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JUDGEMENTOPEDIA

(Learning Judgements For A Living)

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Supreme Court allows Inter-Country adoption, grants age limit exception

CONTEXT: Stephanie Joan Becker, a 53-year-old single woman, wanted to adopt a 10-year-old orphan girl named Tina from India and take her to the United States for adoption. Her applications were initially rejected because India's adoption guidelines at the time had an age limit of 45 years for single adoptive parents. Although the Central Adoption Resource Authority (CARA) granted an exception to the age rule, the High Court did not accept it because the reasons for the exemption weren't clear. This case examines inter-country adoption regulations and practices, including the role of CARA and the legal framework governing these adoptions.

1 The Supreme Court of India overturned the lower court's decisions and allowed the adoption to proceed. They determined that Ms. Becker was a suitable adoptive parent and that the adoption was in the child's best interests. The court also granted permission for Tina to be taken to the USA.

2 The Supreme Court clarified the application of adoption guidelines. They noted that the 2011 Guidelines, issued under the Juvenile Justice Act, govern inter-country adoptions and have a statutory basis.

STEPHANIE JOAN
BECKER V. STATE
AND ORS

[CIVIL APPEAL NO.
1053 OF 2013
(ARISING OUT OF SLP
(CIVIL) NO. 29505 OF
2012)]

**SECTION 41 OF THE
JUVENILE JUSTICE
(CARE AND
PROTECTION OF
CHILDREN) ACT,
2000**

**RULE 33 OF THE
JUVENILE JUSTICE
(CARE AND
PROTECTION OF
CHILDREN) RULES,
2007**

Bombay High Court acquits in-laws, citing lack of evidence in alleged cruelty and abetment case

X V. STATE OF MAHARASHTRA
[2024:BHC-AUG:25325]

CONTEXT: This criminal appeal case concerns the suicide of a woman two months after visiting her family, during which she reported ill-treatment by her in-laws. Her in-laws were convicted by a lower court of Cruelty (Section 498A IPC) and Abetment to suicide (Section 306, read with Section 34 IPC) but were acquitted on appeal by the Bombay HC, which found the allegations insufficient to prove either charge.

The Bombay HC overturned the lower court's

- 1 convictions because the prosecution did not prove that the alleged acts amounted to cruelty or that there was an abetment to suicide.

- 2 The Court found the prosecution's evidence lacking and criticized the trial judge's reliance on personal opinions rather than evidence.

- 3 The Court also criticized the trial judge's personal observations and inferences that were not based on evidence, such as the comments on the practice of fetching water at night.

**SECTION 498A
AND SECTION 306,
READ WITH SEC 34
OF THE INDIAN
PENAL CODE, 1860**

Can a company claim exclusive rights to a generic word like "delivery" in its trademark ?

CONTEXT: Delhivery, a logistics company, sued Treasure Vase Ventures, alleging trademark infringement and passing off. Delhivery claimed exclusive rights to the mark "DELHIVERY," which they argued was a coined word combining "Delhi" and "Very." They had registered this mark and its variants in classes 35, 39, and 42 of the Trade Marks Act, 1999. Treasure Vase Ventures used the mark "DELIVER-E" for its last-mile goods delivery service using electric vehicles. Delhivery obtained an ex-parte interim injunction against Treasure Vase Ventures, but the defendant sought to vacate the injunction.

The Delhi HC vacated the interim injunction, ruling that the mark "DELHIVERY" is phonetically

- 1 a generic word ("delivery") and therefore cannot be registered for exclusive use.

- 2 The court allowed both marks to coexist, recognizing the presence of numerous other marks containing "delivery" in the market.

PRECEDENTS:

- **AMRIT DHARA PHARMACY VS. SATYADEO GUPTA [AIR 1963 SC 449]**
- **SBL VS. HIMALAYA DRUG CO [AIR 1998 DEL 126]**

DELHIVERY
PRIVATE LIMITED
VS. TREASURE
VASE VENTURES
PRIVATE LIMITED
[CS (COMM)
217/2020]

SECTIONS 28,29,35
OF THE
TRADE MARKS ACT,
1999

Delhi HC: CEO's presence not needed for traffic challans, quashes Lower Court order

CONTEXT: Benetton India Private Limited filed a petition to challenge orders from the Saket Courts in Delhi. These orders related to two traffic challans issued against a company vehicle in 2020 for speeding. The company had sent an authorised representative to handle the challans as the vehicle was in the process of being scrapped. The lower court, however, demanded the appearance of Benetton's MD/CEO after questioning the validity of the authorisation letter. The company, arguing that the MD/CEO was not reasonably required for traffic challan matters, filed this petition to quash the lower court's orders.

1 The Delhi High Court quashed the lower court's order requiring Benetton's CEO to appear for traffic challans, deeming it unnecessary due to the presence of an authorised representative.

2 The court directed the lower court to resolve the challans with the representative's appearance, removing the need for senior company officials in minor traffic matters.

3 It acknowledged certain gaps in the system, such as the need for better mobile number integration for older vehicles and more effective dispute resolution mechanisms. The court recommended that these concerns be addressed by relevant authorities.

BENETTON INDIA
PRIVATE LIMITED V.
STATE NCT OF DELHI
[CRL.M.C.
6071/2024]

MOTOR VEHICLES
ACT, 1988

Supreme Court upholds resolution plan approval: IBC overrides SEZ Act

CONTEXT: The case involves an appeal by the Noida Special Economic Zone Authority ("Appellant") challenging the National Company Law Appellate Tribunal's ("NCLAT") judgment, which upheld the approval of a Resolution Plan for Shree Bhoomika International Limited ("Corporate Debtor"). The Corporate Debtor had defaulted on lease payments to the Appellant. A Resolution Plan was approved, granting the Appellant only INR 50 Lakhs against its admitted claim of INR 6.29 Crores.

1 The Supreme Court of India upheld the NCLAT's judgment, agreeing that the financial decisions of the Committee of Creditors should generally be respected.

2 Section 238 of the IBC 2016 states that provisions of the IBC will override other laws, including the SEZ Act 2005. This means that in any conflict between the IBC and another law, the IBC will be the law that applies.

3 The Court mentioned that "the Resolution Plan had already been implemented and the dues as found payable under the Resolution Plan have been disbursed to the concerned parties."

4 The Court found no reason to interfere with the approved Resolution Plan, as there was no violation of any relevant laws or procedures.

**NOIDA SPECIAL
ECONOMIC ZONE
AUTHORITY V.
MANISH AGARWAL &
ORS.**
[2024 INSC 8391]

**SPECIAL ECONOMIC
ZONE ACT, 2005 (SEZ
ACT, 2005)**

**INSOLVENCY AND
BANKRUPTCY CODE,
2016**