Weekly Judiciary Digest

Download pdf from www.DeFactoJudiciary.in

Current & Conceptual Weekly

2nd to 9th June, 2025

1. Victim's Right to Appeal Against Acquittal Under Section 372 CrPC Reaffirmed by Supreme Court..... 1
2. Legislative Acts Cannot Be Treated as Contempt of Court: Supreme Court Reiterates Separation of Powers.....2
3. Supreme Court Enhances Permanent Alimony to Secure Wife's Future Post Divorce.....3
4. Supreme Court Clarifies: A Legal Notice Need Not Be Labelled as Such to Be Valid.....5
5. Supreme Court Rules Blanket Non-Disclosure of Witness Statements Under UAPA Impermissible Without Individual Assessment.....6
6. Discharge Cannot Be Based on Defence Evidence at Section 239 CrPC Stage: Supreme Court Reiterates Legal Threshold.....7
7. Supreme Court Clarifies Scope of Order VII Rule 11 CPC: Plaint Cannot Be Rejected Merely Due to One Untenable Relief.....8
8. Prelims Q&A..... 9
9. MAINS Q&A.....10
10. CLEAR CONCEPTS..... 12

1. Victim's Right to Appeal Against Acquittal Under Section 372 CrPC Reaffirmed by Supreme Court

Case Title: M/s Celestium Financial v A Gnanasekaran

Citation: 2025 LiveLaw (SC) 666

Court: Supreme Court of India

Bench: Justice BV Nagarathna and Justice Satish Chandra Sharma

In a landmark judgment significant for criminal law and victim rights jurisprudence, the Supreme Court has held that a **victim of an offence has the unqualified right to file an appeal against the acquittal of the accused under the proviso to Section 372 of the Code of Criminal Procedure (CrPC)**. This right is independent of whether the victim is the original complainant. The judgment resolves previous ambiguities regarding the procedural rights of victims, particularly in private complaints such as cheque dishonour cases under **Section 138 of the Negotiable Instruments Act, 1881**.

The case arose from an appeal filed by the complainant in a cheque bounce matter, *M/s Celestium Financial v A Gnanasekaran*, where the accused had been acquitted. The primary legal issue was

whether a complainant in a private complaint could invoke the proviso to **Section 372 CrPC**, bypassing the leave requirement under **Section 378(4) CrPC**, typically applicable in such cases.

The Court reaffirmed that the **definition of "victim" under Section 2(wa) CrPC** (now mirrored in Section 2(y) of the Bharatiya Nagarik Suraksha Sanhita) is intentionally broad. A “victim” includes any person who has suffered loss or injury due to the act or omission constituting the offence. Accordingly, a payee or holder of a dishonoured cheque suffers financial loss directly traceable to the accused’s act and thus squarely qualifies as a “victim.”

The Court decisively ruled that such a victim has an absolute right to appeal against acquittal under the proviso to Section 372, without being required to seek the High Court's leave under Section 378(4). This distinction, the Court noted, was *deliberately crafted by Parliament*, as no corresponding amendment was made to Section 378 to restrict the victim’s right.

Five key reasons underpinned the Court’s decision:

1. **The right of a victim to appeal is absolute and unconditional**, not subject to any procedural preconditions.
2. It must be **placed on equal footing with the right of an accused to appeal against conviction under Section 374 CrPC**, which also requires no prior leave.
3. **The insertion of the proviso to Section 372 in 2009 was intended to confer an independent, superior right upon victims**, distinct from the rights of the State or complainants.
4. **No amendment was made to Section 378 to restrict this right**, unlike in cases where the State or a complainant seeks to appeal.
5. In cheque dishonour matters, the **State is not a party**, and the complainant alone bears the burden of pursuing justice. Hence, such complainants rightfully fall within the definition of "victim."

This judgment significantly strengthens the position of victims in criminal trials, especially in **private prosecutions**, by ensuring **unhindered access to appellate remedies**. For judiciary aspirants, this decision is a vital precedent highlighting the **evolving recognition of victim rights under Indian criminal jurisprudence**, and it is crucial to note its implications both procedurally and substantively.

2. Legislative Acts Cannot Be Treated as Contempt of Court: Supreme Court Reiterates Separation of Powers

Case Title: Nandini Sundar & Ors. v. State of Chhattisgarh

Citation: 2025 LiveLaw (SC) 662

Court: Supreme Court of India

Bench: Justices BV Nagarathna and Satish Chandra Sharma

Writ Petition (Civil) No.: 250/2007

In a significant reaffirmation of the **doctrine of separation of powers**, the Supreme Court of India has held that the mere **enactment of a law by a legislature—be it Parliament or a State Legislature—cannot, by itself, constitute contempt of court**. This ruling came while closing the long-standing Salwa Judum matter and disposing of contempt allegations related to the **Chhattisgarh Auxiliary Armed Police Force Act, 2011**, passed by the State in the wake of earlier Court directions.

The controversy stemmed from the argument that Chhattisgarh's legislative action—enacting a new law allegedly circumventing the Court's earlier decision—was in contempt of the 2011 judgment that had disbanded the use of tribal civilians as SPOs in counterinsurgency operations. However, the Court categorically rejected this view, holding that **"promulgation simpliciter of an enactment is only an expression of the legislative function"**, which **cannot be equated to contempt unless the statute is declared unconstitutional**.

The Court observed that **legislatures enjoy plenary powers under the Constitution** to frame, amend, or repeal laws, and such power remains valid unless struck down by a constitutional court on the grounds of **lack of legislative competence or constitutional infirmity**. Until then, the **law holds the force of legitimacy**, regardless of its relation to prior judicial pronouncements.

Importantly, the bench clarified that **"the interpretative power of a constitutional court does not extend to treating legislative action as contempt per se"**, reinforcing the idea that judicial review and legislative amendment function in **separate constitutional domains**.

The judgment emphasized that **a legislature has every right to amend or re-enact laws to address issues raised in judicial decisions**, including removing the basis of a judgment through valid legislation. This legislative response to judicial verdicts is a **core expression of democratic lawmaking**, not an affront to judicial authority.

Reiterating this principle, the Court stated, **"Any law made by the Parliament or a State legislature cannot be held to be an act of contempt of a Court, including this Court, for simply making the law."**

3. Supreme Court Enhances Permanent Alimony to Secure Wife's Future Post Divorce

Case Title: Rakhi Sadhukhan v. Raja Sadhukhan

Citation: 2025 LiveLaw (SC) 660

Court: Supreme Court of India

Bench: Justice Vikram Nath and Justice Sandeep Mehta

In a significant ruling reinforcing the right of divorced women to fair post-marital support, the **Supreme Court enhanced the permanent alimony payable to the wife from ₹20,000 to ₹50,000 per month**, underscoring the need to ensure that she is able to sustain a standard of living comparable to that which she enjoyed during the marriage. The judgment came in appeal

against the Calcutta High Court's 2022 order which had granted a decree of divorce and awarded monthly maintenance of ₹20,000, with a 5% increment every three years.

The appellant-wife, **who has remained unmarried since the separation in 2008 and is living independently**, argued that the alimony awarded by the High Court was grossly inadequate considering her husband's income and the cost of living. The couple was married in 1997, had a son in 1998, and had been living separately since 2008. The decree of divorce was granted on the ground of **mental cruelty and irretrievable breakdown of marriage**.

The appellant pointed out that her former husband, employed at the **Institute of Hotel Management, Kolkata**, earns a **net monthly salary of ₹1.64 lakh** and is financially well-positioned to pay higher maintenance. She further submitted that she had no other means of financial support and relied solely on the alimony.

The respondent-husband contested the claim, citing multiple financial obligations including support for his second wife, aged parents, and dependent family members. He also contended that their son, now 26 years old, was financially independent and no longer required parental support.

After considering the submissions, the Supreme Court held that **"the appellant-wife is entitled to a level of maintenance that is reflective of the standard of living she enjoyed during the marriage and which reasonably secures her future."** The Court emphasized that **a fair and adequate amount of alimony must take into account the earning capacity of the spouse, the lifestyle during the marriage, and inflationary pressures.**

The bench accordingly enhanced the monthly alimony to **₹50,000, with a 5% increase every two years**, instead of the three-year increment previously ordered. The Court noted that such adjustment would ensure that the amount remains reasonably aligned with the evolving cost of living.

Regarding the son's claim, the Court clarified that **no mandatory maintenance was required once the child becomes a financially independent adult**. However, it left the option open for the father to voluntarily contribute to reasonable educational or other expenses. Importantly, the bench affirmed that the **son's inheritance rights remain intact under personal laws** and may be pursued separately.

This ruling reaffirms that **permanent alimony is not a token payment, but a substantial legal right rooted in equity and fairness**, especially for women who have committed their lives to a marriage and have limited financial independence post-divorce. For judiciary aspirants, the judgment provides critical insights into **Section 25 of the Hindu Marriage Act**, judicial trends on alimony assessment, and the evolving jurisprudence on **post-divorce financial security for women**.

4. Supreme Court Clarifies: A Legal Notice Need Not Be Labelled as Such to Be Valid

Case Title: Kamla Nehru Memorial Trust & Anr. v. U.P. State Industrial Development Corporation Ltd. & Ors.

Citation: 2025 LiveLaw (SC) 652

Court: Supreme Court of India

Bench: Justices Surya Kant and N. Kotiswar Singh

In a noteworthy ruling for both litigation practice and statutory compliance, the **Supreme Court held that a communication qualifies as a legal notice if it substantively conveys the essential elements required—regardless of whether it is formally titled a "legal notice"**. The decision reaffirms that substance prevails over form when determining legal compliance, particularly in regulatory and contractual contexts.

The case involved *Kamla Nehru Memorial Trust (KNMT)* challenging the cancellation of its land allotment by the *Uttar Pradesh State Industrial Development Corporation (UPSIDC)* for default in payment. The crux of the matter was whether UPSIDC had fulfilled Clause 3.04(vii) of its Manual, which required **three consecutive legal notices** before cancellation. KNMT contended that only the notice dated **13.11.2006** qualified as a legal notice, while UPSIDC argued that earlier communications dated **14.12.2004** and **14.12.2005** also met the criteria.

Rejecting the appellant's narrow interpretation, the Supreme Court laid down the **essential components of a legal notice**, stating that:

- **It must clearly convey the facts and circumstances leading to the issue**, including any prior relevant communications;
- **It must inform the noticee of a legal obligation or breach**;
- **It must demonstrate the sender's intention to initiate legal proceedings or hold the noticee liable**;
- **It must be unambiguous and truthful**, and where statutory, must meet the legal requirements set forth.

The Court emphasized that these **substantive criteria matter more than a mere label**. The impugned earlier notices, when compared to the 13.11.2006 communication, were found to bear "**substantial similarity**," and thus, all three constituted valid legal notices. The bench questioned the prejudice claimed by the appellant, observing, **"It is beyond our comprehension as to what prejudice has really been caused... merely because these notices are not captioned as legal notices."**

Upholding the High Court's reasoning, the Supreme Court concluded that **UPSIDC had complied with the procedural safeguards prescribed under its Manual**, and dismissed the appeal filed by KNMT. The judgment also criticized irregularities in UPSIDC's land allotment processes, noting that **125 acres were allotted within two months without inviting bids**, and directed institutional reforms.

5. Supreme Court Rules Blanket Non-Disclosure of Witness Statements Under UAPA Impermissible Without Individual Assessment

Case Title: Mohammed Asarudeen v. Union of India & Ors.

Citation: 2025 LiveLaw (SC) 636

Court: Supreme Court of India

Bench: Justices Abhay S. Oka and Ujjal Bhuyan

In a vital ruling balancing **national security concerns with the right to a fair trial**, the **Supreme Court held that a blanket bar on disclosure of witness statements in Unlawful Activities (Prevention) Act (UAPA) cases is legally impermissible**. The Court emphasized that **protection under Section 44(2) of the UAPA or Section 17(2) of the NIA Act must be based on an individualised assessment** of threat perception to each witness, and not on sweeping or mechanical orders.

The case arose when the appellant, *Mohammed Asarudeen*, facing trial under the UAPA, challenged the orders of a Special Court and the High Court that barred access to statements of 15 prosecution witnesses recorded under **Section 161 of the CrPC**, citing potential threats to their safety. The Special Court, without conducting any individualized threat analysis, invoked **Section 44 of UAPA** and **Section 17 of the NIA Act** to withhold disclosure of statements. The High Court upheld the same even after the witnesses had been examined in-chief, prompting the present appeal.

The appellant contended that **mere reliance on statutory powers to protect witnesses is not sufficient**, and that any restriction must be preceded by **credible, specific threat analysis and** a judicially reasoned order. The failure to do so violated the accused's **fundamental right to a fair trial**, including **effective cross-examination and preparation of defence**.

Accepting this argument, the Supreme Court ruled that **any application for witness protection must be supported by specific averments for each individual witness**, and courts must **apply their mind carefully before granting protection**, ensuring that their reasoning reflects consideration of the **nature of threat, identity protection measures, and impact on the accused's right to a fair trial**.

The Court underscored that **"an omnibus application cannot be made by the Special Public Prosecutor"**, and **judicial satisfaction under Section 44(2) must not be a mechanical exercise**. Even if threat perception exists, the court must **tailor protective measures to the individual case**, such as **in-camera proceedings, redaction of personal details**, or **non-disclosure of addresses**—but **not wholesale denial of witness statements**.

It added that **"the accused is normally entitled to the statements of prosecution witnesses recorded during investigation"**, and any deviation must be justified with **brief reasons reflecting the court's application of mind**.

Accordingly, the Supreme Court **set aside the orders of the Special Court and the High Court**, and directed the NIA to file a fresh, detailed application within eight weeks, complying with Section 44(2) of the UAPA, allowing judicial scrutiny of each witness's security concern.

6. Discharge Cannot Be Based on Defence Evidence at Section 239 CrPC Stage: Supreme Court Reiterates Legal Threshold

Case Title: State v. Eluri Srinivasa Chakravarthi & Ors.

Citation: 2025 LiveLaw (SC) 633

Court: Supreme Court of India

Bench: Justices Pankaj Mithal and SVN Bhatti

In a critical ruling reinforcing the procedural boundaries of criminal trials, the **Supreme Court held that discharge of an accused under Section 239 of the Code of Criminal Procedure (CrPC) must be based solely on the prosecution's material**, and not on documents or submissions made by the defence. The Court set aside concurrent orders of the Special Court and Andhra Pradesh High Court, which had improperly discharged the accused by relying on materials submitted by them.

The case involved a **criminal appeal by the Central Bureau of Investigation (CBI)** against the discharge of several accused in a high-value fraud case under the **Minimum Support Price (MSP) scheme**. The prosecution alleged that the accused conspired to **purchase cotton at below-market prices**, hoard it, and subsequently **sell it at inflated MSP rates to the Cotton Corporation of India (CCI)** through benami farmers. This allegedly caused a **wrongful loss of ₹21.19 crores to the CCI**, and corresponding illegal gain to the accused. Charges included offences under **Sections 120-B, 420, 468, 471 of the IPC**, and **Section 13(1)(d) read with 13(2) of the Prevention of Corruption Act, 1988**.

The Special Court had discharged the accused based on a **CCI letter dated 31.01.2007**, furnished by the defence, which stated that no actual loss had occurred. The High Court upheld this discharge, citing absence of material for cheating or forgery. However, the **Supreme Court found this approach legally flawed**, as the courts had effectively conducted a **"mini-trial"** by weighing defence evidence not permissible at the discharge stage.

Authoring the judgment, **Justice SVN Bhatti** observed that discharge under Section 239 CrPC must be evaluated **only on the basis of the police report, chargesheet, and prosecution documents**, and **not on material submitted by the accused to contradict the prosecution's case**. The Court emphasized:

"The procedure followed by the trial court and confirmed by the High Court is patently illegal... The consideration of material invited at the instance of the defence for ordering discharge is impermissible."

The Court clarified that **Section 239 provides a limited discretion to discharge an accused only when the allegations and prosecution evidence do not disclose any offence**. Any **premature evaluation of defence contentions or evidence is contrary to settled legal principles**, as it undermines the integrity of the trial process.

Accordingly, the **Supreme Court allowed the CBI's appeal**, set aside the discharge orders, and **remitted the matter to the Special Court** for fresh consideration **strictly in accordance with Section 239 CrPC**, without reference to defence documents such as the CCI letter.

7. Supreme Court Clarifies Scope of Order VII Rule 11 CPC: Plaint Cannot Be Rejected Merely Due to One Untenable Relief

Case Title: Vinod Infra Developers Ltd. v. Mahaveer Lunia & Ors.

Citation: 2025 LiveLaw (SC) 630

Court: Supreme Court of India

Bench: Justices J.B. Pardiwala and R. Mahadevan

In a significant ruling, the **Supreme Court held that a plaint cannot be rejected in its entirety under Order VII Rule 11 of the Civil Procedure Code (CPC) merely because one of the reliefs claimed is legally untenable**, provided that other reliefs are maintainable and arise from distinct causes of action. This ruling reaffirms the principle that **access to justice must not be denied at the threshold where even one triable issue exists**.

The dispute arose when the appellant, *Vinod Infra Developers Ltd.*, filed a civil suit seeking **declaration, possession, and injunction** after the respondent, despite the revocation of a power of attorney, executed sale deeds transferring the appellant's agricultural land. The suit was rejected in toto by the Rajasthan High Court, which held that the declaration sought (that the sale deeds were void) was unsustainable and did not consider the maintainability of the possession and injunction claims arising from a **subsequent and distinct cause of action**.

Setting aside the High Court's order, the Supreme Court held that **where multiple causes of action exist, supported by distinct factual foundations, a court cannot summarily reject the entire plaint solely due to one legally barred relief**. The Court clarified that **Order VII Rule 11 CPC permits rejection only when the plaint, on its face, fails to disclose any cause of action or falls within narrow procedural grounds such as undervaluation or statutory bar**.

The judgment, authored by **Justice R. Mahadevan**, emphasized that **"selective severance of prayers is impermissible where different causes of action are independently pleaded."** It was further observed that **the High Court erroneously treated the reliefs as part of a singular claim** and failed to appreciate that **revocation of the power of attorney had given rise to a separate triable issue**.

In doing so, the Court also relied on its earlier decision in **Central Bank of India v. Prabha Jain, 2025 LiveLaw (SC) 96**, where it was held that **a plaint cannot be partially rejected based on one relief being barred by law while other reliefs survive**. The Court in *Prabha Jain* had emphasized that **civil courts should refrain from making adverse observations against specific reliefs at the Order VII Rule 11 stage**, as this prejudges issues not meant for preliminary scrutiny.

Summarizing the law, the Court held:
"Rejection of a plaint under Order VII Rule 11 CPC is permissible only when the plaint, on its face and without considering the defence, fails to disclose a cause of action, is barred by any law, is undervalued, or is insufficiently stamped."

The Court reiterated that **the trial court had correctly found triable issues**, and the High Court had overstepped the permissible scope of inquiry at the stage of evaluating a rejection application.

8. Prelims Q&A

1. The principle of Private International Law is incorporated in
   a. Sections 13 and 14 of the Code of Civil Procedure
   b. Sections 15 and 16 of the Code of Civil Procedure
   c. Sections 17 and 18 of the Code of Civil Procedure
   d. Sections 19 and 20 of the Code of Civil Procedure

Correct Answer: A. [H.P. JS 2015]
Explanation: The principle of Private International Law is incorporated in Sections 13 and 14 of the Code of Civil Procedure.

2. The pendency of a suit in..... does not preclude the courts in India from trying a suit founded on the same cause of action.
   a. Supreme Court
   b. District Court
   c. High Court
   d. Foreign Court

Correct Answer: D. [Raj. JLO 2019]
Explanation: The pendency of a suit in Foreign Court does not preclude the courts in India from trying a suit founded on the same cause of action.

3. Under Section 13 of CPC which of the following judgments shall not be conclusive?
   a. Judgement not on merit.
   b. Judgement founded on breach of Indian law.
   c. Judgement against International law.
   d. All of the above

Correct Answer: D. [UJS 2013]
Explanation: Under Section 13 of CPC which of the following judgments shall not be conclusive? All of the above.

4. Under Section 13 of CPC, a foreign judgement can be challenged on the ground of:
   a. Competency of the Court pronouncing the judgment
   b. Sustaining a claim founded on a breach of law in force in India
   c. Being obtained by fraud
   d. All of these

Correct Answer: D. [M.P. HJS 2020]
Explanation: Under Section 13 of CPC, a foreign judgement can be challenged on the ground of: All of these.

5. A foreign judgement shall not be conclusive where :
   a. It has not been given on the merits of the case.
   b. It has not been pronounced by a court of competent jurisdiction.
   c. It has been obtained by fraud.
   d. All of the above

Correct Answer: D. [DJS 2022]
Explanation: A foreign judgement shall not be conclusive where: All of the above.

6. A foreign judgement
   a. Can never be conclusive
   b. Can be conclusive as to any matter indirectly adjudicated upon between the same parties
   c. Can be conclusive as to any matter directly adjudicated upon between the same parties if it has not been pronounced by a court of competent jurisdiction
   d. Can be conclusive as to any matter directly adjudicated upon between the same patties if it has been pronounced by a court of competent jurisdiction

Correct Answer: D. [JCJ 2019]
Explanation: A foreign judgement Can be conclusive as to any matter directly adjudicated upon between the same parties if

it has been pronounced by a court of competent jurisdiction.

7. Validity of a foreign judgement can be challenged under Section 13 of CPC
   a. In a civil court only
   b. In a criminal court only
   c. In both civil and criminal court
   d. Neither in civil nor in criminal court

Correct Answer: A. [AJS 2011, BJS 2013, Sikkim JS 2014]
Explanation: Validity of a foreign judgement can be challenged under Section 13 of CPC In a civil court only.

8. On the ground of jurisdiction under Section 13 of Code of Civil Procedure, _____ can be challenged
   a. Only a judgement in personam
   b. Only a judgement in rem
   c. Both (a) and (b)
   d. Neither of the above

Correct Answer: A. [HJS 2021]
Explanation: On the ground of jurisdiction under Section 13 of Code of Civil Procedure, Only a judgement in personam can be challenged.

9. Under section 13 of Civil Procedure Code, a foreign judgement can be challenged on the grounds of
   a. Competency of court pronouncing the judgement
   b. Being obtained by fraud
   c. Sustaining a claim founded on a breach of law enforce in India
   d. All of these

Correct Answer: D. [M.P. CJ 2019 (I), A.P. JS 2016]
Explanation: Under section 13 of Civil Procedure Code, a foreign judgement can be challenged on the grounds of: All of these.

10. Which Section of the CPC declares that the court shall presume, upon the production of any document purporting to be a certified copy of a foreign See an such judgement was pronounced by a court of competent jurisdiction, unless the contrary appears on the record, or is proved ?
   a. Section 13
   b. Section 14
   c. Section 19
   d. Section 20

Correct Answer: B. [H.P. JS 2012, DJS 2015]
Explanation: Which Section of the CPC declares that the court shall presume, upon the production of any document purporting to be a certified copy of a foreign judgement, that such judgement was pronounced by a court of competent jurisdiction, unless the contrary appears on the record, or is proved? Section 14.

9. MAINS Q&A

Question:

Whether there is any limitation to file a suit for possession based on title? Explain the difference between Articles 64 and 65 of the Limitation Act. **PJS 2003**

Answer:

Under the Limitation Act, 1963, there are specific provisions that govern the time frame within which a suit for possession based on title must be filed. The Act sets out different limitation periods for various types of legal actions, including those related to the recovery of property.

Articles 64 and 65 of the Limitation Act
Article 64

Article 64 of the Limitation Act prescribes a limitation period for suits for possession of immovable property when the plaintiff, while in possession of the property, has been dispossessed or has discontinued possession. The limitation period under this article is 12 years from the date of dispossession or discontinuance.

Key aspects of Article 64:

- It applies to cases where the plaintiff had actual physical possession of the property and then lost it.
- The suit must be based on possessory title, not on the mere title alone.
- The 12-year period is calculated from the moment the possession is disturbed.

Article 65

Article 65, on the other hand, deals with suits for possession of immovable property or any interest therein based on title. The limitation period prescribed under this article is also 12 years, but it is calculated from the date when the title of the plaintiff becomes adverse.

Key aspects of Article 65:

- It is applicable for suits where the claim is based on the title, not merely on prior possession.
- The plaintiff must prove their title to the property and that the possession of the defendant is illegal or unauthorised.
- The 12-year period starts when the possession of the defendant becomes adverse to the plaintiff's title.

Differences Between Articles 64 and 65

Aspect	Article 64 of the Limitation Act,1963	Article 65 of the Limitation Act, 1963
Basis of Suit	Based on possessory title (loss of possession).	Based on proprietary title (ownership rights).
Starting Point of Limitation	The limitation period starts from the date of dispossession or discontinuance of possession.	The limitation period starts when the possession of the property becomes adverse to the plaintiff's title.
Nature of Right Asserted	Applicable in cases where the plaintiff's right is based on possession rather than ownership.	Applicable when the plaintiff's claim is rooted in a legal title or ownership of the property.
Requirement of Proof	The plaintiff needs to prove their possession and subsequent dispossession.	The plaintiff must establish their title to the property and the adverse nature of the defendant's possession.

Limitation Period	12 years from the date of dispossession or discontinuance.	12 years from the date when the possession becomes adverse to the plaintiff's title.
Typical Application	Used in cases where a person who was in actual physical possession of a property is dispossessed.	Used in cases where a person with a legal title to the property seeks to recover it from someone whose possession is unauthorised.

10. CLEAR CONCEPTS

One of the most crucial concepts in Women and Child Law that judiciary aspirants must understand is the legal framework surrounding **domestic violence under the Protection of Women from Domestic Violence Act, 2005 (PWDVA)**. This Act was enacted to address the pervasive issue of abuse within the home, recognizing that **violence in domestic settings is not merely a private matter, but a violation of fundamental human rights**. Unlike traditional criminal law remedies that focus on punishment, this Act provides **civil remedies aimed at protection, maintenance, residence rights, and compensation** for women who are subjected to abuse.

The Act defines **domestic violence** in a broad and inclusive manner under **Section 3**, covering not only physical abuse but also **sexual, verbal, emotional, and economic abuse**. This means that a woman can seek legal protection not just for being physically assaulted but also for being humiliated, financially deprived, or threatened in any way. It also includes **harassment related to dowry demands**, thereby bringing many commonly under-reported forms of abuse within the scope of the law.

A significant legal evolution under the Act is the recognition of **relationships "in the nature of marriage"**. In the landmark case of ***D. Velusamy v. D. Patchaiammal (2011)***, the Supreme Court held that such relationships must demonstrate emotional and social commitment akin to marriage. This was further developed in ***Indra Sarma v. V.K.V. Sarma (2013)***, where the Court laid down guidelines to determine the validity of a live-in relationship under the Act, including **cohabitation, financial sharing, mutual responsibilities, and societal perception**. This interpretation ensures that women in informal relationships are not denied protection merely because of the absence of formal marriage.

In ***Hiral P. Harsora v. Kusum Narottamdas Harsora (2016)***, the Supreme Court made a path-breaking observation by **striking down the words "adult male" from Section 2(q)**, thus expanding the scope of who could be a respondent under the Act. This decision acknowledged that **domestic violence can be perpetrated by women and even minors**, and therefore, the law must not be restricted by arbitrary gender distinctions when identifying the perpetrator.

Another essential aspect of the Act is the **right of residence in the shared household**, as defined in **Section 17**. Initially, in ***S.R. Batra v. Taruna Batra***, the Court took a narrow view, holding that a wife had no right to reside in a property owned by her in-laws. However, in ***Satish Chandra Ahuja v. Sneha Ahuja (2021)***, this view was overruled, and the Court held that **a woman has the right to reside in any household where she lived in a domestic relationship**, regardless of ownership or title. This judgment reaffirms the principle that **the right to shelter and dignity outweighs proprietary claims**.

The concept of **monetary relief and maintenance under Section 20** has also been robustly interpreted in ***Rajnesh v. Neha (2021)***, where the Court observed that **maintenance is a measure of social justice** and essential for preventing destitution and vagrancy. It emphasized that **factors such as standard of living, income, liabilities, and the needs of children must be considered** when awarding maintenance. Moreover, the Court clarified that a **woman's education or her parents' financial status is irrelevant to her right to claim maintenance**.

Through these rulings, the judiciary has ensured that the Act remains a **dynamic and living law**, responsive to the social realities of women in India. For judiciary aspirants, understanding the application and interpretation of the Domestic Violence Act is essential, as it not only reflects **evolving gender jurisprudence** but also underlines the **role of courts in protecting the constitutional values of dignity, equality, and justice within the domestic sphere.**