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# JUDGEMENTOPEDIA

*(Learning Judgements For A Living)*

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# JUDGEMENTOPEDIA

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## **Whether salvage value of the damaged tractor can be deducted from the total loss compensation awarded by the District consumer forum when the insured had not surrendered the damaged tractor?**

**SHANKAR LAL AND  
ANR. VS BRANCH  
MANAGER, UNITED  
INDIA INSURANCE  
[2001 SCC ONLINE  
NCDRC 51]**

**CONTEXT:** The Complainant/Petitioner's insured tractor was involved in an accident, leading to a claim with the Respondent. The District Forum awarded compensation based on the surveyor's assessment for a total loss but did not mandate the surrender of the salvage to the Respondent. Upon appeal by the Respondent, the State Commission modified the District Forum's order by deducting the assessed salvage value (Rs. 25,000/-) from the awarded amount (Rs. 1,08,750/-) because the Complainant had not surrendered the salvage. The Complainant/Petitioner then filed a Revision Petition against the State Commission's order.

1 The Revision Petition was dismissed, and the order of the State Commission was affirmed by the National Commission.

2 The NCDRC found no infirmity in the State Commission's decision to deduct the salvage value when the claim was settled on a total loss basis and the salvage was not surrendered by the Complainant.

3 The Court held that upon settlement of a total loss claim, the insurer is entitled to take over the salvage, and the State Commission rightly corrected the District Forum's oversight in this regard.

**SECTION 21(b) OF THE  
CONSUMER  
PROTECTION ACT ,  
1986**

# Can visually impaired candidates be deemed unsuitable for judicial service?

**CONTEXT:** These matters arose from suo motu writ petitions and civil appeals challenging rules and practices in the Madhya Pradesh and Rajasthan Judicial Services that excluded visually impaired candidates or did not provide adequate accommodations and fair selection processes for persons with disabilities. The key issues involved the legality of excluding visually impaired individuals from judicial service eligibility, the validity of additional eligibility criteria for persons with disabilities, and the requirement for separate cut-off marks and relaxation in selection standards for this category.

1 Visually impaired candidates cannot be deemed unsuitable for judicial service and are eligible to participate in the selection process. Rule 6A of the Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994, which excluded visually impaired and low vision candidates, was struck down.

2 The proviso to Rule 7 of the Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994, imposing additional requirements like three years of practice or securing 70% in the first attempt for all candidates, was struck down in its application to differently abled persons possessing the requisite educational qualifications.

3 Authorities were directed to maintain and operate a separate cut-off list and publish a separate merit list for the Persons with Disabilities (PwD) category at every stage of the examination in the Rajasthan Judicial Service and proceed with the selection process accordingly.

## IN RE: RECRUITMENT OF VISUALLY IMPAIRED IN JUDICIAL SERVICES [2025 INSC 300]

### **RULE 6A AND RULE 7 OF THE MADHYA PRADESH JUDICIAL SERVICE (RECRUITMENT AND CONDITIONS OF SERVICE) RULES, 1994**

### **RULE 12(1)(a) OF THE MADHYA PRADESH RIGHTS OF PERSONS WITH DISABILITIES RULES, 2017**



# Whether Section 17 of the Limitation Act, 1963, Applies to the Limitation Period under Section 34(3) of the Arbitration and Conciliation Act, 1996?

**P. RADHA BAI AND  
ORS. V. P. ASHOK  
KUMAR AND ANR.  
[CIVIL APPEAL NOS.  
7710-7713 OF 2013]**

**CONTEXT:** The appellants and respondents were involved in a dispute over the division of properties, which was referred to arbitration. An arbitral award was passed on 18.02.2010 and received by the parties on 21.02.2010. The respondents alleged that the appellants subsequently entered into a Memorandum of Understanding (MoU) in bad faith, agreeing to give additional properties, but delayed the execution of the necessary deeds. After the expiry of the three-month period and the extended 30-day period for challenging the award under Section 34(3) of the Arbitration and Conciliation Act, 1996, the respondents filed an application to set aside the award along with an application for condonation of delay, citing the alleged fraud. The trial court dismissed the application for condonation of delay. In revision petitions, the High Court remanded the matter to the trial court to consider the applicability of Section 17 of the Limitation Act, 1963. The appellants then approached the Supreme Court.

The appeals were allowed. The judgment and order of the High Court, as well as the trial court's order condoning the delay, were set aside.

The Supreme Court held that Section 17 of the Limitation Act is not applicable for determining the limitation period under Section 34(3) of the Arbitration and Conciliation Act, 1996.

**SECTION 34(3) OF  
THE ARBITRATION  
AND CONCILIATION  
ACT, 1996**

**SECTION 17, 29(2) OF  
THE LIMITATION ACT,  
1963**

# Laundry business falls under 'Manufacturing Process': Supreme Court

**CONTEXT:** The State of Goa filed a complaint against Namita Tripathi for allegedly violating the Factories Act, 1948, because her laundry business, "White Cloud," operating with more than nine workers in a central processing unit using power, did not possess a factory license and approved plans. The JMFC issued a process against Tripathi. The High Court of Bombay at Goa quashed this order, holding that dry cleaning does not constitute a "manufacturing process" under the Act of 1948 and that the order issuing the process did not reflect any application of mind. The State appealed this decision to the Supreme Court.

① The Supreme Court allowed the appeal and set aside the order of the High Court.

② The Court held that the business of laundry carried on by the respondent, involving washing and cleaning of clothes including dry cleaning, is squarely covered by the definition of "manufacturing process" under Section 2(k) of the Factories Act, 1948, and consequently, the respondent's premises qualify as a "factory" under Section 2(m) of the Act.

③ The Court found that the High Court erred in extrapolating the definition of "manufacture" from the Central Excise Act, 1944 and in relying on inapplicable precedents.

④ The Supreme Court restored the complaint and the order issuing process by the JMFC, Panaji, to be proceeded with according to the law.

**THE STATE OF GOA &  
ANR. VS. NAMITA  
TRIPATHI**  
**[2025 INSC 306]**

**SECTION 2(m),  
2(k)(i), 6, 92 OF THE  
FACTORIES ACT,  
1948**

**RULE 3, 4, 6 OF THE  
GOA FACTORIES  
RULES, 1985**