



Supreme Court Daily Digest

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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.

Urmila Chand v. Sonu Chand 2025 INSC 1072

Note: No legal aspects discussed in this judgment.

C.P. Francis v. C.P. Joseph 2025 INSC 1071 - CPC - Second Appeal - Evidence - Admission- Suggestion In Oral Evidence - Will

Code of Civil Procedure 1908 - Section 100 - Second Appeal -

High Court is competent and endowed with discretionary jurisdiction to formulate a substantial question of law not stated when the second appeal was admitted. The High Court is entitled to formulate an additional substantial question of law for reasons to be recorded if the High Court is of the view that the case involves such a question of law. The proviso to sub-section 5 of Section 100 of the CPC comes into operation in exceptional cases, albeit for strong and convincing reasons to be specifically recorded by the High Court. (Para 19) A substantial question of law must be grounded in the parties' pleadings and the findings of lower courts. Thus, it must be exercised if it is so fundamental that it goes to the very root of the matter -The jurisdiction to frame a new question of law is exceptional and should not be exercised routinely unless there is a strong and convincing reason to do so.- The proviso allows the court to hear an appeal on "any other substantial question of law," which implies that at least one substantial question of law must have been formulated at the admission stage. The power to reformulate or add a question arises only if a substantial question of law has already been framed.- The High Court must be "satisfied" that the new question is a substantial question of law and not a mere legal plea- The court is mandatorily required to record its reasons for framing an additional

substantial question of law- The opposite party (the respondent) must be given a fair and proper opportunity to contest the new question. Parties must be put on notice and be allowed to present their arguments on the newly framed question. Framing a question while dictating the judgment without hearing the parties would be improper. (Para 18) The Court has power and jurisdiction to suit or non-suit a party on the adduced pleadings, issues and evidence, but not on a totally new and unexpected case, more particularly at the stage of Section 100. (Para 22)

Law of Evidence - Admission - The admission of a party must be in the manner known to law. An admission in pleading and evidence is certainly an admission. By appreciating an admission, the Court is entitled to apply the consequence of law. (Para 23)

Law of Evidence - Importance of a suggestion in oral evidence of a party - If a cross-examiner intends to later adduce evidence or make submissions that contradict the testimony of a witness, they must first put the substance of the contradiction to the witness during cross-examination. The purpose is to afford the witness a fair opportunity and is rooted in the principle of Audi Alteram Partem- failing to suggest contrary points during cross-examination can weaken a party's position and can be interpreted as an implicit acceptance of the witness's testimony- Absence of a suggestion to a witness may not be the deciding factor in determining the outcome of a plea. However, in the wheel of consideration of all facts in issue and their legal implication, the absence of suggestion constitutes an important cog in the wheel of consideration -The timing, absence of suggestion, relevance and its impact are left to the experience, wisdom and discretion of the Judge appreciating a case. (Para 21)

Constitution of India - Article 136 - It does not confer a right of appeal, but it vests with this Court a vast discretion, which is only to be exercised by considerations of justice, call of duty and the eradication of injustice. This overriding power is exercised only in exceptional cases where special circumstances exist. (Para 26)

Will - The wish of a testator as expressed through a duly proved will is upheld by the Court, but not open up succession contrary to the arrangement made by the testator. (Para 23)

Hitesh Nagjibhai Patel v. Bababhai Nagjibhai Rabari 2025 INSC 1070 - Motor Accident Compensation - Minimum Wages Metric - Child Cases

Motor Accident Compensation - When a Tribunal or the High Court in appeal, is concerned with the case involving a child having suffered injury or having passed away, the calculation of loss of income necessarily has to be made on the metric of minimum wages payable to a skilled worker in the respective State at the relevant point of time- In cases where the claimant has failed to furnish appropriate details of income or adequate proof thereof, it shall be the responsibility and obligation of the contesting party, more particularly the insurance company to furnish before the Tribunal the applicable minimum wage as duly issued by the concerned government. (Para 15-16)

Sunny alias Sanjeev v. State of Himachal Pradesh - S.430 BNSS - Bail Conditions

Bharatiya Nagarik Suraksha Sanhita 2023 - Section 430 - Power of appellate court to suspend the execution of the sentence pending appeal - A sentence may comprise imprisonment and fine. Therefore, the power to suspend extends to the fine component as well. While conditions may be imposed to secure the presence of the appellant and the progress of the appeal, they cannot be such as to render the order of suspension illusory for want of means. A condition which is impossible to comply with, defeats the right of appeal. (Para 5-6) [**Context:** SC deleting the requirement in HC order that the accused-appellant should deposit the fine amount of ₹1,00,000/- as a pre-condition for release and observed: insisting on an upfront deposit of ₹1,00,000/- as a condition for release would, in his case, defeat the suspension that the High Court otherwise granted.]

Georgekutty Chacko vs M.N Saji - Suit For Recovery Of Amount - Cash Transaction

Civil Suit - Suit For Recovery Of Amount - A person who gives cash obviously would not be having any documentary proof per se. Sometimes there may be an occasion where even for a cash transaction, a receipt is taken, but absence of the same would not negate and disprove the stand that the cash transaction also took place between the parties. - It is not uncommon that in money transactions, there is a component of cash also involved and just because a person is not able to prove the transfer through official modes i.e., through any negotiable instrument or bank transaction, would not lead to the conclusion that such amount was not paid through cash. (Para 6)
