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# JUDGEMENTOPEDIA

*(Learning Judgements For A Living)*

1. Whether the High Court's exercise of jurisdiction under Article 227 of the Constitution of India is warranted when there is a special legislation in the form of the Arbitration and Conciliation Act, 1996?

2. Can a secret recording by a husband be used as evidence in a divorce proceeding?

3. Can an adoption be considered valid if the adoptee is above 15 years of age under the Hindu Adoption and Maintenance Act, 1956?

4. Can an FIR be quashed without a trial when allegations suggest fraud by bank officials?

July, 2025
Vol 56

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1. M/s Deep Industries Ltd. Vs. Oil And Natural Gas Corporation Ltd.
[AIRONLINE 2019 SC 1958]

2. Vibhor Garg Vs. Neha
[2025 INSC 829]

3. Patel Sureshbhai Babulal & Anr. Vs. Patel Pravinbhai Babubhai & Ors.
[C/SCA/1516/2018]

4. Abhishek Singh Vs. Ajay Kumar & Ors.
[2025 INSC 807]

## Whether the High Court's exercise of jurisdiction under Article 227 of the Constitution of India is warranted when there is a special legislation in the form of the Arbitration and Conciliation Act, 1996?

**CONTEXT:** Oil and Natural Gas Corporation Limited (ONGC) terminated a contract with M/S Deep Industries Ltd. and subsequently sought to blacklist the appellant. Deep Industries invoked arbitration, challenging both the termination and the proposed blacklisting. The Arbitrator dismissed ONGC's jurisdictional challenge (Section 16) and granted an interim stay on the blacklisting order (Section 17), which the City Civil Court upheld on appeal (Section 37). ONGC then filed a Special Civil Application under Article 227 before the Gujarat High Court, which set aside the City Civil Court's order, questioning the Arbitrator's jurisdiction and the propriety of the stay. The current appeal was filed against the High Court's judgment.

1. The Supreme Court allowed the appeal and set aside the High Court's judgment. The Court reiterated that while Article 227 is a constitutional provision, High Courts must be extremely circumspect in interfering with orders passed in Section 37 appeals, restricting intervention to orders that are patently lacking in inherent jurisdiction.

2. The High Court erred by re-examining issues already addressed by the Arbitrator under Section 16, which is only challengeable under Section 34. The Court emphasized that the Arbitration Act, 1996, is a self-contained code designed for speedy disposal, and allowing such interventions under Article 227 would derail the arbitral process.

3. Even an error of law by the Arbitrator, such as concerning principles of injunction, would not constitute an error of inherent jurisdiction warranting Article 227 interference.

**M/S DEEP INDUSTRIES LTD. VS OIL AND NATURAL GAS CORPORATION LTD. [AIRONLINE 2019 SC 1958]**

**ARTICLE 227 OF THE CONSTITUTION OF INDIA**

**SECTIONS 5, 16, 17, 37 OF THE ARBITRATION AND CONCILIATION ACT, 1996**

**SECTION 115 OF THE CODE OF CIVIL PROCEDURE (C.P.C.), 1908**

# Can a secret recording by a husband be used as evidence in a divorce proceeding?

**CONTEXT:** The marriage between the appellant-husband and the respondent-wife was solemnized in 2009, with a daughter born in 2011. Due to marital discord, the husband filed for divorce in 2017 . He sought to introduce supplementary evidence including memory cards/chips of mobile phones, a compact disc (CD), and transcripts of telephonic conversations recorded between November 2010-December 2010 and August 2016-December 2016. The wife opposed, arguing that her examination-in-chief was complete and that the admissibility of such electronic evidence, recorded without her consent or knowledge, was disputed and violated her right to privacy. The Family Court initially allowed the evidence, finding it relevant and citing Sections 14 and 20 of the Family Courts Act, 1984, which allow for flexibility in admitting evidence. However, the High Court subsequently set aside the Family Court's order, holding that surreptitiously recorded conversations infringed the wife's right to privacy.

1. The Supreme Court set aside the High Court's order and restored the Family Court's order, directing it to admit the supplementary affidavit, memory card/chip, CD, and transcripts of recorded conversations as evidence.

2. The Court held that under Section 122 of the Indian Evidence Act,1872 the bar on disclosing marital communications does not apply to suits between spouses, such as divorce proceedings. It clarified that spousal privilege is not absolute and does not extend to litigation between the spouses.

3. The Court also affirmed that secretly obtained evidence is admissible if its authenticity and relevance are established and it is essential for a fair trial.

## VIBHOR GARG VS. NEHA [2025 INSC 829]

**SECTION 13 OF THE HINDU MARRIAGE ACT, 1955**

**SECTIONS 14 AND 20 OF THE FAMILY COURTS ACT, 1984**

**SECTIONS 65A, 65B, AND 122 OF THE INDIAN EVIDENCE ACT, 1872**

## Can an adoption be considered valid if the adoptee is above 15 years of age under the Hindu Adoption and Maintenance Act, 1956?

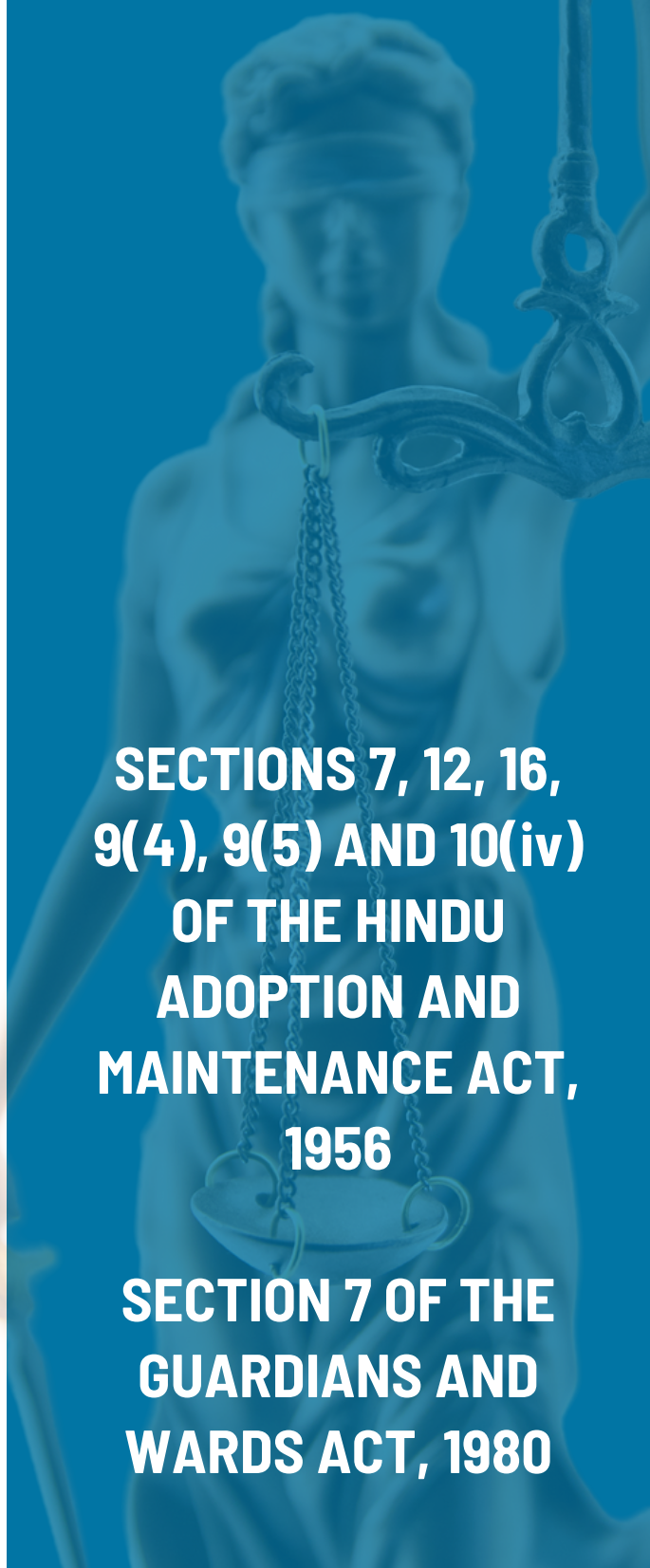
**CONTEXT:** The petitioners, a childless couple, sought to validate the adoption of Ankit, their nephew, born on January 8, 1991. They claimed an adoption ceremony occurred on January 13, 1991, with Ankit subsequently living with them and being recorded as their son in various official documents. A deed of adoption was eventually registered on February 18, 2016, when Ankit was 25 years old. After Ankit's prior attempt to validate the adoption failed under the Guardians and Wards Act, the petitioners filed an application under Section 16 of the Hindu Adoption and Maintenance Act, 1956, to declare the 1991 adoption valid. The lower court rejected this application, leading to the petition before the High Court.

1. The High Court dismissed the petition, finding no reason to interfere with the lower court's findings. The Court ruled that the date of adoption is to be reckoned from the date of the registered deed, February 18, 2016.

2. As Ankit was approximately 25 years old on this date, the adoption was deemed illegal and invalid under Section 10(iv) of the Hindu Adoption and Maintenance Act, 1956, which prohibits the adoption of a person who has completed 15 years of age, unless a specific custom or usage is applicable, which the petitioners failed to prove.

3. Furthermore, the petitioners failed to provide conclusive evidence for the alleged 1991 ceremony, including proof of the wife's consent as required by Section 7 of the Act.

**PATEL SURESHBHAI BABULAL & ANR. VS. PATEL PRAVINBHAI BABUBHAI & ORS. [C/SCA/1516/2018]**



**SECTIONS 7, 12, 16, 9(4), 9(5) AND 10(iv) OF THE HINDU ADOPTION AND MAINTENANCE ACT, 1956**

**SECTION 7 OF THE GUARDIANS AND WARDS ACT, 1980**

# Can an FIR be quashed without a trial when allegations suggest fraud by bank officials?

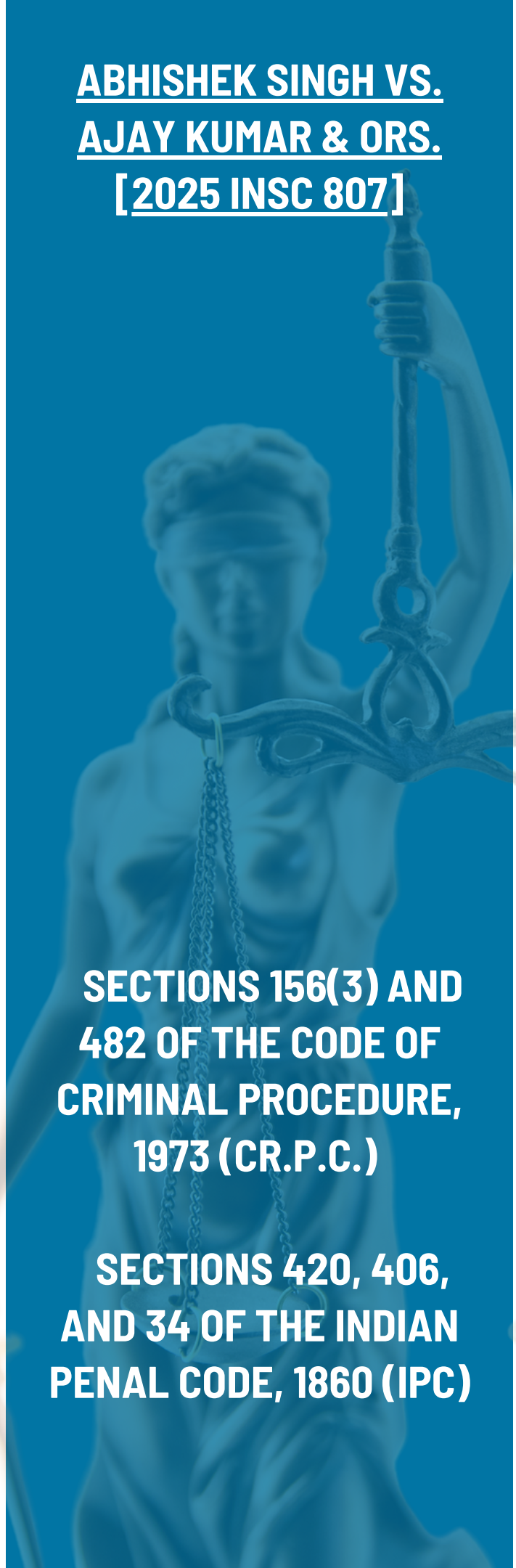
**CONTEXT:** The appellant, Abhishek Singh, a businessman, secured a loan from the Bank of India by pledging 254 grams of 22 carat gold ornaments. He claimed to have repaid the loan by March 31, 2023. However, the bank subsequently claimed non-payment, revalued the gold, found it to be counterfeit, and registered an FIR against the appellant. Subsequently, the appellant filed his own FIR (Mithanpura P.S. Case No.393 of 2023) under Sections 420, 406, and 34 of the Indian Penal Code, 1860, against the respondents, including Ajay Kumar, the Branch and Credit Manager, following an application under Section 156(3) Cr.P.C. The High Court quashed this FIR, concluding it was a "counterblast" and an "afterthought" lodged with ulterior motives, and that no offense was made out even if the complaint's contents were taken at face value. It also relied on ***Priyanka Srivastava v. State of UP [2015 (6) SCC 287]***, noting the absence of an affidavit.

1. The Supreme Court overturned the High Court's judgment, holding that the High Court improperly quashed the proceedings initiated by the appellant. The appeal was allowed, and the proceedings raised from the subject FIR were revived and restored to the file of the concerned Court.

2. The rationale for this decision is that the High Court, while adjudicating the application to quash proceedings, exceeded its circumscribed area of action. It improperly looked into documents outside the FIR/complaint and ventured into examining the merits, including the intention of the parties and the absence of malafides on the bank's part, which requires evidence.

3. The Supreme Court emphasized that a prima facie case regarding the commission of an offense, as alleged in the FIR, cannot be said to be not made out from its perusal. The possibility of the respondents' involvement in misappropriation of the gold pledged, or fraud at initial valuation or later tampering, is a matter that could only be unearthed after a trial based on evidence.

**ABHISHEK SINGH VS. AJAY KUMAR & ORS. [2025 INSC 807]**



**SECTIONS 156(3) AND 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 (CR.P.C.)**

**SECTIONS 420, 406, AND 34 OF THE INDIAN PENAL CODE, 1860 (IPC)**