

CONTENTS

Arvind Kumar Sharma v. Vineeta Sharma & Anr.	.....	260
Bharat Bhushan & Anr. v. State of Madhya Pradesh	.....	230
Chairman, Rushikulya Gramya Bank v. Bisawamber Patro & Others	.....	239
Gopal Singh v. State of Uttarakhand	.....	104
Joydeb Patra & Ors. v. State of West Bengal	.....	192
Kamlendra Singh @ Pappu Singh v. State of M.P.	.....	236
Kuppusamy (R.) v. State Rep. by Inspector of Police, Ambeiligai	.....	136
Mariappan v. State of Tamil Nadu	.....	273
Official Liquidator, U.P. (The) and Uttarakhand v. Allahabad Bank and Ors.	.....	207
Panduranga (K.S.) v. State of Karnataka	.....	155
Paramsivan (C.N.) & Anr. v. Sunrise Plaza TR. Partner & Ors.	.....	1
Rajamani v. State of Kerala	.....	187
Ramswaroop and Another v. State of Madhya Pradesh	.....	198

Ranjit Kumar Murmu v. M/s Lachmi Narayan Bhomroj & Ors.	.....	263
Roop Singh v. State of Madhya Pradesh	.....	287
Shabir Ahmed Teli v. State of Jammu & Kashmir	.....	248
State of Assam v. Ripa Sarma	.....	151
State of Kerala and Others v. President, Parent Teacher Assn. SNVUP and Others	.....	66
Sunder @ Sundararajan v. State by Inspector of Police	.....	25
Vijay Jain v. State of Madhya Pradesh	.....	293
Vijay v. Laxman and Anr.	.....	80
Vijoy Kumar Pandey v. Arvind Kumar Rai & Ors.	.....	121

APPEAL:

Appeal against conviction - Dismissed - Plea of accused-appellant that High Court should not have decided the appeal on merits in absence of appellant's counsel - Held: Not tenable - The court deciding the criminal appeal is not bound to adjourn the matter if both the appellant or his counsel are absent though court may, as a matter of prudence or indulgence, do so - It can dispose of the appeal after perusing the record and judgment of trial court.

(See under: Prevention of Corruption Act, 1988)

K.S. Panduranga v. State of Karnataka 155

BANKING PUBLIC FINANCIAL INSTITUTIONS AND NEGOTIABLE INSTRUMENTS LAWS (AMENDMENT) ACT, 1988:

(See under: Negotiable Instruments Act, 1881) 80

CODE OF CIVIL PROCEDURE, 1908:

O. 21, rr.84, 85 and 86.
(See under: Income Tax Act, 1961) 1

CODE OF CRIMINAL PROCEDURE, 1973:

s. 357(3).
(See under: Sentence/Sentencing) 104

COMPANIES ACT, 1956:

Jurisdiction.
(See under: Recovery of Debts Due to Banks and Financial Institutions Act, 1993) 207

CONSTITUTION OF INDIA, 1950:

(1) Art. 136 - Special Leave Petition - Against the judgment of High Court dismissing the review petition - Held: In absence of challenge to main

judgment of High Court, SLP filed challenging only the order rejecting the review petition, is not maintainable.

State of Assam v. Ripa Sarma 151

(2) Art. 142.
(See under: Sentence/Sentencing) 155

CRIMES AGAINST WOMEN:

(See under: Penal Code, 1860) 230 and 287

DOCTRINES/PRINCIPLES:

Doctrine of election.
(See under: Recovery of Debts Due to Banks and Financial Institutions Act, 1993) 207

EDUCATION/EDUCATIONAL INSTITUTIONS:

Irregular fixation of school staff - Staff fixation order obtained through bogus admission of students and misrepresentation of facts - Held: Due to irregular fixation of staff, State exchequer incurs heavy financial burden by way of pay and allowances - Great responsibility, therefore, cast on General Education Department to curb such menace - However, investigation by police with regard to verification of school admissions, register etc., particularly with regard to admissions of students in aided schools will give a wrong signal even to students and presence of police itself is not conducive to academic atmosphere of schools - Directions given by High Court for police intervention for verification of students' strength in all aided schools, set aside - However, direction given to State Education Department to forthwith give effect to circular dated 12.10.2011 to issue UID Card to all school children and follow the

(v)

guidelines and directions contained in the circular - No reason to interfere with the direction given by Director of Public Instructions to take further action to fix the liabilities for the irregularity committed in the school, as appeal is pending before State Government - State Government to consider the appeal and take appropriate decision, if it is still pending - Kerala Education Rules - Chapter XXIII - r.12(3) r/w r.16.

State of Kerala and Ors. v. President, Parent Teacher Assn. SNVUP and Ors. 66

EVIDENCE:

(1) Burden of proof.
(See under: Penal Code, 1860) 273

(2) Extra judicial confession - Appreciation of - Held: An extra judicial confession is capable of sustaining a conviction provided the same is not made under any inducement, is voluntary and truthful.

(ii) Medical evidence - Appreciation of - On facts, the medical evidence adduced suggests that death of deceased child was caused by drowning - It is almost impossible for water to get into the stomach, if a body is submerged after death - Absence of any other marks on the body of the child also supports the prosecution case that the child had died of drowning.

(Also see under: Penal Code, 1860)

R. Kuppusamy v. State Rep. by Inspector of Police, Ambeiligai 136

EVIDENCE ACT, 1872:

(1) s.105.
(See under: Penal Code, 1860) 273

(vi)

(2) s.106 - Burden of proof - Shifting of onus - In kidnapping and murder case - Held: Once factum of kidnapping is proved, onus would shift on kidnapper to establish the release of kidnapped from his custody.

(Also see under: Penal Code, 1860)

Sunder @ Sundararajan v. State by Inspector of Police 25

(3) s.106.
(See under: Penal Code, 1860) 192

FAMILY LAW:

(See under: Practice and Procedure) 260

HIGH COURT:

Jurisdiction under Companies Act, 1956.
(See under: Recovery of Debts Due to Banks and Financial Institutions Act, 1993) 207

INCOME TAX ACT, 1961:

Second Schedule; r.57 - Auction conducted by Recovery Officer under RDDB Act held illegal and void by High Court on ground of non-compliance with r.57 - Held: s.29 of RDDB Act makes it clear that the rules under Income Tax Act are applicable only "as far as possible" and with the modification as if the said provisions and the rules referred to the amount of debt due under RDDB Act instead of Income Tax Act - Expressions "as far as possible" and "with necessary modifications" appearing in s.29 have been used to take care of situations where certain provisions under Income Tax Rules may have no application - It cannot be said that use of words "as far as possible" in s.29 is meant to give discretion to Recovery Officer

(vii)

under RDDB Act to apply or not to apply said Rules in specific fact situations - Phrase "as far as possible" used in s.29 of RDDB Act can at best mean that Income Tax Rules may not apply where it is not at all possible to apply them having regard to the scheme and the context of the legislation - r.57 is mandatory in character - Equivalent *pari materia* provision in O. 21, rr.84, 85 and 86 of CPC - No reason to hold that rr. 57 and 58 are anything but mandatory in nature - Breach of the requirements under those Rules will render the auction non-est in the eyes of law - Code of Civil Procedure, 1908 - O. 21, rr.84, 85 and 86 - Interpretation of Statutes.

C.N. Paramsivan & Anr. v. Sunrise Plaza TR. Partner & Ors. 1

INTERPRETATION OF STATUTES:

Legislation by incorporation - Effect - Held: The effect of legislation by incorporation of the provisions of an earlier Act into a subsequent Act is that the provisions so incorporated are treated to have been incorporated in the subsequent legislation for the first time - Once the incorporation is made, the provisions incorporated become an integral part of the statute in which it is transposed - Thereafter there is no need to refer to the statute from which the incorporation is made and any subsequent amendment made in it has no effect on the incorporating statute.

(Also see under: Income Tax Act, 1961)

C.N. Paramsivan & Anr. v. Sunrise Plaza TR. Partner & Ors. 1

(viii)

INVESTIGATION:

Slow and shoddy investigation - Effect on the prosecution case - Held: On facts, keeping in view the unruly and violent background of accused-appellant, truthfulness of prosecution case to be tested on the intrinsic worth of prosecution evidence leaving aside the failings of police investigation.

(Also see under: Penal Code, 1860)

Shabir Ahmed Teli v. State of Jammu & Kashmir 248

JURISDICTION:

(See under: West Bengal Kerosene Control Order, 1968) 263

JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000:

Conviction u/s. 307 IPC - Plea of juvenility before Supreme Court - Held: Accused was a juvenile on the date of incident - Therefore, sentence awarded by courts below set aside - Records directed to be placed before Juvenile Justice Board - Penal Code, 1860 - s.307.

Kamlendra Singh @ Pappu Singh v. State of M.P. 236

KERALA ABKARI ACT (1 OF 1077):

s.55(a) - Conviction - For illegal trade in liquor - Trial court sentenced the accused to seven years imprisonment and imposed fine of Rs.1 lakh with default clause - High Court reduced the sentence to five years imprisonment and enhanced the amount of fine to Rs.2 lakhs - Notice by Supreme Court limited on the question of sentence - Held: In view of circumstances of the case that accused was only a driver of the lorry in which the goods

were transported, and investigating agency did not make any endeavour to expose the racketeers, the sentence of accused is reduced to three years imprisonment and fine is reduced to Rs.1 lakh.

Rajamani v. State of Kerala 187

KERALA EDUCATION RULES, 1959:

Chapter 23 - r.12(3) r/w r.16.

(See under: Education/Educational Institution) 66

NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES ACT, 1985:

s.8/21 (c) - Conviction on the ground of seizure of contraband goods from accused - Non-production of contraband goods before court - Effect of - Held: As the prosecution has not produced before court, the brown sugar alleged to have been seized from appellants and has also not offered any explanation therefor and as evidence of witnesses to seizure does not establish seizure of brown sugar from appellants, judgment of courts below convicting the appellants are set aside.

Vijay Jain v. State of Madhya Pradesh 293

NEGOTIABLE INSTRUMENTS ACT, 1881:

ss.118(a), 138 and 139 - Dishonour of cheque - Conviction set aside by High Court - Justification - Held: Justified - Appellant failed to establish that the cheque in fact had been issued by respondent towards repayment of personal loan - Absence of any documentary or other evidence in that regard - Besides, the cheque was presented on the day following altercation between the parties - Also, the complaint lodged does not specify the date on which the loan amount was advanced - Nor does the complaint indicate the date of its lodgment -

Defence succeeded in dislodging the complainant-appellant's case on the strength of convincing evidence of rebuttal and thus discharged the burden envisaged u/ss. 118 (a) and 139 of the N.I. Act - Appellant's case in the realm of grave doubt - Acquittal of respondent confirmed - Banking Public Financial Institutions and Negotiable Instruments Laws (Amendment) Act, 1988.

Vijay v. Laxman and Anr. 80

PENAL CODE, 1860:

(1) ss.84, 299, 302 and 449 - Murder - Defence of insanity - Accused-appellant repeatedly assaulted his paternal aunt with a 'aruval' and thereby caused her death - Conviction of appellant - Challenged - Plea of insanity by appellant seeking protection u/ s.84 - Held: Physical and mental condition of accused at the time of commission of offence, is paramount for bringing the case within purview of s.84 - In the case on hand, there is no evidence as to unsoundness of mind of appellant-accused at the time of occurrence - Further, appellant was examined as a defence witness and according to trial Judge, as a witness, he made his statement clearly and cogently, and meticulously followed the court proceedings - Trial Judge, after noting appellant's statement u/s. 313 CrPC concluded that he could not be termed as an "insane" person - Appellant failed to discharge the burden as stated in s.105 of Evidence Act - Evidence Act, 1872 - s.105.

Mariappan v. State of Tamil Nadu 273

(2) s.148, s.302 r/w s.149, ss.452 and 325 r/w s.149 - Murder - Unlawful assembly assaulted

(xi)

victim with various weapons resulting in his death
- One injured eye-witness - Conviction of accused-appellants - Held: Justified - No reason to disbelieve the version of injured eye-witness, the mother of victim who sustained injuries while trying to save her son - Also, as per medical evidence, injuries received by victim were sufficient to cause death in the ordinary course of nature - High Court rightly concluded that appellants caused fatal blows.

(Also see under: Sentence/Sentencing)

Ramswaroop and Another v. State of Madhya Pradesh 198

(3) s.302 - Murder - Life imprisonment - Homicidal death of 10 months old girl child due to drowning - Conviction of appellant father by courts below on basis of extra-judicial confessional statement - Held: Justified - Extra judicial confessional statement attributed to appellant found to be voluntary, truthful and unaffected by any inducement that could render it unreliable or unworthy of credence - It was made almost immediately after commission of the crime - Corroboration by medical evidence and deposition of other witnesses.

(Also see under: Evidence)

R. Kuppusamy v. State Rep. by Inspector of Police, Ambeiligai 136

(4) s.302/34 - Death of woman allegedly caused by poisoning by her husband and his relatives - Conviction by courts below, solely on the basis of ocular testimony of the doctor who had conducted postmortem - Held: The Inquest Report, Postmortem Report and Chemical Examiner's Report do not show that death occurred due to

(xii)

poisoning - Prosecution failed to establish beyond reasonable doubt that poison was administered to deceased - Courts below wrongly shifted onus on accused persons to prove that they were not guilty - Burden to prove guilt is on prosecution and only when this burden is discharged, accused are required to prove any fact within their special knowledge u/s.106 of Evidence Act - Conviction set aside - Evidence Act, 1872 - s.106.

Joydeb Patra & Ors. v. State of West Bengal 192

(5) ss.304B and 498A - Prosecution under - Of husband and his relatives - Conviction by courts below - Plea of relatives that they were living separately and act of cruelty cannot be attributed to them - Appeal confined to relatives - Held: The case of relatives not covered either u/s. 304B or u/s.498A - Act of cruelty or harassment against deceased not established - Therefore, relatives cannot be held guilty u/ss.304B and 498A.

Bharat Bhushan & Anr. v. State of Madhya Pradesh 230

(6) s.307.

(See under: Juvenile Justice (Care and Protection of Children) Act, 2000) 236

(7) s.324 - Conviction - For causing firearm injury to victim - Held: Justified - Medical evidence and deposition of witnesses made it clear that the injury was caused by firearm - Under the circumstances, solely because the 'katta' was not recovered, the prosecution version should not be disbelieved.

Gopal Singh v. State of Uttarakhand 104

(8) ss.364A, 302 and 201 - Kidnapping for ransom

and murder - Of seven year old boy - Circumstantial evidence - Conviction and death sentence by courts below - Held: Conviction as well as the sentence does not call for interference - Kidnapping and demand of ransom proved by witnesses - Factum of kidnapping having been proved, the inference of consequential murder is liable to be presumed in the absence of discharge of onus by kidnapper to prove the release of kidnapped - In the circumstances of the case, charge of murder also proved - In view of various aggravating circumstances and lack of any mitigating circumstance, award of death sentence justified - Evidence Act, 1872 - s.106 - Sentence/Sentencing - Death sentence.

Sunder @ Sundararajan v. State by Inspector of Police 25

(9) ss. 376 and 450 - Rape - Consent - Connotation of - Explained - Held: The evidence on record is clear that victim was not a willing party to sexual intercourse committed by accused and it cannot be said that she voluntarily participated in it after fully exercising her choice in favour of assent - Nor can it be held that accused was falsely implicated in the offences.

Roop Singh v. State of Madhya Pradesh 287

PRACTICE AND PROCEDURE:

Consolidation of proceedings in two suits - Suits filed by husband before Family Court - One seeking divorce and other seeking permanent and temporary injunction restraining the wife from entering matrimonial home - In the second suit ex-parte ad interim injunction granted - Plea of wife to

consolidate both the proceedings, rejected by Family Court - Appeal by wife praying for consolidation of two proceedings - High Court stayed operation of ex-parte ad interim injunction as well as hearing of both the suits - Held: High Court committed mistake in granting a relief which was not even prayed for - Order of High Court set aside - Both the suits directed to be consolidated and tried together.

Arvind Kumar Sharma v. Vineeta Sharma & Anr. 260

PREVENTION OF CORRUPTION ACT, 1988:

(i) s.7, s.13(1)(d) r/w s.13(2) and s.20 - Conviction of accused-appellant u/s.7 and u/s.13(1)(d) r/w s.13(2) - Held: On facts, justified - Demand and acceptance of illegal gratification is a condition precedent for constituting an offence under the Act - Statutory presumption u/s.20 can be dislodged by accused by bringing on record some evidence, either direct or circumstantial, that money was accepted other than for the motive or the reward - In the case at hand, explanation offered by appellant does not deserve any acceptance - Prosecution established the factum of recovery from appellant and also proved the demand and acceptance of illegal gratification by appellant as motive/ reward for showing official favour to complainant.

(ii) s.20 - Statutory presumption - Can be dislodged by accused by bringing on record some evidence - Duty of court in this regard - Held: When some explanation is offered, court is obliged to consider the explanation u/s.20 on the touchstone of preponderance of probability - It is not to be proven

beyond all reasonable doubt.

(Also see under: Appeal)

K.S. Panduranga v. State of Karnataka 155

RANBIR PENAL CODE:

s.302 - Murder caused by gun shots - Conviction and sentence of life imprisonment - Held: Justified - Statements of PWs made it clear that family members of deceased were full of fear of appellant, who had an unruly and violent background - Appellant used to come to house of deceased and give to his family members open threats of dire consequences for not giving his daughter to him in marriage - Ocular evidence found reliable.

Shabir Ahmed Teli v. State of Jammu & Kashmir 248

RECOVERY OF DEBTS DUE TO BANKS AND FINANCIAL INSTITUTIONS ACT, 1993:

(1) s.29.

(See under: Income Tax Act, 1961) 1

(2) (i) s.30 - Auction/sale by Recovery Officer - In winding-up proceedings, appointment of Official Liquidator by Company Court - Official Liquidator's challenge to auction/sale before Company Court - Jurisdiction of Company Court - Held: 1993 Act is a complete code in itself and tribunal (DRT) has exclusive jurisdiction for the purpose of sale of properties for realization of dues to Banks and financial institutions - But at the time of auction/sale, it is required to associate the Official Liquidator - 1993 Act clearly provides that any person aggrieved by act of Recovery Officer can prefer an appeal - Official Liquidator whose association is mandatorily required, can be

regarded as person aggrieved by action taken by Recovery Officer - In view of the fact that 1993 is a special legislation, appeal thereunder is the only remedy, and Company Court has no jurisdiction in such matter - Doctrine of election is also not applicable in the case - Official Liquidator can take recourse only to the mode of appeal under 1993 Act and cannot approach the Company Court - Companies Act, 1956 - Jurisdiction - Doctrine - Doctrine of election.

(ii) High Court - Jurisdiction of - Under Companies Act - Nature of - Held: Jurisdiction of High Court under Companies Act is ordinary in nature and not extraordinary or inherent.

The Official Liquidator, U.P. and Uttarakhand v. Allahabad Bank and Ors. 207

SENTENCE/SENTENCING:

(1) Appellant convicted and sentenced by courts below under provisions of Prevention of Corruption Act for demand and acceptance of bribe - Plea of appellant before Supreme Court for reduction of sentence to period already undergone - Held: Not tenable - Relevant statutory provisions under Prevention of Corruption Act provide for a minimum sentence - Where minimum sentence is provided, it is not appropriate to exercise jurisdiction under Art. 142 of the Constitution to reduce the sentence on the ground of any mitigating factor - However, regard being had to the age and ailments of accused-appellant, sentence of imprisonment u/ s.13(1)(d) r/w s.13(2) reduced from two years (as imposed by High Court) to statutory minimum sentence of one year - Prevention of Corruption

Act, 1988 - s.7 and s.13(1)(d) r/w s.13(d) - Constitution of India, 1950 - Art. 142.

(Also see under: Prevention of Corruption Act, 1988)

K.S. Panduranga v. State of Karnataka 155

(2) Death caused due to assault with various weapons - Accused-appellants convicted u/s.302 IPC and sentenced to life imprisonment - Plea of appellants for leniency in sentencing - Held: Not tenable, since prosecution established its case beyond reasonable doubt, particularly, role of appellants who caused fatal injuries - Conviction u/s.302 having been affirmed, court cannot impose a lesser sentence than what is prescribed by law - Taking note of the age of appellant, he is free to make a representation to Government for remission - Penal Code, 1860 - s.302.

(Also see under: Penal Code, 1860)

Ramswaroop and Another v. State of Madhya Pradesh 198

(3) Death sentence.

(See under: Penal Code, 1860) 25

(4) (i) Conviction u/s.324 IPC and sentence of 3 years RI for causing firearm injury to victim - Sentence challenged as excessive - Held: Legislature in respect of offence punishable u/s.324 IPC has provided punishment which may extend to 3 years or with fine or with both - Legislative intent is to confer discretion on the judiciary in imposition of sentence in respect of such offence where it has not provided the minimum sentence or made it conditional - But discretion vested required to be embedded in rational concepts based on sound facts - In the instant case, the doctor did not state

the injury to be grievous but on the contrary mentioned that there was no fracture and only a muscle injury - Weapon used (country made pistol) fits in to the description as provided u/s.324 IPC - Occurrence took place almost 20 years back - Parties were neighbours and there is nothing on record to show that appellant had any criminal antecedents - In the totality of facts and circumstances, sentence of 1 year RI would be adequate - That apart, appellant directed to pay Rs. 20,000/- to victim towards compensation as envisaged u/s.357(3) CrPC - Penal Code, 1860 - s.324.

(ii) Appropriate sentence - Principle of proportionality between crime and punishment - Held: Punishment should not be disproportionately excessive - Concept of proportionality allows significant discretion to the Judge but the same has to be guided by certain principles - There can neither be a strait-jacket formula nor a solvable theory in mathematical exactitude - It would depend on the facts of the case and rationalized judicial discretion - The discretion should be embedded in the conceptual essence of just punishment.

(Also see under: Penal Code, 1860)

Gopal Singh v. State of Uttarakhand 104

SERVICE LAW:

(1) Promotion - On the basis of seniority-cum-merit - Employer laying down a bench mark, besides the criteria fixed by promotion rules - Propriety of - Held: Employer has discretion to fix minimum merit having in mind requirements of the post.

Chairman, Rushikulya Gramya Bank v. Bisawamber Patro & Others 239

(2) Selection - School Service Commission - Post of Headmaster - No panel/select list of candidates prepared by Commission in accordance with statutory regulations - Effect of - Held: Since no panel was published, no recommendation or appointment could be claimed by any one of the candidates competing for the post concerned - Publication of such a panel was absolutely essential - Since no panel, as envisaged under the regulations ever came into existence, claim by respondent for appointment on the basis of such a non-existent panel was untenable - Directions issued keeping in view the peculiar facts and circumstances of the case - West Bengal School Service Commission (Procedure for selection of persons for appointment to the post of teachers including Head Masters/Head Mistresses Superintendent of Senior Madarasa in recognized non-Government Aided Schools and procedure for conduct of business of the Commission) Regulations, 1988.

Vijoy Kumar Pandey v. Arvind Kumar Rai & Ors.

121

WEST BENGAL KEROSENE CONTROL ORDER, 1968:

Paras 8 to 11 - Allocation of monthly quota to kerosene dealers - Quota allotted to appellant-dealer reduced by Director of Consumer Goods - Order upheld by District Magistrate - Appeal before Principal Secretary/Commissioner of Food and Supply Department which set aside the order of District Magistrate - Jurisdiction of Principal Secretary/Commissioner to entertain the appeal - Challenged - Held: Order passed by District

Magistrate, could not be termed as an order under para 8 or 9 of Control Order and thus, no appeal was maintainable under para 10 before Principal Secretary/ Commissioner - Even if order of District Magistrate was passed under para 11, such order was not appealable under para 10 or before Principal Secretary/Commissioner - State has inherent power to alter or to set aside any order passed by District Magistrate but it should follow the procedure as prescribed by law - From the order passed by Principal Secretary/ Commissioner, it is apparent that it was passed in capacity of his designated post and not on behalf of the State - High Court justified in holding that Principal Secretary/Commissioner was not competent to hear the appeal.

Ranjit Kumar Murmu v. M/s Lachmi Narayan Bhomroj & Ors.

263

WEST BENGAL SCHOOL SERVICE COMMISSION (PROCEDURE FOR SELECTION OF PERSONS FOR APPOINTMENT TO THE POST OF TEACHERS INCLUDING HEAD MASTERS/HEAD MISTRESSES SUPERINTENDENT OF SENIOR MADARASA IN RECOGNIZED NON-GOVERNMENT AIDED SCHOOLS AND PROCEDURE FOR CONDUCT OF BUSINESS OF THE COMMISSION) REGULATIONS, 1988: (See under: Service Law)

121

WORDS AND PHRASES:

"possible" and "practicable" - Meaning of - Held: The two words are more or less interchangeable.

C.N. Paramsivan & Anr. v. Sunrise Plaza TR. Partner & Ors.

1