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# JUDGEMENTOPEDIA

(Learning Judgements For A Living)

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Punjab State Ware Housing Corporation  
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And Anr.  
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## **Whether the Arbitrator can impose a condition barring the appellant from approaching the Court under section 34 of the Arbitration and Conciliation Act for not paying the enhanced Arbitrator fees?**

**CONTEXT:** The appellant, Punjab State Ware Housing Corporation, entered an agreement with the respondent-Miller for paddy milling. A dispute arose, leading to the appointment of an Arbitrator on October 5, 2000, with an initial fee of Rs. 4,000/-. The Arbitrator subsequently demanded an enhanced fee, claiming expertise, despite the agreed terms. The appellant terminated the Arbitrator's appointment on March 20, 2003. However, the Arbitrator continued the proceedings and did not hand over the files. Furthermore, the Arbitrator imposed a condition that parties could not approach the Court under Section 34 of the Act until his fee was cleared and a 'No Objection Certificate' was issued. The Arbitrator dismissed the appellant's claim and allowed the respondent's counter-claim. The appellant's objections to the award were dismissed by the Additional District Judge, leading to the instant appeals.

① The appeals were allowed, and the Arbitrator's award as well as the impugned order passed by the Additional District Judge were set aside.

② The Court found the Arbitrator acted with impropriety by demanding additional fees during proceedings, continuing after termination, and restricting access to Section 34 proceedings without fee clearance and a 'No Objection Certificate'. This conduct vitiated the award.

**PUNJAB STATE WARE  
HOUSING  
CORPORATION VS.  
RALLA RAM RAM LAL  
AND ANOTHER  
[2019 SCC ONLINE  
P&H 7995]**

**SECTIONS 12, 14, 34,  
39(1) OF THE  
ARBITRATION AND  
CONCILIATION ACT,  
1996**

# Can an insurer deny a Mediclaim based on vague allegations of pre-existing conditions despite medical clearance and disclosure by the insured?

**CONTEXT:** The appellant bought an Overseas Mediclaim Insurance Policy before travelling to the U.S. After a medical check-up by the insurer's approved doctor, which recorded controlled Type II diabetes and normal ECG results, the policy was issued. Upon arrival in the U.S., the appellant suffered weakness and was hospitalised for a heart blockage. He underwent angioplasty with stent insertion and filed a claim for medical expenses. The insurer rejected the claim, alleging non-disclosure of hyperlipidaemia, peptic ulcer disease, and statin use, claiming these were pre-existing conditions excluded by the policy. The NCDRC upheld the insurer's decision, stating material facts were not disclosed.

① The Supreme Court set aside the NCDRC's order and allowed the appeal.

② It held there was no suppression of facts, as the appellant had disclosed diabetes and passed insurer-conducted tests. Statins were used as a preventive measure, not as proof of hidden disease.

③ The Court ruled that vague claims of pre-existing conditions cannot justify claim denial without clear evidence.

④ It applied the "contra proferentem" rule, interpreting policy ambiguities in favour of the insured. The insurer was ordered to pay the claim with 6% interest. The judgment upheld consumer rights under the Consumer Protection Act, 1986.

**MANMOHAN NANDA VS.**  
**UNITED INDIA**  
**ASSURANCE CO. LTD. &**  
**ANR.**  
**[CIVIL APPEAL NO.**  
**8386/2015]**

**CONTRA PROFERENTEM  
RULE**

**INSURANCE  
REGULATORY AND  
DEVELOPMENT  
AUTHORITY  
(PROTECTION OF  
POLICYHOLDERS'  
INTERESTS)  
REGULATIONS, 2002**

**Can the Patna High Court allow narco-analysis on all accused and witnesses, and what are its constitutional and evidentiary implications?**

**CONTEXT:** An FIR was registered against the appellant (husband) and his family regarding the disappearance of his wife, alleging dowry demands and foul play. The appellant filed a counter-complaint regarding his wife's disappearance. The missing person has not been found. The appellant's regular bail application was rejected by the Sessions Judge based on FIR allegations and co-accused confessional statements. While adjudicating the appellant's bail application, the High Court accepted the Sub-Divisional Police Officer's submission that she would conduct narco-analysis tests of all accused persons (including the appellant) and other witnesses during the investigation.

1 The appeal was allowed, and the Patna High Court's order dated 9th November 2023 was set aside.

2 The Supreme Court held that the High Court erred in permitting narco-analysis tests, which violate Article 21 and Article 20(3) as per **Selvi Vs. State of Karnataka & Anr. [AIR 2010 SC 1974]**.

3 It ruled that bail hearings cannot involve involuntary techniques or turn into mini trials. While voluntary narco-analysis with safeguards is allowed at the trial stage, its results aren't admissible as direct evidence-only information discovered under Section 27 of the Evidence Act, 1872 is admissible, and not sufficient alone for conviction. Accused persons have no absolute right to undergo such tests.

**AMLESH KUMAR VS.  
STATE OF BIHAR  
[2025 INSC 810]**

**ARTICLES 20(3), 21 OF  
THE CONSTITUTION OF  
INDIA**

**SECTION 439 OF THE  
CODE OF CRIMINAL  
PROCEDURE, 1973**

**SECTION 27 OF THE  
INDIAN EVIDENCE ACT,  
1872**

**Should an FIR against an MP for posting a poem on social media, allegedly inciting enmity and harming national unity, be quashed on the grounds of violating their right to freedom of speech?**

**CONTEXT:** On January 26, 2025, the appellant, a Member of Rajya Sabha, posted a video on social media platform 'X' containing the recitation of a poem in its background. The 2nd respondent filed an FIR alleging that the poem's words incited people of one community against another, hurt religious and social sentiments, created enmity and hatred at the national level, and detrimentally affected national unity. The FIR invoked sections 196, 197(1), 302, 299, 57, and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS). The High Court rejected the appellant's petition to quash the FIR, citing that the investigation was at a "nascent stage".

- 1 The appeal was allowed, and the High Court's impugned order and FIR No. 11202008250014 of 2025 were quashed and set aside.
- 2 The Supreme Court found that a plain reading of the poem, both in the original Urdu and its English translation, indicated that it had nothing to do with any religion, community, region, or race, nor did it affect national integration or promote enmity.
- 3 The poem, in fact, preached non-violence and encouraged facing injustice with love, symbolically referring to the "throne" (rulers) in the context of resisting injustice. The Court held that none of the alleged offences (Sections 196, 197, 299, 302, 57 BNS) were made out.
- 4 It emphasized that the freedom of speech and expression under Article 19(1)(a) is a fundamental right, and that police officers, as part of the State, were bound to uphold the Constitution's ideals.
- 5 The Court stated that the mere fact that an investigation was at a nascent stage did not bar a High Court from quashing an FIR if no offence was prima facie made out, in order to prevent abuse of the legal process.

**IMRAN PRATAPGADHI**  
**VS. STATE OF GUJARAT**  
**AND ANR.**  
**[2025 INSC 410]**

**ARTICLES 19(1)(a),  
19(2), 51-A(a) OF THE  
CONSTITUTION OF INDIA**

**SECTIONS 196, 197, 299,  
302, 57 OF THE  
BHARATIYA NYAYA  
SANHITA, 2023 (BNS)**