



## Daily Legal Updates & Points

[<https://www.legalmines.com>]

(Date: 27-03-2022 and 28-03-2022)

[1]	<p><b>Word/ Doctrine / Maxims of the Day:</b></p> <p><b>Ignominious:</b> It means any act or incidence that makes one feel embarrassed (शर्मिदा करने वाला). For example: The team suffered an ignominious defeat. Its <i>adv.</i> is 'Ignominiously' (शर्मिदगी के साथ)</p>
[2]	<p><b>Question (?) / Issue for Discussion of the Day:</b> Discuss the procedure and steps as to summons trial under Cr.P.C.?</p>
[3]	<p><b>Law / Bill of the Day:</b> <b>THE NEW DELHI INTERNATIONAL ARBITRATION CENTRE ACT, 2019:</b></p> <p>The International Centre for Alternative Dispute Resolution was set up in the year 1995, under the aegis of the Central Government and registered under the Societies Registration Act, 1860, with the objective of promoting alternative dispute resolution mechanism and providing facilities for the same.</p> <p>But keeping in view the rapidly changing economic activity there was felt demands for a specialized institution for expeditious settlement of disputes and creation and establishment of institutional arbitration. Resultantly, the <i>New Delhi International Arbitration Centre</i> has been established under the <b>New Delhi International Arbitration Centre Act, 2019</b>. As per Section 4 of the Act, the <i>New Delhi International Arbitration Centre</i> is an institution of <i>national importance</i>. The head office of the Centre shall be at New Delhi and it may with the previous approval of the Central Government, establish branches at other places in India and abroad. The Centre shall be headed by a Chairperson who has been a <i>Judge of the Supreme Court or a Judge of a High Court or an eminent person</i>, having special knowledge and experience in the conduct or administration of arbitration, law or management. The Chairperson shall be appointed by the Central Government in consultation with the Chief Justice of India.</p>



**LegalMines**

*(Committed to legal awareness and prudence!.....)*

**REGULAR UPDATES!**

[Issue No.: (41-03) / 2022]

[4]

**Memorable Case Laws:**

- (1) **Badrilal Vs Suresh & Ors (2021):** The Division Bench Hon'ble Supreme Court has held that a 'Will' cannot be revoked by an agreement and can be revoked only as per the modes specified under Section 70 of the Indian Succession Act, 1925. Section 70 deals with the revocation of unprivileged will or codicil. The Section elaborates that no unprivileged will or codicil, nor any part thereof, shall be revoked otherwise than by marriage, or by another will or codicil, or by some writing declaring an intention to revoke the same and executed in the manner in which an unprivileged will is herein before required to be executed, or by the burning, tearing, or otherwise destroying the same by the testator or by some person in his presence and by his direction with the intention of revoking the same.
- (2) **Triyambak S. Hegde Vs. Sripad (2021):** The three-judges Bench of Hon'ble Supreme Court has observed that if the signature on the cheque is admitted, then presumption under Section 139 of the Negotiable Instruments Act that the cheque was issued in discharge of a legally enforceable debt will be raised. Upon such presumption being raised, it is incumbent upon the accused to rebut the same.

[5]

**Memorable Points (IEA):** Memorable points<sup>1</sup> as to **Indian Evidence Act, 1872 (IEA)** and law of evidence are as under (total **73 points as to IEA already covered under previous issues of "Daily Updates"**) –

- (1) Section 101 of the Indian Evidence Act, 1872 deals with—**Burden of Proof.**
- (2) Section \_\_\_\_\_ of the Indian Evidence Act, 1872 mandates that whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist—**Section 101.**
- (3) **True / False:** When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person—**True (Refer Section 101 of IEA, 1872)**
- (4) A desires a Court to give judgment that B shall be punished for a crime which A says B has committed. Here \_\_\_\_\_ must prove that \_\_\_\_\_ has committed the crime—'**A'** ; '**B'** (Refer illustration to Section 101 of IEA, 1872)

<sup>1</sup>. The readers please be informed that total **83 and 84 memorable points of the Indian Penal Code, 1860 and CPC, 1908** have been respectively covered under previous issues of "**Daily Legal Updates & Points**"



	<p>(5) A desires a Court to give judgment that he is entitled to certain land in the possession of B, by reason of facts which he asserts, and which B denies, to be true. Here _____ must prove the existence of those facts—‘A’. (Refer illustration to Section 101 of IEA, 1872)</p> <p>(6) The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side—<b>True</b> (Refer Section 102 of IEA, 1872)</p> <p>(7) As per Section _____ of the Indian Evidence Act, 1872, the burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side—<b>Section 102.</b></p>
<p>[6]</p>	<p><b>Memorable Points (Misc.):</b> Memorable points under Indian Constitution and various miscellaneous important Acts are as under (total <b>330 points already covered under previous issues of “Daily Updates”</b>)—</p> <p>(1) <b>Constitution of India, 1950:</b> The Preamble to the Indian Constitution talks of EQUALITY of _____ and of _____ —<b>Status; Opportunity.</b></p> <p>(2) <b>Code of Civil Procedure:</b> All questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge or satisfaction of the decree, shall be determined by the Court executing the decree and not by a separate suit. It is so mandated under which Section of the C.P.C.—<b>Section 47</b></p> <p>(3) <b>Criminal Procedure Code, 1973:</b> Section _____ of the Cr.P.C. deals with the certain specific irregularities which vitiate proceedings—<b>Section 460</b></p> <p>(4) <b>Indian Penal Code, 1860:</b> Under Section 304-A, whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with— <b>imprisonment of either description for a term which may extend to two years, or with fine, or with both.</b></p> <p>(5) <b>Transfer of Property Act, 1882:</b> Under Transfer of Property Act, 1882, a transfer of ownership in exchange for a price paid or promised or part-paid and part-promised is called—<b>Sale</b> (Refer Section 54 of the TPA, 1882)</p> <p>(6) <b>Indian Contract Act, 1872:</b> As per Section _____ of the Indian Contract Act, 1872, mere <i>forbearance</i> on the part of the creditor to sue the principal debtor or to enforce</p>



**LegalMines**

(Committed to legal awareness and prudence!.....)

**REGULAR UPDATES!**

[Issue No.: (41-03) / 2022]

	<p>any other remedy against him does not, in the absence of any provision in the guarantee to the contrary, discharge the surety—<b>Section 137</b></p> <p>(7) <b>Partnership Act, 1932</b>: Where a partner acting within his apparent authority receives money or property from a third party and misapplies it, the firm is liable to make good the loss under Section _____ of the Partnership Act, 1932—<b>Section 27</b></p> <p>(8) <b>Sale of Goods Act, 1930</b>: <b>True/ False</b>: Where there is a contract for the sale of specific goods and the seller is bound to do something to the goods for the purpose of putting them into a deliverable state, the property does not pass until such thing is done and the buyer has notice thereof—<b>True</b> (Refer Section 21 of the SOGA, 1930)</p> <p>(9) <b>Specific Relief Act, 1963</b>: A contract, the performance of which involves the performance of a continuous duty which the court can not supervise can not be specifically enforced—<b>True</b> (Refer Section 14 of the SRA, 1963)</p> <p>(10) <b>Negotiable Instrument Act, 1881</b>: <b>True/ False</b>: The Negotiable Instrument Act, 1881 is also applicable to the Indian Paper Currency Act, 1871—<b>False</b> (Refer Section 1 of the NI Act, 1881)</p>
[7]	<p><b>G. K. / Current Affairs</b>:</p> <p>(1) The New Delhi International Arbitration Centre has been established under which Act— The <b>NDIAC Act</b> (New Delhi International Arbitration Centre Act)</p> <p>(2) The New Delhi International Arbitration Centre Act was enacted in the year—2019</p> <p>(3) <b>True/ False</b>: The New Delhi International Arbitration Centre is an institution of <i>national importance</i>—<b>True</b></p> <p>(4) The head office of the New Delhi International Arbitration Centre shall be at—<b>New Delhi</b></p> <p>(5) The Chairperson New Delhi International Arbitration Centre shall be appointed by the Central Government in consultation with—<b>The Chief Justice of India</b></p>

\*\*\*\*\*

**Thanking You!**