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# JUDGEMENTOPEDIA

*(Learning Judgements For A Living)*

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1

Indian Performing Rights Society Ltd. Vs.  
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[2025 INSC 1109]





**Can a case for copyright infringement be filed in a jurisdiction where there is a branch office of the defendant while the place where cause of action arose and principal place of business is elsewhere?**

**INDIAN PERFORMING  
RIGHTS SOCIETY LTD.  
VS. SANJAY DALIA &  
ANR.**  
**[AIR 2015 SUPREME  
COURT 3479]**

**CONTEXT:** The appellant, Indian Performing Rights Society Ltd., filed a copyright infringement suit in the Delhi High Court and contended that they have jurisdiction to hear the infringement case. However, the defendant's Head Office and the alleged infringement (defendant's cinema halls) were situated in Mumbai, where the entire cause of action arose. The appellant justified the filing in Delhi as the Branch Office of the Defendant was there. The High Court had rejected Delhi's territorial jurisdiction, ruling that the suit should be rightfully instituted in Mumbai.

The appeals were dismissed by the Supreme Court, upholding the High Court's ruling that the Delhi court

① lacked territorial jurisdiction. The Supreme Court clarified that Sections 62(2) of the Copyright Act and 134(2) of the Trade Marks Act provide an additional forum for a plaintiff (residence/business), but this right is conditional.

If the principal office/residence and the cause of action both arise at a particular place, the suit must be filed there. Legislative intent aimed at plaintiff convenience and not in allowing defendants to be dragged to distant branch offices where no cause of action arose.

②

This prevents abuse and "counter-mischief" against defendants, aligning with Heydon's mischief rule. With the principal place of business and cause of action in Mumbai, the Delhi court lacked jurisdiction.

③

**SECTION 62 OF THE  
COPYRIGHT ACT, 1957**

**SECTION 134(2) OF THE  
TRADE MARKS ACT,  
1999**

## To what extent can circumstantial evidence alone sustain a conviction in cases of sexual assault and murder?

**AKHTAR ALI & ANR.**  
**VS. STATE OF**  
**UTTARAKHAND**  
**[2025 SCC ONLINE SC**  
**1949]**

**CONTEXT:** The case involved the tragic incident of a 7-year-old minor girl, Ms. K, who went missing from a wedding in Haldwani on 20 November 2014. Four days later, her dead body was discovered in the Gaula River forest near Sheeshmahal, close to the wedding venue, after her cousin alerted the local police. The prosecution alleged that Ms. K had been lured into the forest by the accused, subjected to sexual assault, and her body was concealed under leaves exhibiting injuries from blunt force trauma leading to her death. Accused-appellants Akhtar Ali and Prem Pal Verma, along with another co-accused, were charged under various sections including murder and sexual assault. The trial court convicted them, and the High Court partly upheld the convictions, confirming the death sentence of Akhtar Ali, before the matter reached the Supreme Court in appeal.

1 The Supreme Court allowed the appeals and set aside the High Court's judgment (18th October 2019) and the trial court's judgment (11th March 2016). Both Akhtar Ali and Prem Pal Verma were acquitted of all charges and ordered to be released forthwith.

2 The Court held that the prosecution had failed to establish a complete chain of circumstantial evidence. The alleged motive was unproven; the 'last seen' theory was unreliable due to belated statements and the non-examination of a crucial witness; and the DNA evidence was found to be inconsistent, doubtful, and possibly tampered with.

3 Further, the legality of Akhtar Ali's arrest and seizure proceedings was questioned, and no credible link was established with the mobile numbers under surveillance. Given these serious infirmities, the benefit of doubt was extended to the accused.

**SECTIONS 3, 4, 5, 6, 7,**  
**AND 8 OF THE**  
**PROTECTION OF**  
**CHILDREN FROM**  
**SEXUAL OFFENCES**  
**ACT, 2012**



# INDIAN BANK VS. THE OFFICIAL LIQUIDATOR, CHEMMEENS EXPORTS

(P) LTD. & ORS.  
[M.C.A.NO.11 OF 1983]

**What is the effect of Section 125 of the Companies Act, 1956, on a preliminary decree passed in a mortgage suit based on an unregistered charge, and whether a Company Court possesses the power to declare such a decree void?**

**CONTEXT:** Indian Bank had extended a loan to M/s. Chemmeens Exports Pvt. Ltd., secured by an equitable mortgage of the company's property. Subsequent to the company entering liquidation, the bank, having obtained leave from the Company Court, filed a suit and secured a preliminary decree for the recovery of its debt on May 28, 1982. The Official Liquidator challenged this decree before the Company Court, arguing that the charge was void due to non-registration under Section 125 of the Companies Act, 1956. The Kerala High Court's Division Bench concurred, declaring the preliminary decree void against the Liquidator and creditors, a decision which the Indian Bank appealed.

The Supreme Court set aside the High Court's order and allowed the appeal. The Court held that the preliminary decree, which had become final and moved from the domain of a contractual charge to a judicial order for the sale of property upon default of payment, was not void and remained enforceable.

The Court distinguished between a charge created by a company (to which Section 125 applies) and a charge created by a court's order or decree (to which it does not). Citing the principle from *Suryakant Natvarlal Surati & Ors. vs. Kamani Bros Pvt. Ltd.* [1985 (58) Company Cases 121], the Court reasoned that once the period for redemption specified in the decree elapsed, the decree itself, an order for sale, superseded the original unregistered charge.

Furthermore, the Company Court, acting under Section 446, lacked the power to declare a decree of a competent court void.

**SECTIONS 125(1) AND  
446(2) OF THE  
COMPANIES ACT, 1956**

**Can a defendant file a counter-claim solely against a co-defendant, and is a counter-claim maintainable if filed after issues have been framed in the original suit and is barred by limitation?**

**CONTEXT:** The appellant initiated a suit in 2012 seeking a declaration that her sister-in-law (original defendant no. 1) had no right to transfer jointly owned property without her consent, and to declare an agreement to sell with respondent no. 1/defendant no. 2 as null and void. After defendant no. 1's demise, a court-appointed Nazir (respondent no. 2) was substituted in her place. Defendant no. 2 subsequently filed an application in 2021 to amend his written statement to include a counter-claim for specific performance of the 2011 agreement against the Nazir and for partition of the property. The Trial Court dismissed this, citing delay and the impropriety of a counter-claim against a co-defendant. The High Court, however, allowed defendant no. 2's application.

1 The Supreme Court allowed the appeal, thereby setting aside the High Court's order dated 16.01.2023 and restoring the Trial Court's decision. The Court held that a counter-claim, as per Order VIII Rule 6A of the Code of Civil Procedure (CPC) 1908, must be directed against the plaintiff, not solely a co-defendant.

2 The specific performance relief sought by defendant no. 2 was primarily against the deceased defendant no. 1's representative (Nazir), making it impermissible. Furthermore, the Court reiterated that a counter-claim cannot generally be permitted after issues have been framed.

3 Defendant no. 2's application, filed nine years after the original suit and two years after issues were framed, was unduly delayed and barred by limitation as per Article 54 of the Limitation Act, 1963.

**RAJUL MANOJ SHAH**  
**ALIAS RAJESHWARI**  
**RASIKLAL SHETH VS.**  
**KIRANBHAI**  
**SHAKRABHAI PATEL &**  
**ANR.**  
**[2025 INSC 1109]**

**ORDERS VIII RULE 6A,  
VI RULE 17, XXII RULE  
4A OF THE CODE OF  
CIVIL PROCEDURE,  
1908**

**ARTICLE 226 OF THE  
CONSTITUTION OF  
INDIA**