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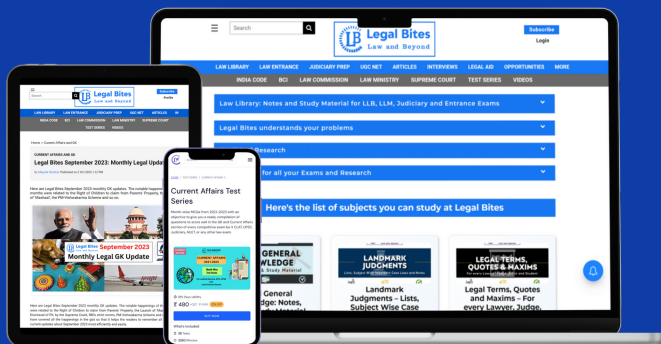
IMPORTANT JUDGMENTS 2023

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The Article explains 'Important Judgments of 2023: Legal Bites Year Update' and the cases are basically related to the Arbitration and Conciliation Act, CCS (Pension) Rules, maintenance, rights of a child as guaranteed under Article 21 and so on and so forth. The idea of the author is to make all the readers well-versed with the case laws decided by High Courts or Supreme Court.

Case laws are important to have clarity on any subject matter of law and so the author has tried to make a clear concept of various spheres. Various cases bring certain changes which are generally helpful to the people to understand the dynamic aspect of law with the changing time.

Important Judgments of 2023: Legal Bites Year Update

1. TATA Sons Pvt. Ltd. (Formerly TATA Sons Ltd) v. Siva Industries and Holdings Ltd & Ors.[1]

This case is related to the amendment of section 29A of the Arbitration and Conciliation Act. It also deals with the matter of International Commercial Arbitration jurisdiction under the aforesaid Act. According to Section 29A of the (Amendment Act), an arbitral tribunal must issue an arbitral award within twelve months of the day it was established, with the parties having the option of agreeing to an additional extension of up to six months. Regarding the International Commercial Arbitration, Hon'ble Supreme Court observes it is not bound by the time limit of twelve months given under Section 29A of the Act.

[Click Here](#) and read more about this case.

2. Shipli Lenkar v. Susanta Kumar Lenkar & Anr[2]

In this case, the Calcutta High Court dismissed a wife's plea for enhanced maintenance under Section 125 of the Code of Criminal Procedure (CrPC). The Court pointed out that

the enhancement of maintenance after blocking a substantial source of the husband's income is plainly against the interests of justice and an abuse of the process of law.

[Click Here](#) and read more about this case.

3. PSV v. Indian School & Anr.[3]

This case reflects upon how the rights of a child, as guaranteed under Article 21, are explained to be non-negotiable while also balancing the rights and authorities of the private schools to collect fees. This case is an important judgement with regard to the autonomy enjoyed by the private unaided schools as it defines the limit and scope of the same.

[Click Here](#) and read more about this case.

4. Shri Ram Shridhar Chimurkar v. Union of India[4]

The Supreme Court ruled that a son or daughter adopted by the widow of a deceased government employee after the employee's death cannot be considered a member of the family for purposes of claiming a family pension under Rule 54(14)(b) of the Central Civil Services (Pension) Rules, 1972. . The court outlined the concept of "family" under the Central Civil Services (Pension) Rules, 1972, and found that it cannot be broadened to include all heirs as permitted by Hindu law or other personal laws since it is a narrow and precise term. As a result, a son or daughter adopted by the widow of a dead government employee after the employee's passing could not be covered by Rule 54(14)(b) of the CCS (Pension) Rules' concept of "family."

[Click Here](#) and read more about this case.

5. B V Seshaiiah v. State of Telangana[5]

This case is a remarkable decision of the Supreme Court related to section 138 of the Negotiable Instrument Act, 1881. Telangana High Court's ruling, which overruled the parties' agreement to compound the offence and confirmed the conviction in a case involving a dishonoured check, was recently overturned by the Supreme Court. When parties to a litigation proceeding have agreed to compound a compoundable offence, the High Courts cannot overrule such compounding and force their will on the parties, according to a bench made up of Justices Krishna Murari and V. Ramasubramanian.

[Click Here](#) and read more about this case.

6. Ganesh Pawar and Ors v. Union of India[6]

Ganesh Pawar and Ors v. Union of India, (2023) contains the decision of the Supreme Court related to the postponement of NEET PG 2023. A plea by doctors asking for the National Eligibility Cum Entrance Test (NEET) postgraduate test, which is planned for March 5, 2023, to be delayed was denied by the Supreme Court on Monday (27th February 2023). The petition unequivocally states that the petitioners are prepared and eager to take the NEET-PG 2023–24 exam, but because the NBE's (National Board of Examination) conduct is arbitrary and unreasonable, it has been contested. The candidates are made to suffer due to NBE's poor management. NBE announced the examination date without consulting the State Medical bodies, there was not enough time to prepare in addition to the busy internship schedules, timely notification of eligibility was not given, and the examination schedule as it is now will not regularise the examination process as the 2023–24 session cannot be held.

[Click Here](#) and read more about this case.

7. Shailendra Mani Tripathi v. Union of India and Ors.[7]

Shailendra Mani Tripathi v. Union of India and Ors., (2023) describes the PIL filed by Advocate Shailendra Mani Tripathi seeking menstrual leave for women and female students. During the hearing, a law student argued that allowing menstrual leave could discourage employers from hiring women. In response to this argument, CJI DY Chandrachud stated that it was true that if employers were forced to provide menstrual leave, they would hesitate to hire women in workplaces. The bench also suggested that the petitioner could present their case to the Union Ministry of Women & Child Development.

[Click Here](#) and read more about this case.

8. Prasanta Kumarsahoo & Ors. v. Charulata Sahu & Ors.[8]

Prasanta Kumarsahoo & Ors. v. Charulata Sahu & Ors., (2023) elaborates upon the statement that during the pendency of a partition suit and if no final decree has been passed, the parties can seek the benefit of the amended law and request Trial Court to decide. The Judgment highlighted the enforceability of the amended laws as it was laid down that the same can be enforced during the pendency of a partition suit. The Supreme Court bench upheld the decision of the High Court and concluded by referring to various legal provisions and statutes such as Hindu Succession Act, The Registration Act etc. [Click Here](#) and read more about this case.

9. Dr Jaya Thakur v. Union of India[9]

Dr Jaya Thakur v. Union of India, (2023) elaborates upon how menstrual hygiene was held to be a sensitive topic and why appropriate emphasis shall be given to the same by Government. The Supreme Court of India, through the Bench comprising of Chief Justice DY Chandrachud, Justices PS Narasimha and JB Pardi Wala on 10.04.2023, directed the Central government to implement a uniform national policy on menstrual hygiene, including the distribution of free menstrual pads and cups to students.

[Click Here](#) and read more about this case.

10. Shabnam Jahan Moiuddin Ansari v. State of Maharashtra[10]

Shabnam Jahan Moiuddin Ansari v. State of Maharashtra', (2023) is a recent judgment by the Bombay High Court highlighting the right of a single working woman to adopt. The Case reinforces that adherence to the law is practised and no 'guesswork' would permit valid decisions to be taken by the courts of law.

[Click Here](#) and read more about this case.

11. National Insurance Co. Ltd. v. Harsolia Motors and Ors.[11]

National Insurance Co. Ltd. v. Harsolia Motors and Ors., (2023) by Snehil Sharma contains a significant ruling in which the Supreme Court recently decided that just because an organisation is a consumer company does not exempt it from the concept of "consumer"

under the Consumer Protection Act, 1986. Any non-commercially purchased products or services may be the subject of a consumer dispute under the Act by a commercial company. Whether anything is being done for a "commercial purpose" depends on whether the items or services are directly related to the activity that generates profits.

[Click Here](#) and read more about this case.

12. Vivek Narayan Sharma v. Union of India [12]

Vivek Narayan Sharma v. Union of India, (2023) revolves around the decision of the Supreme Court of India, which sorted out the controversial legal issue of demonetisation that had been raging in the country since November 2016.

[Click Here](#) and read more about this case.

13. Government of NCT of Delhi v. Union of India [13]

It is an important case that deals with how the Union Territories' legislative and executive control is to be maintained. The case particularly deals with the National Capital Territory of Delhi and the continuing anomaly with regard to the legislative and executive powers to be handed over to the Parliament and the LG or the Legislative Assembly.

[Click Here](#) and read more about this case.

14. Ritu Chernalia v. Amar Chernalia & Ors. [14]

In the case of Ritu Chernalia v. Amar Chernalia & Ors., (2023), Delhi High Court said that the right to residence is not an indefeasible right of residence in a shared household especially when the daughter-in-law is pitted against the aged father-in-law and mother-in-law.

[Click Here](#) and read more about this case.

15. Subway IP LLC v. Infinity Food [15]

Delhi High Court dismissed the plea for injunction filed by the multinational food chain Subway against a Delhi-based brand, Suberb, an infinity Food's mark. Subway approached the court for trademark infringement and claimed relief for the same. After considering the revamps introduced by Suberb in its decor, menu card and various other modifications, C. Hari Shankar, J. dismissed the application.

[Click Here](#) and read more about this case.

16. Naresh Gundyal v. State [16]

The Case Naresh Gundyal v. State, 2023 highlights the decision of the Karnataka High Court emphasizing the prohibition of misuse of dowry harassment laws and ensuring a fair legal process for all parties involved in divorce cases.

[Click Here](#) and read more about this case.

17. Prakash Chandra Yadav @ Mungeri Yadav v. State of Jharkhand & Ors. [17]

It emphasises the decision of the apex court which firmly asserted an extension order for the detention was undoubtedly in violation, but it affirmed that the initial detention order itself cannot be challenged. Therefore, failure to duly consider the appellant's representation in a timely manner would amount to a breach of the constitutional imperative.

[Click Here](#) and read more about this case.

18. Nabal Thakur v. State [18]

In this case Delhi High Court while hearing a bail application of an individual accused of assaulting a minor, addressed the challenges faced by the survivors of sexual assault, and issued a set of guidelines for doctors as well as the authorities, in order to ensure that such survivors are provided with appropriate treatment and care.

[Click Here](#) and read more about this case.

19. Sampa Deb (Basu) v. State of West Bengal & Anr. [19]

This case highlights the remarkable decision of the Calcutta High Court regarding caring for one's parents as a heartfelt and affectionate gesture. No external influence can deter a child from undertaking this responsibility, and likewise, no child can be compelled to do so if they are unwilling.

[Click Here](#) and read more about this case.

20. Dr. Nirmal Singh Panesar v. Mrs. Paramjit Kaur Panesar@ Ajinder Kaur Panesar [20]

This case focuses on a ruling by the highest court which refused to grant the appellant a divorce using Article 142, citing the reason for an irretrievably broken marriage. The court held that such a divorce would not be in the best interest of justice and would instead unfairly affect the respondent.

[Click Here](#) and read more about this case.

21. Nanhe v. State of U.P. [21]

This case involves the apex court's decision, which, after a comprehensive examination of the convict's intoxication during the incident, upheld his murder conviction under Section 302 of the Indian Penal Code.

[Click Here](#) and read more about this case.

22. Re.: Article 370 of the Constitution [22]

The Hon'ble Supreme Court's verdict on December 11, 2023, upheld the Centre's decision to abrogate Article 370 of the Constitution, which conferred special status on the erstwhile state of Jammu and Kashmir.

[Click Here](#) and read more about this case.

References

- [1] Miscellaneous Application No 2680 of 2019 in Arbitration Case (Civil) No 38 of 2017
- [2] Criminal Revisional Jurisdiction CRR 978 of 2019
- [3] W.P.(C) 584/2023
- [4] Arising out of SLP (C) No.21876 of 2017
- [5] Arising out of Special Leave Petition (CRL) No.7099/2018
- [6] WP(C) No. 247/2023
- [7] WP(C) No. 172/2023
- [8] 2023 SC 262
- [9] W.P.(C) No. 001000 - 001000/2022
- [10] Civil Revision Application No. 127 of 2022
- [11] Civil Appeal no. 5352-5353/2007
- [12] Writ Petition (Civil) No. 906 of 2016
- [13] Civil Appeal No 2357 of 2017
- [14] W.P. (C) 6986/2023
- [15] Subway IP LLC v. Infinity Food, 2023 SCC OnLine Del 150
- [16] CrI. P. No. 201257/2019
- [17] Civil Appeal No. 4324 of 2023 (Arising out of SLP(C) No. 5331/2023)
- [18] Bail Application 2128/2023
- [19] Sampa Deb (Basu) v. State of West Bengal & Anr., CRR 1284 of 2019
- [20] Civil Appeal No. 2045 of 2011
- [21] Criminal Appeal No.2791 of 2023
- [22] Writ Petition (Civil) No. 1099 of 2019

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