



# **Supreme Court Daily Digest**

**26 August 2025**

## INDEX

1. Dogiparthi Venkata Satish & Anr. vs. Pilla Durga Prasad 2025 INSC 1046 - Order XXX Rule 10 CPC - Proprietorship
2. Edelweiss Asset Reconstruction Limited vs. Regional PF Commissioner II & Recovery Officer, Bengaluru 2025 INSC 1045 - SARFAESI - PF Act
3. Tahir V. Isani vs. Madan Waman Chodankar 2025 INSC 1044 - Order XXI Rule 102 CPC
4. Vasanta Sampat Dupare vs Union of India 2025 INSC 1043 - Art.32 Constitution -Reopening Death Sentence Cases
5. Putai vs State of Uttar Pradesh 2025 INSC 1042 -S.293 CrPC - DNA Report- Death Sentence Acquittal
6. Santosh Sahadev Khajnekar vs State of Goa 2025 INSC 1041 - S. 8 Goa Children's Act - Child Abuse
7. R Raghu vs G M Krishna 2025 INSC 1040 - Auction Sale
8. Vikas Kamalakar Walawalkar v. Deputy Salt Commissioner -Order XLI Rule 8 (5) CPC

**Disclaimer:** We have made these notes (shared below) based on our understanding of the above Supreme Court judgments. You are requested to read original judgments before using our notes for any purpose. You can click on the case names below to access original judgment.

**Dogiparthi Venkata Satish & Anr. vs. Pilla Durga Prasad 2025  
INSC 1046 - Order XXX Rule 10 CPC - Proprietorship**

**Code of Civil Procedure, 1908 - Order XXX Rule 10-** Proprietorship concern cannot sue but it can be sued. Whether proprietorship concern is sued in its name or through its proprietor representing the concerned is one of the same thing - Order XXX Rule 10 CPC only indicates that proprietorship concern may be made a party. However, it does not necessarily mean that the proprietor itself if made a party would not be enough, inasmuch as, the proprietorship is to be defended by the proprietor only and not by anybody else. Once the proprietor has been impleaded as a party representing the proprietorship, no prejudice is caused to rather its interest is well protected and taken care of by the only and only person, who owns the proprietorship. Order XXX Rule 10 CPC does not in any manner debar a suit being filed against the proprietor. (Para 4)

**Proprietorship** -A proprietorship concern is nothing, but a trade name given by an individual for carrying on his business. A proprietorship concern is not a juristic person. (Para 4.1)

---

**Edelweiss Asset Reconstruction Limited vs. Regional PF  
Commissioner II & Recovery Officer, Bengaluru 2025 INSC  
1045 - SARFAESI - PF Act**

**Note:** No legal aspects discussed in this judgment - Supreme Court set aside the Karnataka High Court's order and remanded the case for fresh consideration after impleading Axis Bank - The dispute concerns priority

of claims over auctioned properties between EPFO and secured creditors like Axis Bank under the PF Act and SARFAESI Act.

---

**Tahir V. Isani vs. Madan Waman Chodankar 2025 INSC 1044 - Order XXI Rule 102 CPC**

**Code of Civil Procedure 1908 - Order XXI Rule 102** - Rule 102 applies only to a person to whom the judgment-debtor has transferred the immovable property which was subject matter of that suit pendente lite- If the person who is resisting or obstructing the decree for possession has received the property from person other than the judgment-debtor, such person is competent to gain the benefit of Rules 97 to 101 of Order XXI. In fact, he is entitled to such benefit even if he had been transferred the immovable property pendente lite, i.e. during the pendency of the suit, in which the decree was passed. (Para 12-13)

**Code of Civil Procedure 1908 - Order XXI Rule 102** - In a suit pending between a plaintiff and a defendant as to the right to a particular estate, the decision of the court in that case shall be binding not only on the litigating parties, but also on those who derive title under them by alienations (transfer) made while the suit was pending, whether such alienees, i.e. transferees, had or had not notice of the pending proceedings - Rule 102 of Order XXI intends to protect the interests of the decree-holder against the attempts of unscrupulous judgment-debtors and their subsequent transferees who indulge in activities and leave no stone unturned to deprive the decree-holders from reaping the benefits of the decree granted in their favour. The Rule being equitable in nature, therefore, estops further creation of rights as it explicitly states that nothing in Rules 98 and 100 shall apply to the

resistance or obstruction being made by the transferee pendente lite of judgment-debtor -Ingredients : For a case to fall under Rule 102, it is condition precedent that there exists a decree for the possession of immovable property. Secondly, there must be a resistance or an obstruction in the execution of the said decree. Thirdly, such obstruction or resistance must be made by a person to whom he judgment-debtor has transferred the property. Fourthly, such transfer must have occurred after the institution of the original suit, i.e. the one in which the decree was passed. If the aforesaid ingredients are made out, Rule 102 prohibits the protection of Rules 98 and 101 to such errant transferee of judgment-debtor. (Para 9- 11)

**Legal Maxim -Interest reipublicae ut sit finis litium** - It is in the interest of the State that there should be an end to litigation. (Para 9)

---

### **Vasanta Sampat Dupare vs Union of India 2025 INSC 1043 - Art.32 Constitution -Reopening Death Sentence Cases**

**Constitution of India - Article 32** -Death-sentence cases stand apart because the punishment extinguishes the right to life in an irreversible way, and that singular feature obliges this Court to keep the door of constitutional review open even after the ordinary appellate and review avenues have closed. Article 32 of the Constitution of India, therefore, remains available whenever a supervening fact, such as inordinate delay, emergent mental illness, or a parity-based anomaly, or a subsequently recognised procedural guarantee throws the legitimacy of a capital sentence into doubt. (Para 17)- Article 32 empowers Supreme Court in cases related to capital punishment to reopen the sentencing stage where the accused has been condemned to death penalty without ensuring that

the guidelines mandated in Manoj [ time-bound guidelines obliging Trial Courts and the State to place extensive mitigation circumstances on record including psychiatric, psychological, social-history and jail-conduct reports] were followed -Reopening will be reserved only for those cases where there is a clear, specific breach of the new procedural safeguards as these breaches are so serious that, if left uncorrected, they would undermine the accused person's basic rights to life, dignity and fair process. (Para 31-32)

**Constitution of India - Article 32** - Article 32 of the Constitution of India is not restricted to reviewing decisions of subordinate courts or executive authorities. In exceptional situations it empowers this Court to revisit even its own final orders where doing so is necessary to prevent a continuing breach of fundamental rights. The controlling test is whether such intervention is required to avert manifest injustice under Articles 14 and 21 of the Constitution of India, and technical rules of procedure cannot be permitted to thwart that constitutional mission. (Para 25) Article 32 has pride of place - a Jewel on the Crown of the Justice Delivery System - in the Indian Constitutional scheme. (Para 58)

**Constitution of India - Article 14,21** -The right to be sentenced in a principled and individualized manner flows directly from Articles 14 and 21. (Para 21) The machinery which feeds the death-penalty system is itself fragile. Investigations often rely on confessions extracted in opacity, recoveries whose provenance is contested and forensic material of doubtful rigour. When such evidence is filtered through an overburdened trial process, the possibility of wrongful conviction can never be dismissed as a remote abstraction. An irreversible penalty grafted onto a fallible process endangers the very core of Article 21 of the Constitution of India. (Para 28) Until safeguards laid down in Manoj

Case are fully applied, carrying out a death sentence would sit contrary to Articles 14 and 21 of the Constitution of India as they promise equality and fair procedure to every person in our society. The process leading to a death sentence must itself be beyond reproach as it must also be open, thorough and fair. (Para 29)

**Sentencing** -Every person, even one who has done great wrong, still carries a basic human dignity. This belief does not excuse crime but it simply means the State should keep open, wherever possible, the chance for an offender to change. It is our belief that moving from pure retribution to genuine reform is not an act of undue leniency but it is a statement of faith in the human capacity for improvement. (Para 28)

**Quotes** : The majesty of our Constitution lies not in the might of the State but in its restraint. (Para 1)

**Precedents** - when a previous decision is overruled, it means the earlier rule was never truly the law, and all actions taken based on that supposed rule are subject to the new, correct legal determination, except in cases that are already finally decided (res judicata) or where accounts have already been settled. Thus, overruling a decision has a retrospective effect, clarifying what the law always was, with limited exceptions. (Para 46)

**Interpretation of Statutes** - Reference to Constitutional Assembly debates can be made in the interpretation of a constitutional provision. (Para 56)

---

**Putai vs State of Uttar Pradesh 2025 INSC 1042 -S.293 CrPC - DNA Report- Death Sentence Acquittal**

## **Code of Criminal Procedure 1973 - Section 293 : BNSS, 2023**

**-Section 329** - Only evidence of formal nature can be given on affidavits- DNA Reports - DNA report is substantive piece of evidence and hence, the same could not have been tendered in evidence through an affidavit and that too of an officer who was not connected with the procedure in any manner. (Para 75) When no document pertaining to collection of the blood samples from the accused was produced and exhibited in evidence, SC said it renders the DNA reports to be a piece of trash paper. (Para 75) [Context: Supreme Court acquitted accused who was sentenced to death sentence for rape and murder and observed: prosecution has fallen woefully short of proving the guilt of the accused by clinching evidence which can be termed as proving the case beyond all manner of doubt]

---

## **Santosh Sahadev Khajnekar vs State of Goa 2025 INSC 1041 - S. 8 Goa Children's Act - Child Abuse**

**Goa Children's Act, 2003 - Section 8-** The offence of "child abuse" as provided under section 8 cannot be attracted to every trivial or isolated incident involving a child, but must necessarily co-relate with acts involving cruelty, exploitation, deliberate ill-treatment, or conduct intended to cause harm - The offence of child abuse necessarily presupposes an intention to cause harm, cruelty, exploitation, or ill-treatment directed towards a child in a manner that exceeds a mere incidental or momentary act during a quarrel. [Context: While acquitting an accused for offence under, SC observed: A simple blow with a school bag, without any evidence of deliberate or sustained maltreatment, does not satisfy the essential ingredients of child abuse. ]



---

## **R Raghu vs G M Krishna 2025 INSC 1040 - Auction Sale**

**Note:** No legal aspects discussed in this judgment [Supreme Court upheld an auction sale of disputed land, requiring additional payment and a fresh survey][

---

## **Vikas Kamalakar Walawalkar v. Deputy Salt Commissioner -Order XLI Rule 8 (5) CPC**

**Code of Civil Procedure 1908 - Order XLI Rule 8 (5)-** Appellate court have jurisdiction to put the parties seeking stay order on such terms as would reasonably compensate the party successful at the end of the appeal (Para 15)- The power to grant stay is discretionary and flows from the jurisdiction conferred on it which is equitable in nature. To secure an order of stay merely by preferring the appeal, is not a statutory right conferred on an appellant and so also the appellate court is not required to grant order of stay merely because an appeal has been preferred and an application for an order of stay has been filed. Therefore, the applicant for being eligible to an order of stay must do equity for seeking equitable order. In other words, doctrine of in pari delicto would be squarely applicable. The court would lend its hands of justice who does justice.(Para 14)

---