' prescription. Continuing breaches/torts fall under s.22, acknowledgment under s.18, and s.27 deals with extinguishment of right to property. Limitation Act unchanged. **[Andhra Pradesh Judiciary Prelims 2019]**

Q8. The First Information Report can be quashed by the High Court on the ground of

A. parties having arrived at the settlement and no heinous offence was committed according to the charge-sheet
B. parties having arrived at the settlement and heinous offence was committed according to the charge-sheet
C. parties having arrived at the settlement and serious financial fraud was committed according to the charge-sheet
D. without any ground

> **Ans: A.** Exercising inherent power to quash on the basis of a compromise is appropriate only for offences of a private/civil character, not heinous or serious crimes (murder, rape, dacoity) or serious economic frauds (Gian Singh v. State of Punjab; the categories in State of Haryana v. Bhajan Lal). Old: s.482 CrPC → New: s.528 BNSS, 2023. **[Jharkhand Judiciary Prelims 2018]**

Q9. Delegatus non Potest Delegare means

A. A delegate can further delegate its powers
B. Delegated legislation is valid
C. A delegate cannot further delegate his powers
D. None of the above

> **Ans: C.** The maxim 'delegatus non potest delegare' means a delegate cannot further delegate: a person to whom a power is delegated cannot sub-delegate it unless the parent statute expressly or by necessary implication permits. It is a foundational limit on delegated legislation in administrative law. **[Bihar Judiciary Prelims 2009]**

Q10. Insider Trading is an offence under Indian laws. Who among the following, in the normal circumstances, will not be accused of insider trading ?

A. A financial journalist covering a company
B. A Director of the company
C. An auditor of the company
D. An employee of the company

Ans: A. Insider trading requires an 'insider' – a connected person or one in possession of unpublished price-sensitive information (UPSI). Directors, auditors and employees are connected persons presumed to have access to UPSI. A financial journalist merely covering the company is not, in normal circumstances, an insider. Governed by the SEBI (Prohibition of Insider Trading) Regulations, 2015; SEBI framework unchanged. **[Delhi Judiciary Prelims 2015]**

Mains Q&A — real state mains questions, with model answers

Mains Q1. — Delhi Judicial Service Mains, 2018 · Criminal Law — Culpable homicide vs. murder (ss.299-300 IPC)

'A' living in a resettlement colony had put his bucket under the water tap in the gali for filling water. 'B', who resided nearby and was present there from before, felt aggrieved and so he threw the bucket of 'A'. A fight ensued between 'A' and 'B'. On hearing noise, many persons living in the neighbourhood assembled and tried to separate 'A' and 'B'. 'C', the brother of 'B' arrived at the spot and picked up a stone lying nearby and threw it towards 'A'. The stone hit 'A' on his arm and he fell down. While falling, 'A' hit his head against a concrete boundary wall and blood started oozing from his head. 'A' was taken to the hospital where he died after two days. The post-mortem report attributes injury on the head of 'A' as the cause of death. Decide whether accused 'C' is guilty of having committed an offence of murder under Section 302 of the Indian Penal Code or culpable homicide not amounting to murder under Section 304 of the Indian Penal Code or an offence under Section 307 of the Indian Penal Code or any other lesser offence under the Indian Penal Code.

The problem turns on the graded scheme of homicide in the Penal Code, where, as Sarkaria J explained in State of A.P. v. Rayavarapu Punnayya (AIR 1977 SC 45), culpable homicide is the genus and murder its species; all murder is culpable homicide, but not all culpable homicide is murder. Section 299 IPC (now s.100 BNS 2023) defines culpable homicide, while s.300 IPC (now s.101 BNS) marks out its aggravated form. The correct method is to ask, in stages, whether C caused A's death, whether that act is culpable homicide at all, and only then whether it is murder.

Causation is made out in a but-for sense, since the stone struck A's arm, he fell, his head hit the concrete wall, and the post-mortem attributes death to that head injury. Yet causation alone does not make the act culpable homicide; one of the three mentes reae of s.299 must be present. C plainly had no intention to cause death, nor to cause a bodily injury likely to cause death, for he flung a stone at A's arm during a street scuffle. The only live question is knowledge under clause (c), whether hurling a stone in the midst of a fight is an act C knew to be likely to cause death, and on these facts that knowledge is hard to impute, because the fatal harm came not from the stone but from an unforeseen fall.

Even assuming culpable homicide, it is not murder. Clause thirdly of s.300, the clause most often pressed in single-blow cases, requires on Virsa Singh v. State of Punjab (AIR 1958 SC 465) proof that the injury intended to be inflicted was itself sufficient in the ordinary course of nature to cause death. The injury C intended was to the arm and not the head, and a stone to the arm is not sufficient in the ordinary course of nature to cause death; the head wound was accidental and unintended, so clause thirdly cannot be attracted. Clause fourthly also fails, since throwing a single stone is not an act so imminently dangerous that it must in all probability cause death. Section 307 falls away a fortiori, for attempt to murder demands the very intention or knowledge that murder itself requires.

C is therefore guilty neither of murder nor of attempt to murder. Given a sudden quarrel, the absence of premeditation and a solitary stone, the death is too remote a consequence to fix him with homicide of the first or second degree. At the highest his act is culpable homicide not amounting to murder punishable under s.304 Part II IPC (now s.105 BNS) if the court is willing to infer knowledge of likely death, but the sounder view on these facts is that he is liable only for voluntarily causing hurt under s.323, or s.324 with the stone treated as an instrument for causing hurt, the fatal fall being no part of what he intended or knew to be likely.

Mains Q2. — Bihar Judicial Service Mains, 2011 · Constitution — Article 14: equality before law and reasonable classification

Discuss the meaning and scope of fundamental rights to equality before law and equal protection of laws within the territory of India. Also discuss the basis and test of reasonable classification under Article 14.

Article 14 of the Constitution commands that "the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India." The provision houses two expressions of distinct pedigree. "Equality before the law" is drawn from the English common law and Dicey's rule of law; it is a negative concept, denoting the absence of any special privilege in favour of any individual and the equal subjection of all persons to the ordinary law of the land. "Equal protection of the laws," borrowed from the Fourteenth Amendment of the American Constitution, is a positive command that among equals the law shall be equal and equally administered, so that likes are treated alike in like circumstances. Being available to "any person," the guarantee protects citizen and non-citizen alike.

Neither limb, however, demands that everyone be treated identically. Equality is a guarantee against discrimination between persons who are similarly situated, not a mandate to treat unequals as equals. Implicit in the concept is that persons who are in fact unequally circumstanced cannot be placed on par. It follows that Article 14 forbids class legislation but does not prohibit reasonable classification, a distinction the

Supreme Court crystallised in Budhan Chowdhry v. State of Bihar. The State retains full power to classify persons and things on the basis of rational distinctions relevant to the subject it seeks to regulate.

To be valid, such classification must satisfy a twin test. First, it must rest on an intelligible differentia which distinguishes those grouped together from those left out; and second, that differentia must bear a rational nexus to the object sought to be achieved by the statute. This formulation, laid down in State of West Bengal v. Anwar Ali Sarkar and systematised in Ram Krishna Dalmia v. Justice S.R. Tendolkar, does not require a classification that is scientifically perfect or logically complete, and marginal over-inclusiveness is tolerated. A law valid at its inception may nonetheless become discriminatory when the rationale of its classification is destroyed by changed circumstances.

The content of Article 14 has since expanded beyond classification. In E.P. Royappa, Maneka Gandhi and Ajay Hasia v. Khalid Mujib, the Court held equality to be antithetic to arbitrariness, so that Article 14 now strikes at arbitrary State action in any form, whether legislative, executive or contractual. The settled position is that the Article outlaws class legislation, permits reasonable classification, and condemns arbitrariness, thereby securing the rule of law.

Mains Q3. — **MP Civil Judge Mains, 2021 · Civil Procedure — Res Judicata (Section 11 CPC)**

Describe the principle of Res Judicata. Whether the principle of Res Judicata is applicable against co-plaintiffs and co-defendants? If yes, under what circumstances?

Res judicata, codified in Section 11 of the Code of Civil Procedure, 1908, commands that no court shall try any suit or issue in which the matter directly and substantially in issue has already been directly and substantially in issue in a former suit between the same parties, litigating under the same title, in a court competent to try the subsequent suit, and has been heard and finally decided. The doctrine rests on two ancient maxims, that a man shall not be vexed twice for the same cause and that it is in the interest of the State that there be an end to litigation. Its established conditions are identity of the matter in issue (actual under Explanation III or constructive under Explanation IV), identity of parties or their privies, litigation under the same title, competence of the former court, and a final decision on the merits.

While the doctrine most obviously binds the plaintiff and the defendant, its reach is not so confined. As the Supreme Court held in Ishwardas v State of Madhya Pradesh, all parties to the two litigations need not be common, what is required is that the issue be between the same parties or those under whom they claim. Accordingly, a matter may be res judicata not only between a plaintiff and a defendant but equally as between co-defendants and as between co-plaintiffs.

As between co-defendants, the adjudication binds only where there is a conflict of interest between them and it is necessary to decide that conflict in order to grant the relief the plaintiff claims. In Govindammal v Vaidiyanathan the Court reiterated four conditions, a conflict of interest between the defendants, the necessity of deciding it to give the plaintiff relief, a final decision on that question, and that the co-defendants were necessary or proper parties. Where the plaintiff is unconcerned with the dispute inter se, or its decision is not needed for his relief, no bar arises, as held in Mahboob Sahab v Syed Ismail.

The same principles govern co-plaintiffs. Where a conflict of interest exists between co-plaintiffs and its resolution is necessary to grant relief to the defendant, the adjudication operates as res judicata between them, as recognised in Iftikhar Ahmed v Syed Meharban Ali. This branch must be applied with great care, given the likelihood of fraud or collusion, and a mere pro forma defendant, against whom no relief is sought, is not bound.

Mains Q4. — **Telangana State Judicial Service Mains, 2019 · Contract — Capacity, Free Consent and Coercion**

Who are competent to contract? Define 'Free consent' and 'Coercion'. Under what circumstances a contract becomes voidable?

Every enforceable contract, as Section 10 insists, must rest on the free consent of parties competent to contract, for a lawful consideration and with a lawful object. Competence is defined in Section 11: every person is competent who has attained the age of majority according to the law to which he is subject, who is of sound mind, and who is not disqualified from contracting by any law to which he is subject. Section 12 explains soundness of mind as the capacity, at the time of contracting, to understand the agreement and form a rational judgment as to its effect upon one's interests. The consequence of incapacity is severe, for in Mohori Bibee v. Dharmodas Ghose the Privy Council settled that a minor's agreement is not merely voidable but void ab initio, a nullity incapable even of founding a plea of estoppel where the other party knew the real facts.

Competence secures who may contract; free consent secures how. Section 13 requires consensus ad idem, the parties agreeing upon the same thing in the same sense. Section 14 builds on this by declaring consent free only when it is not caused by coercion, undue influence, fraud, misrepresentation, or mistake. Where consent exists but is tainted by one of the first four factors, the agreement is not void; the minds did meet, but the meeting was manipulated.

Coercion is defined in Section 15 as the committing, or threatening to commit, any act forbidden by the Indian Penal Code, or the unlawful detaining or threatening to detain any property, to the prejudice of any person, with the intention of causing any person to enter into an agreement. The width of the phrase 'any act forbidden' is illustrated by Chikkam Ammiraju v. Chikkam Seshamma, where a threat to commit suicide was held to be coercion though suicide itself escapes punishment. By contrast, a threat of lawful criminal prosecution is not coercion (Askari Mirza v. Bibi Jai Kishori), and in Andhra Sugars Ltd. v. State of A.P. the Supreme Court held that compulsion of law is not coercion, so an agreement one is statutorily obliged to enter remains freely made.

> It follows, under Section 19, that a contract becomes voidable when consent is caused by coercion, fraud, or misrepresentation, undue influence being separately governed by Section 19A. The remedy lies wholly at the option of the party whose consent was so caused: he may affirm the contract and hold the other bound, or rescind it, restoring under Section 64 any benefit already received.

Prelims answer key: 1-B 2-A 3-D 4-C 5-B 6-D 7-C 8-A 9-C 10-A

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