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Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT

SCHOOL OF LAW

Submitted by:-

NAME -

ANJALI THAPLIYAL

ENROLLMENT NO. -

01790103817

COURSE -

B.A.LLB

BATCH -

2017- 2022



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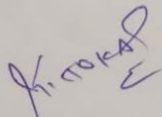
CERTIFICATE OF INTERNSHIP

This is to certify that Ms. **ANJALI THAPLIYAL** D/O Mrs **Sarita Thapiyal** having Enrollment No. 01790103817 student of B.A.LLB 4th year of **Fairfield Institute of Management and Technology** pursued an internship under my guidance starting from **1st day of July till 30 July 2021**

During her internship she visited Dwarka District Court of Delhi and observed the Court proceeding diligently, which will surely stand as an advantage for her professional career. Further, she actively participated in discussion over legal matters and showed exemplary presence of mind in all court activities.

I feel that she possesses an incisive mind, complemented by her personal capabilities, which will enable her to achieve great height in legal professional.

I wish her bright and prosperous future ahead.


Karamveer Tokas

Advocate

KARAMVEER TOKAS
E. No. D/2085/2011 Advocate
Ch. No. 426, Lawyers Chamber
Dwarka Court, New Delhi-110075
Mob.-9899100076

DECLARATION

I, **ANJALI THAPLIYAL** of 9th semester of BA-LLB (H) hereby declare that this report is compiled by me under 4 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to **Fairfield Institute Of Management & Technology** affiliated to **GGSSIP UNIVERSITY, New Delhi** is a reliable document and is of bonafide nature.

Signature – *Anjali thapliyal*

Date - 22/11/2021

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected Mentor Adv. Karamveer Tokas **where I undertook & completed my 4 weeks internship for Content Writing or Research work** who has been my constant support, source of encouragement, inspiration, guided and helped me in successfully completing my Summer Internship.

Moreover, apart from court they give me a chance to get practical exposure by attending various conferences, seminars with various people.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting of this report.

OBJECTIVE

The Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility

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CASE LAW- 1
IN THE HONBLE COURT OF SH. AJAY KUMAR JAIN, LD
ADDITIONAL SESSIONS JUDGE, PATIALA HOUSE COURTS, NEW
DELHI

IN THE MATTER OF: -

STATE.....COMPLAINANT

V

ASADULLAH & MAUSSA..... ACCUSED

**Petition Filed U/S 21/29 OF NDPS ACT, Section 14 OF FOREIGN ACT, Section 468
OF IPC**

Filed on – 09/06/2018

Facts – In this case, on 08.06.2018 Nirbhaya Rana was present in office special cell, Saket. A secret informer came to office and informed him that an Afghan National who is accused named Asadullah who deals in narcotics drugs would come at near bus stop, near Malviya Nagar metro station to deliver heroin to an African person. Then Sh. Attar Singh ACP authorized SI Nirbhaya Rana to constitute a raiding party under the supervision of Insp. Ishwar Singh. SI Nirbhaya Rana and caught the 2 accused with the total heroin of 6 kilogram. Both accused brought in the custody for the HEROIN (Narcotics drug) u/s 21 NDPS Act.

N.D.O.H- 10.09.2021

CASE -RESEARCH WORK

PARTITION OF THE JOINT HINDU FAMILY PROPERTY CASE

Facts:

X filed a suit for partition of the Joint Hindu family property against his 3 brothers and 3 sisters (Defendants). In the meantime, while the suit was pending, defendants sold the property to Y for a sum of Rs. 35 lacs. Now the plaintiff X files an application with a prayer for directing the defendants to deposit his share of Rs. 5 lacs as a security in the court.

Work Done:

I was asked to find case laws in support of this application. Accordingly, after a thorough research, I found the following case laws:

In the case of *M.L. Subarray Shetty v. Nagappan Shetty* (AIR 2002 SC 2066) the Supreme court held that if the joint family properties consist of movable and immovable properties then each party must necessarily be given a share in all the movable and immovable properties.

In the case of *Guramma Bhratar Chanbasappa Deshmukh v. Mallappa Chanbasappa* AIR 1964 SC 510, (1964) 4 SCR 497 the court held that the managing members of the family can alienate the property with the consent of the other coparcener. Where the alienation is not with the consent of all the coparceners, it is voidable at the instance of the coparcener whose consent has not been obtained.

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CASE LAW 3**IN THE COURT OF SH. P.K. JAIN, ADDITIONAL SESSIONS JUDGE,
PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF: -

STATE.....COMPLAINANT

V

ASHOK KUMAR..... ACCUSED

Petition filed u/s 308 IPC

Filed on 24.01.2021

Facts – Shiv who lived in sec 23 Dwarka with his parents, a student of Amity University, Noida. Shiv is going to home from college after giving the 2nd semester exam with his friend Rohit from the AUDI Car with the help of navigator. Because of high traffic navigator takes the car to the location of Punjabi Bagh near 6 pm. There was a Nano car coming behind the shiv's car giving horn repeatedly. Rohit who was driving stopped the car and Nano hit the shiv's car AUDI from the side. Four boys came from the Nano car and started beating Rohit and Shiv. Accused also took the amount of Rs. 5000, ATM Syndicate Bank, Aadhar Card and ran away.

Current Status-Argument on an application of bail heard, accused is alleged to have involved in a road rage case u/s 308 IPC, two co-accused are already absconding, and one of them is BC (Bad Character) of the area. Driving license of the present applicant is not available to show that, he has having valid permission to ride a vehicle on road, it is early to grant bail, in these circumstances bail application is dismissed.

N.D.O.H- 13.08.2021

CASE LAW – 4

**IN THE COURT OF MS. SWARNA KANTA SHARMA, FAMILY
COURT, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF: -

DEEPIKA.....COMPLAINANT

V

ABHISHEK.....ACCUSED

Petition filed u/s 308 IPC

Filed on 06.07.2019

Facts – The above matter was filed by wife to take divorce from her husband on the ground of cruelty and ignorance attitude of husband towards his wife i.e. Deepika.

Current Status- The matter was settled via mediation and petitioner is ready to withdraw this case, but she is pregnant and couldn't appear before the court. So, another date is required to withdraw the present case.

N.D.O.H- 01.08.2021

CASE LAW – 5

**IN THE COURT OF MANOJ KUMAR, METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF: -

STATE..... COMPLAINANT

V

NAIM UR REHMAAN AND OTHERS..... ACCUSED

Petition filed u/s 374/34 IPC, s 3/14 CLA Act, s 23/26 JJ Act

Filed on- 26.12.2019

Facts – This case is against few accused who had deputed children below 16 years of age to commercial work, which is an offence in Juvenile Justice Act.

Current status- Arguments regarding framing of charges against all the accused person heard and case is pending for orders on charge.

N.D.O.H- 25.07.2021

CASE LAW – 6**IN THE COURT OF ANKITA LAL, METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF: -

STATE..... COMPLAINANT

V

UDAY SINGH..... ACCUSED

Petition filed u/s 378 IPC

Filed on 29.07.2019

Facts – In this case it is alleged that accused Uday was in a company, which is working for BSES, for in connivance with other two for theft of cables (big electrical wires).

Current Status- One public witness was examined by the state, but his examination on chief could not be completed for want of case property (it means that the theft cables or the car In which accused person took the cables, should be shown to the witness before the court to identify that this is the same cable or whatever the case property was involved). Next hearing would be for want of case property and further examination in chief and cross by defense counsel.

N.D.O.H- 20.08.2021

CASE – RESEARCH WORK

POCSO (The protection of child from sexual offences) Case

Facts:

A FIR was lodged against Varun (Our Client), under section 376 of IPC and Section 6 of the POCSO Act for alleged sexual assault against the minor named Anjali.

Work Performed:

I was asked to research on the cases in which the Accused has been Acquitted by Sessions Court or High Courts under Section 6 of the POCSO Act. My findings were:

State V/s SohanLal @ Sonu DOD: 09.04.2015(SESSIONS COURT): The learned counsel for the State could not support the prosecution story. In this case the testimony of baby Sunita gives a clear impression that she was coached and tutored before she gave the statement and it is also clear from the number of questions, she had answered in the cross examination runs counter to her examination in chief. The medical evidence also proves the innocence of the accused. There is no plausible explanation for undue delay in filing the first information report in this case. On consideration of all these factors, the benefit of doubt must go to the accused. conviction can be based upon the sole testimony of a child witness in the cases of sexual assault, but the necessary pre condition thereof is that the evidence of child victim should not be result of tutoring. In this case, circumstances clearly point out that the evidence of the child victim is not free from blemish and as such, it would be highly unsafe to convict the accused merely on the basis of her evidence. False implication of the accused in the matter cannot be ruled out. Therefore, the benefit of doubt is accorded to the accused. Accused SohanLal @ Sonu accordingly stands acquitted of the charges in the matter.

Manoj V State CRL.A 647/2015 Delhi HC: The appellant in this case made only one submission that the offence proved against the appellant is not of 'penetrative sexual assault' and as such does not fall under Sections 5(k) and 6 of the Act. Counsel for the appellant relied on the testimonies of the prosecutrix and other prime witnesses in which none of them had claimed penetration. Medical examination of the victim and the appellant also indicated absence of penetration. There also were some contradictions in the testimony of the prosecutrix which did not corroborate with the reports of medical examination. Consequently, the appellant/accused is acquitted of the charged offence under section 6 of the pocso act and order on sentence is set aside.

N. Chandra Mohan v. State, 2019 SCC Online Mad 3666: N. Anand Venkatesh, J. while addressing a petition expressed disappointment in respect to the manner in which POCSO Act is being misused, as, in the present case, the wife went down to the extent where she has put up false allegation of sexual assault against her husband with their daughter who is aged 11 years old only with the motive to get custody of her daughters. In the present case, the 2nd respondent gave a complaint to the respondent police stating that there is an illicit relationship between the petitioner – father of their daughter. She adds that she was able to identify and see some bodily changes in her elder daughter and also, she had become pregnant. Her pregnancy was terminated through native medicines. Respondent police had registered a FIR for an offence under Section 6 of the Protection of Child from Sexual Offences Act, 2012. Court categorically found that the de facto complainant lodged a false complaint with an ulterior motive to threaten the petitioner and thereby petitioner was granted anticipatory bail. Present petition is aimed to quash the FIR which is itself an abuse of process of law and is being used to threaten the petitioner to wreak vengeance against the petitioner.

State (Govt. Of Nct Of Delhi) vs Mullah Muzib CRIMINAL LEAVE PETITION No. 62/2015: Prosecution has failed to produce any medical evidence which may even suggest that the victim was sexually assaulted. Prosecution has failed to produce any significant medical and scientific evidence and therefore any adverse inference to prove the allegations of carnal intercourse cannot be conclusively drawn against the accused. Material contradiction between the testimony of PW1 and PW2. There were material contradictions between the complaint and testimony of the victim. Due to presence of such material contradictions in the testimonies of PW-1 and PW-2, the evidence placed before the court is not cogent enough to prove that the accused had carnal intercourse with the victim.

CASE LAW – 8

**IN THE COURT OF DHARMENDER SINGH, METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF: -

DALVIR SINGH BATRA.....COMPLAINANT

V

RAJU BATRA..... ACCUSED

Petition filed u/s 138 NI Act

Filed on-13.01.2021

Facts – Raju (illiterate person) has given blank cheques to one of his known for new car loan in good faith, but the guy used those cheque to Mr. Dalvir for encashment but the cheque was dishonored and Mr. Dalvir filed a case against Raju.

Current Status- we are for accused Raju. An application u/s 145(2) was filed for seeking an opportunity to show or prove our defense.

N.D.O.H- 01.07.2021

CASE LAW – 9

**IN THE COURT OF Sh. SUMEET ANAND, METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF: -

STATE..... COMPLAINANT

V

SONIA RAO..... ACCUSED

Petition filed u/s 279/338 IPC

Filed on 05.02.2021

Facts – This is a case of road accident, Sonia(accused) hit her car with another car, nobody got injured, only car was damaged.

Current Status- Witness who was present at the time of arrest of the accused Sonia has been through examination and cross examination as well.

N.D.O.H- 08.08.2021

CASE- RESEARCH WORK

RENT RISE CASE

Facts:

Our client, the landlord let the property on 07.11.2009 for commercial purpose in Delhi without rent agreement. At that time the rent was Rs.2500. The case is presented before the court in 2017. The landlord wanted to evict the tenant on the ground of bonafide requirement. The tenant is claiming that there was a rent agreement in 2009 and contested that the landlord wants to evict the rented premises with malafide intention.

Work performed:

I was asked to find cases of standard rent escalation in commercial premises where the mentioned rent agreement was silent about the rent escalation clause due to which the tenant was depositing Rs. 2500 till now.

During my research I found these cases:

- In the case of D.C Oswal v. V.K Subbiah. 1992 19 ALR 154 SC. the Apex Court has observed that a judicial notice could be taken of the fact that rental had escalated everywhere. However, in that case taking the judicial notice of the general escalation in rentals, the Supreme Court had raised the rent by about 50%, the accommodation in that case was being used partly for residential and partly for commercial activities. The Additional *Rent* Controller also recorded that it was an admitted fact there is no *rent* agreement.
- In the case of Nopany Investments (P) Ltd. v. Santosh Singh (Huff) (2008) 2 SCC 728 AIR 2008 SC 673: If the landlord wishes to increase the *rent* of any premises at any time, only a notice expressing his intention to make such increase is required to be given to the tenant and Section 6-A of the Act, as noted herein earlier, clearly permits the landlord to increase the *rent* by 10% every three years. In this view of the matter, after the completion of three years, it was open to the landlord at any point even during the pendency of an eviction petition to increase the *rent* of the suit premises after giving the prescribed notice to the tenant.
- In the case of Raghunandan Saran Ashok Saran (HUF) v. Union of India, 95 (2002) DLT 508 (DB): 2002 (61) DRJ 457 (DB) while striking down the provisions of the Act, the court also observed in para 9 of the judgment about Section 6A wherein it is

stated that the same is not in consonance with the ongoing increase in the rates of the property and also leads to disparity between the cost of living and the value of Rupee. Thus, the said observations of Division Bench clearly aid the case of the plaintiff and entitle it, under the law to seek a rent on the basis of market value.

CASE- RESEARCH WORK

CONSUMER DISPUTE

Facts:

The complainant files a consumer complaint against a shipping company and Consumer Freight Station (CFS) company (opposite parties) claiming damages for the loss suffered by the complainant for deficiency in the services provided by the opposite parties. The Hon'ble State Consumer Dispute Redressal Forum at Mumbai dismissed the aforesaid Consumer complaint holding that the Complainant is not a consumer within Section 2(d) of The Consumer Protection Act. Thus, the Complainant goes in appeal in the National Disputes Redressal Commission (NCDRC).

Work performed:

In lieu of Explanation of Sec. 2(d) of the Consumer Protection Act, I was asked to cite some case laws. I found the following case laws in favour of the complainant:

M/s. Harsolia Motors V/s. M/s. National Insurance Co. Ltd., reported in I(2005) CPJ 27 (NC): National Commission in this case explained what is meant by 'commercial purpose' under section 2(d) of Consumer protection act "The explanation reduces the question, what is a "commercial purpose", to a question of fact to be decided in the facts of each case. It is not the value of the goods that matters but the purpose to which the goods bought are put to. The several words employed in the explanation, viz., "uses them by himself", "exclusively for the purpose of earning his livelihood" and "by means of self-employment" make the intention of Parliament abundantly clear, that the goods bought must be used by the buyer himself, by employing himself for earning his livelihood.

A hospital which hires the services of a medical practitioner would be a commercial purpose. But, if a person avails of such services for his ailment it would be held to be not a commercial purpose.”

Further, from the aforesaid discussion, it is apparent that even taking the wide meaning of the words for any commercial purpose it would mean that goods purchased or services hired should be used in any activity directly intended to generate profit. Profit is the main aim of commercial purpose. But, in a case where goods purchased or services hired in an activity which is not directly intended to generate profit, it would not be a commercial purpose.

In our case the services of CFS and carrier service were availed for his own use.

Southern Petrochemical Industries Corpn. Ltd. &Anr. Vs. British Airways world Cargo, 1 (2007) CPJ 74 (NC): In this case a consignment of electronic equipment was sent by M/s.

Siemens, Germany to Southern Petrochemical Industries in Chennai. The consignment was damaged while in the custody of the carrier i.e. British Air Ways World Cargo.

CASE -RESEARCH WORK

DISPUTE OVER SALE (TRANSFER OF PROPERTY)

Facts:

Yusuf offered one flat to Seema for Rs 35,00,000 where Seema paid Rs 20,00,000 earnest money with the written agreement to sale on 8th April, 2019 and the remaining amount on the date of execution of sale deed on 8th August, 2019. But Yusuf did not come for the execution of the sale deed. In fact, Yusuf sold the same property to Ram for Rs 25,00,000.

Work performed:

We were representing the plaintiff Seema in this case. I researched that:

Seema can file a suit for cancellation of sale deed but cancellation of sale deed will be possible only if she succeeds in the suit for specific performance of the agreement for sale dated 08.04.19. Thus, the appropriate relief for her would be to file a suit for specific performance against Yusuf and implead Ram in such suit and there is no need for filing a separate suit for cancellation of sale deed thereafter.

In Dilip Bastimal Jain vs Baban Bhanudas Kamble &Ors. AIR 2002 Bom 279: It has been held that when an action is brought for specific performance, it was not at all necessary for the plaintiff to claim declaration of invalidity of transfer of property made in favour of the subsequent transferees.

Seema may file a suit against the seller (Yusuf) for specific performance of agreement for sale dated 08.04.19, under the Specific Relief Act, 1963. Ram will also be a necessary party in this suit as per the decision of SC in *Kasturi v. Iyyamperumal* 2005 6 SCC 733 in which SC held that “*A purchaser is a necessary party as he would be affected if he had purchased with or without notice of the contract.*”

CASE LAW- 13**IN THE COURT OF MS. AMBIKA SINGH, METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF: -

STATE..... COMPLAINANT

V

SURAJ SINGH.....ACCUSED

Petition filed u/s 279/304A IPC

Filed on 02.06.2021

Facts – In this case driving license was involved. Application is made for release of driving license no. U.P. 1219790001047 valid up to 11.01.2021 as allegations of section 179 and 304A of IPC made against Suraj Singh.

Current Status- That the said license has expired on 11.01.2020, applicant have to renew the same as he undertakes to produce the said license after renewal.

N.D.O.H- 1.08.2021

CASE – RESEARCH WORK

BAIL APPLICATION U/437 CrPC FOR THEFT

Facts:

A FIR was registered against Deepak Chauhan and Piyush Saxena under Section 392/411/34 IPC alleging theft committed against victim Siddharth Arvind. The victim alleged that the co-accused Deepak Chauhan who was on a bike blocked his way while he was going through the road and the other co-accused Piyush Saxena threatened him and punched him and took the victim's phone forcefully.

Work Performed:

We were defending the accused Deepak Chauhan and I was asked to find bail grounds for the same under Section 437 CrPC.

The party we were defending i.e. Deepak Chauhan was only riding the bike, whereas the other accused Piyush Saxena punched the victim I. Sidharth Arvind. Deepak Chauhan didn't take active participation in the crime; he only threatened the victim and hence the nature of the crime done by him was not severe.

After a thorough research, I found the following case laws supporting the bail application:

- In the case of Gudikanti Narasimhulu vs. Public Prosecutor of Andhra Pradesh, the Supreme Court held that while granting the bail the nature of the charge is of vital importance and thus in this case the acts done and also one other point that was given in the same case was that “a man better prepared for his case when he is on bail”

The likelihood of applicant absconding if released on bail also matters when granting of bail. In our case, Deepak Chauhan has a fixed residence (Living in JJ Colony) and as such there is no reasonable ground for him to run away for such acts done by him.

Further, in light of the current pandemic situation recently SC, high powered Committee headed by Delhi high court judge issued guidelines for relaxing criteria for release on bail. Thus, in this case release on bail becomes imperative. Thus, we also relied upon the guidelines relaxing norms for bail that were issued during the sudden outbreak of COVID pandemic.

CONCLUSION

This internship had been excellent and rewarding experience. I would like to pine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the outside world one cannot understand the analytical and positive application of law and jurisprudence and the actual functions and structure of law.

I was surprised to see how the loopholes were being bought out by the advocate and often leave an impression in the minds of interns and develops the practice of deriving loopholes in the simplest way. Leaders often say one learns discipline within a court room. It brings the best in oneself. This exposure was very vital as one learns the proceedings of the court. I would like to conclude with a vote of thanks and gratefulness for reading this report thoroughly and also for giving me this wonderful opportunity to grow my vision in this field.

With Warm Regards

Yours Faithfully,

Anjali Thapliyal



**FIMT-SCHOOL OF HUMANITIES & SOCIAL SCIENCES- BA-(H)ECO, BA(H)ENG.
 FIMT-SCHOOL OF LAW- BBA-LLB(INTEGRATED), BA-LLB (INTEGRATED)
 FIMT-SCHOOL OF JOURNALISM & MASS COMMUNICATION- BA-JMC
 FIMT-SCHOOL OF BUSINESS ADMINISTRATION- BBA(GEN.)
 FIMT-SCHOOL OF INFORMATION TECHNOLOGY- BCA
 FIMT-SCHOOL OF COMMERCE- B.COM.(H)
 FIMT-SCHOOL OF EDUCATION- B.ED**

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FAIRFIELD

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SUMMER

INTERNSHIP

REPORT

BA-LLB(HONS.)

FIMT

SCHOOL OF LAW

SUBMITTED BY:-

NAME:- SHALINI

ENROLLMENT NO.:- 11090103817

COURSE:- BA-LLB

BATCH:- 2017-2022

INTERNSHIP CERTIFICATE



A.D. SOLANKI ASSOCIATES

ASHWINA DAHIYA

(Advocate)

9810333133

DELHI HIGH COURT

Ch. No-616 Dwarka Court. Sec-10, N.D.-75



Date

Ref. No.

INTERNSHIP CERTIFICATE

This is to certify that Ms. Shalini D/o Sh. Ram Siddh is a student of B.A., L.L.B having Enrollment Number 11090103817 from I. P. University at Fairfield Institute of Management & Technology, Kapashera, New Delhi has pursued her internship with us. She has attended Courts and worked in office with us from 15.07.2021 to 14.08.2021. During the tenure of work she has come across as an intelligent, sincere and hard working student.

Ms. Shalini has assisted our members/advocates in preparing/ drafting the cases. She also accompanied us while conducting cases and appearing before the subordinate courts as well as the High court of Delhi.

She is a confident with admirable skills for research in preparing and collecting information. She has handled the new domain with considerable dexterity.

She is a diligent worker with the strength and ability to take challenges of the litigation scenario and other related matters during our interaction with her. She has zeal to strive for excellence in assigned task and all spheres. We would definitely rank her as an assets to our law firm or for the matter any other organization that she works for.

We wish her all the best for future.

Ashwina Dahiya

Advocate

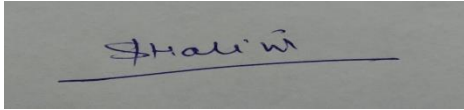
Ashwina Dahiya & Associates
E. No. D/1308/14 Advocate
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Dwarka Court Complex, Sector-10
Dwarka, New Delhi-110075
Mob : 9810333133

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DECLARATION

I Shalini of 9th semester of BA-LLB (H) hereby declare that this report is compiled by me under 4 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to Fairfield Institute Of Management & Technology affiliated to GGS IP UNIVERSITY, New Delhi is a reliable document and is of bonafide nature.

Signature:-

A rectangular box containing a handwritten signature in blue ink. The signature appears to be 'Shalini' written in a cursive style, with a horizontal line underneath it.

Date:- 22.08.2021

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected Mentor Ashwina Dahiya Solanki where I undertook & completed my 4 weeks internship for Content Writing or Research work who has been my constant support, source of encouragement , inspiration ,guided and helped me in successfully completing my Summer Internship.

Moreover, apart from Court they give me a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting of this report.

OBJECTIVE

The Legal Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

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Case :1

DWARKA COURT

IN THE HON'BLE COURT OF MOHIT SHARMA, LD. CIVIL JUDGE

IN THE MATTER OF :-

Savitri Plaintiff

Vs

Mahender & Ors. Defendants

APPLICATION U/O 9 RULE 7 R/W SECTION 151 CPC ON BEHALF OF THE
DEFENDANT NO.4 FOR SETTING ASIDE THE ORDER DATED 27.04.2019

DATE OF HEARING:- 19.07.2021

FACTS OF THE CASE:-

The applicant/defendant could not present in the court on previous hearing dates because notice of hearing was not received by the applicant/defendant as she was not present in the house and the same was received by her mother-in-law who is an illiterate lady and could not communicate about the same to the applicant. The absence of applicant/defendant before this hon'ble court was not intentionally. Applicant/defendant has not given an opportunity to defend her case, she will suffer irreparable loss and injury which cannot be compensated in terms of money.

OBSERVATION:-

Due to COVID-19 hearing was in virtual mode but my mentor discuss all about the case so according to my understanding by listening my mentor and by reading file, during the proceeding applicant/defendant appeal to set aside the order date and defendant may kindly be allow to defend, in the interest of justice. The Hon'ble judge grant an opportunity to defend themselves and give another date of hearing.

NEXT DATE OF HEARING:- 27.01.2022

Case:- 2

TIS HAZARI, DELHI IN THE COURT OF MS RUBY NEERAJ KUMAR , MM MAHILA
COURT

IN THE MATTER OF :-

Anjali Complainant

.Vs

Raman Respondents

Reply to Complainant U/S 12 of THE PROTECTION OF WOMEN FROM DOMESTIC
VIOLENCE ACT 2005, on the behalf of Respondents

DATE OF HEARING:- 16.07.2021

FACTS OF THE CASE:-

Complainant narrated false story to harass respondents for extorting money and for accepting her unjustified demands. Complainant wants to live with her parents and pressurizing her husband to live with her at her parental house, respondents denial from accepting her demand that is why, complainant filed false case against respondents. complainant's parents demands Rs. Three Lakhs Only (Rs.3,00,000) from respondents to take back case. Respondents face lot of troubles in attending dates in this Hon'ble court and also at women cell in Delhi, where complainant filed another complaint which is being preceeded. Complainant conceal the fact that another complaint filed by her is already pending process at CAW Cell in Delhi, and she also concealed the fact that she carried her all jewelries and most of stridhan items with her when she came to live with her parents at her parental house.

OBSERVATION:-

I observed the case of DOMESTIC VIOLENCE . The Hon'ble judge heard both the parties and she don't found any strong point against any of them. The Hon'ble judge ask for more evidences against respondent and she give next date to parties.

NEXT DATE OF HEARING:- 05.01. 2022

Case:- 3

SAKET COURT COMPLEX

IN THE COURT OF PRINCIPAL JUDGE: FAMILY COURT

IN THE MATTER OF :-

Poonam Petitioner

Vs

Ramesh Respondent

PETITION U/S 125 Cr.P.C. ON BEHALF OF OF PETITIONER MS. POONAM FOR
GRANT OF MAINTENANCE TO BE PAID BY THE RESPONDENT RAMESH.

DATE OF HEARING :- 22.07.2021

FACTS OF THE CASE :-

The marriage between parties was solemnised on 03.12.2017 as per hindu rites and rituals. Petitioner's parents gave all the household items, jewellery beyond their capacity, according to the demand made by respondent and his family. After marriage her welcome was done by taunting by her mother-in-law. Respondent and his family demands Rs. 4,00,000/- (four lacs) for car. When petitioner's father denial for not giving money, then respondent and his family members starts taunting or beating petitioner. Then petitioner told her parents about the behaviour of her in laws then her father take her to her paternal home from her matrimonial house. The respondent and his family are well settled and are not dependent on respondent for their economic needs. Respondent and his family also denial to return her stridhan and dowry articles.

OBSERVATION:-

During the proceedings petitioner disclose the earnings of respondent and her circumstances and demands maintenance of Rs.50,000 (fifty thousand) per month for her basic needs. Hon'ble court pass decree to respondent to represent the detail of his monthly income on next date.

NEXT DATE OF HEARING:- 25.02. 2022

Case:- 4

IN THE HON'BLE COURT OF PRINCIPAL JUDGE, FAMILY COURTS, DWARKA
COURTS, NEW DELHI, INTHECOURTOF SHRI. PITAMBER DUTT LD.PJFC
DWARKA COURT NEW DELHI.

IN THE MATTER OF:

SMT. ANITA SHARMA PETITIONER

Vs.

SHRI. DURGA PRASAD SHARMA RESPONDENT

PETITION UNDER SECTION 125 OF Cr. P. C FOR MAINTENANCE ON BEHALF OF
THE ABOVE NAMED PETITIONER NAMELY ANITA SARMA

Date of hearing – 23.07.2021

Facts of the case.

That the petitioner was married to respondent Shri. Durga Prasad Sarma on 12th march 2003 at Arya Samaj Mandir. One male child namely Abhijeet was born out of the said wedlock marriage. On 13.08.2003 the respondent came in the late hours and gave beatings to the petitioner on not preparing the food as per his choice. Respondent continuously used to use filthy language with the petitioner and stated that if the petitioner not fulfill their demands of Rs. 5 lakhs he used to beat the petitioner on daily basis. That on 12.11.2014 the petitioner made complaint at Air Force Station AFWWA Halwara, stated that the respondent has told to leave the house or either commit suicide that in the month of November 2016 petitioner also come to know that the respondent has mortgaged her all jewellery with Muthoot Finance without her consent and even also sold other household articles.

OBSERVATION:

Due to COVID-19 hearing was in virtual mode but my mentor discuss all about the case so according to my understanding by listening my mentor and by reading file, Respondent may kindly be directed to pay a sum of Rs. 15,000/- as maintenance, in the interest of justice.

NEXT DATE OF HEARING 11.01.2022

Case:5 IN THE HON'BLE COURT OF CHIEF METROPOLITAN MAGISTRATE ,
DWARKA COURTS, NEW DELHI

IN THE MATTER OF:-

Shri Sanjeev Bahl Complainant

Vs.

Shri Pankaj Dayal Accused

COMPLAINT ON BEHALF OF COMPLAINANT UNDER SECTION 138 READ WITH
SECTION 142 OF THE NEGOTIABLE INSTRUMENT ACT, 1881

DATE OF HEARING:- 23.07.2021

FACTS OF THE CASE:-

Accused presented a lucrative proposal for purchasing an agriculture land. The accused & his associates lured the complainant to invest in purchasing of land. The accused & his associates shown false agreement & copies of notifications published by Ministry of Urban Development and approved map of 1 acre scheme by MCD. The accused had lured the complainant to invest ₹2,50,00,000/- & offered him 40% profit. After knowing that the accused was cheated on him complainant filed a FIR against accused. Accused requested him to resolve the dispute between them & he will refund his money. Accused gave cheque to complainant but cheque was dishonored & return unpaid with remark Insufficient Funds. When complainant found that the accused was failed to pay the amount he having no option and filed case against accused.

OBSERVATION:-

I observed that the complainant demands from the Hon'ble court to give order to pay complete amount and punishment of accused and his associates. Court gives last chance to accused to pay complete amount to complainant on the next date of hearing and the associates of accused also compensate to complainant.

NEXT DATE OF HEARING:- 14.02.2022

Case:- 6

IN THE COURT OF MS. SHIVANI CHAUHAN, IN THE COURT OF THE CHIEF
MAJESTRATE, DWARKA COURT NEW DELHI

IN THE MATTER OF:

Divya COMPLAINANT /AGGRIEVED PERSON

Vs.

Rohit RESPONDENT

APPLICATION U/S 12 OF DOMESTIC VIOLENCE ACT, 2005 (43 OF 2005) FOR THE
PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE

Date of hearing – 28.07.2021

Facts of the case

That on 08.03.2018 the complainant was got married with the respondent at village Shahbad southwest district according to hindu rights and ceremonies. Mother-in-law and husband's sister-in-law created pressure on the complainant to break the FD of Rs. 11 lakh which was given by the father of the complainant.

That there after the father-in-law, pressurize the respondent for harassing the complainant in such a way so that the complainant itself agreed for leaving the matrimonial home so that they can get the respondent re-married. After that the respondent confined the complainant in her bedroom by bolting the door from the outside. Due to effect of low sugar being remained without food throughout the day. Thereafter on the request of the complainant and due to serious condition, the respondent took the complainant to the hospital and the complainant remained admit till 13.11.2018 at AIIMS New Delhi.

OBSERVATION:

Both the parties sat together for the compromise and both the counsels took one more date for compromise.

NEXT DATE OF HEARING : 17.01. 2022

Case:- 7

IN THE COURT OF B.R.KEDIA PJFC DWARKA COURT NEW DELHI

IN THE MATTER OF

SURAJ PETITIONER

Vs.

REKHA RESPONDENT

PETITION UNDER SECTION 9 OF THE HINDU MARRIAGE ACT 1955, FOR THE
RESTITUTION OF CONJUGAL RIGHTS

DATE OF HEARING : 09.08.2021

FACTS OF THE CASE

That the marriage b/w the petitioner and the respondent was solemnized according to Hindu rites and ceremonies on 03.03.2019 at kanjwala New Delhi . Respondent always commented that her in favour of the marriage with the petitioner has been solemnized due to the under pressure of her parents and she also commented that the family of petitioner was not upto the status and standard of her parental family.

That creating quarrel scenes over petty issues had become the habit of the respondent and consequently, the petitioner undergone mental depression.

OBSERVATION:

Pass a decree of Restitution of Conjugal Rights in favour of the petition whereby directing the respondent to join the company and society of the petitioner and to discharge her marital, social, and moral obligations .

NEXT DATE OF HEARING : On the same date the case disposed.

Case:- 8

IN THE COURT OF Ms. AMBIKA SINGH, MM, PATIALA HOUSE COURT,
SOUTHWEST DISTRICT NEW DELHI

IN THE MATTER OF:

VIPIN COMPLAINANT

Vs.

SUSHANT ACCUSED

UNDER SECTION 279/338 OF IPC

DATE OF HEARING : 17.08.2021

FACTS OF THE CASE

ON 14.01.2019 AT 8:30PM the complainant was going for his duty through his motorcycle DL12SF4789 towards Vasant Vihar police station . On Vasant Vihar traffic signal red light the complainant taking U- turn thereafter on high speed scooty hit his motorcycle very badly and he fall on the ground and scooty also falls (Scooty no DL12S3281Activa).

The injury is so injurious to health that the gatherderd mod call the PCR and took the complainant to the hospital. As the accused also fall on the ground during the accident and came in the hands of public gathered and accused Vedant Mudgalgive all his details to the ASI Officer OM Parkash.

OBSERVATION:

The charges were put under section 279/338 IPC 3/181 MV Act against the accused.

Next date of hearing : 24.01. 2022

Case:- 9

IN THE COURT OF MS. MEENU KAUSHIK, LDMM DWARKA COURT NEW DELHI

IN THE MATTER:

SMT. PRIYANKA COMPLAINANT

Vs.

SHRI. SUDHIR SINGH RESPONDANT

APPLICATION UNDER SECTION 12 OF THE PROTECTION OF WOMEN FROM
DOMESTIC VIOLENCE ACT 2005 ON BEHALF OF THE COMPLAINANT PERSON
FOR SEEKING ORDERS UNDER SECTION 17,18,19,20,22 AND 23 OF THE SAID ACT.

DATE OF HEARING 02.08.2021

FACTS OF THE CASE

That the complainant is legally wedded wife of the respondent and their marriage was solemnized on 07.12.2018. The respondents taunted by saying that “isse jayada bhikhari ko bhi mil jata hai” and after the marriage all the respondents treated the complainant with cruelties, physical and mental and threatened the complainant by one or the other ways.

That in the month of April, 2019, the complainant got pregnant, but the respondent told that they want only a male baby and the complainant was extremely pressurized to go under pre-determination of the sex and if there is a female baby then the said pregnancy must be aborted.

On 28.10.2019 the complainant gave birth to a female baby. Just after 27 days after the birth they gave beatings and along with her minor daughter was through out of her matrimonial home and since then the complainant along with her minor daughter are living on the mercy of her brother.

OBSERVATION:

Due to COVID-19 hearing was in virtual mode but my mentor discuss all about the case so according to my understanding by listening my mentor and by reading file, court pass an,ad

interim ex-parte maintenance order of Rs. 25000/- p/m. along with litigation expenses of Rs. 51000/- in favour of the complainant and against the respondents in the interest of justice.

Next date of hearing: 18.02. 2022

Case:- 10

BEFORE THE HON'BLE COURT OF LD SENIOR CIVIL JUDGE, DWARKA COURT,
NEW DELHI

IN THE MATTER OF:

SHRI. DHUP SINGH LAMBA

S/O LATE SHRI. RISHAL SINGH LAMBA PLAINTIFF

Vs.

MS. BSES RAJDHANI POWER Ltd.

THROUGH ITS AUTHORIZED REPRESENTATIVE

BSES BHAWAN DEFENDENT

SUIT FOR DECLARATION, PERMANENT AND MANDATORY INJUNCTION AND
DAMAGES.

DATE OF HEARING: 13.08.2021

FACTS OF THE CASE:

MOST RESPECTFULLY SHOWETH

The Plaintiff is a senior citizen, retired from Indian army on 09.06.2018, their started much sparking the installed electric meter and as soon as the plaintiff noticed he immediately made a complaint over phone to the officials of the defendant.

That thereafter, in the month of October 2018 to utmost shock and dismay to the plaintiff he received an electric bill for Rs 36,231/- clearly showing assessment bill for theft. The defendant is threatening the plaintiff to disconnect his electricity connection in extreme summer season.

OBSERVATION:

Pass a decree of permanent and mandatory injunction thereby restraining the defendant.

NEXT DATE OF HEARING: 27.01. 2022

Case:- 11

IN THE COURT OF DISTRICT AND SESSION JUDGE, SAKET DISTRICT COURT,
NEW DELHI

IN THE MATTER OF :

Shelaish Atrya Petitioner

Vs.

Amrit Lal & Ors. Respondents

APPLICATION UNDER ORDER 37 OF THE CODE OF CIVIL PROCEDURE, 1908

DATE OF HEARING:- 11.08.2021

FACTS OF THE CASE:

Present suit has been filed for recovery of Rs.1,50,00,000 under Order 37 CPC. Summons of the suit were sent to the defendants. Plaintiff was partnership firm and the defendant being proprietorship firm are engaged in the business of construction work. The defendant has assigned various civil work assignments to the plaintiff as its subcontractor. The plaintiff executed the work for the defendant with respect to the contract awarded by defendant under various heads for total sum of Rs. 40,20,675/. The defendant released a sum of Rs. 30,34,038/ and is still liable to pay a sum of Rs. 1,50,000/ in the form of a principal amount. Plaintiff requested awarded interest @10% per annum on the said amount from the date of filing of the suit till the date of decree.

OBSERVATION

I read the case and came to know about dismissal of cases and Order 37 of CPC.

DATE OF FINAL ORDER: 16.12.2022

Case:- 12

IN THE COURT OF HON'BLE FAMILY COURT, SAKET, NEW DELHI

IN THE MATTER OF :

REEMA Complainant

Vs.

SURESH Respondent

PETITION U/S 125 OF CR.P.C FOR THE GRANT OF MAINTENANCE

DATE OF HEARING:- 24.08.2021

FACTS OF THE CASE:

Complainant was married to the respondent on 24/04/2017 in Delhi according to Hindu rites and customs in presence of various guests. Complainant and respondent cohabited and consummated the marriage at house of respondent. After sometime of marriage the respondent started misbehaving with the petitioner. There were incidents of cruelty and harassment. After the marriage, the respondent and his family members started demanding additional dowry. Complainant has a seven month pregnancy from the said marriage and the parents of the complainant are unable to take care of complainant financially. Complainant was a poor lady and she has no source of income. The respondent is working as computer operator in BSES and earns Rs. 25000/- per month. The respondent has no other liability except for the complainant. His father owns a motor repair shop and have an independent income. Complainant pleaded the maintenance of Rs. 15000/- per month.

OBSERVATION

I observed that how the domestic violence has created the havoc in the life of women.

NEXT DATE OF HEARING: 17.01. 2022

Case:- 13

IN THE COURT OF HON'BLE CHIEF METROPOLITAN MAGISTRATE, TIS HAZARI,
DELHI

IN THE MATTER OF :

M/s Om Building Material Supplier Complainant

Vs.

Unnati Fortune Holdings Ltd. & Ors. Accused

CRIMINAL COMPLAINT NAMED AGAINST THE ACCUSED FOR THE OFFENCE
PUNISHABLE U/S.138 READ WITH SECTION 142 OF NEGOTIABLE INSTRUMENTS
(AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT, 2002.

DATE OF HEARING:- 05.08.2021

FACTS OF THE CASE:

The complainant is engaged in the business of Building Material Supplier and have its registered office at II Floor, Dharam Market, Atta, Sector-27, Noida and is engaged in supplying all the materials required in construction industry. It has gained a good reputation, status and goodwill in the market. Accused No.1 is a Private Limited Company and accused no.2 to 8 are Directors of accused no.1. Thus accused no. 2 to 8 are jointly and severally liable for the day to day affairs of accused no.1. Accused no.2 to 8 approached the complainant to sought his services of supplying the various raw materials. Complainant had a long standing commercial association with the accused..During the course of business transaction, the accused managed to gain trust and confidence of the complainant and as such the complainant delivered the material to the accused persons on credit due to their mutual understanding. In lieu of aforesaid relation, transaction of Rs. 500000/- along with applicable interest became due towards the accused and they are liable to release the same. In order to discharge their aforesaid outstanding liability, the accused had issued the following cheque to be drawn on Vijaya Bank, MSME Noida Branch, Uttar Pradesh with the assurance and undertaking that the same shall be duly encashed on presentation. But when the cheque was presented at the bank, it was declined stating 'insufficient funds' as the reason. Time and

again dishonor of cheque prove the intention of accused to commit and perpetuate fraud on the complainant and indulge in cheating and misappropriation.

OBSERVATION

I came to know about the provisions of Negotiable Instrument Act, and how to file a case.

NEXT DATE: 03.02. 2022

Case:- 14

IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURT, ROHINI, NEW DELHI

IN THE MATTER OF

Bablu Kohli Petitioner

Vs.

Hema W/o Bablu Kohli Respondent

PETITION UNDER SECTION 13(1)(i-a) OF HINDU MARRIAGE ACT, 1955 AS
AMENDED UPTO DATE FOR DISSOLUTION OF MARRIAGE BETWEEN THE
PARTIES BY WAY OF A DECREE OF DIVORCE

DATE OF HEARING:-19.07.2021

FACTS OF THE CASE :

The marriage between the parties solemnized on 24/11/2016 at Delhi according to Hindu rites and customs in the presence of several witnesses. All the expenses were duly paid by the parents of the petitioners. The marriage between the parties was duly consummated. From the third day of marriage, the respondent started harassing the petitioner by using vulgar language towards mother and sister of the petitioner. The petitioner was forced to adopt Christian religion because the respondent followed it. The family members of the petitioners are forced to live separately which includes his mother and two unmarried sisters even though he is sole bread earner of the family. The petitioner gave a complaint against the respondent to the Commissioner of Police, New Delhi. The parties went to settlement through Delhi Govt. Mediation & Conciliation Center where the petitioner committed that she will do all household chores and comply to her duties towards the family of the petitioner. But then on 20.03.2018 the mother of the respondent filed a complaint against the petitioner and other family members. The respondent has treated the petitioner with utmost cruelty and pain and she is not ready to settle in matrimonial home and does not love and respect the petitioner and his family. The marriage has broken irretrievably. The parties were not cohabiting as husband and wife for more than past six months.

OBSERVATION:

I have observed the applications and essentials of Section 13(1) of Hindu Marriage Act, 1955

NEXT DATE : 09.02.2022

Case:- 15

IN THE COURT OF DISTRICT JUDGE, SAKET COURT, DELHI

IN THE MATTER OF

M/s Hyundai Motor India Ltd. Petitioners

Vs.

Ashok Grover Respondent

SUIT FOR RECOVERY OF A SUM OF RS. FOUR LAKH ONE THOUSAND FIVE HUNDRED ALONG WITH PENDELITE INTEREST @18% PER ANNUM TILL REALISATION OF THE SUIT

DATE OF HEARING:-30.07.2021

FACTS OF THE CASE :

The plaintiff is a company incorporated under Companies Act, 1956 having its corporate office in Jasola, New Delhi. They are engaged in business of manufacture and sales of light motor vehicles. On 24.06.2006, pursuant to the booking made by the defendant, a Hyundai Getz car, registered in the name of the defendant was reported for delivery at a showroom cum workshop of the Plaintiff at Hyundai Motor Plaza. The defendant turned up to take the delivery of the car but sooner refused to take the delivery on despicable and unfounded charges of old vehicle being delivered to it. Plaintiff endeavored hard to impress and educate the defendant about the fact that vehicle being delivered is newly produced but the defendant have time and again failed and neglected to pay storage charges. Plaintiff is stuck with the liability as well as the parking space is occupied by the Getz car which could be used for other customers car. The value of the car also depreciates every year and thus the plaintiff be permitted to sell the car through private auction The defendant has to pay Rs. 4,01,500/- as of 24th February 2016 towards storage charges for 1606 days @250/- per day from 03.10.2011 and Rs.6300/- as Court Fees.

OBSERVATION

I observed the practical application of lien.

NEXT DATE : 29.12. 2022

Case:- 16

IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE, SAKET COURT
COMPLEX, NEW DELHI

IN THE MATTER OF :

Swati Apparels Complainant

Vs.

May Five Apparels Accused

COMPLAINT UNDER SECTION 138 R/W 142 OF THE NEGOTIABLE INSTRUMENTS
(AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT, 2002

DATE OF HEARING:- 17.08.2021

FACTS OF THE CASE:

The complainant is engaged in the business of manufacturing ladies garments and is running its business in the name of "Swati Apparels". Accused No.1 is a Private Limited Company and accused no.2 to 8 are Directors of accused no.1. Thus accused no. 2 &3 are jointly and severally liable for the day to day affairs of accused no.1. Accused no.2 &3 approached the complainant to sought services to place order of 6000 pieces of ladies leggings in 2 different styles. The total cost of leggings are amount of Rs. 6,98,848/-. The accused again placed order for supply of 8000 pieces of different sportswear, the total cost of which amounted to Rs. 6,26,000/-. Hence, the total cost of Rs. 13,24,848/- is due against the accused. During the course of business transaction, the accused managed to gain trust and confidence of the complainant and as such the complainant delivered the material to the accused persons on credit due to their mutual understanding. As per the act and conduct of the accused, it is evident that the accused has no funds to honour the payment of cheques provided by the accused. The accused time and again assured that the cheques were good for payments and shall be encashed upon presentation but the aforesaid cheques meted the same fate of dishonor. The accused has committed an offence under section 138 of NI Act and u/s 406 of Indian Penal Code and is liable to be tried.

OBSERVATION

I came to know about the provisions of Negotiable Instrument Act, and how to file a case.

NEXT DATE: 10.01. 2022

Case:- 17

IN THE COURT OF CIVIL JUDGE, SAKET COURTS, SOUTH DISTRICT, NEW DELHI

IN THE MATTER OF :

Corporation Bank Petitioner

Vs.

Manoj Gupta & Ors. Respondents

SUIT FOR RECOVERY OF RS. 1,97,494.00/- ALONGWITH PENDENTE LITE AND
FUTURE INTEREST

DATE OF HEARING:- 26.08.2021

FACTS OF THE CASE:

Respondent approached the plaintiff bank for Housing Loan Facility to purchase under construction Flat vide loan application form dated 17/01/2014. Subsequently the said request of respondents was considered by the Applicant Bank and Sanction the facility vide CSI dated 29/01/2014 vide tune of Rs. 12.00 Lakhs. The respondents agreed to repay the aforesaid loan amount alongwith floating rate of interest, i.e., 10.25% p.a. and in case of default additional 2%p.a. shall be recovered separately. In view of various defaults committed by the respondents in payment of principal, interest and other monies due under loan agreements, the plaintiff became entitled to recall the entire amounts. The plaintiff called upon the defendants to pay the due amount vide Demand notice dated 9/03/2018 to which defendants neither raised objection nor liquidate the amount.

OBSERVATION

I observed the legal procedure Also, I came to know about Bankers Books of Evidence Act.

NEXT DATE OF HEARING: 18.01. 2022

Case:- 18

IN THE HON'BLE COURTS OF PITAMBER DATT, PRINCIPAL JUDGE, FAMILY
COURTS, DWARKA, NEW DELHI

IN THE MATTER OF:

LAXMI PETITIONERS

Vs.

ARUN RESPONDENTS

PETITION UNDER SECTION 125 OF CRIMINAL PROCEDURE CODE, 1973, AS
AMENDED UPTO DATE FOR THE GRANT OF MAINTENANCE

DATE OF HEARING: 28.07.2021

FACT OF THE CASE

The marriage between petitioner & respondent was solemnized according to the Hindu rites and customs on 28th January 2016. Both together cohabited together as husband and wife and their marriage was duly consummated. Petitioner no.2 namely baby Anaya was born on 10.10.2017 but after the birth of the female child baby Anaya, the respondent started picking up quarrels on pretty issues. The behaviour of the respondent became very rude and dominating in nature and the family members of the respondent always interfered in the matrimonial life of the petitioner no1. The respondent has deserted the petitioners on 10.06.2018 by leaving behind her and her minor daughter baby Anaya. Respondent is working as a gym instructor and earning more than rs. 80,000. Respondent has no other liability except to maintain the petitioners. Hence both the petitioners are entitled to be maintained by the respondent as per his status.

OBSERVATION

Due to COVID-19 hearing was in virtual mode but my mentor discuss all about the case so according to my understanding by listening my mentor and by reading file,I observe, that's matter belongs to family matter and it can be solved by mutually with the help of mediator so judge sends them to mediation process.

NEXT DATE OF HEARING: 23.12. 2022

Case:- 19

IN THE HON'BLE COURT OF CHIEF METROPOLITAN MAGISTRATE, TIS HAZARI,
NEW DELHI.

IN THE MATTER OF:

ABBAS KHAN COMPLAINANT

Vs.

M/S URBAN CO-OPERATIVE BANK ACCUSED

LTD AND ORS.

COMPLAINT U/S 420/120-B R/W SECTION 138 THE NEGOTIABLE INSTRUMENT
ACT, 1881.

DATE OF HEARING: 19.07. 2021

FACTS OF THE CASE

The complainants is the proprietor of M/S Shobi offset Press and M/S S.K. Book Binding House. The accused no.2 to 6 in February, 2012 had entered to the conspiracy with each other to cheat the complainant and to cause to wrongful loss to the complainant. The accused no. 5 and 6 had purchased vide bill,one3-C wet offset printing machine for the consideration of Rs.20,50,000/- from the complainant. The complainant contacted to accused no.2 to 4 for dishonouring the above 3 bankers cheques. The payment of the aforesaid 3 bankers cheque is legally recoverable 7,25,000/-. Complainant served a legal notice through by courier and registered post with acknowledgment. 5. The whole of transaction was done at Darya Ganj i.e., delivery of machine, delivery 3 bankers cheques and their presentation by complainant at Delhi.

OBSERVATION

Witness was cross-examined. I also get to know that no court fees for victims of cheque bounce cases as he is not making a fresh monetary claim

NEXT DATE OF HEARING: 24.01. 2022

Case:- 20

IN THE HON'BLE COURT OF LD. DISTRICT JUDGE, DWARKA COURTS, NEW
DELHI

IN THE MATTER OF:

SANDEEP PLAINTIFF

Vs.

SATENDER DEFENDENT

SUIT UNDER ORDER XXXVII CPC FOR RECOVERY OF RS. 5,00,000/- (FIVE LAKH
RUPEES ONLY)

DATE OF HEARING: 29-07-2021

FACTS OF THE CASE

That the plaintiff is law abiding Indian citizen, and having a good reputation in the society. Plaintiff's sister namely mamta is the legally wedded wife of the defendant's only son namely Nitish Kataria. In the month of February 2015, the son of the defendant's namely Nitin Kataria told the sister of the plaintiff that he want to start a grocery shop in the house but he has no money to start the same and asked the above named sister of the plaintiff to ask her parents or the plaintiff to give him a loan of rs. 10,00,000/- and he would certainly repay the said loan amount after one year at the time of retirement of the defendant. Sister of plaintiff told the plaintiff about the said plan of the son of the defendant and she requested the plaintiff to arrange the said amount for the son of defendant. In March 2015, plaintiff could arrange only rs. 5 lakh and paid the said amount as loan to the son of defendant in the presence of defendant and his other family members in cash. The defendant got retired from his service and got more than Rs. 35 lakhs. After some time the defendant issued a cheque of 5 lakh rupees with the assurance that the said cheque will certainly be honoured on its presentation for encashment. The defendant and his family member threatened the sister of the plaintiff with dire consequences by saying that if the plaintiff presents the cheque for encashment then the sister of the plaintiff will be thrown out of the house. Plaintiff realised that defendant has no intension to return the money which the defendant has taken from the plaintiff.

OBSERVATION

I observe the procedure of how to file suit under order 37 of CPC. I also observed the procedure in suits hereunder shall be the same as the procedure in suits instituted in the ordinary manner.

NEXT DATE OF HEARING: 10.01. 2022

RESEARCH WORK

RESEARCH WORK ON DOMESTIC VIOLENCE

Violence is defined by the world health organization (WHO) as intentional use of physical force or power, threatened or actual, against oneself, another person, against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal development or deprivation . Domestic violence against women is universal phenomenon that persists in all countries of the world and a major contributor of ill health of women. The perpetrators are often well known to their victims . The health social, sexual, reproductive health and wellbeing of millions of individuals and families is adversely affected by violence . Domestic violence is now widely recognized as serious human rights abuse, and increasingly as an important public health problem with substantial consequences for women's physical, mental, sexual, and reproductive health . The health system often are not adequately addressing the problem of violence and contributing to comprehensive multi-sectoral response.

Worldwide, 40–70 % of female murder by their intimate partner. No country in the world is women safe from violence. According WHO multicountry study, domestic violence ranged from 15 % in Japan to 71 % in rural Ethiopia . Domestic violence has gained prominence around the world as grave violation of human and legal rights. Women are usually the victim of domestic violence that derives from unequal power relationships between men and women About 84 % of women are victim of spouse abuse. Women of all ages are at risk of domestic violence .

Domestic violence against women results physical, sexual, mental harm or suffering to women, including threats, coercion or arbitrary deprivation of liberty occurring in public or in private life . Violence in the domestic sphere usually perpetrate by husband/intimate partner. It often occurs in life cycle. About 20 to 50 % women experience domestic violence worldwide. Women's successful campaigning raise the profile of the issue of Violence against women (US conferences; Vienna, 1993; Cairo, 1994; and Beijing, 1995) recognize women's rights as an indisputable part of universal human Domestic violence against women is major obstacle on progress on achieving development targets. Without addressing it, anybody have little chance of meeting millennium development goals . Domestic violence continues to have an unjustifiably low priority on the international development agenda,

planning, programming and budgeting . Domestic violence links with wide range of reproductive health issues such as sexual transmitted infections including HIV, miscarriages, risky sexual health behaviour . Domestic violence against women has strong link with HIV/AIDS. Women living with HIV more likely experience violence and woman who experiences violence more likely acquire HIV either direct risk of infection or creating an environment unable to adequately protect themselves.

Domestic violence against women occurs in all social and economic classes, but women living in poverty more likely to experience violence. More research required to fully understand the connections between poverty and domestic violence against women . Women are victim of domestic violence at a rate about 5 times that of males.

Laws on Domestic Violence

There are several laws protecting a married woman from abuse from her husband or her husband's relatives. Under Section 498A of the Indian Penal Code, harassment for dowry by the husband or his family is considered a crime. This harassment can be either mental or physical. Even though marital rape is not recognized as a crime in India, forced sex with one's wife can be considered cruelty under this section. Section 498 A has a wide scope. It also covers any and all wilful conducts against a woman which drive the woman to commit suicide or grave injury or risk to life, limb or overall health. Again, health includes the mental and physical health of the woman.

The practice of dowry itself is outlawed under the Dowry Prohibition Act, 1961. Despite this, if dowry has been given to and taken by anyone other than the woman, she is entitled to that money/property as the case may be under this Act.

Furthermore, the Protection of Women against Domestic Violence Act 2005 prohibits a wide range of abuse against women — physical, emotional, sexual and economical and all these are extensively defined under the Act. The scope of the Act covers women who are in a live-in relationship and are not married. A woman has the choice to be free from violence and has various options under this Act. She has a right to get an order of protection against her husband and his family, to continue living in the same house i.e. she cannot be thrown out of her matrimonial home even if she reports her abusers, to claim maintenance, to have custody to her children and to claim compensation. Under the DV Act and also under section 125 of the Indian Penal Code, a woman does not have to necessarily file for a divorce to have a right

to receive maintenance from her husband. The nature of a married relationship is such that it makes it incumbent on the man to provide maintenance for his wife (in some cases if she is unable to provide for herself and in some cases even otherwise). A petition for maintenance is maintainable even in the absence of one for divorce.

If you look at these laws in action, you will be able to spot many practical difficulties with their implementation such as the refusal of the police to file a case in some cases, the low rate of conviction in cases under Section 498A or the delays in the criminal justice system. It is clear to us that from the point when women decide 'enough is enough' till the point they can receive an apt legal response, they have to go through a long and arduous journey. The sheer toll of explaining one's story again and again, the burden of appearing like a powerless victim to be believed by the society is a high burden to bear in addition to the loss of dignity and hurt that one has faced in their marriage/live-in relationship. Sreeparna Chattopadhyay, a cultural anthropologist who has studied this issue closely and has published widely, writes that "legal language, procedures and discourses attempt to normalize domestic violence by deploying discursive strategies such as consistent and pervasive use of the passive voice diminishing perpetrator responsibility, trivializing violence by avoiding the use of violent attributions in describing violent acts, and shifting blame to victims."

There are many empowering laws as well, apart from those offering redress of wrongs against women, which aim to bolster her social, economic and legal status to make her confident and less prone to abuse as well as less likely to tolerate should such instances happen. It is quintessential to foster economic independence in women and to address the "root causes of violence- women's powerlessness".

For instance, the Hindu Succession Act, after its 2005 amendment recognizes that women have an equal right in ancestral properties of their families: this is their legal right which is to get the same share as their brothers may get. The brothers don't even have any special or overarching rights in properties of their parents as compared to their sisters. For their self-earned properties, it is upon parents to divide or bequeath it in the manner they deem fit but the law does not create any fetters against women receiving the same. We find that women are unaware of this property right and even if they are, they would not want to use these rights. Another link we make is with the issue of 'Equal pay for equal work'.

The Equal Remunerations Act, 1976 makes it mandatory for employers to not discriminate only on grounds of sex when it comes to paying their employees. The Act also mandates that

employers cannot discriminate in matters of appointment on grounds of sex unless the employment of women for the job in question is prohibited by law. Similarly, the Act outlaws discrimination in matters of promotion, training, transfer, etc. There is another specific law against sexual harassment at workplaces so women can feel safe in their workspaces and can report any violations. It is also a provision to encourage the economic independence of women by ensuring they feel safe to come out of their houses to work.

Change in societal attitudes is critical

Intimate partner violence is a problem which needs to be addressed from multiple angles. While important changes are needed in the law and policy, there are several expectations from the wider society as well. We were shocked to learn that 52% women and 42% men surveyed in the National Family Health Survey ('NFHS') – 4, conducted in 2015-2016 believe that it is justified for a man to beat his wife if the wife goes out without informing the husband, neglects the house or the children, argues with him, refuses to have sexual intercourse with him, doesn't cook properly; or when the husband suspects that she is unfaithful or shows disrespect for in-laws. The survey further shows that 17.1% of the men think it is their right to get angry and reprimand their wives if they refuse to have sex with them, 10.7% think it is their right to deny financial support in such cases and 9% think it is their right to force sex. These attitudes have only changed 3% for women and 9% for men in one decade, since the survey was last conducted!

Societal attitudes justifying domestic violence from men as well as women have a huge impact. Acceptance and understanding of the simple facts i.e. what counts as violence and that it is not acceptable behaviour towards women can prompt more women to recognize it, report it to their friends and family even if not immediately to the authorities. For victims, who are lucky enough to have a loving and supportive natal family and a circle of friends, it is important to not lose touch with them after their marriage regardless of how much their abuser wants them to. Cutting out personal connections is often the first step that isolates women. As a society we need to strengthen our social support system to create safe spaces where women feel comfortable to discuss these issues. In this vein, humour, memes, songs, advertising around acceptable behavior towards women also plays a role in forming their psyche. This is our aim:

1. Simplify the laws for all audiences.

2. Connect victims to people/organizations that can help (including through our own networks)
3. Break the silence and change the narrative that leads to domestic violence by way of light cartoons, quotes, stories, etc.

We believe that if 1 out of 3 women in India faces this problem, there must be an even bigger number of people statistically who witness this problem and have the capacity to act. We expect that our followers will inform themselves through this page and will take a moment to reflect on whether they can be an important connection for a victim- the one person who starts a series of kind actions that can pull someone out of distress.

During the COVID lockdown reports of domestic violence have increased. There is a lot written linking the COVID lockdown and the surge in domestic violence cases here, here, here and here. The Indian government has recognized this connection and the National Commission for Women has launched a Whatsapp helpline. This also shows the gravity and prevalence of the issue at hand. It has been reported that the number of complaints of domestic abuse rose by 53% in the first week of the lockdown (March 23- April 1) in India. Several states have launched their own helplines and you can find a good collection of central, state and NGO helplines.

<https://www.shethepeople.tv/law-and-her/domestic-violence-and-connected-laws-indian-women-should-know-of/>

<https://reproductive-health-journal.biomedcentral.com/articles/10.1186/s12978-015-0072-1>

<https://www.frontiersin.org/articles/10.3389/fpsyg.2019.00641/full>

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included dimensions of criminal medico legal experts to civil corporate litigation. All of which was an over the top experience. Such summer trainings help a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was the pre-requisite to our training. When it comes to observance of trials in the courts, it was one of the most essential parts of learning for an intern. Observance of trials and court proceedings help in understanding the very root of the law in India. Proceedings are the whole mechanism in toto whose analysis is always advisable. With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards

Yours Faithfully

Shalini

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FAIRFIELD

Institute of Management & Technology



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Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

**SUMMER
INTERNSHIP
REPORT**

**BA-LLB (HONS.)
BBA-LLB (HONS.)**

**FIMT
SCHOOL OF LAW**

Submitted by:-

NAME - NISHANT SALUJA

ENROLLMENT NO. 44390103817

COURSE - BA LLB (H)

BATCH - 2017-2022



MAHESH KR. JUNEJA
ADVOCATE

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TO WHOMSOEVER IT MAY CONCERN

This is to certify that Mr. Nishant Saluja student of IXth Semester of BA-LLB having Enroll. No.-44390103817, Fairfield Institute of Management and Technology, Guru Gobind Singh Indraprastha University, has interned with The Legal Solutions from 01.07.2021 to 31.07.2021.

During his internship, he has assisted the Firm with his valuable effort and understanding. He has done client counseling and legal research work for the firm. He also made case study of various cases and observed the court proceedings on day-to-day basis.

He researched on a variety of subjects pertaining to Criminal Law, Family Law and Civil Law. His conduct and overall performance have been satisfactory.

I wish him all the best for his future endeavor and success.


NARENDRA KUMAR
Advocate
Enrl. No- D/843/2017
Ch. No-G 315,
Karkardooma Court, Delhi
Mobile No.-9312556871

NARENDRA KUMAR
{ADVOCATE}

DECLARATION

I am Nishant Saluja 9th semester of BA-LLB (H) hereby declare that this report is compiled by me under 4 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to Fairfield Institute of Management & Technology affiliated to GGSIP UNIVERSITY, New Delhi is a reliable document and is of bonafide nature.

Signature- Nishant Saluja

Date –August1,2021

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to **Advocate Narendra Kumar** where I undertook & completed my 4 weeks internship for Content Writing or Research work who has been my constant support, source of encouragement, inspiration, guided and helped me in successfully completing my Summer Internship.

Moreover, apart from Court they give me a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting of this report.

OBJECTIVE

The Legal Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at university may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

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CASE LAW-1

**IN THE COURT OF SH. SUBE SINGH, LERNED RECOVERY OFFICER, DEBTS
RECOVERY TRIBUNAL-II, DELHI**

R.C. No. 81/2015

IN THE MATTER OF:

PUNJAB & SIND BANK

....CERTIFICATE HOLDER

VERSUS

ARUN & RAJIV PVDT. LTD.

....CERTIFICATE DEBTORS

Date of Hearing: 01/07/2021

SUBJECT MATTER: APPLICATION FOR FILING OF AFFIDAVIT OF ASSETS OF
LIABILITY

CASE FACTS:

In this case, the Applicant bank is a body corporate constituted under the Banking Companies Act, 1980. That the Defendant No. 1 is a well renowned company and the defendant No. 2 &3 are the directors of Defendant No. 1 Company. That the defendant No.1 Company had been operating a current account with the applicant bank and in September, 2015 had put in a request for grant of credits facilities to the bank in order to meet its working capital requirements. In this regard, company submitted a certified copy of its Board Resolution dated 30.09.2015 whereby Defendants No. 2 &3 had been authorized to deliver all documents and forms. That upon the request put in by defendant No.1, the applicant bank sanctioned the following credit facilities through letter of sanction dated 07.02.2016 bearing no.53/2016:

- 1) A CC (Hypothecation) Limit in the sum of Rs. 5 Lakh.
- 2) A term loan in the sum of Rs. 5 Lakh.

That upon Sanction of the facilities mentioned, Defendant No. 1 executed the loan security documents in favour of the bank on 07.02.2016. That after giving many notices by the applicant bank, Defendant No. 1 fail to maintain its account and is liable to pay 11,33,708/- (Eleven Lakh Thirty Three Thousand Seven Hundred Eight only) to the applicant bank.

OBSERVATION:

Matter listed today for the purpose of filing of Affidavit of Assets Liability. Assets Liability filed by the Debtor before Hon'ble Residing Officer and give the direction to the Certificate Holder bank to file the reply before the next date of hearing.

Next Date of Hearing: 08/10/2021

CASE LAW-2

**IN THE COURT OF SH. SIRISH AGARWAL, METROPOLITAN MAGISTRATE,
ROHINI DISTRICT COURTS, DELHI**

Complaint Case No. 427/2019

IN THE MATTER OF:

MEGHNATH CHOUDHARY

...COMPLAINANT

VERSUS

KHUSHAL CHAND

....ACCUSED

Date of Hearing: 02/07/2021

SUBJECT MATTER: COMPLAINT UNDER SECTION 138 AND SECTION 141 OF
NEGOTIABLE INSTRUMENT ACT, 1881 AS AMENDED UPTO DATE

CASE FACTS:

In this case, the complainant is a teacher in MCD School, Delhi and the accused is running a business of Jeans. That the complainant advanced a friendly loan of Rs. 5 lakhs on 16.09.2019 only on the conditions when the accused issue a Cheque against the friendly loan amount as security to the complaint and the accused agreed to issue the Cheque as security against the friendly loan amount. In order to get loan, the accused issued a postdated Cheque , 51/3, Desh Bandhu Gupta Road, Karol Bagh, Delhi-110005 in the month of October, 2019 stating that on the presentation of this Cheque, it shall be honored. The said Cheque was dishonored for the reasons and remarks as "Funds Insufficient" when presented by the complainant for encashment. It is also pertinent to mention here that whoever commits an offence u/s 138 of N.I. Act, he/she shall be punished with an imprisonment for a period of 2 years and has to pay double of the Cheque amount.

OBSERVATION:

On hearing of this case, I observed that the Accused was present without the bail bond. So, The Hon'ble Magistrate extended his term of Judicial Custody. Next Date is fixed for the Arguments of Charge.

Next Date of Hearing: 08/11/2021

CASE LAW-3

**IN THE COURT OF MS. VANDANA, CHIEF METROPOLITAN MAGISTRATE, TIS
HAZARI DISTRICT COURTS, DELHI**

Complaint Case No. 53601/2021

IN THE MATTER OF:

PUNJAB & SIND BANK

....COMPLAINANT

VERSUS

SAROJ KUMARI

....ACCUSED

Date of Hearing: 05/07/2021

SUBJECT MATTER: COMPLAINT UNDER SECTION 138 OF NEGOTIABLE
INSTRUMENT ACT, 1881 AS AMENDED UPTO DATE

CASE FACTS:

In this case, the complainant bank is a body corporate and a Government of India Undertaking with perpetual Succession Constituted under the Banking Companies Act 40 of 1980. The accused person requested the bank for financial assistance for the purchase of House and upon the request the bank has sanctioned and allowed the Housing Loan facility for a total sum of Rs. 25,00,000/- (Twenty Five Lakhs) duly secured by way of equitable mortgage of property Bearing No. 1/9819, situated at West Gorakh Park , Delhi on 03.03.2017. In order to discharge his liability, the accused has issued a Cheque Bearing no. 146518 dated 24.03.2021 drawn on Dena Bank, Shahdara Branch, Delhi-110032 from her account no. 131010031994 for a sum of Rs. 50,000/- (Fifty Thousand) in favour of PSB i.e. complainant bank. The said Cheque was dishonored for the reasons and remarks as "Funds Insufficient" when presented by the complainant bank for encashment. Under the above mentioned facts and circumstances, accused has committed an offence U/s 138 of Negotiable Instruments Act, and accused is liable to be prosecuted as per provisions of law.

OBSERVATION:

On hearing of this case, I observed that, The Magistrate heard the complaint and issue summons against the accused person and give direction to the complainant counsel to file PF/RC within one week.

Next Date of Hearing: 06/10/2021

CASE LAW-4

IN THE COURT OF SH. VIJAY KUMAR AHUJA, REGISTRAR, DEBTS RECOVERY TRIBUNAL-111, DELHI

OA NO. - 74 OF 2021

IN THE MATTER OF:

PUNJAB & SINGH BANK

....APPLICANT

VERSUS

PARVEEN KUMAR BABBAR & ORS.

....DEFENDANTS

Date of Hearing: 07/07/2021

SUBJECT MATTER: APPLICATION UNDER SECTION 19 OF THE RECOVERY OF DEBTS DUE TO BANKS AND FINANCIAL INSTITUTIONS ACT, 1993 FOR THE RECOVERY OF RS. 25,41,194/- (TWENTY FIVE LAKH FORTY ONE THOUSAND ONE HUNDRED AND NINETY FOUR ONLY) BEING THE PRINCIPAL SUM DUE INCLUSIVE OF INTEREST CALCULATED UPTO 31/12/2019 ALONG WITH PENDENTE LITE AND FUTURE INTEREST AND COSTS OF THIS APPLICATION

CASE FACTS:

In this case, the complainant bank is a body corporate constituted under the Banking Companies Act, 1980. That the defendant No. 1 & 2 are the Principal Borrowers of the Applicant Bank and defendant No. 3 are guarantor in personal capacity in the aforesaid loan facility. On July, 2013 the defendant No. 1 & 2 approached the applicant bank for Sanctioning loan under housing loan scheme facility for a sum of Rs. 15,50,000/- (Fifteen Lakh Fifty Thousand). The applicant bank after carefully examining the financial capability agreed to sanction the loan facility on 22.07.2013. Defendant No.1 & 2 executed necessary documents in favour of loan facility. The Defendant No.1 to 3 executed and delivered the various security documents on 2.07.2013 which include Demand Promissory Note, Letter of Waiver, Request Letter, Letter of Continuity and Undertaking for Disclosure in CIBLE etc. The defendants were agreed to repay the entire amount with interest @11% p.a. with monthly rests. However, after availing the said loan facility, defendants failed and neglected to pay the said outstanding amount to the applicant bank. Hence

the present OA has been filed by the applicant bank for claiming an amount of Rs. 25,41,194/- (Twenty Five Lakh Forty One Thousand One Hundred Ninety Four) with pendentelite and future interest and for issuance of the recovery certificate for the said amount.

OBSERVATION:

Today, none is present for the defendants so The Applicant Bank file Service Affidavit in respect of Defendant service. Now, matter will be listed before Presiding Officer for the purpose of further proceedings.

Next Date of Hearing: 13/09/2021

CASE LAW-5

IN THE COURT OF SH. NAROTTAM KAUSHAL, PRINCIPAL JUDGE, FAMILY COURTS, ROHINI DISTRICT COURTS, DELHI

HMA NO. - 205 OF 2021

IN THE MATTER OF:

AJAY SINGH RAWAT

....PETITIONER NO 1

VERSUS

PREETI RAWAT

....PETITIONER NO 2

Date of Hearing: 08/07/2021

SUBJECT MATTER: PETITION FOR DISSOLUTION OF MARRIAGE BY A DECREE OF DIVORCE BY MUTUAL CONSENT U/S 13B (1) OF HINDU MARRIAGE ACT 1955 AS AMENDED UPTO DATE

CASE FACTS:

In this case, the marriage of the Petitioner No. 1 was solemnized with Petitioner No. 2 on 28/01/2014 in accordance of Hindu Rites and Ceremonies, Delhi. From this wedlock, one male child was born namely Lowell Rawat was born on 28/12/2014 The child was in the care and custody of Petitioner No. 1 and he is taking all care of child. That party to the petition could not live together as temperamental disputes and differences arose between the petitioners and they decided to live separately from each other since January 2020 and their marriage has been broken down irrevocably and there are no chances of their in future. That the accordingly pursuant to mutual settlement between the petitioners and both parties are agreed to divorce mutually. The mutual consent has not been obtained by Fraud, Force or Undue influence.

OBSERVATION:

Today Matter is listed for Second motion of the divorce. Both the parties were present and the Hon'ble Judge give three months of decree of judicial separation.

Next Date of Hearing: 29/09/2021

CASE LAW-6

**IN THE COURT OF SH. S K SHARMA, ADDITIONAL DISTRICT JUDGE, ROHINI
DISTRICT COURTS, DELHI**

Complaint Case No. 63205/2021

IN THE MATTER OF:

CHHAYA CHAUDHARY

...COMPLAINANT

VERSUS

NISHA

....ACCUSED

Date of Hearing: 09/07/2021

SUBJECT MATTER: SUIT FOR RECOVERY U/O XXXVII RULE 1 AND 2 C.P.C. ON BEHALF OF PLAINTIFF OF RS. 6,00,000/- (RUPEES SIX LAKH) ALONGWITH PENDENTILITE AND FUTURE INTEREST AND COST OF THE SUIT.

CASE FACTS:

In this case, the complainant and the Accused is well known to each other and having good relations and due to some financial need in the end of month of January, 2018 the accused approached the complainant for an amount of Rs. 6,00,000/- (Six Lakhs). That on the repeated requests and demands of the accused, the Complainant has given her a friendly loan of Rs. 6,00,000/- (Six Lakhs). That after the completion of Six months, the Complainant requested the Accused to return the amount of Rs. 6,00,000/- (Six Lakhs) and in discharge of it, the Accused issued a Cheque bearing No. 051921 dated 20.06.2018 drawn on Union Bank Of India, Mangol Puri Branch, Delhi stating that on the presentation of this Cheque, it shall be honored. The said Cheque was dishonored for the reasons and remarks as "Funds Insufficient" when presented by the complainant for encashment. That the Plaintiff approached so many times the Defendant to return her money but she did not made the payment. Then, the Plaintiff filed a suit u/o XXXVII Rule 1 and 2 of Code of Civil Procedure.

OBSERVATION:

Today mater is listed for Argument on Application u/s XXXVII RULE 3, C.P.C. Arguments were heard and Hon'ble judge pass a decree of Rs. 6,00,000/- (Six Lakhs) + 9% interest calculated at the time of filing the suit in favour of Petitioner. The decision is final and the case is closed.

CASE LAW-7

**IN THE COURT OF DR. REKHA G. DHAKAR, PRESIDING OFFICER, DEBTS
RECOVERY TRIBUNAL-1, DELHI**

O.A. No. 57/2020

IN THE MATTER OF:

PUNJAB & SIND BANK

....APPLICANT

VERSUS

B & B LEATHERS & ORS

....DEFENDANT

Date of Hearing: 13/07/2021

SUBJECT MATTER: SUIT FOR RECOVERY OF AN AMOUNT OF Rs. 78,96,528/-
(Seventy Eight Lakh Ninety Six Thousand Five Hundred Twenty Eight)

CASE FACTS:

In this case, the complainant bank is a body corporate constituted under the Banking Companies Act, 1980. That the Defendant No. 1 is a well renowned company and the defendant No. 2 &3 are its partners and defendant No. 4 &5 are guarantor in personal capacity in the aforesaid loan facility. On February, 2017 the defendant No. 2 &3 on behalf of defendant No. 1 approached the applicant bank for grant of Cash Credit Facility for Rs. 40,00,000/- (Forty Lakhs) for the purpose of using the sum in MSE Business. At the request of defendant No.1 to 3, the applicant bank sanctioned the loan facility on 13.02.2017. Defendant No.1 to 3 executed necessary documents on 14.02.2017. It has further been stated that upon request of the defendants, the said CC limit of Rs. 40 lakhs was enhanced to Rs. 65 lakhs. The Defendant No.1 to 3 executed and delivered the various security documents on 22.01.2018 which include Demand Promissory Note, Letter of Waiver, Request Letter, Letter of Continuity and Undertaking for Disclosure in CIBLE etc. The defendants were agreed to repay the entire amount with interest @13.25% p.a. with monthly rests. However, after availing the said loan facility, defendants failed and neglected to pay the said outstanding amount to the applicant bank. As such the applicant bank declared the account of the defendants as NPA on 31.03.2018. Hence the present OA has been filed by the applicant bank for claiming an amount

of Rs. 78,96,528/- (Seventy Eight Lakh Ninety Six Thousand Five Hundred Twenty Eight) with pendentelite and future interest and for issuance of the recovery certificate for the said amount.

OBSERVATION:

On hearing of this case, I observed that, Today case is listed for Final Arguments. Arguments were heard and the Hon'ble PO passed Judgment/Order in favour of Applicant bank and direct the defendants to pay the applicant bank, within a period of 30 days, a sum of Rs. 78,96,528/- (Seventy Eight Lakh Ninety Six Thousand Five Hundred Twenty Eight) and parties are directed to appear before the Recovery Officer, DRT-1, Delhi on 16/09/2021.

Next Date of Hearing: 17/12/2021

CASE LAW-8

**IN THE COURT OF SH. R.P.S. TEJI, PRESIDING OFFICER, MACT, TIS HAZARI
DISTRICT COURTS, DELHI**

Complaint Case No. 548/2019

IN THE MATTER OF:

DAVINDER KAUR & OTHERS

....PETITIONER

VERSUS

HUSAN CHAND & OTHERS

....RESPONDENT

Date of Hearing: 14/07/2021

SUBJECT MATTER: APPLICATION UNDER SECTION 166 & 140 OF THE MOTOR
VEHICLE ACT, 1988 FOR GRANT OF COMPENSATION

CASE FACTS:

In this case, On 31/05/2019 at about 11:30 am in the broad day time near the factory premises of Isolloyd factory, Kishanpura, Tehsil- BADDI, HP, the Respondent no. 1 viz Husan Chand who was driving a Light Goods Vehicle, bearing Registration No. HP 12B 6918 had reversed the offending vehicle in a rash and negligent manner without blowing any horn and without observing any traffic rules, hit the deceased Shri Darshan Singh, who was walking in opposite direction. As a result of accident, the deceased sustained multiple fracture of bones. The impact of the said accident was such that the deceased had immediately died on the spot. Local Police thereafter registered a FIR bearing No. 138/2019 U/S 279/304A IPC against the Respondent No. 1. The accident has put immense financial burden on the petitioners. It is pertinent to mention herein that the Petitioner No. 1 is a house wife and Petitioner No. 2 to 4 are pursuing their studies. It is also important to mention herein that the Deceased was working as Manager at Production Mechanical with Isolloyd Engineering Technologies Ltd. Village- Kishanpura, HP. His salary was Rs. 31528/- (Thirty One Thousand Five Hundred Twenty Eight). The deceased was assessed to income tax. The Petitioner No. 1 had also incurred huge expenses for hiring ambulance who took the body of deceased from Himachal Pradesh to Delhi besides incurring other expenses towards funeral and performing final rites at Gurudwara Singh Sahib, Vikas Puri, Delhi.

OBSERVATION:

On hearing of this case, I observed that the Counsel for the Petitioner filed the application for the summoning of witness. Application was heard and the Hon'ble Judge issued summons to the witness i.e. SHO, PS Baddi, District Solam, HP to present before the court on next date of hearing and direct the Petitioner to deposit Diet Money of Rs. 1000/- in Nazarat Branch and to file PF within 3 days.

Next Date of Hearing: 15/11/2021

CASE LAW-9

**IN THE COURT OF SH. R.P.S. TEJI, PRESIDING OFFICER, MACT, TIS HAZARI
DISTRICT COURTS, DELHI**

Complaint Case No. 692/2019

IN THE MATTER OF:

RAM CHANDER

....PETITIONER

VERSUS

SATENDER & OTHERS

....RESPONDENT

Date of Hearing: 16/07/2021

SUBJECT MATTER: APPLICATION UNDER SECTION 166 & 140 OF THE MOTOR
VEHICLE ACT, 1988 FOR GRANT OF COMPENSATION

CASE FACTS:

In this case, on 30/08/2019 at about 9 am in the broad day time near Village Ghevra, Nizampur Road, Respondent no. 1, Satender who was driving a Light Goods Vehicle, bearing Registration No. DL 8C AW 8404 had reversed the offending vehicle in a rash and negligent manner without blowing any horn and without observing any traffic rules, hit the petitioner, Ram Chander, who was going towards bus stop. As a result of accident, the petitioner suffered many grievous injuries. The impact of the said accident was such that the deceased had immediately taken to SGM Hospital, Mangol Puri. Local Police thereafter registered a FIR bearing No. 672/2014 U/S 279/337 IPC against the Respondent No. 1. The accident has put immense financial burden on the petitioner and his family. It is pertinent to mention herein that the Petitioner was working as a Tailor at Boutique at Gherva Village. His salary was Rs. 15000/- (Fifteen Thousand) and he is only working person in his family. The whole family was dependent on his income. The deceased was assessed to income tax. The Petitioner No. 1 is not able to go to his shop for the past 2 months and is facing many financial problems due to it.

OBSERVATION:

Today Matter is listed for settlement before the Lok Adalat. Insurance company refused the proposal of the injured/petitioner no. 1. Matter sent back to concerned court on the already fixed date.

Next Date of Hearing: 09/11/2021

CASE LAW-10

**IN THE COURT OF SH DEVENDER KUMAR, ADMINISTRATIVE CIVIL JUDGE CUM
ADDITIONAL RENT CONTROLLER (WEST DELHI), TIS HAZARI COURTS, DELHI**

DR- 229/17

IN THE MATTER OF:

SOMNATH

...PETITIONER

VERSUS

S. SOHAN SINGH SANDH

....RESPONDENT

Date of Hearing: 20/07/2021

SUBJECT MATTER: APPLICATION FOR DEPOSIT OF RENT AS PER RULE 10 OF
DELHI RENT CONTROL RULES, 1959

CASE FACTS:

In this case, the Respondent is the owner of the property bearing no. 4/28A, Kirti Nagar, New Delhi in which the Petitioner, lawful tenant since 1975 was residing and the landlord has been receiving rent from tenant since the inception of tenancy of applicant in the year 1975. That it is further submitted that the rate of rent of the aforesaid tenanted premises is Rs 1000/- per month excluding of electricity and water charges which the landlord is accepting regularly per month and has accepted the advance rent of the said tenanted premises for a period of five months i.e. Rs 5000/- from 01/04/2017 to 31/08/2017. That now son of the Respondent is bent upon to create false and frivolous grounds of eviction of tenant and also he has extended threats of all kinds to the tenant that he would sell the tenanted premises to the buyers. Also Son of the Respondent has filed a case of eviction vide Eviction Petition No. E-239/2016 under Section 14(i)(e) of Delhi Rent Control Act against the petitioner. That there is an imminent threat to the tenant that the son of the respondent might sell out the tenanted property without due process of law. Now, when tenant sent him the rent for a period of Five Months from 01/09/2017 to 31/01/2018, Landlord refused to accept the rent sent to him.

OBSERVATION:

Today, Petitioner filed the rent deposit application. Application was allowed and the respondent was directed to take the rent. The decision is final and the matter is disposed.

CASE LAW-11

**IN THE COURT OF SH. SIRISH AGARWAL, METROPOLITAN MAGISTRATE,
ROHINI DISTRICT COURTS, DELHI**

Complaint Case No. 542/2018

IN THE MATTER OF:

CHHAYA CHAUDHARY

...COMPLAINANT

VERSUS

NISHA

....ACCUSED

Date of Hearing: 23/07/2021

SUBJECT MATTER: COMPLAINT UNDER SECTION 138 AND SECTION 141 OF
NEGOTIABLE INSTRUMENT ACT, 1881 AS AMENDED UPTO DATE

CASE FACTS:

In this case, the complainant and the Accused is well known to each other and having good relations and due to some financial need in the end of month of January, 2018 the accused approached the complainant for an amount of Rs. 6,00,000/- (Six Lakhs). That on the repeated requests and demands of the accused, the Complainant has given her a friendly loan of Rs. 6,00,000/- (Six Lakhs). That after the completion of Six months, the Complainant requested the Accused to return the amount of Rs. 6,00,000/- (Six Lakhs) and in discharge of it, the Accused issued a Cheque bearing No. 051921 dated 20.06.2018 drawn on Union Bank Of India, Mangol Puri Branch, Delhi stating that on the presentation of this Cheque, it shall be honored. The said Cheque was dishonored for the reasons and remarks as "Funds Insufficient" when presented by the complainant for encashment.

OBSERVATION:

On hearing of this case, I observed that, the Complainant and the Accused have settled before the hon'ble court and the Accused, in presence of court stated that she will give Rs.50,000/- (Fifty Thousand) within 15 days and the remaining amount i.e. Rs. 5,50,000/- (Five Lakh Fifty Thousand) on the next date of hearing through DD.

Next Date of Hearing: 01/11/2021

CASE LAW-12

**IN THE COURT OF SH. SANDEEP GUPTA, METROPOLITAN MAGISTRATE,
ROHINI DISTRICT COURTS, DELHI**

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

ZAKIR HUSSAIN

....ACCUSED

F.I.R. No:

463/13

U/S: 279/338 IPC

P.S: NARELA

Date of Hearing: 26/07/2021

SUBJECT MATTER: APPLICATION FOR RELEASE OF THE VEHICLE BEARING NO. DL-8CW-4226(SWIFT DEZIRE) ON BEHALF OF APPLICANT/RIGHTFUL OWNER ON SUPERDARI

CASE FACTS:

In this Case, the applicant is the proprietor of the M/s R.K Enterprises through its proprietor Sh. Sanjeev Singh, S/o Radhey Shyam, R-125, Parmanand colony, Delhi, which is seized and impounded by the police of P.S. Narela in the above said case. The said vehicle is no more required by the police officials for the purpose of investigation or else. The applicant is ready to furnish the superdaginama to the satisfaction of this Hon'ble Court. The applicant is ready to abide all the terms and conditions imposed by this Hon'ble court. The applicant will produce the said vehicle

OBSERVATION:

On hearing of this case, Hon'ble judge decided to release the vehicle of the applicant on superdari.
So the case stands disposed.

CASE LAW-13

IN THE HIGH COURT OF DELHI

CS (OS) 1689/2020

IN THE MATTER OF:

SARDAR JARNAIL SINGH

....PLAINTIFFS

VERSUS

SARDAR AMARJIT SINGH & ORS

....DEFENDANTS

CORAM:

DR. SATINDER KUMAR GAUTAM (DHJS), JOINT REGISTRAR (JUDICIAL)

Date of Hearing: 27/07/2021

SUBJECT MATTER: SUIT FOR PARTITION

CASE FACTS:

In this case, the Plaintiff and the Defendant No. 1 to 4 are a member of a joint Hindu Family. Defendant No.1 to 3 and plaintiff are real brothers whereas defendant No.4 is the son of late Sham Lal who is also a real brother of plaintiff and defendant No. 1 to 3. Unfortunately, he has died on 23/06/2019 leaving behind his only son (defendant No.4). That the father of the plaintiff and defendant No.1 to 4 late Sri Chune Lal is the Karta of joint Hindu family purchased the property in suit, from Sri Nand Lal vide sale deed. That the plaintiff and defendant No.1 to 4 are in joint possession of the property in suit. Plaintiff and defendant No.1 to 4 have equal undivided share in the whole of the property. In other words each have 1/5th share of in the whole of the property dispute. That the defendant No. 4 has sold his undivided 1/5th share of the suit property to Sri Rati Ram, who is made party in the suit as a Performa defendant and no relief claimed against him. That the Performa defendant No.5 is trying to get possession in the joint property by hook and crook and threatening for dire consequences. For the above reasons it would be to the plaintiff's benefit to have his share separated by partition. That the plaintiff claims partition of the said

property and separate possession of his 1/5th share. That the cause of action for the said suit arose on 22/04/2020

OBSERVATION:

Today matter is listed for Argument on Application. Arguments were heard and the Hon'ble Judge pass decree of Partition in favor of Plaintiff and court also directed to both the parties to find the relevant buyer of the suit property and submit the report before the next date of hearing.

Next Date of Hearing: 28/08/2021

CASE LAW-14

**IN THE COURT OF MS. SUSHEEL BALA DAGAR, CHIEF METROPOLITAN
MAGISTRATE, ROHINI DISTRICT COURTS, DELHI**

Complaint Case No. 9175/2021

IN THE MATTER OF:

ANNA GUPTA

....PETITIONER/COMPLAINANT

VERSUS

PAWAN GUPTA & OTHERS

....RESPONDENTS

Date of Hearing: 28/07/2021

SUBJECT MATTER: APPLICATION UNDER SECTION 12 OF THE PROTECTION OF
WOMEN FROM DOMESTIC VIOLENCE ACT 2005 (43 OF 2005)

CASE FACTS:

In this case, the marriage was solemnized between the complainant and the respondent no. 1 on 17.06.2019. The marriage of the Petitioner with the Respondent was solemnized in the normal and decent manner and lots of dowry articles including cash, other gifts, cloths and gold ornaments etc. were given to the Respondents in the marriage by the Petitioner Family members. The Petitioner has always performed her all matrimonial duties, as devoted wife, but the Petitioner was treated with utmost cruelties by the Respondents causing great harm to the body and life of the Petitioner and endangering the health, safety and wellbeing of the Petitioner physically and mentally at her matrimonial house. Respondent and his in laws also asked the Petitioner to brought money from her father house to fulfill their needs. That it is not possible for the Petitioner to live with her in laws who always used to cruel her. That the Petitioner not feeling safe so she had to leave his house and is also at present in the depression state of mind as a result of violence meted upon her.

OBSERVATION:

Today matter is listed for Service of Respondent No. 3 &5. Judge is on leave today, so matter is listed for the same on 05/11/2021

Next Date of Hearing: 08/11/2021

CASE LAW-15

**IN THE COURT OF SH. KAPIL KUMAR, CHIEF METROPOLITAN MAGISTRATE ,
ROHINI DISTRICT COURTS, DELHI**

Complaint Case No. 11069/2021

IN THE MATTER OF:

KARAM SINGH

....COMPLAINANT

VERSUS

SHAKTI SINGH YADAV

....ACCUSED

Date of Hearing: 29/07/2021

SUBJECT MATTER: COMPLAINT UNDER SECTION 138 OF NEGOTIABLE
INSTRUMENT ACT, 1881 AS AMENDED UPTO DATE

CASE FACTS:

In this case, the complainant was engaged in the business of Transport Contractor & Commission Agent and the said accused took services from the complainant for the purchase of various items such as diesel, tires, spare parts, mechanical work of accused's Truck bearing No. UP 93 AT6562. For a total sum of Rs. 2,30,000/- (Two Lakh Thirty Thousand) for which the accused have issued a Cheque bearing no. 670055 dated 28.05.2021 in favor of Karam Singh i.e. complainant for a sum of Rs. 2,30,000/- (Two Lakh Thirty Thousand) drawn on State Bank of India, Defense Banking Branch, Station Road, Babina, District- Jhansi, Uttar Pradesh- 284401 from saving bank account no. 33465250038 of the accused in discharge of payment for the said items and mechanical work. The said Cheque was dishonored for the reasons and remarks as "Funds Insufficient" when presented by the complainant for encashment in his bank. Under the above-mentioned facts and circumstances, accused has committed an offence U/s 138 of Negotiable Instruments Act, and accused is liable to be prosecuted as per provisions of law.

OBSERVATION:

On hearing of this case, I observed that it was the First date for service of the accused but because of his absence at that time, service was not done. Whereas, The Magistrate on this point issue fresh summons against the accused person and give direction to the complainant counsel to file PF/RC within one week.

Next Date of Hearing: 18/10/2021

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included dimensions of criminal medico legal experts to civil corporate litigation. All of which was an over-the-top experience. Such summer trainings help a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was the pre-requisite to our training. When it comes to observance of trials in the courts, it was one of the most essential parts of learning for an intern. Observance of trials and court proceedings help in understanding the very root of the law in India. Proceedings are the whole mechanism in toto whose analysis is always advisable. With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards

Yours Faithfully,

Nishant Saluja

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

तेजस्वि नावधीतमस्तु

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Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

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SUMMER INTERNSHIP REPORT

BA-LLB (HONS.)

BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - TANNU YADAV

ENROLLMENT NO. - 12690103817

COURSE - BA LLB

BATCH - 2017-2022



SUMMER TRAINING REPORT

SESSION: - 2017-2022



FAIRFIELD INSTITUTE OF MANAGEMENT
AND TECHNOLOGY, SCHOOL OF LAW,
KAPASHERA, NEW DELHI-110037
AFFILIATED TO GGSIP UNIVERSITY.

SUBMITTED BY: -

Name- Tannu Yadav

Enrollment No. –12690103817

Course – B.A LLB (Hons.)

Semester – 9th

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Empanelment on :- Union Bank of India(Erstwhile Corporation Bank), Central Bank of India Indian Bank(Erstwhile Allahabad Bank), Reliance General Ins. Co. Ltd., National Insurance Company, Iffco Tokio Gen. Ins. Co. Ltd., Royal Sundram General Ins. Co. Ltd., Alfa Enterprises Company, Chandra Enterprises Company, Vineet Manpower Services, MRK Associates.

Certificate Of Appreciation

This is to certify that Ms. TANNU YADAV has successfully completed summer internship program under my guidance.

The duration of this project was from 1st July 2021 to 31st July 2021.

The internship on evaluation fulfils all the stated criteria and student's findings are her original work.

I hereby certify her work excellent to the best of my knowledge.

Signature of Mentor

Suresh Kr. Rao

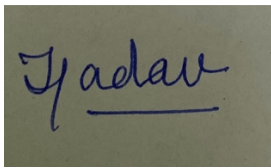
(ADVOCATE)

(P/1980/2002 PUNJAB & HARYANA HIGH COURT)

DECLARATION

I, TANNU YADAV student of 9th semester B.A.LL.B.(Hons.) hereby declare that this report as compiled by me under summer internship program (4 weeks) is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY affiliated to GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY, NEW DELHI is a reliable document and is of bonafide nature.

SIGNATURE-

A rectangular box containing a handwritten signature in blue ink. The signature appears to be 'Tannu Yadav' with a horizontal line underneath the name.

TANNU YADAV
9th SEM/B.A.LL.B. (HONS.)
12690103817

AKNOWLEDGEMENT

I would like to acknowledge and express my gratitude to all persons who have been my constant support source of encouragement and inspiration.

I take profound sense of pride to convey my gratefulness towards **Guru Gobind Singh Indraprastha University** and my Institute – **Fairfield Institute of Management and Technology**.

I express my deepest thanks to the teacher of my institute Fairfield institute of management and technology for taking part in useful decision and giving necessary advice and guidance and arranged all facilities to make me understand the advantage of this internship.

I also take extreme delight and thankfulness to my sir, **ADVOCATE SURESH RAO (PUNJAB AND HARYANA High Court)**, for providing me with all the guidance and knowledge in the course of my internship.

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OBJECTIVE

Internship is a process of education, to offer meaningful, career related work experience to students, while simultaneously providing an excellent source of highly motivated,. Career minded individuals for employers.

The internship program serves to:

- Reinforce and strengthen the students personal values and career objectives through an improved understanding of themselves and the work environment.
- Assist students in identifying and acquiring the skills needed to enter a chosen field.
- Provide practical work experience to balance the students theoretical training.
- Allow students to meet and learn from professionals in the field and develop a network of contacts.

Case No. 1

In the Court of Sh. Dinesh Kumar Mittal, MAC, Rewari

In the matter of :- Savitri & others V/s Yuvraj

Subject Matter:- Claim Petition

Brief Facts:-

1. One of Satender Yadav S/o Sh. Karan Singh was expired in a road side accident on dated 12.08.2019.
2. In this regard a FIR No. 361 dated 09.12.2017 u/s 279/304A IPC- Police Station- Farrukh Nagar, District Gurugram was lodged by the one of Karan Singh S/o Sh. Jagmal Singh against Driver of vehicle No. HR-47A-4903.
3. Father Mother, Grand Father of deceased Satender filed an claim petition before the Hon'ble Court u/s 166 Motor Vehicle Act. against owner, driver and insurance company of the offending vehicle registration No. HR-47A-4903.
4. Owner, Driver and Insurance of the offending vehicle appear before the Hon'ble Court and filed the written statement separately.

Present Day:-

- Today on dated 29.07.2021 the said case was fixed for petitioner evidence.
- Today one witness namely Karan Singh S/o Sh. Jagmal Singh appeared before the Hon'ble court and submit their documents, thereafter opposite party of counsel thoroughly cross examination of the said witness.

Observation:-

Thereafter Hon'ble court adjourned the said matter for dated 02.09.2021.

Case No. 2

In the Court of Sh. Jitender Singh, JMIC, Rewari

In the matter of: - Geeta V/s Satpal

Subject Matter:- 138 NI Act.

Brief Facts:-

1. Cheque Bounce.
2. Accused namely Satpal and complainant namely Geeta having good family good relations since long.
3. Accused approached the complainant for taking some loan of Rs. 1,22,000/- for his personal necessity for six month period.
4. After passing of above agreed period, when the complainant again contacted the accused to repay the above said amounting to Rs. 1,22,000/-.
5. Thereafter accused a cheque No. 701081 dated 23.10.2019 for amounting to Rs. 1,22,000/- for his bank i.e. Indian Overseas Bank Branch Kamla Place, Rewari.
6. Complainant deposite the cheque on dated 24.10.2018.
7. Due to Funds Insufficient the cheque was bounced.
8. The complainant has been filed complaint on dated 27.02.2019 before the Hon'ble Court.

Present Day:-

- Today on dated 04.07.2021 the said case was fixed for defendant evidence.
- Today an application for from exemption from personal appearance on behalf of accused filed. No defence evidence is present. Adjournment sought. Heard Allowed.

Observation:-

Thereafter Hon'ble court adjourned the said matter for dated 20.08.2021.

Case No. 3

In the Court of MS Aparna Bhardwaj, Civil Judge (SD), Rewari

In the matter of :- Corporation Bank V/s Kuldeep

Subject Matter:- Suit for Recovery of Rs. 5,23, 662/-

Brief Facts:-

1. KCC Loan for agricultural.
2. Corporation Bank sanctioned Loan to Kuldeep amounting to Rs. 5,23,662/-
3. The plaintiff has been filed plaint on dated 06.08.2018 before the Hon'ble Court.

Present Day:-

- Today on dated 15.07.2019 the said case was fixed for plaintiff evidence.
- Today no PWs is present. Adjournment sought. Heard Allowed.

Observation:-

Thereafter Hon'ble court adjourned the said matter for dated 30.08.2021.

Case No. 4

In the Court of Sh. Naresh Kumar, Principal Judge, Family Court, Rewari

In the matter of :- Pawan Kumar V/s Surbhi Khatana

Subject Matter:- Petition u/s 10 of H.M Act.

Brief Facts:-

1. Hindu Marriage Act for Judicial Separation.
2. The Marriage between Pawan Kumar and Surbhi Khatana to the petition was solemnized on dated 21.02.2015 at Gurugram.
3. On dated 18.04.2016 the respondent left her matrimonial house at Rewari.
4. The petitioner filed the petition u/s 9 of H.M Act for restitution of conjugal rights before the Hon'ble Court.
5. The petitioner has been filed petition u/s 10 of H.M Act on dated 11.01.2018 before the Hon'ble Court.

Present Day:-

- Today on dated 16.07.2019 the said case was fixed for consideration on application u/s 24 of Hindu Marriage Act 1955.
- Today argument not advanced. A date is requested.

Observation:-

Thereafter Hon'ble court adjourned the said matter for dated 17.07.2021.

Case No. -5

In the matter of:-Kavita Sharma v/s Manoj Dixit and others

SUBJECT MATTER:-Application on behalf of the petitioner under Sec151 CPC ,seeking directions to demolish the illegal structure reconstructed by the respondent no.1.

BRIEF FACTS

- 1.The applicant is the respondent no.1 in the civil writ petition and is the owner of Flat bearing no.63,sector 6 Rewari.
- 2.Petitioner filed the present writ petition on the allegations that the respondent no.1 has carried out illegal construction.
- 3.Petitioner filed an application under section 151 CPC, alleging that the complete demolition of unauthorized structure has not taken place.
- 4.The counsel for the respondent no.3 submitted that complete demolition could not take place since police assistance was not provided.
- 5.The officials of respondent no.3 has demolished the alleged illegal construction as is evident from the latest photographs of the flat.
- 6.Respondent no.3 is still continuing the process of further demolition of the flat, whereas the orders were only to demolish the illegal construction.

PRESENT DAY:-

The judgment is as of reserve as now.

OBSERVATION:-

I have learnt about the section 151 of the CIVIL PROCEDURE CODE which tells about the saving of inherent powers of court.

Case No.-6

In the matter of:- S.S Kumar versus Smt. Rajni Gupta

SUBJECT MATTER:-Petition U/A 227 of the Constitution of India for issuance of appropriate order/discussions for setting aside the impugned order.

BRIEF FACTS

1.The petitioner is a senior citizen aged about 65 years old, relieved as a defence officer who served the nation for almost 26 years in Navel Aviation. During one of the rescue operations in Uttarakhand in 2009, he met with an accident which severely damaged his spinal cord and as such he is now ailing.

2.The present petitioner has been filed against the order passed by the Id. Lower court in suit no. CS/291/2013. The judgment under order 12 Rule 6 CPC was passed in favour of the respondent. The respondent had filed a suit seeking a decree for possession of the property in ANTRIKSHA Apartment, being its landowner.

3. A reply was filed by the respondent to the said suit and also filed a counter claim, claiming for an amount of Rs.10,72,000/-.

4. The lower court passed the impugned judgment not only in the main suit filed by respondent but also on the counter claim filed by the petitioner in favour of respondent.

5. The petitioner has been requesting landlord and also before lower court for grant of 8 months only to vacate the premises, as its own house is under construction.

6. He has only sought an extension of 8 months to be able to relocate himself in his own house, which the respondent never agreed.

PRESENT DAY:-

The judgment is of reserve as of now.

OBSERVATION:-

The petitioner has not filed any other similar petitioner before this hon'ble court or in any other court claiming the same.

Case No.-7

In the matter of:- Srinivas v/s Director of Education and another's

SUBJECT MATTER:-Writ petition under Article 226 and 227 of the Constitution of India for issuance of writ/order in the nature of mandamus and/or certiorari for compliance.

BRIEF FACTS

- 1.The appellant was employed with the respondent no.2 as TGT and continued to work as such for about 12 years.
- 2.The appellant challenged his illegal termination before Delhi School Tribunal and the Tribunal Vide held that the Respondent no.2 never supplied the relevant documents.
- 3.The tribunals after relying on several judgments , quashed the order of termination of the appellant.
- 4.Cost of litigation of Rs.10,000/- be also paid to the appellant (appellant herein).
- 5.The respondent no.1, Director of Education challenged this order of the Delhi School Tribunal before this Hon'ble court by way of a writ and a settlement was arrived at between the petitioner and the respondent no.2.
- 6.The Hon'ble court passed an order modifying the order of Delhi School Tribunal to the extent that petitioner shall be entitled to 50% of salary awarded by the tribunals.
- 7.That the appellant is also entitled to pension as per the applicable rules but the Respondent has made no efforts to implement the orders of the tribunal.
- 8.The appellant has no other equally efficacious remedy against the illegal acts of respondents and thus resorting to this remedy of filing a writ petition.

PRESENT DAY:-At present the case has been adjourned till 5/08/21 for arguments on charge.

OBSERVATION:- I have come to know about the Article 226 and 227 of the Constitution of India.

CASE NO.- 8

IN THE COURT OF SH. RAKESH KUMAR

In The Matter of

Shilpa Gupta & Anr V/S Ashok Gupta &Ors

PETITION FILED UNDER SECTION 30 OF THE HINDU SUCCESSION ACT 2005 FOR SUIT FOR PARTITION.

BRIEF FACTS:-

According to facts after the death of the husband, the plaintiff and her daughter had been boycotted from the family, and had not been provided any fund for the welfare of the daughter, also not a single penny from insurance as well and had no house to live in. Therefore the plaintiff had file a case in the court for the suit of taking the 2/3rd share in the said property of husband family.

OBSERVATION: -

In the present case, the question of law is whether the property was acquired by defendant no.1 from ancestral funds as alleged by the plaintiff or whether the plaintiff is entitled for the partition sought by them? However in Santokhsingh vs. Narender Singh clearly explains that the suit property purchased from the funds acquired from the father of plaintiff may be before having his own children may be recognized as individual funds but after having children the funds need to be distributed with the family, with the reference to Hindu Succession Act.

Next Date Of Hearing: - 25th Of July 2021.

Case No.-9

In the matter of:- A. Ramaswamy and anr. v/s D.T.E.A and anr.

SUBJECT MATTER:-Application under Section 114 and Order 47 Rule 12 read with Section 151 of the Code of Civil Procedure,1908 seeking review of order on behalf of the plaintiffs.

BRIEF FACTS

- 1.Documents were filed by the Defendants including a purported report of returning officers wherein, it was admitted that the elections were held in violation of the rules of the society.
- 2.The pecuniary jurisdiction of the High Court on its original side came to be enhanced from Rs.20 lacs to Rs.2 Crores.
- 3.As per Section 4 of the Amendment Act,2015,the Hon'ble Chief Justice of the High Court was vested with the discretion to transfer such cases to the District Court as may be deemed necessary.
- 4.All other applications which were heard are to be decided first before any further directions including that of any transfer of the suit.
- 5.This Hon'ble Court was pleased to direct the transfer of the present suit along with all the applications to the concerned District Court.

PRESENT DAY:-At present , the case has been adjourned till 12/12/21 for the judgment.

Case No.-10

In the matter of:- Muri Lal v/s Union of India

SUBJECT MATTER:-Writ petition under Article 226 of the Constitution of India challenging the action of the respondents not to treat petitioners equal to other.

BRIEF FACTS

1.That the appellants are citizen of India and at present working in the Central Industrial Security Force(CISF)

2.All the appellants were recruited as Head Constable (driver) prior to 31/12/2005.

3.That dispute in the present case arouse after 01.01.2006 when designation in respect of the future recruitment of appellants post was reduced from Head Constable to Constable.

4.After the report of the VI pay commission certain pay scales were placed in our group.

5.All the Head Constables which were drawing the same salary prior to introduction of VI pay commission have been granted BP as Rs.7510/-and GP Rs.2400/- except the present appellants.

6.The discrimination which requires consideration of this Hon'ble Court is that formula which has been implemented on the recommendation of the VI pay commission is not applicable in the case of appellants.

7.That the case of appellants was considered on an inapplicable fact and claim of the petitioners is rejected.

PRESENT DAY:-At present, the case has been adjourned till 04/10/21 for arguments.

OBSERVATION:-I have come to know about the Article 226 of the Constitution of India

Case No.- 11:

IN THE HON'BLE COURT OF SH.SUKHMAN SANDHU

In The Matter Of :- Smt. Sunita V/s Ms. Sushila Lamba

Complaint Under Section 138 Of The Negotiable Instrument Act As Amended Up To Date.

BRIEF FACTS:

The complainant is a widow lady and is working in MCD at the post of "Beldar" in west zone and is the sole bread earning member of her family.

Both the parties know each other as they both are from same village. The respondent asked the complainant a friendly loan of Rs. 3.05 lakhs, as the money was required by her for the marriage of her sister. In discharge of this liability of Rs. 3.05 lakh the respondent said that she has transferred the money to her account and when she went for the enrichment of the same the cheques were dishonoured with the remark 'FUNDS INSUFFICIENT'.

OBSERVATION:

I observed that the respondent don't want to give back the money to the complainant she wants to keep it herself. Hence I think it will be justified if the Hon'ble court provide her with strict punishment.

Next Date of Hearing- 27/08/21.

Case No. – 12

IN THE COURT OF MR. ANKUAR JAIN, ADJ,

In the matter of:- Mr. Anil Saxena V/s Chem farm industries

BRIEF FACTS:-

For Petitioner

In this case Anil Saxena was terminated from the Company without being paid his salary of two months. In the mediation proceedings of High Court the Decree was passed in favour of Petitioner i.e. Anil Saxena. This Petition was filed for the execution of Award.

PRESENT STAGE:-

Stay Application for the Award was filed in the High Court, sine die. Next date of hearing is fixed on AUGUST 09, 2021.

Case No. 13

In the Court of Sh. Naresh Kumar, Principal Judge, Family Court, Rewari

In the matter of :- Pawan Kumar V/s Promila

Subject Matter:- Petition u/s 25 of Guardian & Wards Act.

Brief Facts:-

1. Custody of Minor son namely Dev Yadav.
2. The petitioner was married with the respondent on dated 02.12.2009.
3. The respondent gave birth to a male Child namely Dev Yadav.
4. The petitioner want to custody of his minor son namely Dev Yadav.
5. The petitioner has been filed petition u/s 25 of Guardian & Wards Act. on dated 19.12.2020 before the Hon'ble Court.

Present Day:-

Today on dated 18.07.2021 the said case was fixed for Petitioner evidence.

Today one witness namely Pawan Kumar appeared before the Hon'ble court and submit their documents, thereafter opposite party of counsel thoroughly cross examination of the said witness.

Observation:-

Thereafter Hon'ble court adjourned the said matter for dated 21.09.2021 for remaining evidence of petitioner.

Case No. 14

In the Court of Sh. Dinesh Kumar Mittal, MAC, Rewari

In the matter of :- Sobha Devi V/s Vijay

Subject Matter:- Claim Petition

Brief Facts:-

1. One of Sone Lal Ram S/o Sh. Bindeshwari Ram was expired in a road side accident on dated 27.03.2018.
2. In this regard a FIR No. 58 dated 28.03.2018 u/s 279/304A IPC- Police Station- Rampura, District Rewari was lodged by the one of Rajesh S/o Sh. Nand Kishore Dass against Driver of vehicle No. HR-34F-9856.
3. Wife, Daughter and Son, of deceased Sone Lal Ram filed an claim petition before the Hon'ble Court u/s 166 Motor Vehicle Act. against owner, driver and insurance company of the offending vehicle registration No. HR-34-F-9856.

Present Day:-

Today on dated 05.07.2021 the said case was fixed for Notice.

Today notice issued to respondent No. 1 and given dasti not received back either served or unnerved. Notice to respondent No. 2 could not be issued to want of copy of petition and notice issued to respondent No. 3 given dasti received back with the report of incorrect address thereafter press notice to respondent No. 1 & 2 be issued for 07.08.2021.

Observation:-

Thereafter Hon'ble court adjourned the said matter for dated 07.08.2021.

Case No.-15

IN THE COURT OF JUSTICE V.K. SHALI.

INTHE MATTER OF:- DR. Baldev Raj Anand and Anr. vs. Dewan Chand and ors.

SUBJECT MATTER :-Property Partition.

BRIEF FACTS

- 1.Late Shri Tej Ram along with his family migrated to India from West Pakistan after partition of the country and settled in Delhi.
- 2.He unauthorised occupied a government premises for his residence in Nai Basti , Paharganj and also started his jewellery business.
- 3.From the income of the said business, Late Shri Tej Ram purchased a plot of land bearing no.28, road no.1,Punjabi Bagh, measuring 2222.22sq.yards in the year 1963.
- 4.The initial purchase money in the sum of Rs.7500/- was shown to paid through Dewan Chand (Defendant no.2) son of Late Shri Tej Ram although the cheque for the said amount was drawn up from the funds of the aforesaid business.
- 5.Dewan Chand claimed ownership over the property to the extent of 50% to himself after the death of his father.
- 6.Smt. Mayawanti, wife of late Shri Tej ram executed a will bequeathing all her movable and immovable properties in favour of the appellant. Baldev Raj Anand and defendant no.7 Ramesh Anand in whose favour as per her allegation in the written statement, she had already relinquished her interest in the suit property.

PRESENT DAY:-

The Judgment is as of reserve as of now.

OBSERVATION:-

Cross-Examination of witness was held.

CONCLUSION

After doing this summer internship I gained the knowledge in some important fields of law. Firstly the real legal practice is absolutely different from the theoretical version of law which we study. Secondly without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. Thirdly, what we study is the body, but what we have learned from this internship is the mechanism of this body.

The Summer internship give me the ocean of opportunities to have practical exposure of the professional field of law it enables me to observe the legal environment of courts, professional life of advocate and other important aspects of law.

I also came to know about the duties, responsibilities and power of Judge, advocate and police in the case. The internship also helped me to understand the different stages of trial and suits. I was surprised to see how the interpretation of words done to prove their point and how the evidences were presented in the courts as it is totally different from the theoretical knowledge and how the simplest of laws were applicable in the most situations and how loopholes leave so much scope for evolution and improvisation today in this field. In other words law may come and law may repeal, but they always stay true to our original values.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards

Yours Faithfully,

TANNU YADAV

12690103817

BA.LLB. (Hons.)

9th semester



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FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY
KAPASHERA, SOUTH WEST DELHI
AFFILIATED TO GGSIP UNIVERSITY

SUMMER TRAINING REPORT



SUBMITTED BY

NAME : Aadarsh Sejwal
ENROLLMENT NO : 00190103817
COURSE : B.A LLB(Hons)
SEMESTER : 9 A
Batch : 2017-22

MUKESH BIRLA & ASSOCIATES

Advocates

Delhi High Courts

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Saket Court Complex,
New Delhi-110017
M: 9810162413

Ref: L/08/D-962/98/20

Date:19.07.2021

TO WHOMSOEVER IT MAY CONCERN

This is to certify that Mr. Aadarsh S/o Sh. Balram R/o F-342, Lado Sarai, Old M.B. Road, New Delhi, student of Fair Field Institute of Management And Technology has done his internship under my guidance from 20.05.2021 to 18.07.2021 and during this period he was found to be very hard working and sincere towards the work him. He also helped the undersigned to find various assigned to him case law and appeared alongwith the undersigned before Hon'ble Delhi. He various District Courts of High Court of Delhi and assisted the undersigned with his sincerity, dedication and hard working to achieve the final and favourable decisions in various criminal as well as civil cases. Undersigned hope for his bright future.


MUKESH BIRLA Advocate
Chamber No.-343, Lawyers Chambers
Saket Court Complex, New Delhi-17
Mobile No.-9810162413

DECLARATION

I **Aadarsh Sejwal**, student of 9th semester B.A.LL.B.(Hons) hereby declare that this report as compiled by me under summer internship program (8 weeks) is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to **FairField Institute Of Management & Technology** affiliated to **Guru Gobind Singh Indraprastha University, New Delhi** is a reliable document and is of bonafide nature.

Signature -

Date- 25.11.2021

Aadarsh Sejwal

B.A.LL.B.

9 A

00190103817

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to the Sir, **Adv. Mukesh Birla** who have been my constant support, source of encouragement & inspiration and guided and helped me in successfully completing my 8 weeks Summer Internship.

Moreover, apart from court they give me a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during the internship as well as at the time of drafting of this report.

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CASE LAW -1

IN THE COURT OF SANJEEV KUMAR

LD. DISTRICT JUDGE,

TIS HAZARI COURTS, NEW DELHI

IN THE MATTER OF:-

ASHOK INTERNATIONAL SCHOOL

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

“If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole arbitrator under the provisions of the Indian Arbitrations and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by party A. The venue for arbitration shall be at New Delhi and the language shall be English. The Courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

2. That in light of the above clause the answering Respondents appointed Shri. Arun Batta as the sole arbitrator. That Sh. Arun Batta sent notice of appearance to the Petitioner and the Petitioner "Refused" in the notice sent by the Ld. Sole Arbitrator and to present its case. It is pertinent to mention herein that the arbitration award was passed at Chamber No. 385 Lawyers Chamber Block-II, Delhi High Court, New Delhi-110003.
3. That the false, fabricated and vague story cooked up by the Plaintiff does not qualify any of the grounds. That the Petition has merely based his case on surmises and the same is thwarted with mala fides, contradictions and inconsistencies. Hence, the Application deserves to be dismissed.
4. In any case the present application is false, frivolous, devoid of any merit, filed with a mala-fide intent to delay the execution of the award and a total abuse of the process of this Hon'ble Court and as such is not maintainable and deserves to be dismissed with costs.
5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Reply and vakalatnama was filed on behalf of the respondents and now the matter has been listed for argument before the Hon'ble Judge. Next date for argument is on 13.01.2022

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 13.01.2022

CASE LAW -2

IN THE COURT OF HARISH KUMAR (A.D.J)

TIS HAZARI COURTS, NEW DELHI

IN THE MATTER OF:-

SAIGRACE ACADEMY

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

“If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole arbitrator under the provisions of the Indian Arbitrations and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by party A. The venue for arbitration shall be at New Delhi and the language shall be English. The Courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

2. That in light of the above clause the answering Respondents appointed Shri. Arun Batta as the sole arbitrator. That Sh. Arun Batta sent notice of appearance to the Petitioner and the Petitioner "Refused" in the notice sent by the Ld. Sole Arbitrator and to present its case. It is pertinent to mention herein that the arbitration award was passed at Chamber No. 385 Lawyers Chamber Block-II, Delhi High Court, New Delhi-010003.
3. That the false, fabricated and vague story cooked up by the Plaintiff does not qualify any of the grounds. That the Petition has merely based his case on surmises and the same is thwarted with mala fides, contradictions and inconsistencies. Hence, the Application deserves to be dismissed.
4. In any case the present application is false, frivolous, devoid of any merit, filed with a mala-fide intent to delay the execution of the award and a total abuse of the process of this Hon'ble Court and as such is not maintainable and deserves to be dismissed with costs.
5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Vakalatnama has been filed on behalf of the respondents and reply is to be submitted but is put on hold as we have not received the arbitral record. Next date for argument is on 13.08.2021

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 13.08.2021

CASE LAW -3

IN THE COURT OF SUMIT DASS (A.D.J)

PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

VISHWA BHARTI PUBLIC SCHOOL

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

“If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole arbitrator under the provisions of the Indian Arbitrations and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by party A. The venue for arbitration shall be at New Delhi and the language shall be English. The Courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

2. That in light of the above clause the answering Respondents appointed Shri. Arun Batta as the sole arbitrator. That Sh. Arun Batta sent notice of appearance to the Petitioner and the Petitioner "Refused" in the notice sent by the Ld. Sole Arbitrator and to present its case. It is pertinent to mention herein that the arbitration award was passed at Chamber No. 385 Lawyers Chamber Block-II, Delhi High Court, New Delhi-010003.
3. That the false, fabricated and vague story cooked up by the Plaintiff does not qualify any of the grounds. That the Petition has merely based his case on surmises and the same is thwarted with mala fides, contradictions and inconsistencies. Hence, the Application deserves to be dismissed.
4. In any case the present application is false, frivolous, devoid of any merit, filed with a mala-fide intent to delay the execution of the award and a total abuse of the process of this Hon'ble Court and as such is not maintainable and deserves to be dismissed with costs.
5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Vakalatnama and reply has been filed on behalf of the respondents. Next date for argument is on 26.01.2022

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 26.01.2022

CASE LAW -4

IN THE COURT OF CHANDRA SHEKAR (A.D.J)

PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

MES CONVENT

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

“If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole arbitrator under the provisions of the Indian Arbitrations and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by party A. The venue for arbitration shall be at New Delhi and the language shall be English. The Courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

2. That in light of the above clause the answering Respondents appointed Shri. Arun Batta as the sole arbitrator. That Sh. Arun Batta sent notice of appearance to the Petitioner and the Petitioner "Refused" in the notice sent by the Ld. Sole Arbitrator and to present its case. It is pertinent to mention herein that the arbitration award was passed at Chamber No. 385 Lawyers Chamber Block-II, Delhi High Court, New Delhi-010003.
3. That the false, fabricated and vague story cooked up by the Plaintiff does not qualify any of the grounds. That the Petition has merely based his case on surmises and the same is thwarted with mala fides, contradictions and inconsistencies. Hence, the Application deserves to be dismissed.
4. In any case the present application is false, frivolous, devoid of any merit, filed with a mala-fide intent to delay the execution of the award and a total abuse of the process of this Hon'ble Court and as such is not maintainable and deserves to be dismissed with costs.
5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Reply has been submitted with an application of condonation of delay. Next date for argument is on 27.09.2021

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 27.09.2021

CASE LAW -5

IN THE COURT OF TWINKLE WADWA (A.D.J)

PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

MOTHER INTERNATIONAL PUBLIC SCHOOL

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

“If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole arbitrator under the provisions of the Indian Arbitrations and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by party A. The venue for arbitration shall be at New Delhi and the language shall be English. The Courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

2. That in light of the above clause the answering Respondents appointed Shri. Arun Batta as the sole arbitrator. That Sh. Arun Batta sent notice of appearance to the Petitioner and the Petitioner "Refused" in the notice sent by the Ld. Sole Arbitrator and to present its case. It is pertinent to mention herein that the arbitration award was passed at Chamber No. 385 Lawyers Chamber Block-II, Delhi High Court, New Delhi-010003.
3. That the false, fabricated and vague story cooked up by the Plaintiff does not qualify any of the grounds. That the Petition has merely based his case on surmises and the same is thwarted with mala fides, contradictions and inconsistencies. Hence, the Application deserves to be dismissed.
4. In any case the present application is false, frivolous, devoid of any merit, filed with a mala-fide intent to delay the execution of the award and a total abuse of the process of this Hon'ble Court and as such is not maintainable and deserves to be dismissed with costs.
5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Reply has been submitted in the court. Next date for argument is on 13.09.2021

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 13.09.2021

CASE LAW -6

IN THE COURT OF VINOD YADAV (A.D.J)

PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

VIJAYSHREE PUBLIC SCHOOL

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

“If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole arbitrator under the provisions of the Indian Arbitrations and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by party A. The venue for arbitration shall be at New Delhi and the language shall be English. The Courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

2. That in light of the above clause the answering Respondents appointed Shri. Arun Batta as the sole arbitrator. That Sh. Arun Batta sent notice of appearance to the Petitioner and the Petitioner "Refused" in the notice sent by the Ld. Sole Arbitrator and to present its case. It is pertinent to mention herein that the arbitration award was passed at Chamber No. 385 Lawyers Chamber Block-II, Delhi High Court, New Delhi-010003.
3. That the false, fabricated and vague story cooked up by the Plaintiff does not qualify any of the grounds. That the Petition has merely based his case on surmises and the same is thwarted with mala fides, contradictions and inconsistencies. Hence, the Application deserves to be dismissed.
4. In any case the present application is false, frivolous, devoid of any merit, filed with a mala-fide intent to delay the execution of the award and a total abuse of the process of this Hon'ble Court and as such is not maintainable and deserves to be dismissed with costs.
5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

final argument, next date for judgment is on 26.01.2022

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 26.01.2022

CASE LAW -7

IN THE COURT OF TWINKLE WADWA (A.D.J)

PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

DAV PUBLIC SCHOOL

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

“If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole arbitrator under the provisions of the Indian Arbitrations and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by party A. The venue for arbitration shall be at New Delhi and the language shall be English. The Courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

2. That in light of the above clause the answering Respondents appointed Shri. Arun Batta as the sole arbitrator. That Sh. Arun Batta sent notice of appearance to the Petitioner and the Petitioner "Refused" in the notice sent by the Ld. Sole Arbitrator and to present its case. It is pertinent to mention herein that the arbitration award was passed at Chamber No. 385 Lawyers Chamber Block-II, Delhi High Court, New Delhi-010003.
3. That the false, fabricated and vague story cooked up by the Plaintiff does not qualify any of the grounds. That the Petition has merely based his case on surmises and the same is thwarted with mala fides, contradictions and inconsistencies. Hence, the Application deserves to be dismissed.
4. In any case the present application is false, frivolous, devoid of any merit, filed with a mala-fide intent to delay the execution of the award and a total abuse of the process of this Hon'ble Court and as such is not maintainable and deserves to be dismissed with costs.
5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Reply has been submitted and interim stay has been granted. Next date for argument is on 27.09.2021

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 27.09.2021

CASE LAW -8

IN THE COURT OF SATISH KUMAR ARORA (A.D.J)

SAKET COURTS, NEW DELHI

IN THE MATTER OF:-

GREEN GROVE PUBLIC SCHOOL

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

“If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole arbitrator under the provisions of the Indian Arbitrations and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by party A. The venue for arbitration shall be at New Delhi and the language shall be English. The Courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

2. That in light of the above clause the answering Respondents appointed Shri. Arun Batta as the sole arbitrator. That Sh. Arun Batta sent notice of appearance to the Petitioner and the Petitioner "Refused" in the notice sent by the Ld. Sole Arbitrator and to present its case. It is pertinent to mention herein that the arbitration award was passed at Chamber No. 385 Lawyers Chamber Block-II, Delhi High Court, New Delhi-010003.
3. That the false, fabricated and vague story cooked up by the Plaintiff does not qualify any of the grounds. That the Petition has merely based his case on surmises and the same is thwarted with mala fides, contradictions and inconsistencies. Hence, the Application deserves to be dismissed.
4. In any case the present application is false, frivolous, devoid of any merit, filed with a mala-fide intent to delay the execution of the award and a total abuse of the process of this Hon'ble Court and as such is not maintainable and deserves to be dismissed with costs.
5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :

Argument has been submitted by way of affidavit. Next date for judgment is on 15.01.2022

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 15.01.2022

CASE LAW -9

IN THE COURT OF VISHAL GROOVE (A.D.J)

DWARKA COURTS, NEW DELHI

IN THE MATTER OF:-

MS PIONEER CONVENT

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

“If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole arbitrator under the provisions of the Indian Arbitrations and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by party A. The venue for arbitration shall be at New Delhi and the language shall be English. The Courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

2. That in light of the above clause the answering Respondents appointed Shri. Arun Batta as the sole arbitrator. That Sh. Arun Batta sent notice of appearance to the Petitioner and the Petitioner "Refused" in the notice sent by the Ld. Sole Arbitrator and to present its case. It is pertinent to mention herein that the arbitration award was passed at Chamber No. 385 Lawyers Chamber Block-II, Delhi High Court, New Delhi-010003.
3. That the false, fabricated and vague story cooked up by the Plaintiff does not qualify any of the grounds. That the Petition has merely based his case on surmises and the same is thwarted with mala fides, contradictions and inconsistencies. Hence, the Application deserves to be dismissed.
4. In any case the present application is false, frivolous, devoid of any merit, filed with a mala-fide intent to delay the execution of the award and a total abuse of the process of this Hon'ble Court and as such is not maintainable and deserves to be dismissed with costs.
5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Reply has been submitted. Next date for argument is on 26.09.2021

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 26.09.2021

CASE LAW -10

IN THE COURT OF VEENA RANI(A.D.J)

PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

VIKASH VIDYA DHAMAN

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

“If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole arbitrator under the provisions of the Indian Arbitrations and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by party A. The venue for arbitration shall be at New Delhi and the language shall be English. The Courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

2. That in light of the above clause the answering Respondents appointed Shri. Arun Batta as the sole arbitrator. That Sh. Arun Batta sent notice of appearance to the Petitioner and the Petitioner "Refused" in the notice sent by the Ld. Sole Arbitrator and to present its case. It is pertinent to mention herein that the arbitration award was passed at Chamber No. 385 Lawyers Chamber Block-II, Delhi High Court, New Delhi-010003.
3. That the false, fabricated and vague story cooked up by the Plaintiff does not qualify any of the grounds. That the Petition has merely based his case on surmises and the same is thwarted with mala fides, contradictions and inconsistencies. Hence, the Application deserves to be dismissed.
4. In any case the present application is false, frivolous, devoid of any merit, filed with a mala-fide intent to delay the execution of the award and a total abuse of the process of this Hon'ble Court and as such is not maintainable and deserves to be dismissed with costs.
5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Reply to be submitted. Next date of hearing is on 04.10.2021

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 04.10.2021

CASE LAW -10

IN THE COURT OF VEENA RANI(A.D.J)

PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

VIKASH VIDYA DHAMAN

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

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5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Reply to be submitted. Next date of hearing is on 04.10.2021

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 04.10.2021

CASE LAW -01

IN THE COURT OF HARISH KUMAR(A.D.J)

TIS HAZARI COURTS, NEW DELHI

IN THE MATTER OF:-

GURU ARJAN DEV

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

“If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole arbitrator under the provisions of the Indian Arbitrations and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by party A. The venue for arbitration shall be at New Delhi and the language shall be English. The Courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

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3. That the false, fabricated and vague story cooked up by the Plaintiff does not qualify any of the grounds. That the Petition has merely based his case on surmises and the same is thwarted with mala fides, contradictions and inconsistencies. Hence, the Application deserves to be dismissed.
4. In any case the present application is false, frivolous, devoid of any merit, filed with a mala-fide intent to delay the execution of the award and a total abuse of the process of this Hon'ble Court and as such is not maintainable and deserves to be dismissed with costs.
5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Reply to be submitted. Next date of hearing is on 04.10.2021

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 04.10.2021

CASE LAW -12

IN THE COURT OF SANATAN PRASAD(A.D.J)

TIS HAZARI COURTS, NEW DELHI

IN THE MATTER OF:-

CORDIAL PUBLIC SCHOOL

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

“If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole arbitrator under the provisions of the Indian Arbitrations and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by party A. The venue for arbitration shall be at New Delhi and the language shall be English. The Courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

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5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Reply to be submitted. Next date of hearing is on 13.09.2021

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 13.09.2021

CASE LAW -13

IN THE COURT OF TWINKLE WADWA(A.D.J)

PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

VIDYA GLOBAL PUBLIC SCHOOL

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

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3. That the false, fabricated and vague story cooked up by the Plaintiff does not qualify any of the grounds. That the Petition has merely based his case on surmises and the same is thwarted with mala fides, contradictions and inconsistencies. Hence, the Application deserves to be dismissed.
4. In any case the present application is false, frivolous, devoid of any merit, filed with a mala-fide intent to delay the execution of the award and a total abuse of the process of this Hon'ble Court and as such is not maintainable and deserves to be dismissed with costs.
5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Reply has been submitted and opposite counsel have been given a copy of it . Next date of hearing is on 13.09.2021

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 13.09.2021

CASE LAW -14

IN THE COURT OF CHANDRA SHEKHAR(A.D.J)

PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

SME CONVENT

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

“If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole arbitrator under the provisions of the Indian Arbitrations and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by party A. The venue for arbitration shall be at New Delhi and the language shall be English. The Courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

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3. That the false, fabricated and vague story cooked up by the Plaintiff does not qualify any of the grounds. That the Petition has merely based his case on surmises and the same is thwarted with mala fides, contradictions and inconsistencies. Hence, the Application deserves to be dismissed.
4. In any case the present application is false, frivolous, devoid of any merit, filed with a mala-fide intent to delay the execution of the award and a total abuse of the process of this Hon'ble Court and as such is not maintainable and deserves to be dismissed with costs.
5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Reply to be submitted. It was submitted by the respondent that the execution of the petition not to be stayed as the petitioner have not submitted the Vakalatnama, but the Hon'ble judge have allowed the stay.

Next date of hearing is on 21.01.2022

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 21.01.2022

CASE LAW -15

IN THE COURT OF SUMIT DASS(A.D.J)

PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

VIDYA GLOBAL

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

“If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole arbitrator under the provisions of the Indian Arbitrations and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by party A. The venue for arbitration shall be at New Delhi and the language shall be English. The Courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

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3. That the false, fabricated and vague story cooked up by the Plaintiff does not qualify any of the grounds. That the Petition has merely based his case on surmises and the same is thwarted with mala fides, contradictions and inconsistencies. Hence, the Application deserves to be dismissed.
4. In any case the present application is false, frivolous, devoid of any merit, filed with a mala-fide intent to delay the execution of the award and a total abuse of the process of this Hon'ble Court and as such is not maintainable and deserves to be dismissed with costs.
5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Reply to be submitted and date has been given for arguments. Next date of hearing is on 26.01.2022

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 26.01.2022

CASE LAW -16

IN THE COURT OF CHANDRA SHEKAR(A.D.J)

PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

CHRIST INTERNATIONAL SCHOOL

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

“If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole arbitrator under the provisions of the Indian Arbitrations and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by party A. The venue for arbitration shall be at New Delhi and the language shall be English. The Courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

2. That in light of the above clause the answering Respondents appointed Shri. Arun Batta as the sole arbitrator. That Sh. Arun Batta sent notice of appearance to the Petitioner and the Petitioner "Refused" in the notice sent by the Ld. Sole Arbitrator and to present its case. It is pertinent to mention herein that the arbitration award was passed at Chamber No. 385 Lawyers Chamber Block-II, Delhi High Court, New Delhi-010003.
3. That the false, fabricated and vague story cooked up by the Plaintiff does not qualify any of the grounds. That the Petition has merely based his case on surmises and the same is thwarted with mala fides, contradictions and inconsistencies. Hence, the Application deserves to be dismissed.
4. In any case the present application is false, frivolous, devoid of any merit, filed with a mala-fide intent to delay the execution of the award and a total abuse of the process of this Hon'ble Court and as such is not maintainable and deserves to be dismissed with costs.
5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Last opportunity to file reply. Next date of hearing is on 29.10.2021

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 29.10.2021

IN THE COURT OF VANDANA JAIN(A.D.J)

SAKET COURTS, NEW DELHI

IN THE MATTER OF:-

DEEKSHA VIDYALAYAM

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

“If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole arbitrator under the provisions of the Indian Arbitrations and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by party A. The venue for arbitration shall be at New Delhi and the language shall be English. The Courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

2. That in light of the above clause the answering Respondents appointed Shri. Arun Batta as the sole arbitrator. That Sh. Arun Batta sent notice of appearance to the Petitioner and the Petitioner "Refused" in the notice sent by the Ld. Sole Arbitrator and to present its case. It is pertinent to mention herein that the arbitration award was passed at Chamber No. 385 Lawyers Chamber Block-II, Delhi High Court, New Delhi-010003.
3. That the false, fabricated and vague story cooked up by the Plaintiff does not qualify any of the grounds. That the Petition has merely based his case on surmises and the same is thwarted with mala fides, contradictions and inconsistencies. Hence, the Application deserves to be dismissed.
4. In any case the present application is false, frivolous, devoid of any merit, filed with a mala-fide intent to delay the execution of the award and a total abuse of the process of this Hon'ble Court and as such is not maintainable and deserves to be dismissed with costs.
5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Reply has been submitted, matter is put up for argument. Next date of hearing is on 30.10.2021

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 30.10.2021

CASE LAW -18

IN THE COURT OF TWINKLE WADHWA(A.D.J)

PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

ST ANNES MATRICULATION SCHOOL

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

“If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole arbitrator under the provisions of the Indian Arbitrations and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by party A. The venue for arbitration shall be at New Delhi and the language shall be English. The Courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

2. That in light of the above clause the answering Respondents appointed Shri. Arun Batta as the sole arbitrator. That Sh. Arun Batta sent notice of appearance to the Petitioner and the Petitioner "Refused" in the notice sent by the Ld. Sole Arbitrator and to present its case. It is pertinent to mention herein that the arbitration award was passed at Chamber No. 385 Lawyers Chamber Block-II, Delhi High Court, New Delhi-010003.
3. That the false, fabricated and vague story cooked up by the Plaintiff does not qualify any of the grounds. That the Petition has merely based his case on surmises and the same is thwarted with mala fides, contradictions and inconsistencies. Hence, the Application deserves to be dismissed.
4. In any case the present application is false, frivolous, devoid of any merit, filed with a mala-fide intent to delay the execution of the award and a total abuse of the process of this Hon'ble Court and as such is not maintainable and deserves to be dismissed with costs.
5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Matter is listed for final argument, the ex-parte award has been stayed and the court has directed the Petitioner to wait for the NCLT regarding the ongoing case and further proceeding will only move forward after the a clear order by the NCLT has been passed . Next date of hearing is on 30.10.2020

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 30.10.2021

CASE LAW -19

IN THE COURT OF SONU AGNIHOTRI(A.D.J)

TIS HAZARI COURTS, NEW DELHI

IN THE MATTER OF:-

FR THOMAS CENTRAL SCHOOL

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

“If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole arbitrator under the provisions of the Indian Arbitrations and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by party A. The venue for arbitration shall be at New Delhi and the language shall be English. The Courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

2. That in light of the above clause the answering Respondents appointed Shri. Arun Batta as the sole arbitrator. That Sh. Arun Batta sent notice of appearance to the Petitioner and the Petitioner "Refused" in the notice sent by the Ld. Sole Arbitrator and to present its case. It is pertinent to mention herein that the arbitration award was passed at Chamber No. 385 Lawyers Chamber Block-II, Delhi High Court, New Delhi-010003.
3. That the false, fabricated and vague story cooked up by the Plaintiff does not qualify any of the grounds. That the Petition has merely based his case on surmises and the same is thwarted with mala fides, contradictions and inconsistencies. Hence, the Application deserves to be dismissed.
4. In any case the present application is false, frivolous, devoid of any merit, filed with a mala-fide intent to delay the execution of the award and a total abuse of the process of this Hon'ble Court and as such is not maintainable and deserves to be dismissed with costs.
5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Reply is to be submitted along with the authority letter. Next date of hearing is on 14.01.2022

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 14.01.2022

CASE LAW -20

IN THE COURT OF HARISH KUMAR(A.D.J)

TIS HAZARI COURTS, NEW DELHI

IN THE MATTER OF:-

AMAR CONCEPT

VERSUS

EDUCOMP AND EDUSMART

SUBJECT MATTER:- Reply on behalf of the Respondents to the Objection Petition filed under Section 34 of Arbitration and Conciliation Act, 1996

BRIEF FACTS :- It is submitted that the Petitioners have preferred the present Arbitration Petitioner u/s 34 of the Arbitration and Conciliation Act, 1996 (hereafter referred to as the “Act”) for setting aside the award dated 24.12.2016 passed by Ld. Sole Arbitrator Sh. Arun Batta. It is submitted that the arbitration proceedings were conducted as per the arbitration clause provided in the agreement between the parties.

1. That clause 9.1 of the agreement dated 10.02.2012 provided for the arbitration clause between the parties in the following manner:

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2. That in light of the above clause the answering Respondents appointed Shri. Arun Batta as the sole arbitrator. That Sh. Arun Batta sent notice of appearance to the Petitioner and the Petitioner "Refused" in the notice sent by the Ld. Sole Arbitrator and to present its case. It is pertinent to mention herein that the arbitration award was passed at Chamber No. 385 Lawyers Chamber Block-II, Delhi High Court, New Delhi-010003.
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5. It is submitted that the Award had been passed after complying with all the provisions of the "Arbitration and Conciliation Act", 1996 and is in conformity with the arbitration agreement. Furthermore, the judgment has been passed after due procedure prescribed under the Act and appreciation of judicial mind.

PRESENT DAY :-

Matter is listed for argument. Next date of hearing is on 27.10.2021

OBSERVATION :-

I have come to know the basic of the Arbitration proceedings and its importance in today times and how it can help people to resolve their dispute without much cost and time.

NEXT DATE OF HEARING: 27.10.2021

CONCLUSION

After doing this summer internship I gained the knowledge in some important fields of law. Firstly the real legal practice is absolutely different from the theoretical version of law which we study. Secondly without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. Thirdly, what we study is the body, but what we have learned from this internship is the mechanism of this body.

The Summer internship give me the ocean of opportunities to have practical exposure of the professional field of law it enables me to observe the legal environment of courts, professional life of advocate and other important aspects of law.

I also came to know about the duties, responsibilities and power of Judge, advocate and police in the case. The internship also helped me to understand the different stages of trial and suits. I was surprised to see how the interpretation of words done to prove their point and how the evidences were presented in the courts as it is totally different from the theoretical knowledge and how the simplest of laws were applicable in the most situations and how loopholes leave so much scope for evolution and improvisation today in this field. In other words law may come and law may repeal, but they always stay true to our original values.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards

Yours Faithfully,

Aadarsh Sejwal

00190103817

B.A.LL.B.(Hons.)

9th semester

NAAC ACCREDITED



FAIRFIELD Institute of Management & Technology

Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

तेजस्वि नावधीतमस्तु
ISO 9001:2015 & 14001:2015



SUMMER TRAINING REPORT 2021

<u>SUBMITTED BY</u>	AADITYA
<u>ENROLLMENT NO.</u>	00290103817
<u>INTERNSHIP PERIOD</u>	20 JULY – 31 AUGUST
<u>INTERNSHIP UNDER</u>	ADV. VINAY KUMAR SHARMA CH.NO.650, LAWYER'S CHAMBERS DWARKA COURTS, N. DELHI
<u>SEMESTER</u>	9

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VINAY K. SHARMA & ASSOCIATES

Advocates & Legal Consultants

DELHI HIGH COURT

Chamber No: 650, Lawyer's Chambers, Dwarka Courts Complex,
New Delhi -110075

Ref No. :

Date:01.09.2021

TO WHOMSOEVER IT MAY CONCERN

This is to certify that **MR.AADITYA (EN.NO.00290103817)**, a student of **FAIRFIELD INSTITUTE OF MANAGEMENT & TECHNOLOGY** pursuing **BA. LLB (9TH SEMESTER)**, has successfully completed her internship at my office for a period i.e. **from 20TH JULY 2021 TO 31ST AUGUST 2021.**

During the course of his internship, he has become a valuable part of my office and has shown himself to be hardworking and dedicated. He had been entrusted with work involving research and preparation of case notes. He was assigned work relating to Civil, Criminal and Family Law. He has also assisted my team in the court proceedings of various matters. He showed special interest in criminal law.

Mr.Aaditya is an intelligent and sincere person with great potential and willingness to work and learn. During his association with me, he has shown great commitment and dedication. He will prove to be an asset for any organization with which he will be associated.

VINAY KUMAR SHARMA
ADVOCATE



DECLARATION

This report is the original work prepared by Aaditya, a Student of Fairfield Institute of Management and Technology affiliated to Guru Gobind Singh Indraprastha University, Delhi, Semester-9th in partial fulfillment of requirement for internal assessment under the supervision of my supervisor.

Neither the said work, nor any part thereof has earlier been submitted to any University or institution for the award of any degree or diploma.

STUDENT'S NAME

AADITYA

ACKNOWLEDGEMENT

I have received help and encouragement from my parents and number of people on completing this report and would like to take this opportunity to thank them all.

I would like to express my sincere gratitude to my advocate, Adv VINAY KUMAR SHARMA for providing their individual guidance , comments and suggestions throughout the internship. I would specially thanks to Adv Vinay Kumar Sharma Sir for constantly motivating to me to work hard and made me learned about drafting. And also I would like to thanks all the associates under Adv Vinay Kumar Sharma Sir for help in research work and help in report making.

I wish to extend my sincere thanks to the librarians and the staff of our Law faculty for providing me with the opportunity to locate and prepare my Summer Training Report for the year 2021.

OBJECTIVE

I had interned with Adv. Vinay Kumar Sharma where I had received first-hand experience of how criminal proceeding goes, how to draft application, complaint, and many other legal working. There are several objectives I want to work on throughout the semester in my internship that would benefit my future career path. The following is a list of skills, knowledge, and personal development that I plan on obtaining during my internship.

Writing How to write efficiently and effectively in a short time period. Learning to take notes using a short hand method. The proper manner in which to send professional memos Improve my general writing skills.

Listening Listen to what others have to say; do not be anxious to interrupt. Listen to the answers attorneys give me concerning their careers. Learn to pick up on cues that a person is not being honest with me.

Develop empathy towards others, even if it is hard to picture or understand an issue through their eyes. Look for good qualities in others, and really see their life conditions. **Communication** Learn to communicate effectively with a diverse group of people, and adapt myself to fit their style. Become an active member in the office, contributing to the work that needs to be accomplished.

Take the initiative to ask others if they need help, and take advantage of every opportunity to get involved. Take charge of work assigned to me, figure out what needs to be done without Step-by-step instructions. Don't be afraid to ask for help if I cannot figure something out. **Legal research** Learn the basics of legal research, its usefulness, and shortcuts of obtaining information in a relatively short amount of time. Learn what legal research is like in law school, and how to prepare for it.

Interviewing Techniques Gathering information from individuals such as the defendants, witnesses, victims, etc. Learn how to spot cues that people are being honest or are not being honest. How to get people to tell me what I need from them.

Debate Skills Learn how to make sound, strong arguments. Think fast on my feet with a rebuttal to an argument. **Logical Reasoning/Analytical Thought** Develop these skills further; change my thought process to see an issue from a different angle than before.

Sense of Humor Learn to develop a sense of humor in the workplace, especially in dealing with different types of people and cases. **Stress Management** Ways to effectively cope with the stress associated with this line of work, and the different techniques the people within the office employ to help them.

CASES OBSERVED

CASE-1

Date:20.07.21

IN THE COURT OF DISTRICT & SESSION JUDGE, DWARKA COURTS, NEW DELHI

In The Matter of:
STATE OF DELHI

..... COMPLAINANT

Vs

VIKAS@ VICKY

..... ACCUSED

SUBJECT MATTER: APPLICATION U/s 439 Cr.P.C. ON BEHALF OF APPLICANT/ACCUSED IN CASE FIR NO. 229/21 UNDER SECTION 376/323 IPC REGISTERED AT PS.PALAM VILLAGE, NEW DELHI FOR GRANT OF REGULAR BAIL.

Brief about facts of the case:

It is alleged in the FIR, the Complainant was called by the accused at a restaurant namely MY BAR there she had drinks with the accused and after that she became unconscious and got her consciousness back on next day and found herself in a hotel room without clothes with the accused lying next to her.

Observation:

The matter was taken up through video conferencing on 22.07.2021. The Hon'ble court granted Regular bail to the accused and he was directed to produce surety bonds worth Rs 50,000/-.

Previous Date:

Fresh bail application so no previous date.

Next Date:

Application Disposed

Current Status/Stage:

Application Disposed.

CASE-2

DATE:22.07.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

ASHISH

...PETITIONER

VERSUS

THE STATE(N.C.T. OF DELHI)

...RESPONDENT

SUBJECT MATTER: FIRST APPLICATION UNDER SECTION 439 FOR GRANT OF REGULAR BAIL TO ACCUSED ASHISH IN CASE FIR No. 97/2021 REGISTERED AT P.S.-SAKET UNDER SECTION 376/313/506 IPC, 4/6/12 POCSO ACT & 67B IT ACT.

Brief about facts of the case:

It is alleged in the above FIR that the accused Ashish and the Complainant K have known each other since 2017 and in the beginning of 2018, relation was established between them for the first time on the pretext of marriage and that the Complainant was aged about 17 years at that time.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. A short date was given by the Hon'ble Court as the I.O. was absent due to medical reasons.

Previous Date:

Fresh bail application so no previous date.

Next Date:

20.08.2021

Current Status/Stage:

Bail application

CASE-3

DATE:27.07.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

AKASH

...PETITIONER

VERSUS

THE STATE(N.C.T. OF DELHI)

...RESPONDENT

SUBJECT MATTER: FIRST APPLICATION UNDER SECTION 438 FOR GRANT OF ANTICIPATORY BAIL TO ACCUSED AKASH IN CASE FIR No. 385/2021 REGISTERED AT P.S.-PALAM COLONY UNDER SECTION 308/323/342/34 IPC.

Brief about facts of the case:

It is alleged in the FIR, that on XX.XX.2021 brother of the Complainant namely D.K. was returning from barber shop and while returning he met Prince and Karim. D.K. told them that he wish to speak to the head of the local goons. On this, Prince and Karim gave beatings to him. D.K. sustained injuries. D.K. called up the police. It is further alleged that the head of the goons called the complainant to his shop and when he reached there he was assaulted by several persons.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. Status report to be filed by the I.O. on or before the next date of hearing.

Previous Date:

Fresh bail application so no previous date.

Next Date:

06.09.2021

Current Status/Stage:

Bail application

CASE-4

DATE:29.07.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

PRAVEEN KUMAR

...PETITIONER

VERSUS

STATE

...RESPONDENT

SUBJECT MATTER: APPLICATION UNDER SECTION 389 FOR SUSPENSION OF SENTENCE/ INTERIM BAIL ON BEHALF OF APPELLANT IN FIR NO. 445/2017, P.S. PALAM VILLAGE, DELHI.

Brief about facts of the case:

The appellant has filed the Appeal against the judgement dated 24.09.2018 and order of sentence dated 29.09.2018 in case FIR No. 445/2017, P.S. Palam Village, Delhi. The wife of the appellant is pregnant and the expected date of delivery of baby is 19.09.2021 and the wife of the appellant is not keeping well and there is no one to take care of her, hence this application seeking suspension of sentence/ interim bail.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. A short date is given by the Hon'ble Court for verification of medical documents.

Previous Date:

Fresh bail application so no previous date.

Next Date:

11.08.2021

Current Status/Stage:

Put up for consideration of interim bail.

CASE-5

DATE:31.07.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

GEETA

...PETITIONER

VERSUS

STATE(N.C.T. OF DELHI) & Ors.

...RESPONDENTS

SUBJECT MATTER: WRIT PETITION (HABEAS CORPUS) UNDER ARTICLE 226 OF CONSTITUTION OF INDIA.

Brief about facts of the case:

On 02.12.2020, minor daughter of the petitioner namely Pooja went missing from her home. Later, the minor daughter of the petitioner was found and the child was restored to the husband of the petitioner. The minor child again gone missing and there is apprehension that a resident of the neighborhood has taken her by alluring her. The matter was reported to the police but police refused to take complaint of the petitioner.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. Status report to be filed by the police before the next date of hearing.

Previous Date:

No previous date.

Next Date:

07.09.2021

Current Status/Stage:

Police to file Status report.

CASE-6

DATE:2.08.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

AMZAD

...PETITIONER

VERSUS

THE STATE(N.C.T. OF DELHI)

...RESPONDENT

SUBJECT MATTER: FIRST APPLICATION UNDER SECTION 439 FOR GRANT OF REGULAR BAIL TO ACCUSED AMZAD IN CASE FIR No. 0475/2021 REGISTERED AT P.S.-MUNDKA UNDER SECTION 376D/506 IPC & 6 POCSO ACT.

Brief about facts of the case:

It is alleged in the above FIR that the accused Amzad reached the house of the Complainant to to show his love for her where the Complainant scolded him thereafter the the accused established physical relations with the Complainant by pressing her mouth. The accused Amzad states in his defense that the Complainant and her family were the tenants and Amzad was the landlord. This current case was registered as the Complainant's family had not paid the rent in the past 6 months and this dispute resulted in this false and fabricated Complainant.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. There was an unexplained delay of 03 months when the FIR was lodged and no medical evidence was given in support of the statement of the victim. Bail granted to the Accused.

Previous Date:

Fresh bail application so no previous date.

Next Date:

Application Disposed

Current Status/Stage:

Application Disposed.

Case-7

DATE:03.08.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

RAHUL

...PETITIONER

VERSUS

THE STATE(N.C.T. OF DELHI)

...RESPONDENT

SUBJECT MATTER: APPLICATION FOR PREPONEMENT / EARLY HEARING OF CRL. M. (BAIL) NO. 356/2021 (SUSPENSION OF SENTENCE) FILED IN CRL. A. 833 OF 2019 ON BEHALF OF PETITIONER NAMELY RAHUL IN CASE FIR NO. 275/2017 REGISTERED UNDER SECTION 377 IPC & 6 POCSO ACT AT P.S. KAPASHERA.

Brief about facts of the case:

An application under section 389 of Cr.P.C. for suspension of sentence (interim bail) was given a long date as the matter was adjourned en bloc and the condition of the parents of the applicant is getting worse while he is in custody while no one is there to care of them, hence this application.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex app. The Hon'ble court allowed the application for early hearing of the suspension of sentence (interim bail).

Previous Date:

Fresh application

Next Date:

Application Disposed.

Current Status/Stage:

Application Disposed.

CASE-8

DATE:04.08.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

NARESH SHOKEEN

...PETITIONER

VERSUS

THE STATE(N.C.T. OF DELHI)

...RESPONDENT

SUBJECT MATTER: FIRST APPLICATION UNDER SECTION 438 FOR GRANT OF ANTICIPATORY BAIL TO ACCUSED NARESH SHOKEEN IN CASE FIR No. 585/2021 REGISTERED AT P.S.-MOHAN GARDEN UNDER SECTION 448/454/380/411 IPC.

Brief about facts of the case:

It is alleged in the FIR, that the complainant wanted to sell and she was approached by one Lalit who bought her house and gave cheques of Rs 20 Lacs alongwith 4 Lacs in cash and the sale deed was executed. It is further alleged that the Accused Lalit alongwith the Petitioner, Naresh threw stuff out which belonged to the Complainant as she did not give the possession as the Cheques of Rs 20 Lacs had bounced.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. The Hon'ble Court was pleased to allow the bail application as the Petitioner here neither had the possession of the property nor the cash money was returned to the Petitioner.

Previous Date:

Fresh bail application so no previous date.

Next Date:

Application Disposed

Current Status/Stage:

Application Disposed.

CASE-9

DATE:05.09.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

NARESH DAHIYA

...PETITIONER

VERSUS

STATE(N.C.T. OF DELHI) & ANR

...RESPONDENT

SUBJECT MATTER: PETITION UNDER SECTION 482 OF Cr.P.C. READ WITH ARTICLE 226/227 CONSTITUTION OF INDIA FOR QUASHING OF FIR NO. 93/2019 UNDER SECTION 323/341/354/509/34 IPC PS LODHI COLONY, DELHI AS THE PRESENT MATTER HAS BEEN AMICABLY SETTLED BETWEEN PETITIONERS AND RESPONDENT NO. 2.

Brief about facts of the case:

The Petitioners and Respondent No.2 are known to each other being friends and due to some misunderstanding the Complainant filed the present FIR against the Petitioners and on the same day a cross FIR was registered against the respondent No.2 and her family. The parties herein have been able to amicably resolve their entire dispute.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. The present FIR was quashed.

Previous Date:

Fresh petition so no previous date.

Next Date:

None. FIR quashed.

Current Status/Stage:

Disposed. FIR quashed.

CASE-10

DATE:09.08.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

SAHIL YADAV

...PETITIONER

VERSUS

STATE(N.C.T. OF DELHI) & ANR

...RESPONDENT

SUBJECT MATTER: PETITION UNDER SECTION 482 OF Cr.P.C. READ WITH ARTICLE 226/227 CONSTITUTION OF INDIA FOR QUASHING OF FIR NO. 92/2019 UNDER SECTION 451/323/341/354/509/34 IPC PS LODHI COLONY, DELHI AS THE PRESENT MATTER HAS BEEN AMICABLY SETTLED BETWEEN PETITIONERS AND RESPONDENT NO. 2.

Brief about facts of the case:

The Petitioners and Respondent No.2 are known to each other being friends and due to some misunderstanding the Complainant filed the present FIR against the Petitioners and on the same day a cross FIR was registered against the respondent No.2 and her family which has been quashed by the Hon'ble High Court. The parties herein have been able to amicably resolve their entire dispute.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. The present FIR was quashed.

Previous Date:

Fresh petition so no previous date.

Next Date:

None. FIR quashed.

Current Status/Stage:

Disposed. FIR quashed.

CASE-11

DATE:10.08.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

ACHIN PAL GUMBER

...PETITIONER

VERSUS

STATE(N.C.T. OF DELHI) & ANR

...RESPONDENT

SUBJECT MATTER: PETITION UNDER SECTION 482 OF Cr.P.C. READ WITH ARTICLE 226/227 CONSTITUTION OF INDIA FOR QUASHING OF FIR NO. 464/2019 UNDER SECTION 419/420/406/467/468/471 IPC PS DWARKA NORTH, DELHI.

Brief about facts of the case:

It is alleged in the FIR that the Complainant was duped by the Petitioner to buy a property and being a real estate agent he used his influence and misguided him to buy a property which was not sale and the Complainant lost money and filed a Complaint with the police relating to the same.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. Matter was adjourned as no one represented the Complainant.

Previous Date:

Fresh petition so no previous date.

Next Date:

08.10.2021

Current Status/Stage:

Appearance of Complainant.

CASE-12

DATE:11.08.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

PRAVEEN KUMAR

...PETITIONER

VERSUS

STATE

...RESPONDENT

SUBJECT MATTER: APPLICATION UNDER SECTION 389 FOR SUSPENSION OF SENTENCE/ INTERIM BAIL ON BEHALF OF APPELLANT IN FIR NO. 445/2017, P.S. PALAM VILLAGE, DELHI.

Brief about facts of the case:

The appellant has filed the Appeal against the judgement dated 24.09.2018 and order of sentence dated 29.09.2018 in case FIR No. 445/2017, P.S. Palam Village, Delhi. The wife of the appellant is pregnant and the expected date of delivery of baby is 19.09.2021 and the wife of the appellant is not keeping well and there is no one to take care of her, hence this application seeking suspension of sentence/ interim bail.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. Interim bail granted for 8 weeks.

Previous Date:

29.07.21

Next Date:

None.

Current Status/Stage:

Interim bail granted.

Case-13

DATE:12.08.21

IN THE COURT OF DISTRICT & SESSION JUDGE,
DWARKA COURTS, NEW DELHI

In The Matter of:

STATE OF DELHI

..... COMPLAINANT

Vs

JITENDER

..... ACCUSED

SUBJECT MATTER: FINAL ARGUMENT IN CASE FIR NO. 276/19 UNDER SECTION 376/384/506/328 IPC REGISTERED AT PS. UTTAM NAGAR, NEW DELHI

Brief about facts of the case:

It is alleged in the FIR, the Complainant met the accused near her tuition where the accused took some type of intoxicant in his hand and put the said intoxicant on a cloth, that thereafter the accused put the said cloth on the nose of the complainant due to which she instantly lost her consciousness. It is further alleged that after sometime around 4 P.M the complainant got back her consciousness and found herself lying on a bed with the accused without any clothes.

Observation:

The matter was taken up through video conferencing on . .2021. Part arguments were heard and the matter was adjourned.

Previous Date:

03.05.2021

Next Date:

27.10.2021

Current Status/Stage:

Final arguments.

CASE-14

DATE:13.08.21

IN THE COURT OF DISTRICT & SESSION JUDGE,
DWARKA COURTS, NEW DELHI

In The Matter of:

STATE OF DELHI

..... COMPLAINANT

Vs

SHUBHAM

..... ACCUSED

SUBJECT MATTER: APPLICATION U/S 439 C.r.P.C. FOR GRANT OF REGULAR BAIL TO THE APPLICANT/ACCUSED IN CASE FIR NO. 101/21 UNDER SECTION 363/365 IPC 6 POCSO ACT REGISTERED AT PS. DABRI, NEW DELHI

Brief about facts of the case:

It is alleged in the FIR, the Complainant met the accused near her tuition where the accused took some type of intoxicant in his hand and put the said intoxicant on a cloth, that thereafter the accused put the said cloth on the nose of the complainant due to which she instantly lost her consciousness. It is further alleged that after sometime around 4 P.M the complainant got back her consciousness and found herself lying on a bed with the accused without any clothes.

Observation:

The matter was taken up through video conferencing on . .2021. Part arguments were heard and the matter was adjourned.

Previous Date:

03.05.2021

Next Date:

27.10.2021

Current Status/Stage:

Final arguments.

CASE-15

DATE:16.08.21

IN THE COURT OF DISTRICT & SESSION JUDGE,

SAKET COURTS, NEW DELHI

IN THE MATTER OF:

STATE OF DELHI

... COMPLAINANT

Vs

VIVEK YADAV

... ACCUSED

SUBJECT MATTER: APPLICATION U/S 439 Cr.P.C FOR GRANT A REGULAR BAIL TO THE ACCUSED IN CASE FIR NO. 141/2021 UNDER SECTION 376 IPC REGISTERED AT PS. MALVIYA NAGAR, NEW DELHI

BRIEF FACTS OF THE CASE:

It is alleged in the FIR, the complainant that the accused came late night at the house of the Complainant and asked for some sugar. Thereafter when the complainant went inside for bringing sugar the accused came inside the house and lock the main door and fed her drugs and made physical relations with her.

OBSERVATIONS : The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. Regular bail was granted.

Previous Date: Fresh bail application so no previous date.

Next Date: Application disposed

Current Status/Stage: Application disposed.

CASE-16

DATE:17.08.21

IN THE COURT OF DISTRICT & SESSION JUDGE,

TIS HAZARI COURTS, NEW DELHI

IN THE MATTER:

STATE OF DELHI

... COMPLAINANT

VERSUS

VIKAS@ KAJLA

... ACCUSED

**SUBJECT MATTER: APPLICATION FOR INTERIM BAIL TO THE ACCUSED IN
CASE FIR NO. 321/2020 UNDER SECTION 376/323 IPC REGISTERED AT PS.
MAYAPURI, NEW DELHI**

BRIEF FACTS OF THE CASE:

It is alleged in the FIR, the accused made the Complainant believe that he is a Singer and could get her some contracts with big music labels, he further used this influence to make forced physical relations with the complainant.

OBSERVATIONS : The matter was taken up by the Hon'ble Court and the arguments were heard through Cisco Webex App. Bail application dismissed.

Previous Date:

11.05.21

Next Date:

Application disposed.

Current Status/Stage:

Application disposed.

CASE-17

DATE:20.08.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

ASHISH

...PETITIONER

VERSUS

THE STATE(N.C.T. OF DELHI)

...RESPONDENT

SUBJECT MATTER: FIRST APPLICATION UNDER SECTION 439 FOR GRANT OF REGULAR BAIL TO ACCUSED ASHISH IN CASE FIR No. 97/2021 REGISTERED AT P.S.-SAKET UNDER SECTION 376/313/506 IPC, 4/6/12 POCSO ACT & 67B IT ACT.

Brief about facts of the case:

It is alleged in the above FIR that the accused Ashish and the Complainant K have known each other since 2017 and in the beginning of 2018, relation was established between them for the first time on the pretext of marriage and that the Complainant was aged about 17 years at that time.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. The Hon'ble court granted bail to the petitioner.

Previous Date:

22.07.21

Next Date:

Application disposed.

Current Status/Stage:

Application disposed.

CASE-18

DATE:27.08.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER:

STATE OF DELHI

... COMPLAINANT

VERSUS

VIKAS@ KAJLA

... ACCUSED

**SUBJECT MATTER: APPLICATION FOR INTERIM BAIL TO THE ACCUSED IN
CASE FIR NO. 321/2020 UNDER SECTION 376/323 IPC REGISTERED AT PS.
MAYAPURI, NEW DELHI**

BRIEF FACTS OF THE CASE:

It is alleged in the FIR, the accused made the Complainant believe that he is a Singer and could get her some contracts with big music labels, he further used this influence to make forced physical relations with the complainant.

OBSERVATIONS : The matter was taken up by the Hon'ble Court and the arguments were heard through Cisco Webex App. The Hon'ble court granted interim bail for 4 weeks to the petitioner.

Previous Date:

None.

Next Date:

Application disposed.

Current Status/Stage:

Application disposed.

CONCLUSION

The District Court in reality is different from the court generally shown in the Movies. In movies the job of lawyer is more similar to a detective which is a far cry from the reality. The job of a lawyer is only to assist a party in a suit regarding the proceedings and appear before Judge on his behalf. Every lawyer maintains a court diary, which proved handy and very useful as all the details of the case are entered in the diary with proper date and its petition number. It proves to be useful, as respective cases are recorded by the lawyer date wise and it saves time to think and search of the cases as per the present date. During my internship, I learned to maintain the lawyer's diary.

I learned how to take dates from the court from the registers. I myself has submitted an application of non-appearance on behalf of my Sir before the Hon'ble Judge. It was a learning experience as Juniors take one year for learning the court proceedings which I could learn during the period of internship. Though one month was not sufficient but it was enough to learn about the basis.

Basics can be learned only in trial court. I have learned the basics of drafting. I could get to know about Fast Track Court and Consumer Forum's which is an emerging concept. I really tried hard to learn. It was adventurous for me as everything was unpredictable. Every client comes with a new case, new situation, a new problem and which doesn't have any perfect answer. I also experienced the expressions and thoughts of the Hon'ble Judges. When they are in good mood, they will tell you how to do the things correctly but if not then they will scold you for the simple mistakes you have done. About advocates I experiences that it is not easy to work as an advocate, it requires a lot of dedication and hard work, only then you can achieve success, and most importantly social recognition.

This was a common practice among all advocates to never come on time and keep their clients waiting before the court. They also would never present W.S. (written statement) before the court on time, and also the witness on time, and then ask the court to issue a further date for next hearing. In the office I learned all the official work, Drafting of a PIL, DDR Report, and drafting Replies to written statement , Vakalatnama etc.

I also learned that it is very important to be always reading cases and new enactments, keep yourself always sound minded, and while dealing with a case read the facts of the case very carefully and try to find all the loopholes and then use them in your favour, also while cross questioning with the witness never allow him/her to be confident ask them twisted questions so that they become nervous and are not able to answer properly.

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

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Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

CONTACT DETAILS

EMAIL I.D

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - AAKASH SHARMA

ENROLLMENT NO. - 00390103817

COURSE - BALLB 9th SEM

BATCH - 2017-22



DECLARATION

This declaration is made regarding the internship report which has been prepared and drafted by **Aakash Sharma** student of 9th semester B.A.LLB (Hon's) hereby declare as this report as compiled by me under summer internship programme under **Adv. Shekhar Nanavaty**, Delhi High Court for a period of (8 weeks) is based on my own experiences and observation to the best of my knowledge and understanding in its duration and this report is a sincere attempt at compilation of the aforementioned work. Its submission is a partial fulfilment of the requirement for the award of Bachelor of Law [B.A. LL.B (Hons.)] degree. which is submitted therefore to **Fairfield Institute of Management & Technology affiliated to Guru Gobind Singh Indraprastha University , New Delhi** is a reliable document and is of bonafide nature.

Aakash Sharma

Roll No -00390103817

B.A.LLB (Hon's)

Year-V, Semester- 9th

Fairfield Institute of Management & Technology

Guru Gobind Singh Indraprastha University

SHEKHAR NANVATY

(ADVOCATE)

Dated: 14th November ,2021

ACKNOWLEDGEMENT

I would like to acknowledge and express my deep gratitude to all the persons who have been my constant support, source of encouragement and inspiration and have helped me in successfully compiling and completing this Summer Internship Report for time bound and submission.

I take profound sense of pride to convey my gratefulness towards my university- (Guru Gobind Singh Indraprastha University) and my Institution **Fairfield Institute of Management & Technology**, for providing me this great opportunity to such an enlightening internship.

I would like to place my warm gratitude towards (Adv. Shekhar Nanavaty)under whom, I completed my internship and I gained a detailed and useful experience for the purpose of Internship as well as for profession of advocacy in near future. This is to express gratitude towards a person who guided and motivated me throughout my internship period.

I am thankful to him for his invaluable teachings and advice given to me, for helping me in exploring and understanding the legal drafting preparation for cases and research methodology better

LIST OF ABBREVIATIONS IN CASE

❖ PLA	Permanent Lok Sabha
❖ Sec.	Sections
❖ CPC	Civil Procedure Code,1908
❖ S.C	Supreme Code
❖ NO.	Numbers
❖ U/S	Under Section
❖ IPC	Indian Penal Code
❖ CJM	Chief Judicial Magistrate
❖ SDO	Sub Divisional Officer

OBJECTIVE OF INTERNSHIP

Internship is a process of education, to offer meaningful, career related work experience to students, while simultaneously providing an excellent source of highly motivated, carrier minded individuals for employers.

- **Professional Experience** - Most students who graduate or pass out fresh from College do not have any valuable on-the-job experience to show on their resumes. Working as an intern provides a student with some valuable work experience.
- **Understanding of the field** - The fieldwork to be undertaken and the possible avenues the field of law holds for a student's future.
- **Increase in knowledge**- All the research work done on various different topics assigned helped expand the diversity and detail of my knowledge which is very important as a law student.
- **Developing useful skills**- (communication, writing and researching, etc.) and gaining valuable exposure.
- **Developing useful contacts** - networking with people in the same field, profession and area of interest.

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(CASE LAW- 1)

IN THE HIGH COURT OF JUDICATURE AT DELHI CRIMINAL
APPELLATE JURISDICTION
BENCH: S. P. SINGH

IN THE MATTER OF:

SIDDHARTH SABHARWAL (PETITIONER)

VERSUS

THE STATE (NCT OF DELHI)

SUBJECT MATTER: Complaint Filed Under Sections 498A, 323, 504, 506 AND 509 OF IPC.

DATE OF HEARING: 19/07/2021

BRIEF FACTS OF THE CASE:

Without prejudice to the aforesaid contentions learned counsel for complainant submits that, the Petitioner has physically assaulted the complainant and traumatised

her by physical, emotional and mental cruelty. The Petitioner on his 40th birthday as usual got drunk and abused and punched the complainant. As the complainant could not take this continuous physical, mental and emotional assault, lodged an NC with the Delhi Cantt. Police Station under Section 504 and 506 of Indian Penal Code on 28/03/2019.

In the year 2019 itself complainant filed another police complaint on 23rd May, 2019 placing on record how right from the beginning of her marriage she was traumatised by the accused and particularly how the Petitioner had committed various acts of cruelty on her. She narrated various incidents including how she was assaulted and physically abused by the Petitioner in the said complaint.

The complainant approached the police hoping that, the Petitioner would mend his ways and change his actions but the same was to no avail. As a result of the same, the complainant was compelled to register FIR bearing CR No. 70 of 2019 with the Delhi Cantt. Police Station on 19/06/2019 under section 498a, 323, 504, 506, 509 of IPC. In the said complaint, complainant again narrated the incidents of cruelty and harassments that are meted out to her and how whether drunk or not she was abused, assaulted and to worse and it resulted in all these complaints being filed.

OBSERVATION: I have come to understand Section 498a, 323, 504, 506 and 509 clearly and in which instances a complaint could be filed under such sections, and what all are the punishments associated with them. The court handles such cases with care and gives verdict in favour of the aggrieved person.

NEXT DATE OF HEARING: 05/08/2021

(CASE LAW - 2)

**IN THE HON'BLE COURT OF CHIEF METROPOLITAN MAGISTRATE,
SAKET COURTS, NEW DELHI.**

In the matter of:

Mr. VIJAY SHARMA

.....Complainant

Versus

M/s WINAXX IMPEX PVT. LTD. & OTHERS
Accused's

..... Respondents /

SUBJECT MATTER: Criminal complaint under Section 200 of the Code Of Criminal Procedure against the accused persons for summoning and punishing the accused persons under Section 406/419/420/120-b/34 of Indian Penal Code (45 of 1860).

DATE OF HEARING: 01/10/2019

BRIEF FACTS OF THE CASE:

1. The Accused No. 1 i.e. M/S WINAXX IMPEX PVT. LTD., non-govt. company and is registered at Registrar of Companies, Delhi. The Accused No. 2 i.e. Mr. Sandeep Anand, Accused No.3 i.e. Mr. Sanjeev Anand and Accused No.4 Mr. Rajeev Anand are the Directors of the Winaxx Impex Pvt. Ltd. who are acting on behalf of the company and they are jointly and severally responsible for the day to day affairs of the accused No.1 company.
2. That on 29.12.2012 the Complainant and the Accused's entered into an oral loan agreement for a loan of Rs. 5,50,000/- (Rupees Five Lacs Fifty Thousand Only) at a

rate of interest of 2.5% per month for a period of Six Months payable every month i.e. Rs. 13,750 starting from 11th January 2013.

3. The complainant being convinced by the representations and assurances made by the Accused persons, the Complainant paid Rs. 5, 50,000/- from Canara Bank on 29.12.12 as loan. The Principal Amount were duly collected and acknowledged by the Accused through receipt.
4. The Complainant lost faith in the deal and asked for a full refund of money paid along with interest @2.5% per annum to be calculated from the date of payment till the date of the refund.
5. That the Complainant were however shocked to learn that Accused's were now refusing to admit receipt of the full payment of INR 5,50,000/ towards the Oral Loan Agreement made by the Complainant.
6. That the Complainant also visited the police station SHO EOW, South West Distt. On 05.10.16 and also apprised the police officers about the fraud conducted on the complainant and tried to register an FIR but no action has been taken by the Police authorities till dated and also that no FIR has been registered by the Police authorities, hence the present complaint to this Honb'le Court.

OBSERVATION

The complainant has been befooled by the respondent's as he did not fulfill his promise as per the agreement and denial the occurrence of the oral agreement.

(CASE LAW -3)

**IN THE COURT OF THE LD. SENIOR CIVIL JUDGE- NORTH WEST
DISTRICT, ROHINI COURTS COMPLEX, DELHI**

IN THE MATTER OF:

Mrs. Kavya Mittal Goyal

...Plaintiff

VERSUS

1. Strategic Retail Private Limited
2. Mr. Sandeep Kumar
3. Mr. Karan
4. Gaurav Agarwal

...Defendants

SUBJECT MATTER:SUIT FOR RECOVERY OF AMOUNT OF RS 4, 50, 000
(RUPEES FOUR LAKHS FIFTY THOUSAND) WITH PENDENTE LITE & FUTURE
INTEREST

BRIEF FACTS OF THE CASE:

1. That the defendant No. 4 namely Gaurav Agarwal was earlier a partner in M/s Ved Mittal and Associates, a chartered accountancy firm of plaintiff's father who is the principal partner in the said accountancy firm. The plaintiff asked the said Gaurav Agarwal on 21. 08. 2015 to invest by way of fixed deposit receipt in the Indian Overseas Bank, Pitampura branch B-155 Lok Vihar Pitampura New Delhi-110034 and obtain fixed deposit receipt from the bank and for the said purpose, the plaintiff had accordingly issued under her signature a cheque No. 028628 dated 21.08.2015 for a sum of Rs. 4, 50,000/- (Four Lakhs Fifty Thousand Only) drawn on Indian

Overseas Bank, Pitampura in favour of yourself i.e. the bank. The details on the cheques were written by the Defendant No.4.

2. That the said Defendant No.4 with active connivance of Sandeep Kumar (DIN No. 06656179), Director of Strategic Retail Private Limited and Karan (DIN No. 06656182) Director of Strategic Retail Private Limited for and behalf of themselves as well as on behalf of Strategic Retail Private Limited, a company registered under the provisions of the Companies Act, 1956, misappropriated the said cheque and usurped the same by making RTGS payment of the said amount to the Strategic Retail Private Limited i.e. which has no relation what so ever with the plaintiff or plaintiff's father. The cheque, when signed, was issued by the plaintiff as 'YOURSELF' for the purpose of making a fixed deposit, but the Defendant No.4 pursuant to the plaintiff signing the cheque added for 'RTGS Strategic Retail Private Limited'.
3. That it is to state here that the RTGS form with which the amount was fraudulently and illegally transferred to the account of the Defendant's company was also made to be signed by the plaintiff on a false pretext by the Defendant No.4, and the said form when signed was blank i.e. no name of the beneficiary or the amount or any other was mentioned and in fact all the said details are not even in the handwriting of the plaintiff and the RTGS form has been filled without any knowledge or consent of the plaintiff by the Defendant No.4 and the amount of Rs. 4, 50,000/- was illegally and fraudulently usurped by the defendants.

JUDGEMENT:

The court ordered the defendants to file a reply of the suit till the next date of hearing on 1.10.19

(CASE LAW- 4)

**IN THE DISTRICT COURT OF RENU BHATNAGAR ADJ,
SAKET COURT NEW DELHI**

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

RAVI GUPTA

....DEFENDANT

SUBJECT MATTER: COMPLAINT UNDER 354D, 376 506 of IPC and POSCO ACT

BRIEF FACTS OF THE CASE:

The complainant is a daughter of accused and alleged that his father has been committing rape on her from last 3 years but she was no able to speak as she is a special child. One day the complainant mother saw his husband and daughter both in a compromising situation then she got to know and filled a case on her behalf. The case has been referred from Delhi Women Commission.

JUDGEMENT:

Accused has been in the custody and all the charges has been framed. The court directed the police to prepare the charge-sheet and submit by 26.08 2019.

(CASE LAW- 5)

**IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURT, SOUTH WEST
DISTRICT, DWARKA COURTS COMPLEX, DELHI**

IN THE MATTER OF:

Mr. Ishaan Kakkar

...Petitioner

Versus

Mrs. Yogita Mirchandani and Anr.

...Respondents

SUBJECT MATTER: PETITION UNDER SECTION 13 (1) i and (1) (i-a) OF THE
HINDU MARRIAGE ACT 1955 (AS AMENDED UP-TO-DATE) SEEKING
DISSOLUTION OF MARRIAGE BY A DECREE OF DIVORCE R/W SECTION 7 OF
THE FAMILY COURTS ACT, 1984

BRIEF FACTS OF THE CASE:

The marriage between the petitioner and Respondent No. 1 wife was solemnised and celebrated on December 8, 2013 at DDA Park, Sector 4, (Near PNB Apartments), Dwarka, New Delhi, and the marriage between the parties to the present petition was duly consummated. Out of the wedlock between the parties, no issue has been born. The Respondent No. 1 has treated the petitioner and his family members with severe cruelty and humiliation and because the Respondent No. 1 wife had sexual relationship with her boss namely Captain Sanjay Kumar Gupta. The petitioner has submitted the tape recordings of his wife phone records with section 65b certificate attach to it as valid proof.

JUDGEMENT

The notice has been issued to the opposite parties to appear on 29.10.19.

NEXT DATE OF HEARING : 29/10/2021

(CASE LAW - 6)

**IN THE COURT OF THE LD. SENIOR CIVIL JUDGE- NORTH WEST
DISTRICT, ROHINI COURTS COMPLEX, DELHI**

IN THE MATTER OF:

ENABLE TECHNOLOGIES PVT LTD AND ANR.

THROUGH IT AUTHORITY REPRESENTATIVE

....PLAINTIFF

VERSUS

VETERANS INFRASTRUCTURE STRATEGIZERS PVT LTD

....DEFENDANT

SUBJECT MATTER: SUIT FOR RECOVERY OF MONEY OF RS 1200000

BRIEF FACTS OF THE CASE:

The plaintiff's company and defendant's company made a contract on 11.03.2013 that they will provide them with the raw material and the defendant company will pay Rs 12,00,000 in four instalments. The first instalments have been paid but 3 instalments have not been received. The plaintiff has given a legal notice regarding the same but they refused to pay the same.

JUDGEMENT

Court has directed the defendant company to clear the dues with additional interest of Rs 97000 by 23.04.19.

NEXT DATE OF HEARING: 23/04/2021

(CASE LAW - 7)

**IN THE DISTRICT COURT OF SH. RAMESH KUMAR, A.D.J., TIS HAZARI
COURTS, DELHI.**

IN THE MATTER OF:

Queen's Marry Public School

.....Plaintiff

VERSUS

Shweta Aggarwal

.....Defendants

SUBJECT MATTER: TEACHERS AGEING 50 YEARS SHOULD BE REMOVED

BRIEF FACTS OF THE CASE:

In this case as per the new rules of directorate of education the teachers ageing 50 years should be removed. The school following the guidelines did the same and clear all the dues of the teacher but defendant said that she has not been paid according to the 7th pay commission scheme. As a result she has to be paid more but school refuses to pay.

JUDGEMENT

The court has ordered the plaintiff to calculate the amount which she expects and defendant also to show all the receipts and amount which she has already being paid. Next date of hearing is 21.09.19

NEXT DATE OF HEARING: 21/09/2021

(CASE LAW - 8)

**IN THE COURT OF SH. LALIT KUMAR, LD. ADDITIONAL
DISTRICT JUDGE, SOUTH EAST, SAKET COURTS COMPLEX, DELHI**

IN THE MATTER OF:

M/s HARSH ENTERPRISES

...Plaintiff

Versus

ARMTECH (INDIA) LTD & ORS.

...Defendants

SUBJECT MATTER: SUIT FOR RECOVERY OF AMOUNT OF RS. 31,50,546
WITH PENDENTE LITE & FUTURE INTEREST

BRIEF FACTS OF THE CASE:

1. The plaintiff is a proprietorship firm engaged in the business of Iron & Steel, Steel tube supply, and trading. The defendants are engaged in the business of infrastructure development with in sectors like Industrial Plants & Highways, Civil Construction and MEP Contracting.
2. The defendants No.2 and 3, approached the plaintiff on behalf of defendant No. 1 company and represented to the plaintiff to be the persons responsible and officers in charge of the Company and looking after its day to day affairs, and apprised the plaintiff about their requirement of steel of various thicknesses and MS Channel and placed orders of the same on various dates for which invoices were also raised.

3. The defendants assured the plaintiff that payments will be made regularly and on timely basis. on 25.02.2013, defendants ordered for 8mm, 20mm, 25mm, and 32mm TMT (SAIL) steel of the quantities 2960 Kg, 1850 Kg, 8170 Kg, and 7060 Kg respectively and the same were delivered to the project site at Manyata Park, Hebbal, Bangalore as per the request of the defendants. despite repeated requests and reminders, and even on receipt of legal notices dated 04.11.2014 and 17.08.2015 for payment of Rs. 31, 50, 546 (Rs. 13, 59,550 as principal amount as per books of account of the plaintiff along with interest of Rs. 17, 90,996 as on 31.07.2015), defendants did not make the payment by giving some false and frivolous reason or another.

JUDGEMENT:

Next date of hearing is 05.09.20

NEXT DATE OF HEARING: 05/09/2020

(CASE LAW - 9)

**IN THE COURT OF JUSTICE G.S SISTANI
HIGH COURT OF DELHI**

IN THE MATTER OF:

Delhi Development Authority

...Appellant

Versus

DLF Ltd.

...Respondent

SUBJECT MATTER: Suit filed u/s section 151 of CPC

BRIEF FACTS OF THE CASE:

1. In 2014 it was held that DDA (Delhi development authority) files a suit against DLF ltd. for illegal construction on one of the sites of the DDA. The appellant issues various legal notices to the respondent about the illegal construction they were doing but the respondents replies by letting the appellant know that they have got the permission to complete the construction.

2. In May 2014 appellant investigates on its part about the permissions for such construction in non development zone and comes to know that the construction was not allowed upto such an extent, therefore the appellant again in June 2014 sends a legal notice along with its representative who informs the respondents about the clearances of certificates and NDZ.

-
3. Respondent denies to the legal notice by saying that they were having all the permissions for the construction from the government of Delhi.
 4. Appellant in July 2014 files a suit against the DLF ltd. U/s 151 CPC. The valuation of case is of Rs.900 crores. Respondent in his written statement said that all the claims put on them by the Appellant were null and wrong as no such illegal construction has been done on their part. Respondents were also able to show the court all the evidences and agreements which states that their construction was not illegal and fully authorised by the Delhi Government.
 5. Appellant was not able to proof its point and also fails to show the relevant evidences in the court which could make the respondent liable for the wrongful acts. It also came into knowledge that the appellant had done some of the demolishing activities in the respondent's property which lead to a lot of loss for the respondent
 6. Thus respondent claims Rs.900crores from the appellant for demolishing their structure.
 7. Both the parties referred to mediation and a settlement has been done among them as appellant accepts its mistakes and is ready for mediation, an agreement on 6/2/2015 has been done which is duly signed by the parties, their council and the mediators about the settlement amount for Rs. 675.81 crores which must be paid by the appellant. Mr. Arya, the director, signs for all the acts done by the appellant.

OBSERVATION:

Settlement of Rs. 675.81 crores paid by the appellant and the respondent agrees to receive the whole amount in full and final settlement for all the claims filed in respect of suit property.

(CASE LAW- 10)

**IN THE COURT OF REKHA DHAKKAR,
DEBT RECOVERY TRIBUNAL,
AT PATEL CHOWK, NEW DELHI**

IN THE MATTER OF:

Symphony Ltd. Plaintiff

Versus

Bajaj Plastic & Ors Defendant

SUBJECT MATTER: Suit u/s 22 of the Designs act, 2002

Application under order IX Rule 13 of the Civil Procedure Code 1908

BRIEF FACTS OF THE CASE:

1. The plaintiff is a public Ltd. Company listed at the National Stock exchange of India Ltd. And incorporated under the companies act, 1956
2. The defendants are illegally and without any permission or authority, manufacturing , selling and marketing air coolers, that are the unauthorised replicas and imitations of the registered designs of the models of the Plaintiff, namely STORM 70 and JUMBO, thereby committing piracy of the Plaintiff's registered designs and infringing on the rights of the designs of the Plaintiff as their own.
3. Defendant No.1 is manufacturing and selling air coolers that are unauthorised replicas and imitations of the Plaintiff's registered design of the models "Storm 70" thereby committing piracy of the Plaintiff's registered designs and infringing the right of the Plaintiff by passing off the design of the plaintiff as its own.

-
4. Plaintiff further submits that the defendants being fully aware of the excellent reputation and goodwill enjoyed by the plaintiff and their brand, have acted with mollified intent to unfairly benefit by passing off and marketing their products in the exact fraudulent imitation of design, shape and configuration as that of the plaintiff's registered product designs thereby, misleading and defrauding the consumer.

OBSERVATION:

The defendant after a no. of summons did not show up before the Tribunal and was declared to be ex-party. The defendant humbly submitted that the summons were delivered to him on the wrong address and therefore under order IX Rule 13 prayed to set aside the order of ex-party.

The defendant has humbly submitted the application under Order IX Rule 13 to set aside the order of ex-party.

I was able to learn about the laws of piracy and the designs act 2002, along with the provisions of order 9 of the Civil Procedure Code.

(CASE LAW 11)

**IN THE HIGH COURT OF DELHI OF JUSTICE PRADEEP NANDRAJOG
NEW DELHI**

IN THE MATTER OF :

RAKESH KUMAR & ORS.

..... Plaintiff

versus

STATE

..... Defendant

SUBJECT MATTER: Petition under section 65B of the Indian Evidence Act, 1872

BRIEF FACTS OF THE CASE:

The end result of the journey undertaken by us is that the appeals filed by Sharda Jain and her brother Raj Kumar i.e. CrI.A.No.51/2007, criminal appeal filed by Roshan Singh i.e. CrI.A.No.139/2007 and criminal appeal filed by Rajinder i.e. CrI.A.No.144/2007 are dismissed. Criminal appeals filed by Pushpinder, Nirvikar, Rakesh Kumar, Sripal Singh Raghav and Satender Kumar i.e. CrI.A.No.19/2007, CrI.A.No.121/2007 and CrI.A.No.65/2007 are allowed. Pushpinder, Nirvikar, Rakesh Kumar, Sripal Singh Raghav and Satender Kumar are acquitted of the charges framed against them. Such of the accused who are in custody and whose appeals are allowed are directed to be set free unless required in custody in some other case. Such accused who have been acquitted and are on bail, we discharge their bail bonds and surety bonds.

OBSERVATION:

The court ordered another notice to the accused and specifically stated that if the accused is not present in the court on the next date and return the money appropriate action of arrest will be taken against the accused.

DATE OF HEARING : 27/08/2018

(CASE LAW 12)

**IN THE SUPREME COURT OF INDIA CIVIL APPELLATE
JURISDICTION**

BENCH: A.K. PATNAIK, SUDHANSHU JYOTI MUKOPADHYA

IN THE MATTER OF:

DHARAMVIR SINGH

.... APPELLANT

VERSUS

UNION OF INDIA & ORS.

....RESPONDENTS

SUBJECT MATTER: Whether the appellant is entitled for disability pension under 12
SCC 675, and Rule 7

BRIEF FACTS OF THE CASE:

1. The appellant was enrolled as Sepoy in the Corps of Signals of the Indian Army on 15th June, 1985. Having rendered about 9 years of service in Indian Army he was boarded out of the service with effect from 1st April, 1994 on the ground of 20% permanent disability as he was found suffering from Generalised seizure (Epilepsy). The Medical Board of Army opined that the "disability is not related to military service". On the basis of disability report, no disability pension was granted to him.
2. The appellant approached the High Court of Himachal Pradesh in Civil Writ Petition No.660 of 2004 seeking a direction to respondents to grant disability pension with effect from 1st April, 1994. Learned Single Judge by judgment dated 20th May, 2004 on observing that there was nothing on record to show that the appellant was suffering from any disease at

the time of his initial recruitment in the Indian Army held that the disease would be deemed to be attributable to or aggravated by the Army services. Therefore, in terms of Regulation 173 of Pension Regulations for the Army, 1961 the appellant is eligible for disability pension.

3. The Union of India challenged the decision of the learned Single Judge before the Division Bench of the High Court of Himachal Pradesh in LPA No.26 of 2004. On behalf of the Union of India it was contended that disease "generalised seizure" was constitutional in nature and the same has not been found by the Re-Survey Medical Board attributable or aggravated by military service.

OBSERVATION:

The impugned order is set aside and accordingly the appeal is allowed. The respondents are directed to pay the appellant the benefit in terms of the order passed by the learned Single Judge in accordance with law within three months if not yet paid, else they shall be liable to pay interest as per order passed by the learned Single Judge. No cost.

DATE OF HEARING: 08/04/2020

(CASE LAW 13)

**IN THE COURT OF MS. SHIVALI SHARMA
CHIEF METROPOLITAN MAGISTRATE: EAST
KARKARDOOMA COURT : DELHI**

IN THE MATTER OF:

NITIN KUMAR

...PETITIONER/APPLICANT

VERSUS

THE STATE (GOVT. OF NCT)

....RESPONDENT

SUBJECT MATTER: 2nd APPLICATION FOR BAIL UNDER SECTION 439 CR.P.C ON
BEHALF OF PETITIONER INTIN KUMAR IN CASE FIR NO.1391/2015 MEHRAULI U/S
376/506 OF I.P.C AND 4/6 OF POSCO ACT

BRIEF FACTS OF THE CASE:

1. The applicant was arrested by local police of Mehrauli on 11.08.2015 since then he is in judicial custody.
2. He is arrested on a false statement of Asma who is the complainant in the present FIR against the petitioner.
3. There was no material found by the investigation officer at any point and there is no material on record to prove that the allegations against the petitioner are to be true as there is no purpose for the petitioner to be in judicial custody.

-
4. The investigation is completed and the charge sheet has also been filled against the petitioner by the IO even though when there is material evidence found against the petitioner in the investigation then there is no such use to keep the petitioner behind the bars within the company of hardened criminals.
 5. The prosecution was presented a list of 18 witnesses out of which only one witness has been examined i.e. the complainant and the trial is fixed to be on the next date of hearing i.e. 5.09.2016.
 6. The statement of the complainant has already been recorded in the present case and the complainant has not deposed anything against the petitioner in any manner moreover the complainant has not even supported the arrest of the prosecution.
 7. It was admitted on behalf of the complainant that her date of birth is 01.01.1994 which is evident from her Aadhar card and which shows that she was 20 at the time of alleged offences and not a minor. The complainant also admitted that even after the birth of the child the complainant lived with the petitioner for a very long time with her sweet will and she had lodged the complaint against him only when the petitioner left her 2 ½ months ago and therefore the offence under section 376 of IPC is also not maid out against the petitioner.
 8. It was submitted before the court to kindly grant bail for the petitioner in the present case and also that the petitioner undertake to abide by all conditions imposed by the court while granting bail.

JUDGEMENT

The bail was granted till the next trial date for the petitioner i.e. Nitin Kumar.

(CASE LAW 14)

**IN THE COURT OF ARUN BHARADWAJ, SPECIAL JUDGE (PC ACT) : CBI-5,
PATIALA HOUSE COURT, NEW DELHI**

IN THE MATTER OF:

CBI

Plaintiff

Versus

SH R.S GARG

Defendant

SUBJECT MATTER: Delhi Municipal Corporation Act.

BRIEF FACTS OF THE CASE:

Ld. counsel for A-1 has heavily relied on the judgment titled as “**A K Ganju versus CBI, CRL.M.C. No.2384/2011 & CrI. M. A. No.8693/2011** dated 22.11.2013 passed by Hon'ble Delhi Court as well as judgment titled as “**Rita Handa v CBI, 2008 (105) DRJ 331** of Hon'ble Delhi Court. He has further argued that there is no evidence of conspiracy and A-1 had done duties as per DMC Act.

OBSERVATION:

My senior counsel have pointed out from Para no.16.48 of the chargesheet that specimen handwritings, signatures/initials of owners **Sh. R. S. Garg, Sh. Rajiv Dhiman** and two staff members and some builders were obtained which have been sent to CBI for comparison with original questioned documents and report is still awaited. Directions be sent to the laboratory to expedite the report.

ORDER/JUDGMENT: PENDING

NEXT DATE OF HEARING: 03/10/2020

(CASE LAW 15)

**IN THE COURT OF DR. VIJAY KUMAR DAHIYA, SPECIAL JUDGE
CBI (PC ACT), DWARKA COURTS, NEW DELHI**

IN THE MATTER OF:

STATE COMPLAINANT

VERSUS

RITAACCUSED

SUBJECT MATTER: Application U/S 439 C.r.P.C. For Grant Of Regular Bail To
The Applicant/Accused Rita

BRIEF FACTS OF THE CASE:

FIR was lodged on 04.06.2019 at P.S. Dwarka North by one Rani Devi who works as a maid in societies and has 1 daughter aged about 16 years ,the complainant left for work at around 10:00 AM and her daughter was at home and returned at 1:00 PM from work. At about 4:00 PM her daughter left for a walk with her pet dog and did not return home.Complainant got worried and enquired about the her daughter with the neighbours but nobody had seen her on that day. The complainant in her FIR stated that she has an apprehension that somebody has kidnapped her daughter and accordingly the FIR was lodged u/s 363 IPC.Upon investigation the daughter was found and the accused was arrested by the police and was booked u/s 365 IPC for

kidnapping and wrongfully confining the daughter of the complainant. Later upon examination of the daughter of the complainant, section 6 of POCSO Act was also added.

OBSERVATIONS:

The bail of the accused was dismissed and the accused was sent for judicial custody for another 15 days.

NEXT DATE : 17/07/2020

(CASE LAW 16)

IN THE COURT OF SHRI A.K. GARG, LD. ASJ, DWARKA COURTS,

NEW DELHI

IN THE MATTER OF:

STATE

.....COMPLAINANT

VERSUS

KARTAR @MANJEET

.....ACCUSED

SUBJECT MATTER: U.S363/376 IPC AND 4 POCSO ACT

BRIEF FACTS OF THE CASE:

Complaint was lodged at P.S. Dwarka Sector-23 by the mother of the child victim, FIR stated that the victim was at the time of registration of the FIR of 16 years of age went missing from the workplace of the complainant. earlier also an FIR was lodged with P.S. Dwarka Sector-23 on 25.9.2018 in similar circumstances. On the basis of the complaint of the complainant at P.S. Dwarka Sector-23 was lodged u/s 363 IPC. That upon investigation by the police the accused was apprehended and was booked u/s 363 IPC for kidnapping the child victim. On 1.6.2019 bail application u/s 439 Cr.P.C. was put before the Ld. ASJ and the same was allowed by the Ld. ASJ in the facts and circumstances of the case on furnishing of bail bond of Rs.20,000/- along with a sound surety. On 22.06.2019 final report by the police was filed and it stated that offence u/s 376 IPC and 3 POCSO Act have also been committed by the accused. Charges were framed against the accused u/s 363/376 IPC and 3 POCSO Act and it was further ordered for prosecution evidence.

OBSERVATION:

On 16.7.2019 the chief examination of PW-2 was conducted and was completed and signed by PW-2 in the presence of Ld. Public Prosecutor and the counsel for accused.

NEXT DATE : fixed for 21.07.2021

(CASE LAW 17)

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

MADHURI

.....PETITIONER

VERSUS

1. STATE (GOVT. OF NCT OF DELHI)

2. KAMLESH KUMAR

.....RESPONDENT

SUBJECT MATTER: APPLICATION FOR CANCELLATION OF BAIL OF
RESPONDENT NO.2

BRIEF FACTS OF THE CASE:

The petitioner filed an FIR registered at PS. Sagarpur, New Delhi against the respondent accusing him of raping her at her premises and when she raised an alarm the respondent took her to the Pooja room and promised to marry her after taking permission from his family. later the petitioner conceived a child whom she claimed was of the accused. The petitioner accused the respondent of getting her child forcibly aborted without her consent at Bharadwaj Hospital where she claimed the procedure was conducted in an improper manner and she developed complications later. when the petitioner when got seriously ill and was rushed to a hospital, she narrated her parents and the doctor. FIR was lodged on the basis of her statement. bail application was filed at the Hon'ble High Court of Delhi seeking bail for the accused as the investigation was completed. That the Hon'ble High Court was pleased to observe that the petitioner and the victim are known to each other prior to

their physical relationship, which had taken place at the victim's own house. Hon'ble High court was further pleased to observe that the abortion cannot be done without the consent of the victim. the respondent was released on bail and the Hon'ble High Court on his furnishing bail bond in the sum of Rs. 20,000/- with one surety with the condition that he shall not leave India without prior permission of the court and shall not tamper with the prosecution evidence and shall not make any telephonic call to the victim and also shall not visit the house of the victim. The complainant in the month of September filed an application for cancellation of bail of the respondent claiming that the respondent has threatened her and her mother through thugs and goons of dire consequences if she does not withdraw the complaint against the respondent and settle the matter.

OBSERVATIONS:

The counsel for respondent no. 2 sought time to file reply and was directed to file reply within 4 weeks from the date of hearing and also allowed the filing rejoinder if any within four weeks thereafter.

NEXT DATE : 28/05/20

(CASE LAW 18)

**IN THE COURT OF SH. MADHUR BAJAJ , DWARKA COURTS , NEW
DELHI**

IN THE MATTER OF :

DR. MADHUKAR BALA

..... PETITIONER

VERSUS

PRITI & OTHERS

.....RESPONDENT

SUBJECT MATTER: For Consideration On Charge.

BRIEF FACTS OF THE CASE:

Complainant is a qualified doctor running a clinic under a name 'BHAWNA CLINIC' in pnp. Accused no.1 gave birth to a female child on 17.5.19@ 10:50 a.m. they were discharged from the same day as both were healthy. But after reaching home accused 2 to 6 spread rumours that accused no 1 has given birth to a male child but the complainant has replaced the baby with the female child on this basis accused made a false report to the police . All the accused put pressure on the complainant by making false publication in newspapers.On investigation complainant was found innocent. DNA test was also conducted their also it found that the child is born out from the accused.. Complainant suffered a great harassment lost the reputation . accused also demanded Rs 5 lacs from the complainant to withdraw the complaint.

OBSERVATION :

Priti and others were liable and were charged for defamation.

NEXT DATE: 20.03.21

(CASE LAW 19)

**IN THE COURT OF SH. RAMNIVAS GARG, DISTRICT COURTS
DWARKA, NEW DELHI**

IN THE MATTER OF :-

STATE

.....COMPLAINANT

VERSUS

VINOD SHARMA

.....ACCUSED

SUBJECT MATTER: Complaint under section 498A of Indian Penal Code,1860.

BRIEF FACTS OF THE CASE:

That the marriage between the revisionist and respondent no. 1 was solemnised on 15/01/2019. They both lived together and out of their wedlock a minor child namely baby Prophi was born to them on 11/09/2019. During the period, the revisionist lived with the respondent, She committed all sorts of acts of cruelty, harassment, torture and humiliation. The F.I.R was lodged on 17/05/2019 in crime (women) cell. F.I.R no. as 73/19 was filed u/s 498A /406/34 by Pooja wife of the accused against the family also Pooja also filed a petition for divorce u/s 13(1)(a) of Hindu marriage Act, against the respondent. That the Pooja have put the false allegation on Vinod sharma and his family u/s 468A/406/34 as accused never done any cruelty act on Pooja, whereas she was careless and egoist person, she never took care of his parents and use to give answers in founding way. That the Pooja with filing the false F.I.R abuses the procedure and law as well wasted the time of court.

OBSERVATION:-

Matter was fixed before the hon'ble court on this day P.P was absent and Pooja was also not present in person, summon was issued for here on the next date.I have learned about the provision of section 498A & 34 ofIPC.

NEXT DATE OF HEARING: 15/10/2020

(CASE LAW 20)

**IN THE COURT OF SH. SUSHIL GARG, ADDITIONAL DISTRICT AND
SESSION JUDGE, DWARKA COURTS ,NEW DELHI**

IN THE MATTER OF:

VINOD

.....PETITIONER

VERSUS

MANJU

....RESPONDENT

SUBJECT MATTER: U/s 13-B of Hindu Marriage Act , 1955

BRIEF FACTS OF THE CASE:

Marriage took place on 18/01/18. No child was born out of this Wedlock. For few months everything was smooth but after that both the parties started fighting with each other on trivial matters also. Soon they realised that they cannot live together because of clashes so they decided to live separately and on 21/06/2019 they got separated.

OBSERVATION:

On this Date the petitioner's statement was taken.

NEXT DATE OF HEARING : 04/11/21

(CONCLUSION)

Appeal “is the right of entering a superior court and invoking its aid and interposition to redress the error of the court below.” An appeal is one “in which the question is, whether the order of the court from which the appeal is brought was right on the materials which that court had before it”. A right of appeal, where it exists, is a matter of substance and not of procedure, Of course, procedure is within the Court's power but where it pares down prejudicially the very right, carving the kernel out, it violates the provision creating the right. I believe, Appeal is a remedial right and if the remedy is reduced to a husk by procedural excess, the right became a casualty.

SUMMER INTERNSHIP

REPORT



+ तेजस्वि नावधीतमस्तु
ISO 9001:2008 & 14001:2004

FAIRFIELD INSTITUTE OF MANGEMENT
AND TECHNOLOGY,SCHOOL OF LAW,
KAPASHERA, NEW DELHI-110037

SUBMITTED BY-

AAKRITI BHANDARI

00490103817

B.A. LL.B (H)

2017-2022

Akshat Bajpai, Advocate
C- 61 LGF, Jangpurra Extension
New Delhi- 110014

Letter no:09/2021

Date: 31.07.2021

TO WHOMSOEVER IT MAY CONCERN

This is to certify that Ms. Aakriti Bhandari, a 4th year student of Fairfield Institute of Management and Technology affiliated to (GGSIPU), New Delhi, bearing Enrollment number- 00490103817 has successfully completed her internship from 01.07.2021 to 31.07.2021 at my office. During her internship, she worked upon the following assignments:

- Judgement Briefing on Cases of RERA (Haryana).
- Brief Note on How a final decree depends on preliminary decree and vice versa.
- Research on Whether POSH ACT is applicable to Bar Association and Courts.
- Note on whether a procedural law can give or take away a right not given or vested by a substantive law.
- Research on Can a protest petition be treated as complaint.
- Detailed Research Note on BAIL BONDS, SECURITY AND SURETY.
- Research on Sanction for Cognizance, sec-19 (Prevention of corruption act), sec-197 CRPC.
- Research on Copyright Infringement.
- Researched on MINING LAWS (Union of India) and (State of MP)
- Researched on Property Rights of women.

In the course of her internship, I found her to be hardworking, diligent and full of energy to learn.

I wish Aakriti good luck for her future endeavours.



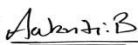
Akshat Bajpai, Advocate

(UP 2721/2016)

DECLARATION

I AAKRITI BHANDARI of 9th Semester of BA-LLB (H) hereby declare that this report is compiled by me under 4 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to **Fairfield Institute Of Management & Technology** affiliated to **GGG IP UNIVERSITY, New Delhi** is a reliable document and is of bonafide nature.

Signature-



Aakriti B

Date –

24/11/2021

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected Mentor Mr. Akshat Bajpai (ADVOCATE) High Court **where I undertook & completed my 4 weeks internship for Content Writing or Research work** who has been my constant support, source of encouragement , inspiration ,guided and helped me in successfully completing my Summer Internship.

Moreover, apart from Court they give me a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting of this report.

OBJECTIVE

The Legal Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

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CASE LAW-1

In the forum of Sh. Harish, Consumer Forum, New Delhi

In the matter of:-

Inderpal Singh Complainant

v.

Hitachi Solutions Pvt. Ltd. Accused

Complaint filed for deficiency of Service (unprecedented)

FILED ON 24.12.20

FACTS:-

In 2020, Inderpal Singh the Complainant bought a Hitachi AC which stopped working before the lapse of two years. The complainant complained about it many a times and every time the personnel paid a visit at the complainant's home the personnel from the Accused company charged the complainant although the AC was under warranty period of 10 years. Finally it was found that the fault is with the compressor and the complainant was told to pay Rs. 7000 to get it done. The complainant thus approached this hon'ble forum.

Observation-On this date of hearing the complainant was to submit the Written Submission.

Next date 10/08/2021 for PW

Retained for the Complainant

CASE LAW -2

**In the court of Mrs. Aarti Chawla, Chief Judicial Magistrate, Rohini
Court New Delhi**

In the matter of:-

Lt. Col. Divij Patel..... PETITIONER

V.

Kamini PatelRESPONDENT

Petition filed u/s 9 of HMA

FILED ON 20/1/2020

Marriage took place between both the parties on 08/02/2016 at Chandigarh, Punjab. Out of this wedlock two children were born out boy 8 months old and girl 2 years old. All went good for few years but after that both the parties started fighting with each other even on petty issues. One day the respondent left her matrimonial house because of the clashes between her and her husband. Petitioner then filed a petition for Restitution of Conjugal Rights. Qualification of the Respondent is 9th class and of Petitioner is 10th

Observation:

On 01/07/2021 both the parties sat together for the compromise and both the counsels took one more date for compromise.

Next date-

Retained for Respondent

CASE LAW 3

In The High Court of New Delhi

In the matter of:

SATENDER PAL..... Petitioner

V.

STATE.....Respondent

Filed u/s276 OF INDIAN SUCCESSION ACT

FILED ON – 20/09/2020

The petition for Probate is filed in order to get the possession of a room of area admeasuring 48 sq. feet which is illegally acquired by the brother of the petitioner naming Surya Pal. The father of the Petitioner in the will left the above stated room in the name of the petitioner.

NEXT DATE- 4.8.2021

FROM PETITIONER' S SIDE

CASE LAW 4

**In the court of Sh. Sushil Garg, Additional District and Sessions
Judge, Alwar**

In the Matter of:

VINOD.....Petitioner

V.

MANJU.....Respondent

Filed u/s 13-B of HMA

FILED ON 1.7.2019

Marriage took place on 18/06/12. No child was born out of this Wedlock. For few months everything went good but after that both the parties started fighting with each other on trivial matters also. Soon they realized that they cannot live together because of clashes so they decided to live separately and on 21/01/2019 they got separated.

Observation- On this Date (02/07/20) the petitioner's statement was taken.

Next date-04/08/2021 - 2ND MOTION STATEMENT

Retained for Vinod

CASE LAW 5

**In The Court of Mrs. Aarti Pathak, Chief Judicial Magistrate,
Dwarka Court New Delhi**

In the matter of:

State.....

V.

Rishipal.....Accused

FILED U/S 498A/406/504/506 of Indian Penal Code, 1870

FILED ON 17/03/19

Complainant married accused Ram Meher on 04/03/1995 at Jhajjar. Their Matrimonial Home was at Ambala where even they last resided together. Three children were born out of the said wedlock. Relation became worst when the accused continue demanding money from Complainant's father. A case was filed against the Accused Under section 498A, 504, 506 and 406 of Indian Penal Code.

Observation- On this date (02/07/2021) statements of the complainant was recorded I observed the technique of asking the question from the witness.

NEXT DATE – 16.8.21PWS

Retained for Complainant

CASE LAW 6

In the court of Sh. Madhur Bajaj Ld Dwarka Court Delhi

In the matter of:

RITU..... Complainant

V.

GAGAN.....Accused

FILED u/s -125 of Criminal Procedure Code

FILED On – 16.9.19

ON 16/11/2012 both the parties got married. They remained happy for few months but after that the relation between both the parties got worst. The accused started beating the complainant even on petty issues. Then on 26/06/2014 the complainant moved to the women cell because of family pressure both the parties compromised and the accused promised that he will no beat the complainant. On 02/08/18 parents and brother of the accused gave beating s to the complainant after this the accused refused to keep the complainant and then the complainant filed a case under Section 125 of Criminal Procedure Code for maintenance.

ORDER- order for interim maintenance of Rs. 10,000 P.M was passed on 10/07/2021

CASE LAW 7

In the court of Sh. Tarjinder Singh, Ld Dwarka Court New delhi

In the matter of:

VIJAYLAXMI.....Complainant

V.

PARDEEP..... Accused

FILED U/S 125 CrPC

FILED ON 16.12.19

Marriage between both the parties took place on 02/05/01 at Panipat. They started living a happy married life but after some years the clashes between both the parties started increasing. After that the respondent stopped to fulfill the complainant's demand and started giving beating on trivial matters then the complainant refused to live with the respondent and left her matrimonial house. After this the complainant filed a case u/s 125 of criminal procedure code.

Observation- on this Date (15/07/2021) the opponent counsel asked the questions from the respondent and then the respondent was asked to pay money to the complainant.

CASE LAW 8

In the District Consumer Disputes Redressal Forum

In the matter of:

KUMAR PREM.....PLAINTIFF

V.

THE MANAGER M/s BALAJI

LOGISTICS ETC.....DEFENDANT

FILED 07/03/2021

Plaintiff was running the business of bales and on daily basis he has to send the goods to different parts of the country. One day the plaintiff appointed Balaji logistics service for the delivery of the goods the goods was to be delivered in Delhi to one person but it was not delivered to him and was delivered to some other person. When the complainant got the information about this he contacted the courier service and no satisfactory was given to him after so many attempts he then sent a letter to the company's registered office their also he was not heard so he finally filed a case in the consumer court.

NEXT DATE – 7.9.21 NOTICE

FROM THE PLAINTIFF'S SIDE

CASE LAW 9

**In the court of Sh. Bharat Singh, Ld. JMIC, Rohini Court New
Delhi**

SUSHIELA.....Complainant

V.

VIJAY & OTHERS..... Accused

FILED- 07/08/2020

FILED U/S 498A,406,506 of Indian Penal Code, 1870

FACTS:

In this case one of the accused was the husband of the complainant. There were some issues related to the property the accused Sanjay gave the property to his brother in law which was located on the national highway without taking any money from him. Whenever the Complainant demanded money for the daily expenses she was refused. Moreover, she was many times harassed and tortured for the demand of dowry several beatings were also caused to the complainant. She then filed a F.I.R in the city police station and also wrote to the women commission.

Observation-08/07/2021 PWS

NEXT DATE- 15.7.21 SEC 313 CrPC

CASE LAW 10

In the Court of Sh. Jaspal Malik Ld. Rohini Court New Delhi

In the matter of:

STATE.....Complainant

V.

ANKUR & Ors..... Accused

U/S – 332,353,307,120B,349 of Indian Penal Code

P.S MODEL TOWN PANIPAT

TOTAL 7 ACCUSED

From the side of complainant

In this case the complainant was the Sarpanch of the village Barana, Panipat. It was decided by the villagers that the land of the Thakur mandir will be in in possession of Sarpanch and he will act as a care taker of that Land. The accused forced the complainant to transfer the land of Thakur Mandir in their name but the complainant refused to do so. Because of this the accused lost his temper and on 19/05/2012 the accused along with his friends entered the house of Complainant and started open fire which caused injuries to the complainant as well as his family members. When villagers gathered the accused ran away from the place of incident by open firing in the sky. Police started investigation and caught accused Ankuralong with 2 pistols with live cartridges in the pocket. Accused Amit and Ravinder were also caught with cartridge and 9 mm pistols.

Observation- 4.7.20 for pws

Next date – 20.7.21

CASE LAW 11

In the Consumer Redressal Forum, New Delhi

In the Matter of:

REENA COMPLAINANT.

V.

RAJESH ELECTRONICS..... DEFENDANT

Filed- 05/06/2019

The Complainant bought a Videocon Washing Machine from the Defendant on 31-1-2013. First the machine was not delivered to the Complainant's home. After calling twice the defendant delivered the machine but it was found to be old and used due to its faded colour and broken plastic side. The Complainant complained with the seller but he refused to return it back.

Retained for complainant.

Observation-15/07/2021

CASE LAW 12

In the court of Sh. Kanwal Kumar Dwarka Court New Delhi

In the Matter Of:

State..... Complainant

V.

Ramanand.....Accused

u/s 279/337/338

p.s model town

F.I.R no 546

8.8.19 accused produced in court

8.8.119 offending vehicle verna released on a surety bond of Rs. 13 lacs

9.6.20 PWS

17.7.21 for cross and PWS

Accused was driving the verna car rashly and negligently and caused injuries to the complainant in model town.

CASE LAW 13

In the court of Ld. Sumit Saini High Court New Delhi

In the Matter of:

Samantha.....Complainant

V.

Samar.....Defendant

4.9.13 filed u/s 125 Cr.P.C'

28.5.20 for pws

7.6.20 pws exparty

7.8.20 dasti summon, PWS

The complainant gave birth to a child on 10.3.19 and the accused never spent a money on the complainant or the child and thrown her out of the house in 3 clothes only.

On 16.7.2021 interim maintenance of Rs 2500 for the complainant and 1000 pm was allowed as interim maintenance

CASE LAW 14
IN THE COURT OF PIYUSH SHARMA Dwarka Court New
Delhi

In the Matter of:

State..... Plaintiff

V

Nadeem.....Defendant

U/S – 148,149,323,325,506 IPC

P.S – SADAR

F.I.R NO. 203 DATED 25.4.17

18.5.20- accused produced in court

Next date 18.7.21- Cr.P.C 161

Accused gave beatings from the dandas to cthe complainant in order to take revenge from th complainant because of the petty dispute. Their were total 2 accused when they were inspected 2 dandas were found one was of 2 feet 28 cm and another was one of 2 feet 16 cm

CASE LAW 15
IN THE COURT OF SH. MADHUR BAJAJ Ld Dwarka
Court New Delhi

In the Matter of:

PoojaComplainant

V.

Lalit.....Defendant

U/S – 323,342,506 IPC

7.7.19 FILED

NEXT DATE- 23.7.21 PWS

Marriage between the complainant and the defendant was solemnized on 15th Nov. 2019. After few years of marriage disputes started arising between the couple. Accused was a defaulter as he took loan but never repaid it. He then thrown her out of the house and tried to snatch his child. After few days everything was settled but then the accused took the complainant to the Ganga Ghat and there he then tried to kill the complainant by drowning her into the Ganga river the somehow she managed to rescue herself and escape to nearby district Ambala from district Sanoli. The accused somehow managed to find her and tried to kill her. The accused also tried to snatch the complainant's child from her and the complainant is been hiding since then.

RETAINED FOR COMPLAINANT

CASE LAW16

In the Court of Sh. Sushil Kumar Garg, Ld. ASJ, Ambala

In the Matter of:

State.....Complainant

v.

Nadeem.....Accused

U/S 302,460,120 B,

FIR NO. 1528, DATED 26.12.20. P.S – Kapeshera New Delhi

Nadeem date of arrest- 28.12 .20

The accused fell in love with a girl and had mala fide intention. Mother of the girl didn't allow her to go with the accused as she was well aware thatthe accused is not a good person. The accusedone night came to the house in order to entice away and rape the complainant. The accused killed the mother of the complainant while she was trying to stop the accused by firing on the chest of the mother of the complainant.

Judgement: The accused had been sentenced to 5 years of R.I.

CASE LAW 17

In The Court of Smt. Aarti Singh, CJM, Saket Court Delhi

In the Matter of:

Sirat.....Complainant

V.

Aabhas Anand.....Defendant

u/s- 304,34, 504, 506, 406IPC

F.I.R NO.- 1146, DATED 21.9.18

NEXT DATE- 3.8.21 FOR REPLY

Quarrel bw husband and wife , wife called the police , police asked the husband to come with them to the jail he then refused to go then the policemen used force against the husband but didn't succeed then the police men called for back up 2 more police men came and took him to the police station . when they family members reached the police station they found that the respondents were beating the deceased so hardly due to which he became unconscious and then he was taken to the civil hospital for the treatment where he was declared dead.

CLAIM – RS. 5 LAKHS ALONG WITH THE INTREST-14% P.A

Due Date: 16-8-21

STATEMENT OF COMPLAINANT TO BE RECORDED

Cr.P.C- 154Recording of Statement

CASE LAW 18

IN THE COURT OF SH. R.C DIMRI Ld Saket Delhi

In the Matter of:

State.....Plaintiff

V

Praveenand Sonu.....Defendant

19.9.18- filed

Retained for complainant

u/s -363,366a,323,376(2),506 and section 6 of posco act.

164 ,319Cr.P.C

F.I.R NO.- 609, P.S- MODEL TOWN

Complainant's father hired accused as a driver to sell the articles by roaming here and there. He then proposed the complainant ,she refused and slapped the accused in front of others. Next day accused took the complainant to his house for a tea there his mother and the accused took her to rohtak and the accused committed rape on her.

CASE LAW 19

In the Court of SH. Deepak Ld Saket Court Jaipur

In the Matter of:

Monika..... Plaintiff

V.

Harinder..... Defendant

U/S 3 of prohibition of child marriage act.

13.5.18 filed

Last date- 5.5.20

3.8.20 for pws

To nullify the marriage

From the side of petitioner:

Deponent was a 10th class student at the time of the marriage and will complete her B. Tech in 2015.

Deponent is living separate from the first day of marriage and the marriage has not been consummated and no cohabitation took place b/w themselves.

CASE LAW 20

In The Court of Sh. Abhish Kumar Ld Saket Court Jaipur

In the Matter of:

State.....Complainant

V.

Rajkumar.....Defendant

u/s- 420, 63,68 copyright act

F.I.R NO.- 650 , 16.5.11

17.5.11- ACCUSED PRODUCED, bail granted @ 30000

LAST DATE- 10.5.15- FOR LAST OPPORTUNITY

9.7.20 – DO

NEXT DATE – 27.8.21- 313 Cr.P.C

Director of M/s K.C media and anti piracy service pvt ltd company got a call from the unknown person and on that call the director raided a shop in railway road and found the sacks of duplicate shoes and the complaint was found to be true and the case was registered. He was given such authority by the relaxo company.

CASE LAW 21

IN THE COURT OF SH. Sumit Saini Ld. Rohini Court New Delhi

In the Matter of:

STATE.....Complainant

V.

HARISH.....Defendant

U/S – 279, 304-A

F.I.R NO- 1440

9.7.20- pws

18.815- evidence

COMPLAINANT HAS CAME TO THE CITY PANIPAT To purchase some clothes for himself along with his father, his father left the complainant and went to the factory for work while leaving for the factory father asked the complainant to meet him @6:30 pm @toll plaza as they have to go to his fathers firend along with his father. Complainant reached their on time and when his was coming to pick him one car struck the motorcycle and the complainant's father died on the spot.

Retained for the complainant.

CASE LAW 22

In the Court of Sh. Kanwal Kumar Ld. Dwarka Court

In the Matter of:

State.....Complainant

V.

Pawan Rathi.....Defendant

15.5.15- FILED

u/s -376 g,506 ipc 25, 54,59 arms act

FIR NO.- 505 , 23.10.18, P.S- MODEL TOWN

Next date- 16.7.21 for session appeal

Complainant was 11th class student and on 21.1.2010 @5.45 p.m accused namely keshav , rahul malik, and rathi gave lift to the complainant while she was going to the tuition, instead of dropping her to tuition they took her to the canal and committed rape after that the accused took her to the delhi and stayed @ sai guest house located at sarai kale khan and on next day they dropped her @ 7pm near her house.

Rigorous punishment of 10years has been awarded to both the accused.

CONCLUSION

In the end, I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, what we learned from the internship is the mechanism of this body.

I was surprised to see how the simplest of laws were applicable in the most difficult of situations and how loopholes leave so much scope of evolution and improvisation today in this field. I also observed that the law is everything but constant with the same soul as that of a human. In other words or as that of our counsel, law may come and law may repeal, but they must always be faithful to the constitution, which is the most supreme law of the land and governs all equals and unequal in respect of each other.

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

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Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - AASTHA KUMARI

ENROLLMENT NO. - 00590103817

COURSE - BA-LLB (HONS.)

BATCH - 2017-22



Sarthak Gupta
(Advocate & Legal Consultant)

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Ph. No.: 9711486855 / Email: sarthak.gupta81@gmail.com

TO WHOMSOEVER IT MAY
CONCERN

This is to certify that Ms. Aastha Kumari, a student of B.A. LL.B. IXth semester of Fairfield Institute of Management and Technology, Kapshera (Under affiliation of I.P University), bearing enrolment ID 00590103817, has successfully completed her internship from 1st July, 2021 to 31st July, 2021 (One month) under my supervision.

During her tenure, she was entrusted with legal research work (Civil & Criminal), observed filing work in High Court of Delhi and District Courts and also observed the online working and functioning of Courts in Delhi. Furthermore, she was entrusted with some initial drafting work related to various miscellaneous applications and notices.

She is an inquisitive person constantly willing to search new depths of legal profession. She has actively participated in client meetings/conferences and recurrently submitted her own understandings and opinions with respect to a legal case.

Dated: 31.07.21


Sarthak Gupta

SARTHAK GUPTA
Advocate
Enrolment No. D/4841/19
Chamber No. 67, Civil Wing,
Tis Hazari Courts, Delhi-110054
Cont. : 9711486855, 7982690002

DECLARATION

I, AASTHA KUMARI of 9th semester of BA-LLB (H) hereby declare that this report is compiled by me under 4 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to Fairfield Institute of Management & Technology affiliated to GGSIP UNIVERSITY, New Delhi is a reliable document and is of bonafide nature.

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected Mr Sarthak Gupta (Advocate& legal consultant) where I undertook & completed my 4 week internship for Content Writing or Research work who has been my constant support, source of encouragement, inspiration, guided and helped me in successfully completing my Summer Internship.

Moreover, apart from court they give me a chance to get practical exposure by attending with various people. I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting of this report.

OBJECTIVE

The Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

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CASE NO. 1

**IN THE COURT OF Ms. SONAM GUPTA, MM, TIS HAZARI COURTS, NEW
DELHI**

IN THE MATTER OF:

GURPREET KAUR

... COMPLAINANT

VERSUS

AMANJEET SINGH

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons habitually committed the offence of domestic violence on the Complainant. They were married for 5 years ,the complainant tried to adjust but couldn't , the accused harassed wife and family for dowry. The family even gave some money to invest in the property as a loan but he later on on went for sale of the property.

Current Stage: Application for stay on sale of property.

Observation: The party was sent notice by the court for being present in the court on next date to file a reply against the present application.

Date: 05.08.2021

Next Date: 21.08.2021

CASE NO. 2

IN THE COURT OF Ms. NEHA PALIWAL, ASJ, TIS HAZARI COURTS, NEW DELHI

IN THE MATTER OF:

STATE

... Petitioner

VERSUS

AUSHOTOSH SINGH

...Respondent

Subject Matter: Case filed under section 370 of the IPC and section 26 under Juvenile Justice Act.

Brief facts of the Case: The accused person was accused of treating an under-age girl as a slave against her will, she was working under him from past 7 months. The accused person was also accused of snatching away her money. Case was filed in the year 2018.

Current Stage: Prosecution Evidence

Observation: The witness was marked absent as he did not come to the court for giving statement.

Date: 04.08.2021

Next Date: 02.09.2021

CASE NO. 3

IN THE COURT OF Ms. SH. SAMAR VISHAL, ASJ, TIS HAZARI COURTS, NEW DELHI

IN THE MATTER OF:

STATE

... Petitioner

VERSUS

NISCHAL & Anr.

...Respondent

Subject Matter: Case filed under section 354 of the IPC.

Brief facts of the Case: The complainant was employee of the defendant, he used to pass the comments occasionally on most of the staffs and generally girls. The accused persons one day harassed and assaulted the Complainant to outrage her modesty. The case was filed in the year 2021

Current Stage: Bail

Observation: The witness was marked absent as he did not come to the court for giving statement.

Date: 05.08.2021

Next Date: 06.08.2021

CASE NO.4

IN THE COURT OF Ms. HEMANI MALHOTRA, ASJ, TIS HAZARI COURTS, NEW DELHI

IN THE MATTER OF:

RITU NAGPAL

... COMPLAINANT

VERSUS

AMIT NAGPAL

...RESPONDENT

Subject Matter: Appeal filed under section 29 of the Domestic Violence Act.

Brief facts of the Case: The appeal was filed by Complainant to increase the amount of decided maintenance.

Current Stage: Hearing of Appeal

Observation: The Hon'ble Judge was on leave and the matter was marked for next date.

Date: 06.08.2021

Next Date: 27.08.2021

CASE NO. 5

IN THE COURT OF Ms. HEMANI MALHOTRA, ASJ, TIS HAZARI COURTS, NEW DELHI

IN THE MATTER OF:

GAURAV SURI

... COMPLAINANT

VERSUS

NIDHI SURI

...RESPONDENT

Subject Matter: Appeal filed under section 29 of the Domestic Violence Act.

Brief facts of the Case: The appeal was filed by Complainant to increase the amount of decided maintenance.

Current Stage: Hearing of Appeal

Observation: The Hon'ble Judge was on leave and the matter was marked for next date.

Date: 06.08.2021

Next Date: 30.09.2021

CASE NO. 6

IN THE COURT OF Ms. SANYA DALAL,MM, ROHINI COURT, NEW DELHI

IN THE MATTER OF:

LEELA KAPOOR

... COMPLAINANT

VERSUS

TARUN KAPOOR

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry and money to invest in his business.

Current Stage: EVIDENCE

Observation: NEW AFFIDAVIT INCOME

Date: 09.08.2021

Next Date: 11.10.2021

CASE NO. 7

IN THE COURT OF SH. VAIBHAV KUMAR, MM, TIS HAZARI COURTS, NEW DELHI

IN THE MATTER OF:

NITIN OBEROI

... COMPLAINANT

VERSUS

LALIT SINGH BEDI

...RESPONDENT

Subject Matter: 138 NI ACT.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: FILING OF DOCUMENTS

Observation: NOTICE ISSUED

Date: 12.08.2021

Next Date: 02.09.2021

CASE NO. 8

**IN THE COURT OF SH. HIMANI MALHOTRA, ADJ, TIS HAZARI COURTS, NEW
DELHI**

IN THE MATTER OF:

AMRIT PAL SINGH

... COMPLAINANT

VERSUS

STATE

...RESPONDENT

Subject Matter: BAIL. 307

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: ARGUMENT FOR BAIL.

Observation: The Hon'ble Judge was on leave and the matter was marked for next date.

Date: 13.08.2021

Next Date: 18.08.2021

CASE NO. 9

**IN THE COURT OF Ms. DEEPIKA THAKRAN, MM, TIS HAZARI COURTS, NEW
DELHI**

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

GURDEEP SINGH

...RESPONDENT

Subject Matter: 498A IPC.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: EVIDENCE

Observation: IO WAS NOT PRESENT

Date: 24.08.2021

Next Date: 07.09.2021

CASE NO. 10

**IN THE COURT OF Ms. RASHIKA SHRIVASTAVA, CIVIL JUDGE, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

ABHA SINGH

... COMPLAINANT

VERSUS

DEEPAK SINGH

...RESPONDENT

Subject Matter: CIVIL SUIT FOR PROPERTY

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: REPLICATION

Observation: ADJOURNMENT SEEKED.

Date: 25.08.2021

Next Date: 22.10.2021

CASE NO. 11

IN THE COURT OF Ms. KAPIL GUPTA, MM, DWARKA COURTS, NEW DELHI

IN THE MATTER OF:

KARINA FINCAP

... COMPLAINANT

VERSUS

NARESH KUMAR

...RESPONDENT

Subject Matter: 138 NI ACT

Brief facts of the Case: The cheque was dishonoured even after several reminders the said amount was not deposited.

Current Stage: EVIDENCE

Observation: ACCUSED TO BE PRESENT ORDER ISSUED.

Date: 27.08.2021

Next Date: 24.11.2021

CASE NO. 12

**IN THE COURT OF Ms. ILLA RAWT,FAMILY COURT, TIS HAZARI COURTS,
NEW DELHI**

IN THE MATTER OF:

PRABHNEET SINGH

... COMPLAINANT

VERSUS

AAKRITI KAUR

...RESPONDENT

Subject Matter: 25 OF GUARDIANSHIP ACT.

Brief facts of the Case: The appeal was filed by Complainant to increase the amount of decided maintenance.

Current Stage: APPLICATION BY THE COMPLAINANT

Observation: FILE REPLICATION

Date: 28.08.2021

Next Date: 25.10.2021

CASE NO. 13

**IN THE COURT OF Ms. ILLA RAWT,FAMILY COURT, TIS HAZARI COURTS,
NEW DELHI**

IN THE MATTER OF:

MOHIT SODHI

... COMPLAINANT

VERSUS

KRIKA SODHI

...RESPONDENT

Subject Matter: 13 OF HMA.

Brief facts of the Case: The appeal was filed by Complainant to increase the amount of decided maintenance.

Current Stage: DECIDING OF MAINTENANCE

Observation: 5000

Date: 02.09.2021

Next Date: 22.11.2021

CASE NO. 14

**IN THE COURT OF Ms. RENU BHATNAGAR,FAMILY COURT, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

GURLEEN KAUR

... COMPLAINANT

VERSUS

SUKHMINDAR SINGH

...RESPONDENT

Subject Matter: MAINTENANCE OF HMA.

Brief facts of the Case: The appeal was filed by Complainant to increase the amount of decided maintenance.

Current Stage: REPLY OF COMPLAINT AND INCOME AFFIDAVIT

Observation: DATE

Date: 03.09.2021

Next Date: 17.11.2021

CASE NO. 15

IN THE COURT OF SH. VISHAL, ASJ, TIS HAZARI COURTS, NEW DELHI

IN THE MATTER OF:

ARJUN DUGGAL

... COMPLAINANT

VERSUS

STATE

...RESPONDENT

Subject Matter: BAIL. CASE FILED UNDER SECTION 498

Brief facts of the Case: The appeal was filed by Complainant to increase the amount of decided maintenance.

Current Stage: PENDING FOR SETTLEMENT

Observation: The Hon'ble Judge was on leave and the matter was marked for next date.

Date: 04.09.2021

Next Date: 4.10.2021

CASE NO. 16

**IN THE COURT OF SH. ANKITKARAN SINGH, CIVIL JUDGE, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

HARPAL

... COMPLAINANT

VERSUS

MANOJ

...RESPONDENT

Subject Matter: CIVIL SUIT FOR DISPUTED PROPERTY.

Brief facts of the Case: The property was in dispute between the three brothers, one of them claimed the will in favor of whole property.

Current Stage: REPLICATION

Observation: OPP. PARTY ABSENT DATE GIVEN

Date: 04.09.2021

Next Date: 4.10.2021

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included promote the work in different ways. All of which was an over-the-top experience.

Such summer trainings help a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was the pre-requisite to our training.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With warm regards

AASTHA KUMARI

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

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ISO 9001:2015 & 14001:2015

CONTACT DETAILS: 8750168330

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SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - ABHAY SAXENA
ENROLLMENT NO. - 00690103817
COURSE - BA.LLB
BATCH - 2017-2022



STUDENT INTERNSHIP DIARY

5 YEARS BA-LLB (INTEGRATED) | BBA-LLB (INTEGRATED)

FIMT-SCHOOL OF LAW

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FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY
(Affiliated to Guru Gobind Singh Indraprastha University, Delhi)

KAPASHERA, NEW DELHI

Session 2017 – 2022

NAME OF THE STUDENT : ABHAY SAXENA

CLASS : BA.LLB SEMESTER 9TH SECTION. A ENRL. NO. 00690103817

RESIDENTIAL ADDRESS OF STUDENT: Saket, NEW DELHI

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NAME OF THE ADVOCATE/LEGAL FIRM: Legal Doctors

ADDRESS – Chamber 546, Patiala House Court

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E MAIL I.D -

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LEGAL DOCTORS

Adv. Vaibhav Mishra

Advocate (D/143/2001)

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PATIALA HOUSE COURT

NEW DELHI-110001

9958519398

Dr. Aparna Sharma

Advocate (D/976/2015)

CHAMBER NO.546

PATIALA HOUSE COURT

NEW DELHI-110001

9871436397

GST1N - 07AAGFL1544C1ZQ


CERTIFICATE OF INTERNSHIP

This is to certify that **Mr. ABHAY SAXENA**, S/O Anil kumar Saxena having Enrollment No. 00690103817 student of B.A. LLB, 5th year, **Fairfield Institute of Management and Technology** pursued an internship under my guidance starting from **1st day of August 2021 till 31st August 2021**.

During his internship he visited different District Courts of Delhi and Delhi High Court and observed the Court proceedings diligently, which will surely stand as an advantage for his professional career. Further, he actively participated in discussion over legal matters and showed exemplary presence of mind in all court activities.

I feel that he possesses an incisive mind, complemented by his personal capabilities, which will enable him to achieve great heights in legal professional.

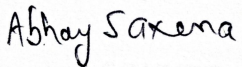
I wish him bright and prosperous future ahead.


30/08/21

Dr. Aparna Sharma
(Advocate) D/976/2015
Ch. No. - 546, Patiala House
Court, New Delhi - 110001
Ph : 9871436397, 7861992999

DECLARATION

I, ABHAY SAXENA of 9th semester of BA-LLB (H) hereby declare that this report is compiled by me under 4 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to **Fairfield Institute Of Management & Technology** affiliated to **GGSIIP UNIVERSITY, New Delhi** is a reliable document and is of bonafide nature.

Signature – 

Date - 22/11/2021

ACKNOWLEDGEMENT

First and foremost, I am expressing my thankfulness and praise to Almighty God for his guidance and blessing throughout my entire internship. I would also like to sincerely thank **DR. APARNA SHARMA & ADV. VAIBHAV MISHRA** for giving me this wonderful opportunity to undergo internship training.

My appreciation and gratitude is extended to Adv. Gaurav Parashar for his guidance, generosity to share their tremendous knowledge, for giving continuous motivation from the starting of the internship until the end of the training. Also my sincere gratitude to all the associates for their willingness to accept me into their family.

Also I would like to take this opportunity to thank Chairman, Principal and Directors of FIMT. I would like to extend my sincere gratitude to all the teachers of Law Faculty, FIMT for their guidance and support.

Last but not the least, I would like to thank my parents and colleagues for their comforting supports and guidance.

OBJECTIVE

The Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility

CASE LAW - 1

IN THE COURT OF MS. SUNAINA SHARMA, JUDGE, MACT, DELHI

IN THE MATTER OF:-

BISHAMBAR DAYAL

....COMPLAINANT

VS.

SURENDER

....ACCUSED

Date of Hearing: 04/07/2021

**SUBJECT MATTER: COMPLAINT UNDER SECTION 138 AND SECTION 141
OF NEGOTIABLE INSTRUMENT ACT, 1881 AS AMENDED UPTO DATE**

CASE FACTS:

In this case, the complainant is a teacher in MCD School, Delhi and the accused is running a business of Jeans. That the complainant advanced a friendly loan of Rs. 4lakhs on 16.09.2016 only on the conditions when the accused issue a Cheque against the friendly loan amount as security to the complaint and the accused agreed to issue the Cheque as security against the friendly loan amount. In order to get loan, the accused issued a post dated Cheque , 51/3, Bijwashaan 110061 in the month of October, 2016 stating that on the presentation of this Cheque, it shall be honored. The said Cheque was dishonoured for the reasons and remarks as “Funds Insufficient” when presented by the complainant for encashment. It is also pertinent to mention here that whoever commits an offence u/s 138 of N.I. Act, he/she shall be punished with an imprisonment for a period of 2 years and has to pay double of the Cheque amount.

OBSERVATION:

On hearing of this case, I observed that the Accused was present without the bail bond. So, The Hon'ble Magistrate extended his term of Judicial Custody. Next Date is fixed for the Arguments of Charge.

Next Date of Hearing: 15.11.2021

CASE LAW – 2

**IN THE COURT OF MS. SHASHI SHARMA, FAMILY COURT, PATIALA HOUSE
COURTS, NEW DELHI**

IN THE MATTER OF:-

DEEPIKACOMPLAINANT

V

ABHISHEK..... ACCUSED

Petition filed u/s 308 IPC

Filed on 06.08.2020

Facts – The above matter was filed by wife to take divorce from her husband on the ground of cruelty and ignorance attitude of husband towards his wife i.e. Deepika.

Observation – The said matter was settled via mediation and petitioner is ready to withdraw this case, but she is pregnant and come to court. So another date is required to withdraw the present case.

NDOH – 22.12.2021

CASE LAW – 3

IN THE COURT OF SH. LOKESH KUMAR SHARMA LD ASJ' SAKET DISTRICT COURT, NEW DELHI

IN THE MATTER OF

SH. HEMANT KUMARCOMPLAINANT

VERSUS

SMT.SARITAACCUSED

Date of Hearing: 02/08/2021

SUBJECT MATTER: PETITION FOR DISSOLUTION OF MARRIAGE BY A DECREE OF DIVORCE BY MUTUAL CONSENT U/S 13B (1) OF HINDU MARRIAGE ACT 1955 AS AMENDED UPTO DATE

CASE FACTS:

In this case, the marriage of the Petitioner No. 1 was solemnized with Petitioner No. 2 on 28/01/2008 in accordance of Hindu Rites and Ceremonies, Delhi. From this wedlock, one male child was born namely Lowell Rawat was born on 28/12/2010. The child was in the care and custody of Petitioner No. 1 and he is taking all care of child. That party to the petition could not live together as temperamental disputes and differences arose between the petitioners and they decided to live separately from each other since January 2016 and their marriage has been broken down irrevocably and there are no chances of their in future. That the accordingly

pursuant to mutual settlement between the petitioners and both parties are agreed to divorce mutually. The mutual consent has not been obtained by Fraud, Force or Undue influence.

OBSERVATION:

Today Matter is listed for Second motion of the divorce. Both the parties were present and the Hon'ble Judge give three months of decree of judicial separation.

Next Date of Hearing: 20.11.2021

CASE LAW – 4

IN THE COURT OF RAJESH SINGH, METROPOLITAN MEGISTRATE, PATIALA
HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

SOM CHOPRA.....COMPLAINANT

V

RAJU CHOPRA..... ACCUSED

Petition filed u/s 138 NI Act

Facts – Raju (illiterate kind of) has given blank cheques to one of his known for new car loan in good faith, but the guy used those cheque to Mr Som for encashment but the cheque was dishonoured and Som filed a case against raju.

Observation – we were for accused Raju. On 11.08.2021, We filed an application u/s 145(2) for seeking an opportunity to show or prove our defence

NDOH – 16.10.2021

CASE LAW – 5

IN THE COURT OF MS. SWARNA KANTA SHARMA, FAMILY COURT, PATIALA
HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

DEEPALK SHARMA.....COMPLAINANT

V

SUNIL SHAH.....ACCUSED

Petition filed u/s 13 1(ia) HMA 1955

Facts – Marriage of the petitioner and the respondent was solemnized on 27.05.2017. Both family met to each other through matrimonial site in which respondent has given his personal profile about himself which was totally fake and wrong. After solemnization of marriage, when the petition reached the house, respondent including his parents started threatening and restricted the petitioner to talk to her parents. These cruelties of the respondent and his parents continued and the petitioner tolerated everything for the sake of her married life.

NDOH – 16.12.2021

CASE LAW – 6

IN THE COURT OF SH. ANIL JAIN. LD ASJ, SAKET DISTRICT COURT, NEW
DELHI

IN THE MATTER OF:-

STATECOMPLAINANT

V.

KANHAYA LAL NANDAACCUSED

SUBJECT MATTER:-Case regarding the section 304A of Indian Penal Code 1860

BRIEF FACTS

- ❖ That the Kanhayalal Nanda was an independent contractor who has hired by the ansal builders to build the property building for them.
- ❖ That the 4 floors of the building was ready and work was going on 5th floor of the building, the project was started from year 2003 and was going on well but on 05/04/2019 an accident occur and one worker name as Avdesh Sharma died to the negligence of the contractor.
- ❖ That the worker was then taken to the Metha nursing home but it was declare that “died before admission”. The worker is of 25 years, so now the disputes have arisen.
- ❖ That the FIR was lodged as no. 131/04 and case was CrL/607/1/11 U/s 288 and 304A of Indian Penal Code.

- ❖ That the accused was then, arrested and after two month he was released on bail, but have to report in court on every date.

- ❖ That the compensation of Rs. 1, 00, 000/- was also provided by the accused to the brother of victim.

PRESENT DAY:-

The matter was pending for hearing before the Hon'ble court as on 9/07/2021. On this day the matter notice was for the pro evidence but witness not arrives from the part of complainant. So now date have fixed for 10/11/2021

OBSERVATION:-

I have learn about the provision of sec. 304A and about the evidence, how to present it. Furthermore I have come to know about the provision of compensation.

NEXT DATE OF HEARING:- 10/11/2021

CASE LAW – 7

IN THE COURT OF Sh. PITAMBER DUTT, ROHINI COURT, NEW DELHI

IN THE MATTER OF:-

DISHA..... COMPLAINANT

V

MRIDUL SETHI.....ACCUSED

Petition filed u/s Special Marriage Act

Filed on 01.08.2019

Facts – Marriage of petitioner and respondent solemnized on 12.12.2018. Due to their conflict, Mukul filed the case against his wife Preeti under Special Marriage Act.

Observation – on 20.07.2019, reply filed by Preeti counsel on an application of restoration of main case, not to put up final arguments on restoration arguments.

NDOH – 05.12.2021

CASE LAW – 8

IN THE COURT OF SMT. RICHA PARIHAR, METROPOLITAN MAGISTRATE,
KARKARDOOMA COURT, NEW DELHI

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

RAJBIR SINGH.....RESPONDENT

SUBJECT MATTER :- Case filed u/s 354 of INDIAN PENAL CODE 1860

BRIEF FACTS:

That the FIR was lodged on 15.04.2018 no. as 352/2004 u/s 354 of IPC against accused Rajbir Singh of 48 years. The FIR was lodged by Smt. Bhawna who lives in anand vihar, New Delhi. According to the FIR, accused knock the door of the victim at around 12:20 AM at night when victim was doing dinner with her family. When she opened the door, she saw Rajbir there. According to the allegation Rajbir start abusing her badly then at last he hit victim on her chest and then ran away. Rajbir was the family friend of the victim and she knows him well.

PRESENT DAY: On the present day the matter was fixed for the statement of accused, as provided in sec. 313 of the criminal procedure code, to enable the accused to personally explain any circumstances appearing in the evidence against him.

The statement was recorded by the court as on 06/06/2018 and both the council was present along with accused in the court.

OBSERVATION: I have come to know about the various stages of criminal proceeding in the Indian court.

NDOH:- 19.11.2021

CASE LAW – 9

IN THE COURT OF MS. SWARNA KANTA SHARMA, FAMILY COURT, PATIALA
HOUSE COURTS, NEW DELHI

IN THE MATTER OF:

RUHANICOMPLAINANT

V

SHUDR SACHDEVA... ACCUSED

Petition filed u/s 12 of the Protection of Women from Domestic Violence Act 2005

Facts – Marriage between shudr and ruhani was solemnized on 19.04.2007 at Bulandshahar (UP). After their wedding, parties stayed in Bulandshahar. She found the behaviour of her in laws rather peculiar and disrespectful towards her, her mother in law did not speak properly to her and kept yelling at her. By June 2007, the complainant ruhani had already conceived her baby. No one was available for the assistance including her husband because of which she had to do every physical activity herself. shudr never tried to call and inquire about the Well Being of the complainant. He always avoided her, due to the immense amount of stress, her health deteriorated. Due to above reasons, she was compelled to take medical leave from her job and move to Delhi with her parents.

Observation – Father i.e. shudr filed a case for the custody of this son from his wife, but apparently this matter is got settled. Now both the parties will file mutual divorce and they will withdraw each and every case against each other, settlement done by money.

NDOH – 24.12.2021

CASE LAW – 10

IN THE COURT OF SH. HARUN PRATAP LD, M.M SAKET DISTRICT COURT,
NEW DELHI

IN THE MATTER OF

STATECOMPLAINANT

V.

RAHUL AGGARWAL ACCUSED

SUBJECT MATTER :-Application related the offence of section 420 & 120B of Indian Penal Code, 1860

BRIEF FACTS

- ❖ That the case was registered through F.I.R which was lodged on 23.05.2019 no. as 74/12 U/s 420, 120-B of IPC and sec. 66 of IT Act.

- ❖ According to the allegation of F.I.R when complainant was on inspection of refund states on BSP system, the complainant was surprised to know that dew refunds for a sum of Rs. 06, 58, 000/-for the financial years, 2018-2019, 2019-2020, 2020-2021 were issued to the accused Vicky through refund banker.
- ❖ It was further alleged that ID code/password of the complainant and additional CIT range 43, were fraudently misused on 04/10/2021 where as neither the complainant nor the additional CIT attended the office that day.

PRESENT DAY :-

On the present day of 12/08/2021 all the 6 accused was present in the court and council from both the side was present. The matter was fixedfor the arguments. The court have issued an order to the IT department to give the record of the refund status by all verification, And also said to submit the report up to 05/08/2020. The court also directed to all the accused to present on the next day of 05/12/2021

OBSERVATIONS:-

I have come to know about the provision of the section 420 and 120B of IPC, and the attitude of the court while dealing with these matters.

NDOH:- 05/12/2021

CASE LAW – 11

IN THE COURT OF CHIEFMETROPOLITAN MAGISTRATE, SAKET DISTRICT COURT, NEW DELHI

Complaint Case No. 9175/2016

IN THE MATTER OF

MONIKA

.....COMPLAINANT

V.

DHEERAJ AGGARWAL

..... ACCUSED

Date of Hearing: 23/07/2021

SUBJECT MATTER: APPLICATION UNDER SECTION 12 OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005 (43 OF 2005)

CASE FACTS:

In this case, the marriage was solemnized between the complainant and the respondent no. 1 on 17.06.2016. The marriage of the Petitioner with the Respondent was solemnized in the normal and decent manner and lots of dowry articles including cash, other gifts, cloths and gold ornaments etc. were given to the Respondents in the marriage by the Petitioner Family members. The Petitioner has always performed her all matrimonial duties, as devoted wife, but the Petitioner was treated with utmost cruelties by the Respondents causing great harm to the body and life of the Petitioner and endangering the health, safety and wellbeing of the Petitioner physically and mentally at her matrimonial house. Respondent and his in laws also asked the Petitioner to brought money from her

father house to fulfill their needs. That it is not possible for the Petitioner to live with her in laws who always used to cruel her. That the Petitioner not feeling safe so she had to leave hishouse and is also at present in the depression state of mind as a result of violence meted upon her.

OBSERVATION:

Today matter is listed for Service of Respondent No. 3 &5. Judge is on leave today, so matter is listed for the same on 09/11/2021

Next Date of Hearing: 09/11/2021

CASE LAW – 12

IN THE COURT OF SH. P.K. JAIN, ASJ, N. DELHI

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

ASHOK KUMAR.....ACCUSED

Petition filed u/s 308 IPC

Filed on 24.07.2021

Facts – Shiv who lived in sec 23 Dwarka with his parents, a student of Amity University, Noida. Shiv is going to home from college after giving the 2nd semester exam with his friend Rohit

from the AUDI Car with the help of navigator. Because of high traffic navigator takes the car to the location of Vasant Gaon near 6 pm. There was a Nano car coming behind the shiv's car giving horn repeatedly. Rohit who was driving stopped the car and Nano hit the shiv's car AUDI from the side. Four boys came from the Nano car and started beating the Rohit and Shiv. Accused also take the amount of Rs. 5000, ATM Syndicate Bank, Aadhar Card and ran away.

Observation – Argument on an application of bail heard, accused is alleged to have involved in an road rage case u/s 308 IPC, two co-accused are already absconding, and one of them is BC (Bad Character) of the area. Driving licence of the present applicant is not available to show that, he has having valid permission to play an vehicle on road, it is early to grant bail, in these circumstances bail application is dismissed.

NDOH – 22.12.2021

CASE LAW – 13

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

ACHIN PAL GUMBER

...PETITIONER

VERSUS

STATE(N.C.T. OF DELHI) & ANR

...RESPONDENT

SUBJECT MATTER: PETITION UNDER SECTION 482 OF Cr.P.C. READ WITH ARTICLE 226/227 CONSTITUTION OF INDIA FOR QUASHING OF FIR NO. 464/2019 UNDER SECTION 419/420/406/467/468/471 IPC PS DWARKA NORTH, DELHI.

Brief about facts of the case:

It is alleged in the FIR that the Complainant was duped by the Petitioner to buy a property and being a real estate agent he used his influence and misguided him to buy a property which was not sale and the Complainant lost money and filed a Complaint with the police relating to the same.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. Matter was adjourned as no one represented the Complainant.

Previous Date: Fresh petition so no previous date.

Next Date: 18.10.2021

Current Status/Stage: Appearance of Complainant.

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included promote the work in different ways. All of which was an over the top experience.

Such summer trainings help a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was the pre-requisite to our training

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards

Yours Faithfully

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
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CONTACT DETAILS: 9555119000

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**SUMMER
INTERNSHIP
REPORT**

**BA-LLB (HONS.)
BBA-LLB (HONS.)**

**FIMT
SCHOOL OF LAW**

Submitted by:-

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ENROLLMENT NO. - 00790103817
COURSE - BA.LLB
BATCH - 2017-2022



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KAPASHERA, NEW DELHI

Session 2017 – 2022

NAME OF THE STUDENT : ABHISHEK BHARDWAJ

CLASS : BALLB SEMESTER 9TH SECTION. A ENRL. NO. 00790103817

RESIDENTIAL ADDRESS OF STUDENT: GURUGRAM, HARYANA

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During his internship he visited different District Courts of Delhi and Delhi High Court and observed the Court proceedings diligently, which will surely stand as an advantage for his professional career. Further, he actively participated in discussion over legal matters and showed exemplary presence of mind in all court activities.

I feel that he possesses an incisive mind, complemented by his personal capabilities, which will enable him to achieve great heights in legal professional.

I wish him bright and prosperous future ahead.

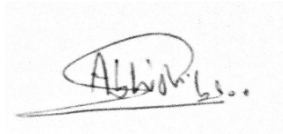

30/08/21

Dr. Aparna Sharma
(Advocate) D/976/2015
Ch. No. - 546, Patiala House
Court, New Delhi - 110001
Ph : 9871436397, 7861992999

DECLARATION

I, ABHISHEK BHARDWAJ of 9th semester of BA-LLB (H) hereby declare that this report is compiled by me under 4 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to **Fairfield Institute Of Management & Technology** affiliated to **GGSIIP UNIVERSITY, New Delhi** is a reliable document and is of bonafide nature.

Signature –

A handwritten signature in black ink, appearing to read 'Abhishek Bhardwaj', is written over a light blue grid background.

Date - 22/11/2021

ACKNOWLEDGEMENT

First and foremost, I am expressing my thankfulness and praise to Almighty God for his guidance and blessing throughout my entire internship. I would also like to sincerely thank **DR. APARNA SHARMA & ADV. VAIBHAV MISHRA** for giving me this wonderful opportunity to undergo internship training.

My appreciation and gratitude is extended to Adv. Gaurav Parashar for his guidance, generosity to share their tremendous knowledge, for giving continuous motivation from the starting of the internship until the end of the training. Also my sincere gratitude to all the associates for their willingness to accept me into their family.

Also I would like to take this opportunity to thank Chairman, Principal and Directors of FIMT. I would like to extend my sincere gratitude to all the teachers of Law Faculty, FIMT for their guidance and support.

Last but not the least, I would like to thank my parents and colleagues for their comforting supports and guidance.

OBJECTIVE

The Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility

CASE LAW - 1

IN THE COURT OF PRAGATI, METROPOLITAN MEGISTRATE,
PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

NEERAJ.....ACCUSED

Petition filed u/s 457/380/411/34/17A IPC

Filed on 17.09.2020

Police station – Cannaught Place

Facts – The applicant/accused is a peace loving and law abiding citizen of India. That the accused was arrested by the police officials of P.S. Cannaught Place for the theft in dwelling house and he was produced before the Hon’ble court and he was sent to J.C. till date.

Observation – Bail application was dismissed dated 25.08.2021

NDOH – 03.11.2021

CASE LAW – 2

IN THE COURT OF MS. SWARNA KANTA SHARMA, FAMILY COURT, PATIALA
HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

DEEPIKACOMPLAINANT

V

ABHISHEK..... ACCUSED

Petition filed u/s 308 IPC

Filed on 06.07.2021

Facts – The above matter was filed by wife to take divorce from her husband on the ground of cruelty and ignorance attitude of husband towards his wife i.e. Deepika.

Observation – The said matter was settled via mediation and petitioner is ready to withdraw this case, but she is pregnant and come to court. So another date is required to withdraw the present case.

NDOH – 26.10.2021

CASE LAW – 3

IN THE COURT OF MANOJ KUMAR, METROPOLITAN MAGISTRATE,
PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

STATECOMPLAINANT

V

NAIM UR REHMAAN AND OTHERS ACCUSED

Petition filed u/s 374/34 IPC

3/14 CLA

23/26 JJA

Police station – R.K. Puram

Facts – This case is against few accused who had deputed children below 16 years of age to commercial work, which is an offence in Juvenile Justice Act.

Observation – on 08.08.2021, Arguments regarding framing of charges against all the accused person heard and case is pending for orders on charge.

NDOH – 23.09.2021

CASE LAW – 4

IN THE COURT OF DHARMENDER SINGH, METROPOLITAN MEGISTRATE,
PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

DALVIR SINGH BATRA.....COMPLAINANT

V

RAJU BATRA..... ACCUSED

Petition filed u/s 138 NI Act

Facts – Raju (illiterate kind of) has given blank cheques to one of his known for new car loan in good faith, but the guy used those cheque to Mr Dalvir for encashment but the cheque was dishonoured and Dalvir filed a case against Raju.

Observation – we were for accused Raju. On 18.07.2021, We filed an application u/s 145(2) for seeking an opportunity to show or prove our defence

NDOH – 22.10.2021

CASE LAW – 5

IN THE COURT OF MS. SWARNA KANTA SHARMA, FAMILY COURT, PATIALA
HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

DEEPAKSHI SHARMACOMPLAINANT

V

VAIBHAV KUMAR GHAIACCUSED

Petition filed u/s 13 1(ia) HMA 1955

Facts – Marriage of the petitioner and the respondent was solemnized on 27.05.2017. Both family met to each other through matrimonial site in which respondent has given his personal profile about himself which was totally fake and wrong. After solemnization of marriage, when the petition reached the house, respondent including his parents started threatening and restricted the petitioner to talk to her parents. These cruelties of the respondent and his parents continued and the petitioner tolerated everything for the sake of her married life.

NDOH – 06.11.2021

CASE LAW – 6

**IN THE COURT OF MS. ANU GROVER BALIGA, ADDITIONAL SESSIONS
JUDGE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

STATE COMPLAINANT

V

SUNNY AND SUMIT ACCUSED

Petition filed u/s - 323, 328, 342, 376D, 506, 509, 34, 376 IPC

Filed on 02.02.2021

Police station – Vasant Kunj North

Facts – Sunny has girlfriend named Nishi who he met on Facebook. After chatting for a time period of 5-6 months, Nishi asked him to marry her to which sunny replied her with NO. Nishi asked him to meet her last at 19B, Mahipalpur his uncle's place which resulted in the arisen of fake allegations made against Sunny and his friend for raping Nishi.

Observation – We talked to Sunny and Sumit regarding this matter in which we get to know that sunny is an innocent person who was wrongly stuck in the plot built by Nishi.

NDOH – 15.09.2021

CASE LAW – 7

**IN THE COURT OF Sh. PITAMBER DUTT, FAMILY COURT, DWARKA, NEW
DELHI**

IN THE MATTER OF:-

MUKUL COMPLAINANT

V

PREETI BHATIA ACCUSED

Petition filed u/s Special Marriage Act

Filed on 16.03.2019

Facts – Marriage of petitioner and respondent solemnized on 12.12.2018. Due to their conflict, Mukul filed the case against his wife Preeti under Special Marriage Act.

Observation – on 20.07.2021, reply filed by preeti counsel on an application of restoration of main case, not to put up final arguments on restoration arguments.

NDOH – 31.08.2021

CASE LAW – 8

IN THE COURT OF SMT. RICHA PARIHAR, METROPOLITAN MAGISTRATE,
KARKARDOOMA COURT, NEW DELHI

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

RAJBIR SINGH.....RESPONDENT

SUBJECT MATTER :- Case filed u/s 354 of INDIAN PENAL CODE 1860

BRIEF FACTS:

That the FIR was lodged on 27/06/2004 no. as 352/2004 u/s 354 of IPC against accused Rajbir Singh of 48 years. The FIR was lodged by Smt. Bhawna who lives in anand vihar, New Delhi. According to the FIR, accused knock the door of the victim at around 12:20 AM at night when victim was doing dinner with her family. When she opened the door, she saw Rajbir there. According to the allegation Rajbir start abusing her badly then at last he hit victim on her chest and then ran away. Rajbir was the family friend of the victim and she knows him well.

PRESENT DAY: On the present day the matter was fixed for the statement of accused, as provided in sec. 313 of the criminal procedure code, to enable the accused to personally explain any circumstances appearing in the evidence against him.

The statement was recorded by the court as on 06/06/2014 and both the council was present along with accused in the court.

OBSERVATION: I have come to know about the various stages of criminal proceeding in the Indian court.

NDOH:- 27.11.2021

CASE LAW – 9

IN THE COURT OF MS. SWARNA KANTA SHARMA, FAMILY COURT, PATIALA
HOUSE COURTS, NEW DELHI

IN THE MATTER OF:

PALLAVI GUPTA.....COMPLAINANT

V

VIKAS MOHAN... ACCUSED

Petition filed u/s 12 of the Protection of Women from Domestic Violence Act 2005

Facts – Marriage between Vikas and Pallavi was solemnized on 19.04.2007 at Bulandshahar (UP). After their wedding, parties stayed in Bulandshahar. She found the behaviour of her in laws rather peculiar and disrespectful towards her, her mother in law did not speak properly to her and kept yelling at her. By June 2007, the complainant Pallavi had already conceived her baby. No one was available for the assistance including her husband because of which she had to do every physical activity herself. Vikas never tried to call and inquire about the Well Being of the complainant. He always avoided her, due to the immense amount of stress, her health deteriorated. Due to above reasons, she was compelled to take medical leave from her job and move to Delhi with her parents.

Observation – Father i.e. Vikas filed a case for the custody of this son from his wife, but apparently this matter is got settled. Now both the parties will file mutual divorce and they will withdraw each and every case against each other, settlement done by money.

NDOH – case disposed

CASE LAW – 10

IN THE COURT OF MS. AMBIKA SINGH, METROPOLITAN MEGISTRATE,
PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

SORAJ SINGH.....ACCUSED

Petition filed u/s 279/304A IPC

Filed on 02.07.2021

Police station – Chanakyapuri

Facts – In this case driving licence was involved. Application is made for release of driving licence no. U.P. 1219790001047 valid upto 11.03.2018 as allegations of section 179 and 304A of IPC made against soraj singh.

Observation – That the said licence has expired on 11.03,2018, applicant want to renew the same as he undertake to produce the said licence after renewal.

NDOH – 16.07.2018

CASE LAW – 11

IN THE COURT OF SH. SUNIL KUMAR, METROPOLITAN MAGISTRATE,
PATIALA HOUSE, NEW DELHI

IN THE MATTER OF:-

SUDHA BISHT.....COMPLAINANT

V

S.K. THAPER.....ACCUSED

SUBJECT MATTER :- Application related to section 420 and 120B of Indian Penal Code,1860

BRIEF FACTS:

That the complainant is the resident of s/1007 of Ghaziabad sector 5 booked a plot in the scheme of the builder, the plot booked was of 200sq. yards. The complainant was also given the token money for booking the plot as amount of Rs. 5, 00, 000/- on 04/07/2020. That at the time of booking the builder promised to give the plot in the 7 or 8 months from the date of booking. The plot and the project was of Haridwar, Utrakhand but was subject to the jurisdiction of the New Delhi. But after waiting the long time of one and half years the sudha haven't got the plot, although they have receive a letter for confirmation of the payment but after a communication gap was arise between the both. As the builder never responded the calls and messages of the sudha. That the sudha bish then along with the husband gone to meet the builder personally, but when they reached the official of the builder there after told them and ask never to come back here again.

That after going through this humiliation the sudha bish lodge an FIR no. as 275/11 in police station under the section of cheating, criminal conspiracy and other offences related to property. The S.K. Thaper was arrested and after that release on bail.

PRESENT DAY:On this day the accused haven't come again to the court, the warrant have been issue according to the provision of the Cr.P.C. the day was 06/06/2014 and next was fixed after next week.

OBSERVATION:I have come to know about the provision of bail and arrest as stated in the Code Of Criminal Procedure,1973

NDOH:- 30.11.2021

CASE LAW – 11

IN THE COURT OF SH. LOKESH KUMAR SHARMA LD ASJ' SAKET DISTRICT COURT, NEW DELHI

IN THE MATTER OF

SH. HEMANT KUMARCOMPLAINANT

VERSUS

SMT.SARITAACCUSED

Date of Hearing: 02/08/2021

SUBJECT MATTER: PETITION FOR DISSOLUTION OF MARRIAGE BY A DECREE OF DIVORCE BY MUTUAL CONSENT U/S 13B (1) OF HINDU MARRIAGE ACT 1955 AS AMENDED UPTO DATE

CASE FACTS:

In this case, the marriage of the Petitioner No. 1 was solemnized with Petitioner No. 2 on 28/01/2008 in accordance of Hindu Rites and Ceremonies, Delhi. From this wedlock, one male child was born namely Lowell Rawat was born on 28/12/2010. The child was in the care and custody of Petitioner No. 1 and he is taking all care of child. That party to the petition could not live together as temperamental disputes and differences arose between the petitioners and they decided to live separately from each other since January 2016 and their marriage has been broken down irrevocably and there are no chances of their in future. That the accordingly

pursuant to mutual settlement between the petitioners and both parties are agreed to divorce mutually. The mutual consent has not been obtained by Fraud, Force or Undue influence.

OBSERVATION:

Today Matter is listed for Second motion of the divorce. Both the parties were present and the Hon'ble Judge give three months of decree of judicial separation.

Next Date of Hearing: 20.11.2021

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included promote the work in different ways. All of which was an over the top experience.

Such summer trainings help a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was the pre-requisite to our training

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards

Yours Faithfully

F.I.M.T.

School of Law



तेजस्वि नावधीतमस्तु
ISO 9001:2008 & 14001:2004

SUMMER TRAINING

REPORT

2017-2022

Submitted By:- ABHISHEK KATHURIA

ENROLLMENT No. – 00890103817

Course – B.A.LLB.(Hons.) / 9TH Sem.

DECLARATION

I **Abhishek Kathuria** student of 9th semester B.A.LL.B.(Hons.) hereby declare that this report as compiled by me under summer internship program (4 weeks) is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to **FairField Institute of Management & Technology** affiliated to **Guru Gobind Singh Indraprastha University, New Delhi** is a reliable document and is of Bonafide nature.

Signature-

Date –24/11/21

Abhishek Kathuria

9th Sem/B.A.LL.B.(Hons.)

00890103817

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to Sir, **Adv. Mr. Vaibhav Rao** who have been my constant support, source of encouragement & guided and helped me in successfully completing my Summer Training/Internship.

Moreover, apart from court they gave me a chance to get practical exposure by attending various conferences, seminars with various other reputed advocates and also by making me prepare and file suites and petitions at various courts in Delhi and NCR.

I would also like to give my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during the internship as well as at the time of drafting of this report.

Thankyou.

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CASE LAW -1

**IN THE COURT OF SH. NISHANT GARG,
METROPOLITAN MAGISTRATE,
SAKET COURT NEW DELHI**

IN THE MATTER OF:-

STATE

V.

JAI PRAKASH TIWARI

SUBJECT MATTER:- Case regarding the section 304A of Indian Penal Code 1860

BRIEF FACTS

- ❖ That the Jai Prakash Tiwari was an independent contractor who was hired by the Arora builders to build the property building for them.
- ❖ That the 8 floors of the building was ready and work was going on 9th floor of the building, the project was started in year 2015 and was going on well but on 25/04/2016 an accident occur and one worker name as Babu lal died to the negligence of the contractor.
- ❖ That the worker was then taken to the Fortis Hospital but it was declare that “died before admission”. The worker is of 24 years, so now the disputes have arisen.
- ❖ That the FIR was lodged as no. 199/15 and case was CrL/93828/2016 U/s 288 and 304A of Indian Penal Code.
- ❖ That the accused was then, arrested and after two month he was released on bail, but have to report in court on every date.

- ❖ That the compensation of Rs. 1, 00, 000/- was also provided by the accused to the brother of victim.

OBSERVATION:-

I have learned about the provision of sec. 304A and about the evidence, how to present it. Furthermore I have come to know about the provision of compensation.

NEXT DATE OF HEARING:- 4/10/2022

CASE LAW 2

**IN THE COURT OF SH. NISHANT GARG,
METROPOLITAN MAGISTRATE,
SAKET COURT, NEW DELHI**

IN THE MATTER OF:-

STATE

V.

SAMEER CHADHA

SUBJECT MATTER :- Application related to section 420 and 120B of Indian Penal Code,1860

BRIEF FACTS:-

- ❖ That the complainant is the resident of J/123 of Saket sector 6 booked a plot in the scheme of the builder, the plot booked was of 500sq. yards.

The complainant was also given the token money for booking the plot as amount of Rs. 5, 00, 000/- on 24/10/2016.

- ❖ That at the time of booking the builder promised to give the plot in 8 to 9 months from the date of booking. The plot and the project was in Lado Sarai, New Delhi.
- ❖ But after waiting for a long time of 1.5 years the Sameer wasn't given the plot, although he received a letter of confirmation of the payment but after few months the builder never responded the calls and messages of the Sameer.
- ❖ That the Sameer Chadha then went to meet the builder personally, but when they reached the official of the builder they were told and asked to never come back here again.
- ❖ That after going through this humiliation the Sameer lodged an FIR no. as 11/17 in police station under the section of cheating, criminal conspiracy and other offences related to property.
- ❖ The Sujeet Arora was arrested and after that released on bail.

OBSERVATION:-

I have come to know about the provision of bail and arrest as stated in the Code Of Criminal Procedure, 1973

Next Date Of Hearing:- 6/05/2022

CASE LAW 3

**IN THE COURT OF SH.MURARI PRASAD
METROPOLITAN MAGISTRATE,
KARKARDOOMA COURT, NEW DELHI**

IN THE MATTER OF:-

STATE

V.

RAKESH KUMAR

SUBJECT MATTER :- Case filed u/s 354 of INDIAN PENAL CODE 1860

BRIEF FACTS:-

- ❖ That the FIR was lodged on 03/06/20018 no. as 1045/2016 u/s 354 of IPC against accused Rakesh Kumar of 27 years.
- ❖ The FIR was lodged by Smt. Geeta Guri who lives in Preet Vihar, New Delhi.
According to the FIR, accused knock the door of the victim at around 12am at night when victim was doing dinner with her family. When she opened the door, she saw Rakesh there.
- ❖ According to the allegation Rakesh started abusing her badly and then also physically hit her on her chest.
- ❖ Rakesh Kumar was the family friend of the victim and she knows him well.

- ❖ **OBSERVATION:-** I came across how criminal proceeding takes place in real.

Next Date Of Hearing :- 3/12/2022

CASE LAW 4

IN THE COURT OF SH. SANJAY GARG,

PRINCIPAL JUDGE, FAMILY COURT

SAKET COURT, NEW DELHI

IN THE MATTER OF:-

GEETA SINGH

V.

RAJAT KUMAR

SUBJECT MATTER :- Application for Meeting Rights

BRIEF FACTS:-

- ❖ That the application was filed to grant the meeting rights to the applicant, with his children Aahana kumar & Tanmay Kumar, as the custody of both the children are with Rajat Kumar.
- ❖ That the marriage was solemnized between the petitioner i.e. applicant here in and the respondent on 16/08/2016 and two children Aahana kumar a baby girl & Tanmay kumar a baby boy were born on 07/06/2017 & 21/1/2018 respectively.
- ❖ That the applicant has also filed a petition for dissolution of marriage by a decree of divorce U/s 13(1)(a) of the Hindu Marriage Act, 1955 before this hon'ble court.
- ❖ That on 16/06/2019 respondent's parents and many relatives with local police from Indrapuram police station visited applicant's place, they forcefully took the custody of the children.
- ❖ That this attitude of the respondent caused tremendous mental shock to the applicant & his parents and the family are keen to meet children and want to give the children their love and affection.
- ❖ That the respondent has not allowed the applicant and his parents to meet with the children since 16/06/2019.
- ❖ That the applicant has been left with no option, but to seek the indulgence of this hon'ble court for meeting his own children.

OBSERVATIONS :-

I have come to know about the power of the court to grant the meeting rights to the party seeking relief on it.

Next Date Of Hearing :- 5/6/2022

CASE LAW 5

**IN THE COURT OF SH. NISHANT GARG,
METROPOLITAN MAGISTRATE,
SAKET COURT, NEW DELHI**

IN THE MATTER OF :-

STATE

V.

RAJ BAKSHI

SUBJECT MATTER – Application for bail under section 437 Code of Criminal Procedure.

BRIEF FACTS -

- ❖ That the FIR was lodged on 16/05/2015 no. as 4331/15, U/s 420 of INDIAN PENAL CODE. According to the allegation of F.I.R Mr. Raj Bakshi cheated the victim Suraj Kohli by selling him the artificial jewellery by saying it to be an original of 24 karat Gold.
- ❖ When Suraj came to know about the fact he asked Raj to return his money back, but he ignored him and didn't respond to the calls of Suraj, it was estimated that cheating was done near by of Rs.8,57,320/-.

- ❖ Then after trying all the ways for the recovery of the money, they failed. after all this incident Suraj lodged an F.I.R.

OBSERVATIONS:-

I have come to know about the provision of section 437 of CrPC regarding the bail before filling charge sheet.

Next Date Of Hearing :- 12/02/2022

CASE LAW-6

**IN THE COURT OF SH. MANOJ KUMAR,
METROPOLITAN MAGISTRATE,
SAKET COURT, NEW DELHI**

IN THE MATTER OF:-

STATE

V.

RAJINDER ROY

SUBJECT MATTER:-Application for Protest Petition on behalf of complainant.

BRIEF FACTS :-

- ❖ That the F.I.R was lodged on 13/12/2016 no. as 311/16 U/s 420, 120-B, 34 of Indian Penal Code.
- ❖ That the compalinant works in an MNC, and lives at lodhi road complex, 98, new delhi. on one fine day the complainant was going to hospital for his treatment the accused arrived and stoped him and offered him his lost chain of gold which was of 3 Kg.

- ❖ That the complainant have lost its in the ashram of his guruji. That the police after investigation given the closer report for this case.

OBSERVATION :-

Come to know about the concept of protest petition in which the victim can by the permission of court get another chance to re-investigate the case even after the investigation is complete.

NEXT DATE OF HEARING :- 27/11/2022

CASE LAW 7

**IN THE COURT OF SH. AJAY GARG,
METROPOLITAN MAGISTRATE,
SAKET COURT, NEW DELHI**

IN THE MATTER OF:-

AMIT RATHI

V.

PANKAJ UTTAM & OTHERS

SUBJECT MATTER :- complainant u/s 156(3) of Code of criminal procedure,1973 for cheating, breach of trust, embarrassment & criminal conspiracy against the complainant

BRIEF FACTS:-

- ❖ That Ceragem India Pvt Ltd. is a company registered under companies Act by M.K Gupta, have its office at New Delhi.
- ❖ The accused is a registered company named as Shrishti Enterprises and the accused 1 & 2 are the directors thereof and accused no. 4 is the general manager with the company and accused no. 5 is the daughter of accused no. 4.
- ❖ Accused no. 4 tells the complainant that he is having a good relation with accused no. 1 and if they deal with them they can supply material in less price.
- ❖ When complainant agreed upon this, so accused no. 3 asks for Rs.30,00,000/- advance payment so that they can start the business.
- ❖ The complainant refuses as without any prior relationship how can he pay Rs. 30,00,000/- in advance, the accused no. 4 tried to convince him, but the complainant was not ready to fulfill the T&C.
- ❖ Then accused no. 4 introduce accused no. 5 and offered him to mortgage a property of accused no. 5 as a security for the payment of Rs. 30,00,000/-. Complainant agrees upon the same. Then the advance was paid to the accused no. 3 but the material was not supplied.
- ❖ The complainant requested few many times, but they ignored, the complainant tried to file an FIR against all 5 but police haven't respond.
- ❖ Then complainant personally meets the SHO & gave a written complainant but no cognizance have been taken by police till date.

OBSERVATION:-

I have come to know about the provision of the Sec. 156(3) of Cr.P.C in which court have special powers to direct the police for investigation.

NEXT DATE OF HEARING:- 17/01/2022

CASE LAW 8

**IN THE COURT OF SH. ASHUTOSH KUMAR,
METROPOLITAN MAGISTRATE,
PATIALA HOUSE COURT, NEW DELHI**

IN THE MATTER OF

STATE

V.

PANNA LAL

SUBJECT MATTER :- Application related the offence of section 420 & 120B of Indian Penal Code,1860

BRIEF FACTS

- ❖ That the case was registered through F.I.R which was lodged on 20/10/2012 no. as 103/08/12 U/s 420, 120-B of IPC and sec. 66 of IT Act.
- ❖ According to the allegation of F.I.R when complainant was on inspection of refund states on BSP system, the complainant was surprised to know that due refunds for a sum of Rs. 7,75,000/- for the financial years, 2008-2009, 2009-2010, 2010-2011 were issued to the accused Peeyush Singh through refund banker.
- ❖ It was further alleged that ID code/password of the complainant and additional CIT range 23, were fraudently misused on 04/10/2011 where as neither the complainant nor the additional CIT attended the office that day.

OBSERVATIONS:-

I have come to know about the provision of the section 420 and 120B of IPC, and the attitude of the court while dealing with these matters.

Next Date Of Hearing :- 05/03/2022

CASE LAW 9

**IN THE COURT OF SH. SUMIT DAS,
CHIEF METROPOLITAN MAGISTRATE,
KARKARDOOMA COURT, NEW DELHI**

IN THE MATTER OF

UNIQUE TOURISM PVT LTD.

V.

BALBIR SINGH

SUBJECT MATTER:-Complainant U/S 138 Of Negotiable Instrument Act

BRIEF FACTS

- ❖ The complainant is a company incorporated under the provision of company's act and beside other item, does the business of tourism.
- ❖ That the accused had booked a package from the complainant and some legally payable amount to complainant was due towards the accused. towards this legally payable dues, the accused had is used to the complainant, two cheques bearing no. 400039 & 400040 respectively dated 23/01/2018 for the sum of Rs. 1,84,250/- each.
- ❖ The accused has assured the complainant that there is sufficient balance in his account & payment of the above cheque will be cleared.

- ❖ Thus the cheques issued by the accused have been dishonored knowingly and in order to defraud the complainant didn't keep sufficient amount in their account and let the cheques bounce/fail.

OBSERVATION:-

I have come to know about the provision of sec. 138 of negotiable instrument Act, moreover i have come to know about the stage of cross examination in the criminal trial.

NEXT DATE OF HEARING :- 22/9/2022

CASE LAW 10

**IN THE COURT OF SH. NISHANT GARG,
METROPOLITAN MAGISTRATE,
SAKET COURT, NEW DELHI**

IN THE MATTER OF

STATE

V.

DEEPU

SUBJECT MATTER:- Application for the offence of section 498A of IPC

BRIEF FACTS

- ❖ That the marriage between the revisionist and respondent no. 1 was solemnized on 15/02/2011. They both lived together and out of their wedlock a minor child namely baby krishna was born to them on

09/11/2012. During the period, the revisionist lived with the respondent no. 1. She committed all sorts of acts of cruelty, harassment, torture and humiliation.

- ❖ That the F.I.R was lodged on 17/05/2013 in crime (women) cell.
F.I.R no. as 123/13 was filed u/s 498A /406/34 by Santosh, wife of the accused against the family also.
- ❖ That the Santosh also filed a petition for divorce u/s 13(1)(a) of hindu marriage Act, against the revisionist on 24/05/2013.
- ❖ That the Santosh have put the false allegation on Deepu and his family u/s 468A/406/34 as accused never done any cruelty act on Santosh, whereas she was careless and egoist person, she never took care of his parents and use to give answers in furious way.
- ❖ That the Santosh with filing the false F.I.R abuses the procedure and law as well wasted the time of court.

OBSERVATION:-

I have learned about the provision of section 498A & 34 of IPC.

Next Date Of Hearing:- 03/11/2022

CASE LAW 11

**IN THE COURT OF SH. VIJETA SINGH,
METROPOLITAN MAGISTRATE,
SAKET COURT, NEW DELHI**

IN THE MATTER OF

STATE

V.

TAJMEET SINGH

SUBJECT MATTER:- Application related to section 506,353 of Indian Penal Code,1860

BRIEF FACTS

- ❖ That the victim Sh. Abhey Raj aged 28 years old was a cab driver who was beaten up by accused Tajmeet Singh and his friends.
- ❖ That the FIR was lodge on 06/10/2015 (no. 333/15) U/s 186, 353, 506, 34 of IPC according to the FIR the driver was beaten up by 3 persons who first stop the car in the middle of the road near Lajpat Nagar.
- ❖ That while beating up the driver they were saying " ye humaesh road main me jaam laga deta hai maro isse, maaro " then they ran away.
- ❖ That the injured then taken to AIIMS for the treatment. The bill of hospital is also attached with the complaint.

OBSERVATION:-

I have came to know about the stage of the criminal trial in INDIA.

Next Date Of Hearing:- 26/10/2022

CASE LAW 12

**IN THE COURT OF SH.GULSHAN KUMAR,
ADDITIONAL SESSION JUDGE,
SAKET COURT, NEW DELHI**

IN THE MATTER OF

STATE

V.

VINAY KUMAR

SUBJECT MATTER :- Application for the offence of section 375 of I.P.C.1860

BRIEF FACTS

- ❖ The victim Smriti is currently of 30 years of age and have lodged a FIR no. 153/16 against her husband U/s 37B, 254 IPC. her husband is of 32 years name as Vinay Kumar. they both have married each other when Smriti was only 20 years old. they have a son who is now 8 years old. The marriage was a love marriage. The FIR was lodged in 23/09/2016.
- ❖ That the passing years of the marriage was not so fruitful as it was expected to, as firstly small/petty fights were there between them both.
- ❖ That the Vinay have a drinking habit, and he used to drink on daily basis, which was also a cause of fight.
- ❖ That the victim Smriti also helped Vinay to establish a small hospital in delhi, Smriti gave full financial support and full time for the establishment of that hospital.
- ❖ That the accused Vinay have afterward refuse to pay the maintenance when the victim have asked him, but he denied.
- ❖ That after all possible attempts to make the relation good, the victim Smriti asked Vinay for the divorce and he agreed for the same.
- ❖ Vinay also misbehaved with the mother of the Smriti and he also sexually abused her.

OBSERVATION:-

I have come to know about the stage of cross examination of the victim by the defense council.

Next Date Of Hearing -06/07/2022

CASE LAW 13

IN THE COURT OF SH HARISH ANAND,

**PRINCIPAL JUDGE, FAMILY COURT,
PATIALA HOUSE, NEW DELHI**

IN THE MATTER OF

SMT. SANTOSH

V.

SANJAY SRIVASTAVA

SUBJECT MATTER:- Application filed under section 125 of Code of Criminal Procedure,1973

BRIEF FACTS

1. That the petition was filed by the applicant for seeking relief U/s 125 of Cr.P.C for maintenance.
 2. That the summon was given to the Sanjay to appear before the hon'ble court on 08/09/2018.
 3. That the marriage was solemnized between petitioner i.e. applicant herein and the respondent on 07/11/2011 in Sarojni Nagar.
 4. The respondent was from Punjab, and according to the allegation of the plaintiff he falsely shown that he is the owner of an automobile repairing shop.
 5. Petitioner also stated that the respondent have at least Rs.65,000/- income per month from all the sources.
- Now petitioner wanted to get 15, 000/- per month from respondent.

OBSERVATIONS:-

I have gone through the provision of sec. 125 of Cr.P.C for seeking the relief of the maintenance by wife. I came to know about the concept of the transfer of

case from principal judge to councillor for solving the dispute on the lower level.

NEXT DATE OF HEARING :-19/4/2022

CASE LAW 14

**IN THE COURT OF SH. NISHANT GARG,
METROPOLITAN MAGISTRATE,
SAKET COURT, NEW DELHI**

IN THE MATTER OF

STATE

V.

SURENDER KUMAR

SUBJECT MATTER :-application filed under section 437 of code of criminal procedure, 1973

BRIEF FACTS

- ❖ That the case is about cheating, in which accused Surender Kumar first purchases a car on loan and then sells the same to the other person the F.I.R was lodged against accused u/s 420 IPC (FIR no. 586/19)
- ❖ According to the allegation of FIR complainant here paid Rs. 4,50,000/- and balance was left of Rs.50,000/- which was to be paid after transferring the N.O.C of the car, after the payment of Rs. 4,50,000/-, the accused haven't transfer the N.O.C of the vehicle and it become pending for more than 6 months.
- ❖ Date of Arrest was 10/03/2019
- ❖ The disputed car no, is DL 8S CL 4335

- ❖ The accused is aged about 36 years of age, and don't have any criminal background or any part case.

OBSERVATIONS :-

I have come to know about the provision of bail U/s 467 of Cr.P.C

Next Date Of Hearing :-18/10/2022

CASE LAW 15

**IN THE COURT OF SH. AJAY GARG,
METROPOLITAN MAGISTRATE,
SAKET COURT, NEW DELHI**

IN THE MATTER OF

STATE

V.

PEEYUSH SHARMA

SUBJECT MATTER : -APPLICATION U/S 167 OF Cr.P.C ON BEHALF OF ACCUSED.

BRIEF FCATS

- ❖ The F.I.R was lodged against accused Peeyush on 15/08/2017 no. as 4401035/17 under section 420 of IPC
- ❖ According to the allegation of complainant the accused have purchased Maruti Suzuki Baleno car on loan and without informing about the loan, Asked the complainant to pay the full money for transfer of NOC.
- ❖ When the complainant purchased the car for Rs.12,50,000/- he came to know about the loan as well as the non-payments of the instalments of the loan.

- ❖ The complainant asked the accused to return his money but, the accused refused.

Observation :-

I came across the provision of 60 days of offences (punishment less than 10 years) and provision of 90 days of offence (punishment more than 10 years) that police have to file a charge sheet, if it is done so, court will then have to grant the bail.

Next Date Of Hearing :- 02/04/2022

CASE LAW – 16

IN THE COURT OF SH NAVEEN ARORA

METROPOLITAN MAGISTRATE,

SAKET COURT, NEW DELHI

IN THE MATTER OF :-

State

Vs.

Shubh Infrastructure Pvt. Ltd.

SUBJECT MATTER :- Application for section 420 of IPC,1860

BRIEF FACTS:-

- ❖ Applicant is the resident of sector 25 , Noida, U.P. booked a flat in a project of Shubh Infrastructure of 540sq. yards on 8.9.2012 by paying a total amount of Rs.6,55,000/- by cheque
- ❖ At the time of booking in pre launch scheme builder promised the complainant to handover the flat within the period of 2.5 years. The builder also sent the letter of confirmation of the payment and allotment of the flat of complainant on 4th floor.

- ❖ When after 3 years the complaint personally went to meet the company officers for refund of the money with interest ,the company officials have threatened him to run away from the office.
- ❖ That the F.I.R. was lodge under section 406,420,509,120B,468 of Indian Penal Code with the F.I.R. NO. 64452/15, the owner of the company is in jail.

OBSERVATIONS :-

I learned about the provision of sec. 420,120B of Indian Penal Code,1860 as well as about the concept of reply and notice in the court.

Next Date Of Hearing :-20/8/2022

CASE LAW : 17

**IN THE COURT OF SH. NARESH KUMAR LAKA
ADDITIONAL SESSION JUDGE,
SAKET COURT , NEW DELHI**

IN THE MATTER OF:-

State

Vs.

Mohan Lal Singh and Others.

SUBJECT MATTER :- application for the statement of accused for the offence under section 375 of Indian Penal Code,1860

BRIEF FACTS

- ❖ That the F.I.R. was lodged on 05/12/2016 No. as 789/16 under section 342,376,394 of Indian Penal Code,1860

- ❖ That the complainant Sanjay was the student of Amity University lives in New Delhi. On 05.12.2016 at around 5:30 p.m. Sanjay and his friend Richa Dutta were going back home in a car, they were then over taken by some boys on bike and stop them. One of them then took control over the car and took it to the jungle area and then start beating the complainant Sanjay and then raped the girl.
- ❖ The case was first filed in Noida but it was transferred to the Delhi Saket Court. The charge sheet have been filed and charges also framed by the court as it was then tansfered to the fast track court.

OBSERVATIONS:

I have come to know about this stage of accused Statement in the process of criminal trial, which is done after framing the charges. Also I came to know about the provision of 375 of IPC.

Next Date OF HEARING :- 13/5/2022

CASE LAW – 18

**IN THE COURT OF SH. HARISH ANAND
PRINCIPAL JUDGE, FAMILY COURT
PATIALA HOUSE COURT, NEW DELHI**

IN THE MATTER OF :-

NEHA

Vs.

LOKESH

SUBJECT MATTER :- Application for maintenance under section 125 of Code Of Criminal Procedure,1973

BRIEF FACTS:-

- ❖ That the marriage between the petitioner Neha and the respondent Lokesh was solemnized as per Hindu Rites, Custom on 18/09/2011.
- ❖ That the due to regular fights and dispute between the relationship of the husband and wife, as well as respondent many times ask the petitioner to leave his house.
- ❖ That the on 20/09/2013 petitioner leaves the house of her husband and moved to her parents house. The petitioner in her application also stated that the respondent also have regular drinking habit.

OBSERVATION :-

On the present day I got to know about thr provision of section 125 of Code Of Criminal Procedure as well as about the concept of summon.

Next Date OF Hearing:- 28/06/2022.

CASE LAW-19

**IN THE COURT OD SH. NISHANT GARG
METROPOLITAN MAGISTRATE,
SAKET COURT, NEW DELHI**

IN THE MATTER OF :-

State

Vs.

Suhird Singh

SUBJECT MATTER :- Bail application under section 439 of Code of Criminal Procedure on behalf of accused.

BRIEF FACTS

- ❖ Mrs. Ivneet lodge an F.I.R. on 25/5/2016 no. as 141/16 under section 498(A) of Indian Penal Code against her husband Suhird Singh and his family.
- ❖ According to the allegation of F.I.R. Mr. Suhird had drinking habit and he used to beat victim without any reason, as well as his family use to torture her mentally. When such incidents increased the victim Ivneet lodged an F.I.R. in nearby police station.
- ❖ From 23/06/2016 till present day the accused is in jail, therefore the bail application was first filed in the METROPOLITAN MAGISTRATE court under section 437 of code of criminal procedure but it was rejected.

OBSERVATIONS:-

I came to know about the provision of section 439 of Code of Criminal Procedure, and the session court have the special power to grant bail even it is first rejected by the M.M. of the court.

CASE LAW- 20

IN THE COURT OF SH. DEEPAK VATS

METROPOLITAN MAGISTRATE,

DWARKA COURT, NEW DELHI

IN THE MATTER OF:-

STATE

Vs.

UNKNOWN

Subject Matter – Application U/S 451 Crpc for release of vehicle bearing no. DL 8C AM 0724 Maruti Swift Vxi car.

BRIEF FACTS:-

- ❖ That the applicant namely Vaibhav Yadav representative of HDFC ERGO GENERAL INSURANCE COMPANY LTD is authorised by the company.
- ❖ That the above mentioned vehicle has been stolen from the area of police station Vikaspuri vide FIR No. 006794/2016..
- ❖ That the vehicle is lying in Malkhana of the police station in open area and loss its road worthiness and depreciated its value day by day.
- ❖ Appeals the court to release the vehicle for disposal with the liberty to sale.

OBSERVATIONS:-

After attending this court session I learned about section 451 of Crpc.

Next Date Of Hearing :- 8/7/2022

CONCLUSION

After doing this Summer Internship I gained knowledge of some of the various important sections of Law. The real legal practice and experience is absolutely different from what we study in our lectures. Without the exposure to the real world, one cannot understand the analytical and the practical and the appropriate application of law and jurisprudence and the actual functioning and structure of law. The main mechanism or the functioning of the law is learned when one steps inn the court and experience the basic typical functioning and routine of the courts and how the work on each case.

The Summer internship helped me step forward into the world of Law and Courts to have practical knowledge and experience of the professional field of law. As being a Law student, this is one of the most knowledgeable experience one student can gain during his or her studies.

The internship also helped me in exploring the functioning of the court, the powers of the judges, how the victims are cross examined, how the advocates work in and out the courts and most importantly the rule of decorum and attitude that everybody maintains in court room and in front of the judges. It's important for a law student to learn how to maintain an attitude in front of the judges as well as the clients and the victims. Gaining confidence is the most important trait I feel one can grab through these internships.

I would thank my college to provide me with such a knowledgeable opportunity to fill my brain with as much knowledge as I can within few days of experience with a vote of thanks and gratefulness for reading this report thoroughly. I conclude this report with a great self being and positivity.

With Warm Regards

Yours Faithfully,

Abhishek Kathuria

00890103817, B.A LLB , 9TH SEMESTER

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Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

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SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - AKANSHA KANOJIA

ENROLLMENT NO. - 01090103817

COURSE - BALLB

BATCH - 2017-22



STUDENT INTERNSHIP DIARY

5 YEARS BA-LLB (INTEGRATED) | BBA-LLB (INTEGRATED)

FIMT-SCHOOL OF LAW

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FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

(Affiliated to Guru Gobind Singh Indraprastha University, Delhi)

KAPASHERA, NEW DELHI

Session 2017-2022....

NAME OF THE STUDENT ...AKANSHA KANOJIA.....

CLASSBALLB.... SEMESTER9..... SECTION. ..A... ENRL. NO. ...01090103817.....

RESIDENTIAL ADDRESS OF STUDENT.....F-65, Dakshinpuri,New Delhi-62.....

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NAME OF THE ADVOCATE/LEGAL FIRM ...www.knowlaww.in.....

ADDRESS -

CONTACT NO-.....7985364744.....

E MAIL I.D -knowlaww@gmail.com.....

INTERNSHIP CERTIFICATE



KNOWLAW - The One Stop Lextination

CERTIFICATE OF COMPLETION

awarded to

AKANSHA KANOJIA

For completing your four month internship and handling it all like a champ! We wish you well in your future endeavors!

A handwritten signature in black ink, appearing to read 'Riya Belel', written over a light blue rectangular background.

RIYA BELEL

Chief Operations Officer




DECLARATION

I AKANSHA KANOJIA of 9th semester
B.A.LLB. (Hons.)

hereby declare that this report as compiled by me under summer internship program (4 weeks) is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to **Fairfield Institute Of Management & Technology** affiliated to **Guru Gobind Singh Indraprastha University, New Delhi** is a reliable document and is of bona fide nature.

Signature-
AKANSHA
KANOJIA

Date-25-11-
2021





ACKNOWLEDGEMENT


I would like to thank and express my deep gratitude to respected Sir, **ADITYA Kr. (knowlaww.com)** where I did internship & completed my 4 months for content writing or Research work who has been my constant support, source of encouragement & inspiration and guided and helped me in successfully completing my Summer Internship

Signature- AKANSHA KANOJIA

Date –25-11-2021

Moreover, apart from court they give me a chance to get practical exposure by attending various conferences, seminars with various advocates. (If Attended)

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during the internship as well as at the time of drafting of this report.





OBJECTIVE


The Internship Programme is not designated to teach us how to be good lawyers(or how to be lawyers at all) it takes more than study at the university to do that. The objectives are to :

Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility





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TASK 1

DATE : 5 MAY 2021

NEWS BRIEFING – TRIPURA HIGH COURT gags District magistrate who forcefully stopped wedding in Agartala.

- In this First task I did the news briefing of daily law news, I go through the news from every source of information and then prepare post of atleast 10 pages attractive plus lawfull knowledge slides for social media sites of knowlaww to post it on Instagram, Facebook, Twitter and telegram etc.
- 



TASK 2

DATE : 7 MAY 2021

Covering Law Act – Hindu Disposition Of Property Act.

- In this task I covered a whole Act in the form of short post + in the simple language , without any palgarism. Which make easy for the people on the social media site of the page or website to study and understand it .





TASK 3

DATE : 9 MAY 2021

CREATING TOPICS FOR POSTING – Hindu Laws are comprised of 5 different acts namely.

- In this task I have to make the topic for others which are on hindu laws and describe them in simple words without any palgarism in the different parts to post on social media site of Instagram and others.





TASK 4

DATE: 12 MAY 2021

COVERING LAW TOPICS: FAMILY LAW THE HINDU ADOPTION AND MAINTENANCE ACT (HAMA), 1956

➤ In this task I covered a whole family law topic in 3 parts almost 30 slides for posting it on social media sites of knowlaww. I also did the summarised the Acts which become understandable for the people on the website/social media sites.





TASK 5

DATE : 24 MAY 2021

RESEARCH OF ARTICLE – THE MAKING OF ARTICLE ON THE TOPIC OF OUR OWN CHOICE.

- In this task I research on the topic of STARE DECISIS and make a article on without any palgarism , which is upload on the official website with my name under it . This task makes my work interesting in this internship.





TASK 6

DATE : 29 MAY 2021

**LEGAL UPDATES COVERED IN GROUP-
COVERING OF DAILY LEGAL UPDATES/ NEWS
WITH OTHER MEMEBERS IN THE INTERNSHIP.**

- In this task I got the group work in this I had to cover daily legal updates or news with the other committee member of knowlaww , which shows our working skills with other , how compatable we are in a group to do a work. We make total 9 slides which means 3 slides each and non of them are on same .





TASK 7

DATE: 31 MAY 2021

CREATING A LEGAL POST IN NEW WAY

- In this task I covered a judgment , summarized it and make a post of it in a new way which is in the form of video not in the slides mode. I learned a new thing in this internship.






TASK 8

DATE: 1 JUNE 2021

INTERVIEW

- In this task the knowlaww takes our interview online for completing 1 month with them , the questions were quite interesting and I answered all of them with the same interest and energy. There are almost 13-14 questions and some questions make me to think about me for the first time. Then they post it on there social media handels and website also with my photo for introducing me in such a good manner.
- 



TASK 9

DATE: 14 JUNE 2021

PICKING THE WORK OF MY OWN CHOICE

- In this task I take the topic of my own choice which makes me work on my own , I make a video post on WORLD BLOOD DONOR DAY for the social media handles of the knowlaww , which they appreciate my work very much and encourage me to do so such things regularly.





CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included promote the work in different ways. All of which was an over the top experience.

Such summer trainings help a law student to reborn and replenish himself and to explore his bounds of training.

Expertise in law comes through thorough reading which is the pre-requisite to our training.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards

Yours Faithfully,



FIMT

SCHOOL OF PROFESSIONAL STUDIES

FIMT-SCHOOL OF HUMANITIES & SOCIAL SCIENCES- BA-(H)ECO, BA(H)ENG.
FIMT-SCHOOL OF LAW- BBA-LLB(INTEGRATED), BA-LLB (INTEGRATED)
FIMT-SCHOOL OF JOURNALISM & MASS COMMUNICATION- BA-JMC
FIMT-SCHOOL OF BUSINESS ADMINISTRATION- BBA(GEN.)
FIMT-SCHOOL OF INFORMATION TECHNOLOGY- BCA
FIMT-SCHOOL OF COMMERCE- B.COM.(H)
FIMT-SCHOOL OF EDUCATION- B.ED

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.com

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - AKASH
ENROLLMENT NO. - 01190103817
COURSE - B.A.LL.B
BATCH - 9th Sem (Sec A)



JUDICIOUS ASSOCIATION

DISHANT VASHIST
Delhi High Court
Advocate



H.K. PANDA
Advocate on Record
Supreme Court of India

Chamber. No. 644, Lawyers Chambers Block, District Court Complex,
Sector-10, Dwarka, New Delhi-75

Chamber No. 326, Civil Side, Tis Hazari Court, New Delhi-110054
Email id: dishantvashist3210@gmail.com

Dated: 25.11.2021

CERTIFICATE OF INTERNSHIP

This is to certify that Mr. Akash S/o Sh. Arun Prakash, student of 5th gear BA LL.B at Fairfield Institute of Management & Technology, IP University, Delhi, has done internship under my supervision during the period from 02.08.2021 to 31.08.2021. During this period of internship with me I found him very sincere, hardworking and inquisitive which speaks well of his institution. I record my appreciation for the work done by him.

I wish him best of luck for future and pray for his brilliant career ahead.

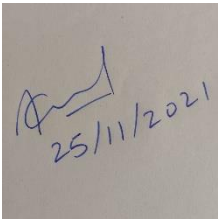
DISHANT VASHIST
Advocate D/4068/17
Ch. No. 644, Dwarka Court
Sector-10 Dwarka New Delhi
Mob.: 9873983210

Dishant
(DISHANT VASHIST)
Advocate

New Delhi

DECLARATION

I, AKASH, student of 9th Semester B.A.LL.B., hereby declare that this report is compiled by me, under the Summer Internship Program (4 weeks), and is based on my own experiences and observations, to the best of my knowledge and understanding in its duration, and the same being submitted to **Fairfield Institute of Management & Technology** affiliated to **GGSIPO, New Delhi**, is a reliable document, and is of bonafide nature.

A rectangular box containing a handwritten signature in blue ink and the date '25/11/2021' written below it.

AKASH

01190103817

B.A.LL.B

9TH Semester – A

ACKNOWLEDGEMENT

The internship opportunity I had with Mr. Dishant Vashist (ADVOCATE) was a great chance for learning and professional development. Therefore, I consider myself as a very lucky individual as I was provided with an opportunity to be a part of it. I am also grateful for having a chance to meet so many wonderful people and professionals who led me through this internship period.

Bearing in mind previous I am using this opportunity to express my deepest gratitude and special thanks to the Mr. Dishant Vashist (ADV) who in spite of being extraordinarily busy with his duties, took time out to hear, guide and keep me on the correct path and allowing me to carry out my project at their esteemed organization and extending during the training.

I express my deepest thanks to Sir or taking part in useful decision & giving necessary advices and guidance and arranged all facilities to make life easier. I choose this moment to acknowledge his contribution gratefully. It is my radiant sentiment to place on record my best regards, deepest sense of gratitude for their careful and precious guidance which were extremely valuable for my study both theoretically and practically.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID- 19 for completing my internship as well as at the time of drafting this report.

OBJECTIVE

The Legal Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that.

The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at university may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

The Internship program serves to:

Reinforce and strengthen the student's personal values and career objectives through an improved understanding of themselves and the work environment. Assist students in identifying and acquiring the skills needed to enter a chosen field.

Provide practical work experience to balance the student's theoretical training. Allow students to meet and learn from professional in the field and develop a network of contacts.

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CASE LAW - 1

**IN THE COURT OF MS. RITU SINGH, METROPOLITAN MAGISTRATE,
DWARKA COURT, NEW DELHI**

IN THE MATTER OF:-

BIKASH SINGH

V.

ARUN SINHA

SUBJECT MATTER: COMPLAINT FILED UNDER SECTION 138 OF THE NEGOTIABLE INSTRUMENT ACT, 1881.

BRIEF FACTS OF THE CASE:

- Bikash Singh is a resident of Delhi, having roots in society and good friendly relations with Arun Sinha for last few years.

- In the month of June, 2012 Arun Sinha appeared to be in financial crunch and approached Bikash Singh for financial help. Keeping in view the old and cordial friendly relations with Arun Sinha, Bikash Singh gave a friendly loan of Rs.3,50,000/- to him through cheque of Rs.2 lacs and 1.5 lakh through cash. At the time of borrowing the aforesaid loan, Arun sinha promised to return the same within a year.
- Arun Sinha issued a post-dated cheque to discharge the liability on his part towards Bikash Singh.

On Arun Sinha's assurance, Bikash Singh presented the above stated cheque and on presentation, the cheque was dishonoured.

- It is, now apparent that Arun sinha has deliberately, with malafide intention of defrauding and to cheat Bikash Singh issued the aforesaid cheque and thereafter did not arrange sufficient fund in his own bank. The dishonour of cheque is an offence and punishable, and the drawer of cheque can be imposed a fine equivalent to double the amount of the cheque or imprisonment for two years or both, in the case the drawer fails to make the payment in cash within 15 days of receipt of notice under section 138 of Negotiable Instrument Act.
- The facts of the case state that Arun sinha have acted in a most unfriendly manner by breaching the trust of Bikash Singh. Thus, it is apparent that Arun Sinha is also guilty of committing other criminal offences such as cheating, criminal breach of trust upon Bikash Singh by making false representation. Arun sinha will make the payment against his liability, however, Bikash Singh reserves their right to take appropriate actions against Arun Sinha for the aforesaid criminal acts of cheating and fraud under U/s 406 and 420 of IPC, as and when so advised. Bikash Singh reserve his right to file separate proceedings for recovery and damages besides criminal prosecution.

OBSERVATION:

I have learn about the provision of sec. 138 and about the evidence, how to present it.

Furthermore I have come to know about the provision of compensation. I have additionally learnt that an offence under section 138 of the Act, will be considered committed as soon as the cheque drawn by the accused on an account maintained by him for the discharge of debt or liability is returned without honoured.

CASE LAW - 2

IN THE COURT OF LD. C. M. M., PATIALA HOUSE COURT, DELHI.

IN THE MATTER OF:-

HARSHIT PANDEY (COMPLAINANT)

VERSUS

PRODYUT GUHA (ACCUSED)

SUBJECT MATTER: COMPLAINT UNDER SECTION 138 OF THE NEGOTIABLE INSTRUMENT ACT, 1881.

BRIEF FACTS OF THE CASE:-

1. Harshit Pandey is engaged in sale, trade and supply of Building Material. Prodyut Guha approached the complainant for the purchase of Building material for his construction site and the complainant pursuant to his request supplied the said consignment.
2. There was an outstanding due and payable by the accused to the complainant i.e. Rs. 1,26,000/- besides interest and costs and to discharge his part liability the accused gave the complainant post-dated cheque, duly signed by the accused but the cheque was later dishonoured due to insufficient funds.
3. The said dishonour is within his knowledge and by committing the said act the accused has deliberately and intentionally cheated the complainant in good faith, also

contravened and flouted the due provisions of law and has dared to take the law in his own hands. He has deliberately with malafide intention of defrauding and to cheat the complainant issued the aforesaid cheque and thereafter did not arrange sufficient fund in his bank.

OBSERVATION: I have come to know about the provision of section 138 of negotiable instrument Act and the punishments associated with it, moreover i have come to know about the stage of cross examination in the criminal trial.

CASE LAW- 3

**IN THE COURT OF SH. SUNIL GUPTA, PRINCIPAL
JUDGE, FAMILY COURT DWARKA COURTS, NEW
DELHI.**

IN THE MATTER OF:

SUNITA GUPTA (Petitioner)

VERSUS

ANUJ GUPTA (Respondent)

Subject Matter: Petition filed under section 12(a) of Hindu Marriage Act, 1955 as amended by the marriage laws for nullity of the marriage on the ground of the impotency of the husband.

BRIEF FACTS:-

1. The marriage between the petitioner and the respondent was solemnized as per Hindu rites and customs at a ceremonial hall in New Delhi.
2. The petitioner submits that the respondent is impotent from the very first day of the marriage and it's difficult for them to continue a normal married life due to the medical condition of the respondent.
3. Petitioner also submits that impotency of the respondent is permanent and there is no treatment of such incapability. Whereas, respondent on his part submits, that he

came to know about his impotency after the marriage only. He further states that he does not want to hurt the feelings of the petitioner.

4. The matter was fixed before the hon'ble court. In which both, the petitioner as well as the respondent were present in person, along with their council. Respondent have submitted the reply of the notice filed by the petitioner.

OBSERVATIONS:-

After attending this court session I came to know about the grounds of nullity of Hindu marriage, as well as the nature of the court while dealing such cases, like to diligently observe the intentions of the petitioner as well as the respondent.

CASE LAW - 4

**IN THE HON'BLE COURT OF CHIEF METROPOLITIAN MAGISTRATE,
DWARKA COURTS, NEW DELHI.**

IN THE MATTER OF:

RAJESH CHAWLA (APPLICANT)

VERSUS

STATE (RESPONDENT)

SUBJECT MATTER: APPLICATION UNDER SECTION 438 CR.P.C FOR GRANT
OF ANTICIPATORY BAIL ON BEHALF OF APPLICANT RAJESH CHAWL

BRIEF FACTS OF THE CASE:

- The marriage between Applicant and Smt. Pooja Chawla, the Complainant, was solemnized according to Hindu rites and ceremonies. The marriage was duly consummated but out of the said wedlock no child has born.
- The complainant since inception of her marriage never participated in the household chores and in contrary has acted cruel with the applicant and his family members.
- Since the date of marriage till today, the fooding and day to day expenses of the applicant and the complainant are borne by the mother of the applicant. The applicant claimed that his family members are victim of verbal abuses on the behest of the complainant and her family members. Being constrained by the acts of the complainant and her family members, the applicant lodged a written complaint to the SHO, P.S. Delhi Cantt., New Delhi, followed by complaint case No.1001/17.
- In counterblast to the complaint filed by the applicant , the complainant has filed a complaint. It is worthwhile to mention that the complaint filed by the complainant Pooja Chawla, is post filing of the complaint by the applicant herein. The complaint filed by Ms. Pooja Chawla is mere a counterblast and an outburst of a legal brain.
- That the applicant has received notices from the CAW Cell, Kirti Nagar, as well as, from CAW, Sriniwas Puri, New Delhi on a false complaint filed by the complainant Ms. Pooja Chawla. Copies of notices are annexed as **Annexure-B (Colly)**.
- The complainant Ms. Pooja Chawla has concealed correct information from the police officials of CAW Cell and is trying to proceed with two parallel inquiries arising out of one complaint, which has caused harassment to the applicant and his family members.

- It is apparent from the above facts that the complainant Ms. Pooja Chawla, under collusion with the police officials is trying to pressurize the applicant to succeed in her ulterior motives and the complainant has threatened to get the applicant and his family members arrested by the police officials under false accusations.
- That the applicant is a permanent resident of Delhi and is neither a previous convict nor have any criminal antecedents.
- That the applicant has appeared before the CAW Cell, Kirti Nagar, as well as, CAW Cell, Sriniwas Puri as and when called for, however, the applicant is being subjected to two separate inquiries on a single complaint. There is no apprehension or likelihood of the applicant fleeing from justice or his absconding if the applicant is released on anticipatory bail.
- That the applicant has full faith in the judicial system and is having likelihood of proving his innocence before this Hon'ble Court.
- That the applicant undertakes to render all such cooperation as and when directed by the investigating agency and undertakes that the applicant in no manner would misuse the liberty of bail, if in the event the applicant is admitted to anticipatory bail.

OBSERVATIONS: After attending this court session I came to know the various aspects of the anticipatory bail and whom to request for the same.

CASE LAW 5

**IN THE HON'BLE COURT OF CHIEF METROPOLITIAN MAGISTRATE,
DWARKA COURT, NEW DELHI.**

IN THE MATTER OF:

MANAN ARORA (COMPLAINANT)

VERSUS

CHHAGAN GULATI (ACCUSED)

SUBJECT MATTER: COMPLAINT UNDER SECTION 138 OF THE NEGOTIABLE INSTRUMENT ACT, 1881.

BRIEF FACTS OF THE CASE:

- That the Complainant is a permanent resident and the accused appeared to be in financial crunch and approached the complainant for financial help.
- That the accused assured the complainant that he shall return the amount within a short period of six months. That keeping in view the old and cordial friendly relations with the accused, the complainant gave a friendly loan of Rs.4,00,000/- to the accused.

- That friendly loan agreement was executed between the complainant and accused person and also executed the promissory note.
- That the complainant paid and the accused took a friendly loan of Rs.4,00,000/- (Rupees four lacs only) from the complainant and undertake to return the same within 6 months.
- That after the expiry of the 6 months the complainant made several requests to the accused to return the loan amount to the complainant but the accused with his malafide intension neglected the complainant on one or the other false pretext. That after the hardship of the complainant and several requests the accused handed over a under mentioned cheques to the complainant in lieu of part payment towards the friendly loan of Rs.4,00,000. That the accused assured the Complainant that the said Cheques will be honored on presentment.

- That the Complainant presented the above said Cheques with his banker for encashment but the same was dishonored on presentment by bankers of the accused with remark:-

Sr. No.	Cheque No.	Amount	Reason
1.	115934	1,95,000/-	Funds insufficient
2.	115935	1,85,000/-	Funds insufficient

- That the said Cheques issued by the accused to discharge his liabilities got dishonored on presentment. By issuing the said cheques the accused has acknowledged his liability.
- That the accused besides the above cheque have also breached the trust of the complainant.
- That by committing the said act the accused has deliberately and intentionally cheated the complainant in good faith. Also the accused has contravened and flouted the due provisions of law and have dared to take the law in his own hands.
- That the accused is liable to pay the amount of the dishonored cheque i.e. Rs.3,80,000/- along with interest.

OBSERVATION:-

I have come to know about the provision of section 138 of negotiable instrument Act and the punishments associated with it, moreover I have come to know about the stage of cross examination in the criminal trials.

CASE LAW – 6

IN THE COURT OF LD. C. M. M., PATIALA HOUSE COURT

IN THE MATTERS OF:

SMT. PRIYANKA DUTTA (COMPLAINANT)

V/S

MAJOR PUSHPENDER SINGH & ORS (RESPONDENTS)

SUBJECT MATTER: FILED UNDER PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005.

BRIEF FACTS OF THE CASE:

- That marriage between the aggrieved person and respondent number 1 was solemnised on 24.12.2011 according to the Hindu rites and customs at D.S.O.I, Dhaula Kuan, New Delhi. The marriage was attended by family members and relatives of both sides and parents of the aggrieved person spent a huge amount on the marriage beyond their capacity as per demand of the respondents.
- That after the marriage, the respondents started conducting cruelty on the complainant in May, 2012 during her stay at matrimonial home. During the 40 days annual leave of the respondent number 1, at the time of her peak crucial period of pregnancy (2 months), all the respondents desired termination of pregnancy of the complainant and using cruel means like breaking phone of the complainant, not giving food to eat in

order to put pressure for termination of pregnancy. The respondents also started demanding more dowry like, cash, car and property. The respondents also started abusing, giving threatening for life, and dire consequences, if the complainant approached army or civil authorities. Also, respondent number 1 threatened to leave the army job and take revenge on the family members of the complainant and also threatened for breaking the marriage. All the Streedhan including all the jewellery and the cash gift given by complainant's uncles and mother at the time of marriage is in the custody of the respondents. The respondents number 1 and 2 also demanded transfer of parental home of the complainant in the name of the respondents. There is no discipline or homely atmosphere at the house of respondent number 1. The father and son remain drunk most of the time and often keep vomiting.

- The life of the complainant at the matrimonial home became hell. The complaint gave birth to a male child in January, 2013. But all their hopes of normalcy went in vain even after the birth of male child, when the respondents demanded two houses from the complainant's mother for their male child, failing which the complainant would be thrown out of the matrimonial home. They again started abusing and giving physical and mental torture to the complainant. They again threatened the complainant of dire consequences, if she approached army or civil authorities. That the aggrieved party is a housewife and has zero source of income and has no movable or immovable asset or property in her name.
- That the respondent number 1 is serving in Indian Army as Major and is earning about Rs.90,000/- per month and is also earning additional Rs.3.00 lakh per month from the ancestral agricultural land and share market and property business. The respondent number 1 has no liability except to maintain the petitioner and her child.
- That the petitioner is leading a life of destitute and is totally dependent upon her parents.

OBSERVATION:

I have learnt about various provisions and acts enacted by the government for the protection of women.

CASE LAW – 7

**IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE DELHI
COMPLAINT CASE NO.1180/08**

IN THE MATTERS OF:

SHRI AMRIT LAL SIYAL (COMPLAINANT)

VERSUS

SHRI MANJEET SINGH (ACCUSED)

SUBJECT MATTER: COMPLAINT UNDER SEC 138 OF NEGOTIABLE INSTRUMENT ACT, 1881 AS AMENDED BY THE BANKING FINANCIAL INSTITUTION AND NEGOTIABLE INSTRUMENT LAWS ACT 2003, READ WITH SECTION 200 CrPC.

BRIEF FACTS OF THE CASE:

- Accused in discharge of his liability on account of payments given a cheque on Dated 10-06-2008 bearing No. 854328 of Rs 10,61,000/- drawn on Punjab National Bank(0792) Jurehra (Bharatpur) RAJASTHAN in favour of the complainant with assurance that said cheques will be honoured on presentation because accused because accused himself working with same bank and branch at the time issuing cheque.
- The said cheque were presented by the complainant for payments through his bank i.e Bank of Baroda Mayur Vihar Phase-1 Delhi on 11-06-2008 for encashment but the said cheque were returned as dishonoured by the bank of the accused with his

own signature the remarks “INSUFFICIENT FUNDS” vide cheque return memo received date 30-07-2008 and intimation to this effect was received by the complainant from his banker on 30-07-2008 which shows the memo date signed by accused dated 20-06-2008 but accused delayed the same process.

- The accused had allowed the cheque in question to return unpaid on presentation as dishonoured goes to show that the accused had the criminal intention in order to defraud and cheat the complainant.
- The complainant issued statutory notice dated 06-08-2008 as required under the law to the accused through regd. A.D. as well as way of Certificate of Posting (UPC), The said notice has been duly served upon the respondent through UPC. The accused have failed to make the payments of the cheque in question even after the expiry of statutory period allowed to him as per the law and has not payed the cheque amount till date.

DETAILS:

In this matter we were from the complainant’s side i.e. Shri Amrit Lal Siyal.

No DW was present. It was submitted that DW Sh. Sayyed Ahmed could not appear before the court as he was not well.

OBSERVATION: I have come to know about the provision of section 138 of Negotiable Instrument Act and the punishments associated with it.

CASE LAW – 8

**IN THE COURT OF SMT. SARITA BIRBAL, ADDITIONAL SESSIONS JUDGE,
(SPECIAL FAST TRACK COURT) KARKARDOOMA COURTS, DELHI.**

IN THE MATTER OF:

STATE

V/S

NAZEER KALIA

SUBJECT MATTER: COMPLAINT FILED UNDER SECTION 375 OF IPC.

BRIEF FACTS OF THE CASE:

- The prosecutrix informed the police officials that she was raped by Kalia (accused).
- In her complaint, the prosecutrix stated that her mother died when she was a child. Her father also expired two years back. Her two brothers were doing private jobs and used to leave at about 8:00 AM in the morning and come back at about 8:00 PM. Earlier, the prosecutrix was also doing some work but now she is unemployed. Prosecutrix alleged that on 19.02.2015 at about 2:00 PM she was sleeping in her room. Accused came to her room with a knife. The prosecutrix shouted but the accused threatened to kill her. Accused tore the upper portion of the kurta of the prosecutrix and removed her pyjama. Accused then by force raped her. To save herself, the prosecutrix kicked the accused on which he caught hold of her head and hit it against a wall. He also slapped the prosecutrix and then left. Thereafter the

prosecutrix called the police. Prosecutrix alleged that the accused is a man of bad character who roams around on streets after consuming liquor. Prosecutrix requested that action be taken against the accused.

- During cross examination on behalf of accused, the prosecutrix admitted that she and the accused got married on 25.05.2015 as per Muslim rites and customs. She also admitted her marriage photographs. She again reiterated that she made physical relations with the accused with her consent and will. She admitted that the accused never threatened to kill her or her brothers. She also admitted that the accused never tore her clothes nor beat her. She deposed that the accused used to come to her house with her consent as they were in love and wanted to marry each other. She also admitted that she has been residing happily with the accused.
- At the relevant time, the prosecutrix was above 18 years of age. Thus, sexual intercourse between the accused and the prosecutrix would not perse amount to an offence of rape. The same shall constitute an offence if any act of such sexual intercourse was committed without her consent or against her will or by obtaining her consent by use of force or exercise of deception. The medical examination prosecutrix shows that during her examination no injury was seen on per person. There is no evidence on record to show that the accused used force, coercion or deception to obtain consent of the prosecutrix. On the other hand, the prosecutrix has deposed that accused made physical relations with her consent and will. Thus, the accused is acquitted of the charge of offence punishable under section 376 IPC.

OBSERVATION: This case helped me learn thoroughly about section 375 of IPC and what constitutes a rape. It also helped me understand the nature of the court in handling such cases. I also learnt about the punishments associated with the said crime, which is covered in section 376 IPC.

CASE LAW – 9

**IN THE COURT OF SH. G. N. PANDEY ADDITIONAL DISTRICT JUDGE-02,
DWARKA COURT, DELHI.**

IN THE MATTERS OF:

SMT. SHANTI DEVI

VERSUS

SH. CHAND NAGPAL

SUBJECT MATTER: SUIT FOR POSSESSION, RECOVERY OF RENT AND MESNE PROFITS/DAMAGES (TRANSFER OF PROPERTY ACT 1882)

BRIEF FACTS OF THE CASE:

- The plaintiff filed this suit against the defendant who is the son of the plaintiff regarding first floor of the property consisting of two rooms, kitchen, latrine and bathroom (and one small room on the ground floor used by the defendant as garage).
- It is stated in the plaint that plaintiff is the owner of the abovesaid property having purchased from Babu Ram on 19.12.79 vide GPA, agreement to sell and acknowledgment. The defendant is the youngest son of the plaintiff who was given the suit property to reside as licensee. The defendant never cared for the plaintiff and along with his wife, father and mother in law have harassed the plaintiff and her husband. The conduct of the defendant did not improve and became unbearable to the plaintiff and her husband. A complaint was made for the same but of no avail. The plaintiff debarred the defendant from her movable and immovable property. The defendant failed to vacate the premises and is in illegal occupation and is liable to pay

the occupation charges along with electricity and water charges. Hence this suit is filed by the plaintiff against the defendant.

- After the service of summons upon the defendant, the written statement was filed by defendant contending that this suit is not maintainable and filed without cause of action, the plaintiff has concealed the material facts and filed to grab the suit property. As contended by defendant, he is the youngest son of the plaintiff and suit property was purchased by the plaintiff from the money given to them by grandmother Smt. Radha Bai. The defendant admitted that the abovesaid property was purchased by the parents of the defendant. It is claimed that suit property came to the share of the defendant by way of oral partition and he is the owner.

- The plaintiff claimed herself the owner of the suit property. There is no dispute by the defendant regarding ownership of the plaintiff as even the defendant admitted her ownership and are claiming his rights only through her. The defendant claimed that suit property was purchased from the funds given by Smt. Radha Bai i.e. grandmother. The suit property was partitioned orally between the parties and same came to the share of the defendant. There is nothing on record either produced or proved by defendant in support of contentions of the ownership or partition. No documents regarding any payment by Smt. Radha Bai or partition of the suit property is also produced or proved in the court by the defendant. The testimony of defendant also does not support his case. In fact, the defendant has not produced or proved any documents or Smt. Radha Bai to prove the payment of any consideration to his mother for purchasing the suit property. This court has no hesitation in holding that the defendant is not the co-owner of the suit property and failed to prove the issues. Original documents are proved by plaintiff in support of ownership in view of the documents on record and the admission of defendant itself, this court is of the opinion that plaintiff has duly proved that she is owner of the suit property and suit property was given to defendant to reside as licensee.

OBSERVATIONS: This case helped me learn about the suits filed for possession of properties and also gave me a glimpse of Transfer of Property Act by introducing it to me.

CASE LAW – 10

**IN THE COURT OF MS. RENU BHATNAGAR, ADDITIONAL DISTRICT
JUDGE, FAMILY COURT, SAKET COURT, NEW DELHI.**

IN THE MATTER OF:

SMT. JYOTI ANAND

VERSUS

SHRI. SUMIT ANAND

SUBJECT MATTER: PETITION FOR DISSOLUTION OF MARRIAGE BY DECREE OF DIVORCE BY MUTUAL CONSENT UNDER SECTION 13(B)(1) OF HINDU MARRIAGE ACT 1955.

BRIEF FACTS OF THE CASE:

- A marriage was solemnized between the parties on 03.12.1998 in accordance with Hindu rites and customs at New Delhi.
- Parties have cohabited as husband and wife at New Delhi and one male child namely 'Manas Anand' and one female child 'Manyata Anand' were born from the wedlock on 12.1.2001 and 28.10.2005 respectively.

- After the marriage and more particularly in the year JUNE 2019 due to difference in thought, opinion and non-compatibility the parties has broken down irretrievably and despite various efforts made by the parties themselves, by their elders, relatives, parties are unable to live together as husband and wife.
- The petitioner number 1 had filled a petition for maintenance being case no. 359/09 under section 125 criminal procedure code which is pending adjudication in the court of Mrs. Renu Bhatnagar, Ld. Adj. the dispute in the said maintenance petition was referred to counselling cell by the LD. After the intervention of counselling cell attached to the family courts, Saket, the parties arrived at an amicable settlement and said settlement was reduced into writing by way of settlement deed dated 22.07.2019.

All the disputes related to the said petition was amicably settled by and between the parties and the parties have therefore mutually agreed to dissolve their marriage by way of decree of divorce by mutual consent as per the terms and conditions mentioned in the settlement deed dated 22.07.2019 between the parties.

The marriage between the parties has broken down and they have been living separately since august 2019. The parties reside in same address; however there has been no cohabitation between them since JULY 2019, when due to differences which arose between them resulting in acrimonious litigation which now forms a part of judicial records. Parties live in separate bedrooms since then.

OBSERVATION: This case helped me understand the HINDU MARRIAGE ACT 1955 better. It also helped me understand how a petition for dissolution of marriage is filed and what all are the circumstances under which a court decides that two people should not live together and get divorced.

CASE LAW – 11

**IN THE HIGH COURT OF JUDICATURE AT DELHI CRIMINAL APPELLATE
JURISDICTION**

BENCH: S. P. SINGH

IN THE MATTER OF:

SIDDHARTH SABHARWAL (PETITIONER)

VERSUS

THE STATE (NCT OF DELHI)

SUBJECT MATTER: COMPLAINT FILED UNDER SECTIONS 498A, 323, 504, 506 AND 509 OF IPC.

BRIEF FACTS OF THE CASE:

- Without prejudice to the aforesaid contentions learned counsel for complainant submits that, the Petitioner has physically assaulted the complainant and traumatized her by physical, emotional and mental cruelty. The Petitioner on his 40th birthday as usual got drunk and abused and punched the complainant. As the complainant could not take this continuous physical, mental and emotional assault, lodged an NC with the Delhi Cantt. Police Station under Section 504 and 506 of **Indian Penal Code** on 28/03/2019.
- In the year 2019 itself complainant filed another police complaint on 23rd May, 2019 placing on record how right from the beginning of her marriage she was traumatized by the accused and particularly how the Petitioner had committed various acts of cruelty on her. She narrated various incidents including how she was assaulted and physically abused by the Petitioner in the said complaint. The complainant approached the police hoping that, the Petitioner would mend his ways and change his actions but the same was to no avail. As a result of the same, the complainant was

compelled to register FIR bearing CR No. 70 of 2019 with the Delhi Cantt. Police Station on 19/06/2019 under section 498a, 323, 504, 506, 509 of IPC. In the said complaint, complainant again narrated the incidents of cruelty and harassments that are meted out to her and how whether drunk or not she was abused, assaulted and insulted with the filthiest of language by the Petitioner.

- The complainant thought that things will improve but however, things went from bad to worse and it resulted in all these complaints being filed.

OBSERVATION: I have come to understand Section 498a, 323, 504, 506 and 509 clearly and in which instances a complaint could be filed under such sections, and what all are the punishments associated with them. The court handles such cases with care and gives verdict in favour of the aggrieved person.

CASE LAW – 12

**IN THE COURT OF Hon'ble JUSTICE DEEPAK KUMAR –II, DWARKA COURTS,
DELHI.**

IN THE MATTER OF:

MUKESH KUMAR

VERSUS

THE STATE (NCT OF DELHI)

SUBJECT MATTER: COMPLAINT FILED UNDER SECTIONS 279, 304(A), 338 OF
IPC & 134A, 134B OF INDIAN MOTOR VEHICLE ACT.

FIR NUMBER: 984/14

BRIEF FACTS OF THE CASE:

- A man named Vishesh Agarwal was waiting for bus at a bus stand near Dwarka Sector 10. In fraction of seconds, a car bearing registration number RJ-14-KS-4563, a white colour Mahindra Bolero rammed Vishesh and the tried to run from the spot but got captured by two civilians who were standing behind the bus stop.
- The offending vehicle was registered on the name of Mr. Arun Kumar, father of Mukesh Kumar (offender). Vishesh was taken to Ayushman Hospital in Sector 12 Dwarka but due to grave injuries he died in few hours. The MLC clearly stated that the death took place because of the head injury which was very grave . The driver Mukesh Kumar is a man of age 39. He works in Delhi in a factory as a manager, he

was coming from a marriage at that time, the driver said he was not able to see the person on the road near the bus stand as there was no street light and his car's lights were not that bright . The driver was given bail.

OBSERVATION: This case helped me understand the laws and punishment associated with the cases of hit-and-run.

CASE LAW -13

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

RANU RAJPUT (PETITIONER)

VERSUS

THE STATE NCT OF DELHI (RESPONDANT)

SUBJECT MATTER: THE PETITIONER HAS FILED THE PETITION AGAINST THE ORDER PASSED BY ADDITIONAL SESSIONS JUDGE, PATIALA HOUSE COURT UNDER SECTION 170, 420, 511.

BRIEF FACTS OF THE CASE:

- This case has been registered by the police on 22.05.2019 on the basis of a written complaint dated 20.04.2019 given to the police by one Anil Kumar, Administrative Officer of Indian Institute of Corporate Affairs (IICA), Govt. of India, Ministry of Corporate Affairs, IMT Manesar, Haryana, on allegation that a fake purchase order dated 15.01.2019 was placed on their behalf with Reliance Retail Ltd. (RIL) for procurement of certain electronic items from RIL costing approx. Rs.11 lacs.
- The said order is alleged to have been placed by the present applicant in her capacity of Consultant, Procurement, IICA, MCA, Govt. of India using the signatures of a former Director General and CEO of the said Institute on his letter head and the rubber stamp, GST certificate as well as PAN card of the Institute. It is also alleged that there has been some conversation between the above applicant and RIL in connection with

the above said transaction and further some telephonic conversations between a lady representing herself to be Ms. Ranu, i.e. the applicant, and the Business Manager of RIL. The address for delivery of the above electronic items was given to be of a house in Munirka Vihar, New Delhi. However, after having some suspicion, the business head of RIL had visited the office of above Institute to find out the truth about the above purchase order as it contained a term of 15 days credit, but on visiting the said office, it was revealed that the above purchase order was fake and Ms. Ranu was though earlier working as a Consultant with the said Institute, but she had already left the Institute and no such purchase order was placed on behalf of the Institute.

- Learned Senior Counsel for the petitioner argued that there was a delay of almost one month in the lodging of the FIR, however, neither the complainant nor the police official gave any reason for the delay in registration of the FIR. Learned Senior Counsel for the petitioner also argued that the petitioner has been falsely implicated in the present case, though, she was working as a Consultant with the complainant, yet she has nothing to do with the purchase order as she left the job on 18.2.2017, much prior to the placing of the said order. Learned Senior Counsel for the petitioner submitted that the learned Additional Sessions Judge also appreciated that the petitioner was having nothing in her possession, for the recovery whereof the custody of the petitioner may be required by the respondent. The petitioner is a young lady living separately from her husband. Some litigation is pending between them and due to this the husband of the petitioner misused her e-mail IDs to get her falsely implicated in the case. Even the SIM card and IP addresses used in commission of the said offences belong to her husband and she has been falsely implicated in the present case.

OBSERVATION: I have learnt and observed how a petition is filed against an already passed order. I have also learnt the provisions of section 438 in accordance with sections 170, 420 and 511 of IPC.

CASE LAW – 14

**IN THE COURT OF SH. DEEPAK JAGOTRAH, LD. M.M. DWARKA COURT, NEW
DELHI**

IN THE MATTER OF:

VICKY SINGH (ACCUSED)

VERSUS

THE STATE - NCT OF DELHI

SUBJECT MATTER: CASE FILED UNDER SECTION 354 OF INDIAN PENAL CODE, 1860.

BRIEF FACTS OF THE CASE:

- The FIR was lodged on 27/06/2019 no. as 352/2010 under section 354 of IPC, against the accused Vicky who was 48 years old at the time of committing the crime.
- The FIR was lodged by Smt. Bhumika who lives in Anand Vihar, New Delhi.
- According to the FIR, the accused knocked the door of the victim at around 12:00am. The victim was having dinner with her family at the said time. When she opened the door she was stunned to see Vicky there at this time of the night.
- The victim further alleged that Vicky was drunk and started abusing her verbally for not reverting back the same feelings which Vicky had for her.

- When the victim threatened the accused that she might call the police, Vicky started beating her and in the process tried to grope her as well and thus outraged the modesty of a woman.

OBSERVATION: This case helped me understand the women specific laws clearly and I have also come to know about the various stages of proceedings in criminal cases in Indian Courts.

CASE LAW – 15

**IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE, DWARKA COURT,
NEW DELHI**

IN THE MATTER OF:

SONALIKA GUPTA (COMPLAINANT)

VERSUS

MOHAN GUPTA (ACCUSED)

SUBJECT MATTER: FILED UNDER PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005.

BRIEF FACTS OF THE CASE:

- In this case, the marriage was solemnized between the complainant and the respondent on 17.06.2014. The marriage of the Petitioner with the Respondent was solemnized in the normal and decent manner and lots of dowry articles including cash, other gifts, cloths and gold ornaments etc. were given to the Respondents in the marriage by the Petitioner's Family members.
- The Petitioner has always performed her all matrimonial duties, as devoted wife, but the Petitioner was treated with utmost cruelties by the accused (respondent in this case) and his family causing great harm to the body and life of the Petitioner and endangering the health, safety and wellbeing of the Petitioner physically and mentally at her matrimonial house.
- Respondent and his in laws also asked the Petitioner to brought money from her father house to fulfill their needs. That it is not possible for the Petitioner to live with her in

laws who always used to beat and torture her. That the Petitioner not feeling safe so she had to leave his house and is also at present in the depression state of mind as a result of violence meted upon her.

OBSERVATION: I have learnt about various provisions and acts enacted by the government for the protection of women.

Since the Judge was on leave, the matter got listed for another date.

CONCLUSION

In the end, I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, what we learned from the internship is the mechanism of this body.

I was surprised to see how the simplest of laws were applicable in the most difficult of situations and how loopholes leave so much scope of evolution and improvisation today in this field. I also observed that the law is everything but constant with the same soul as that of a human. In other words or as that of our counsel, law may come and law may repeal, but they must always be faithful to the constitution, which is the most supreme law of the land and governs all equals and unequal in respect of each other.

NAAC ACCREDITED



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Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME AKSHAY RAJPUT

ENROLLMENT NO. 01290103817

COURSE BA-LLB

BATCH (2017-22) IXth Sem



SANJEEV BEHL

MOBILE NO. 98101 82003
CHAMBER NO. B-6, B.G.S. BLOCK,
TIS HAZARI COURT COMPLEX, DELHI-54.
ENROLLMENT NO. D181/2000

ADVOCATE & SOLICITOR

To whomsoever it may concern

This is to certify that AKSHAY RAJPUT S/o SH. SURENDER SISODIA, student of Fairfield Institute of Management and Technology, Kapashera (affiliated to GGSIPU) pursuing 5 years BALLB joined my office and worked as an intern from **02.08.2021** to **20.09.2021**.

During his internship he has researched upon various issues pertaining to law, analyzing briefs, creating notes relating to various aspects of criminal matters and drafting of cases.

I found him sincere, hard working and inquisitive wish him all the best in future endeavours.



**(SANJEEV BEHL)
ADVOCATE**

SANJEEV BEHL
(D-181/2000) Advocate
Ch. No. B-6, B. G. S. Block
Tis Hazari Courts, Delhi-54
Mobile No. 9810182003

DECLARATION

I AKSHAY RAJPUT of 9th semester of BA-LLB (H) hereby declare that this report is compiled by me under 6 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to **Fairfield Institute of Management & Technology affiliated to GGS IP UNIVERSITY, New Delhi** is a reliable document and is of Bonafede nature.

AKSHAY RAJPUT

01290103817

25.11.21

ACKNOWLEDGEMENT

The internship opportunity I had with **Mr. Sanjeev Behl (ADVOCATE)** was a great chance for learning and professional development. Therefore, I consider myself as a very lucky individual as I was provided with an opportunity to be a part of it. I am also grateful for having a chance to meet so many wonderful people and professionals who led me through this internship period.

Bearing in mind previous I am using this opportunity to express my deepest gratitude and special thanks to the **Mr. Sanjeev Behl (ADV)** who in spite of being extraordinarily busy with his duties, took time out to hear, guide and keep me on the correct path and allowing me to carry out my project at their esteemed organization and extending during the training.

I express my deepest thanks to Sir for taking part in useful decision & giving necessary advice and guidance and arranged all facilities to make life easier. I choose this moment to acknowledge his contribution gratefully. It is my radiant sentiment to place on record my best regards, deepest sense of gratitude for their careful and precious guidance which were extremely valuable for my study both theoretically and practically.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting this report.

OBJECTIVE

The Legal Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that.

The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at university may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

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Introduction

I interned under Adv. MR. SANJEEV BEHL, at TIS HAZARI Court, Delhi, through online mode for a period of one and half month i.e., 2nd August 2021 to 20TH September 2021. I was excited and keen to internship with MR. SANJEEV BEHL. I joined the meeting with MR. SANJEEV BEHL and other counsels.

On my second day I did my research work on maintenance and read some of the judgements on it which were as follow:

Definition: The word maintenance is of wide connotation. The most precise definition of it has

been given under Section 3 (b) of the Hindu Adoption & Maintenance Act, 1956, which reads as under: -"in all cases, provisions for food, clothing, residence, education and medical attendance and treatment; in the case of an unmarried daughter, also the reasonable expenses of an incident to her marriage."

Section 18: Maintenance of wife

(1) Subject to the provisions of this section, a Hindu wife, whether married before or after the commencement of this Act, shall be entitled to be maintained by her husband during her life time.

Section 18 (1) is applicable when the wife lives with her husband. A wife who has ceased to be Hindu cannot claim maintenance. However, an unchaste wife who lives with her husband can claim maintenance.

(2) A Hindu wife shall be entitled to live separately from her husband without forfeiting her claim to maintenance.

- a) If he is guilty of desertion or of willfully neglecting her.
- b) If he has treated her with such cruelty as to cause a reasonable apprehension in her mind that it will be harmful or injurious to live with her husband.
- c) If he is suffering from a virulent form of leprosy.
- d) If he has any other wife living.
- e) If he keeps a concubine in the same house in which his wife is living or habitually resides with a concubine elsewhere.
- f) If he has ceased to be a Hindu by conversion to another religion.
- g) If there is any other cause justifying living separately.

(3) (Forfeiture of the claim of maintenance). A Hindu wife shall not be entitled to separate residence and maintenance from her husband if she is unchaste or ceases to be a Hindu by conversion to another religion.

Maintenance of widowed daughter-in-law

Section 19 of the Hindu Adoption and Maintenance Act provides that after the death of her husband, a Hindu wife is entitled to be maintained by her father-in-law, if she has no means of her own earnings or other property or estate of her husband/ father/ mother or from her son or daughter or his/her estate. However, this right cannot be enforced if the father-in-law does not have the means to do so from any coparcenary property in his possession out of which the daughter-in-law has not obtained any share. Further, his obligation ceases when the daughter-in-law remarries.

- Shailja & Another v. Khobbanna (Supreme Court of India)

Criminal Appeal No. 125-126 Of 2017 (Special Leave Petition (Crl.) No. 6025-6026 Of 2013) | 18-01-2017

Facts: Merely because the wife is capable of earning it is not a reason to reduce the maintenance awarded to her. In this case the supreme court made a remarkable observation by stating that merely because a wife is capable of earning it is not the reason to reduce the maintenance and said that whether a wife is capable of earning and is actually earning are two different things.

In the case the family court awarded the appellant was an amount of rupees 25000 however the High Court reduced the amount to rupees 12000

In Appeal the Supreme Court has ordered the family court's orders by opining that whether the appellant is capable of earning or that she is actually earning are two different requirements.

#Sudeep Chaudhary Vs Radha Chaudhary decided on 31.01.1997, AIR 1999 SC

It was held by Hon'ble Apex Court that the jurisdiction for granting maintenance under Section 125 of the Code of Criminal Procedure and Domestic Violence Act is parallel

jurisdiction and if maintenance has been granted under Section 125 of the Code of Criminal Procedure after taking into account the entire material placed before the Court and recording evidence, it is not necessary that another Magistrate under Domestic violence Act should again adjudicate the issue of maintenance.

On the very next day Sir assigned me a task to find judgments on mortgage and to read some provisions of mortgage under the Transfer of Property Act 1882. Section 58 to Section 104 of TPA 1882 deal with mortgage. Definition of mortgage: Mortgage is a kind of security given by the borrower- debtor for repayment of loan to the lender-creditor

I did my research work on mortgage and read some of the judgements on it which were as follows:

Gangadhar versus Shankar Lal(SC 1958)

In this case the mortgage instrument in question contains these terms I or my heirs will not be entitled to redeem the property for 85 years. After the expiry of 85 years, we shall redeem it within a period of six months otherwise we shall have no claim over the mortgage deed property and the mortgagee shall have no claim to get the mortgage money. In such cases this very deed will be deemed to be a sale deed. It was contended by the appellant that the Covenant creating the long-term of 85 years for the mortgage taken along with the provision that the mortgage must be within a period of six months thereafter or not at all is really a clog on the equity of redemption and is therefore invalid.

Ismail Khatri versus Muljibhai Bramabhatt(SC 1994)

The court observed that the document must be read as a whole and held that it was a mortgage by conditional sale and notice sale with the right to the repurchase.

CASE STUDY

Case -1

IN THE COURT OF MS. RITU SINGH, METROPOLITAN

MAGISTRATE, DWARKA COURT, NEW DELHI

IN THE MATTER OF: -

BIKASH SINGH

VERSUES

ARUN SINHA

SUBJECT MATTER: COMPLAINT FILED UNDER SECTION 138 OF THE NEGOTIABLE INSTRUMENT ACT, 1881

BRIEF FACTS OF THE CASE:

- Bikash Singh is a resident of Delhi, having roots in society and good friendly relations with Arun Sinha for last few years.
- In the month of June, 2012 Arun Sinha appeared to be in financial crunch and approached Bikash Singh for financial help. Keeping in view the old and cordial friendly relations with Arun Sinha, Bikash Singh gave a friendly loan of Rs.3,50,000/- to him through cheque of Rs.2 lacs and 1.5 lakh through cash. At the time of borrowing the aforesaid loan, Arun Sinha promised to return the same within a year.
- Arun Sinha issued a post-dated cheque to discharge the liability on his part towards Bikash Singh.
- The facts of the case state that Arun Sinha have acted in a most unfriendly manner by

breaching the trust of Bikash Singh. Thus, it is apparent that Arun Sinha is also guilty of committing other criminal offences such as cheating, criminal breach of trust upon Bikash Singh by making false representation. Arun Sinha will make the payment against his liability, however, Bikash Singh reserves their right to take appropriate actions against Arun Sinha for the aforesaid criminal acts of cheating and fraud under U/s 406 and 420 of IPC, as and when so advised. Bikash Singh reserve his right to file separate proceedings for recovery and damages besides criminal prosecution.

OBSERVATION:

I have learnt about the provision of sec. 138 and about the evidence, how to present it. Furthermore, I have come to know about the provision of compensation. I have additionally learnt that an offence under section 138 of the Act, will be considered committed as soon as the cheque drawn by the accused on an account maintained by him for the discharge of debt or liability is returned without honoured.

One interesting task was assigned to me it was to find judgement of cases of mutual divorce I went through many cases and provisions of divorce also under Hindu Marriage Act

I read the section 13 B of the Hindu Marriage Act 1955 which gives the provisions of divorce by mutual consent.

(1) Subject to the provisions of this Act a petition for dissolution of marriage by a decree of divorce may be presented to the district court by both the parties to a marriage together, whether such marriage was solemnized before or after the commencement of the Marriage Laws (Amendment) Act, 1976 (68 of 1976)*, on the ground that they have been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved.

(2) On the motion of both the parties made no earlier than six months after the date of the presentation of the petition referred to in sub-section (1) and not later than eighteen months after the said date, if the petition is not withdrawn in the meantime, the court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnized and that the averments in the petition are true, pass a decree of divorce declaring the marriage to be dissolved with effect from the date of the decree.]

(i) The period of 6 to 18 months provided in section 13B is a period of interregnum which is intended to give time and opportunity to the parties to reflect on their move. In this transitional period the parties or either of them may have second thoughts; *Suman v. Surendra Kumar*, AIR 2003 Raj 155.

(ii) The period of living separately for one year must be immediately preceding the presentation of petition. The expression 'living separately' connotes not living like

husband and wife. It has no reference to the place of living. The parties may live under the same roof and yet they may not be

(iii) The period of six to eighteen months' time is given in divorce by mutual consent as to give time and opportunity to the parties to reflect on their move and seek advice from relations and friends. Mutual consent should continue till the divorce decree is passed. The court should be satisfied about the bona fides and consent of the parties. If there is no consent at the time of enquiry the court gets no jurisdiction to make a decree for divorce. If the court is held to have the power to make a decree solely based on the initial petition, it negates the whole idea of mutuality. There can be unilateral withdrawal of consent. Held, that since consent of the wife was obtained by fraud and wife was not willing to consent, there could be unilateral withdrawal, of consent; *Sureshta Devi v. Om Prakash*, AIR 1992 SC 1904.1 consent.

CASE LAW-2

**IN THE COURT OF MS. KISHORE KUMAR, LD, MM, TIS
HAZARI**

COURT, NEW DELHI

IN THE MATTER OF:

CHEDI RAM PAL

...COMPLANT

VERSUS

VIJENDER KUMAR PAL

...ACCUSED

P.S- Ranhola

U/S-156(3) and 200 CRPC

Criminal complaint under section 200 of code of criminal procedure against the accused person for committing offences punishable under Section 379/452/506/427 of Indian Penal Code.

Brief Facts:

The complainant is working as a DTC conductor at Dwarka Sector 08 recently transferred to Shadipur

. the present complaint has been filed by complainant against his so Vijender Kumar Pal i.e., accused who along with the family members are mentally torturing and pressurizing the complainant for transfer of property in his name and stolen complainant property papers, other valuable items also and intended to cause death and threatened the

complainant to implicate him in false case.

On 24 May 2019 when the complainant was searching original paper of Plot No. 245nGali no. 35 measuring 100yards in the name of complainant, Nangli Vihar extension, New Delhi-110043. The complainant found the above-mentioned paper were missing and when asked about it to the son, the son told he have stolen it. Also, said he will sell the complainant property to someone else.If complainant told and disclosed about this to anyone or file a complaint in the Police Station against him. He will remove the complainant from his government job. On 1st June 2019, Saturdaywhen the complainant was at his duty, the accused came to the complainant house and broke the lock and stole other property papers of plot at Noida in his name, two gold chains, two gold rings,and cheque book and passbook of the complainant's bank and also damaged the A.C. of complainant Being aggrieved with the acts of accuse the complainant restored to file the police complaint dated 26th May 2019 to the S.H.O., Ranhola , police station, but no action was taken bythe police officials.

OBSERVATIONS:

According to my observation, the complainant is a law-abiding citizen. And belongs to a lower middle class and is working very hard for his family. I think the accused stole all the documents tograb the property of complainant and no proper remedy was available to him except to approach to the Hon'ble court as no action were taken by police officials. The court should punish the accused in accordance with the law and pass further order(s) in favour of complainant.

CASE LAW-3

IN THE COURT SH. SUKHMAN SANDU, MM DWARKA COURT , NEW DELHI

IN THE MATTER OF:

SUNITA

...PETITIONER

VERSUS

Ms. SUSHILA LAMBA

...RESPONDENT

P.S.- Dwarka Sec- 23 U/S- 138 N.I.A.

Complaint under Section-138 of the Negotiable Instrument Act as amended up to date.

Brief Facts: The complainant is a widow lady and is working in MCD at the post of “beldar” in West zone Delhi and is the sole bread earning member of the family. Both the parties known each other as they are both from the same village. The respondent asked the complainant a friendly loan of rupees 3.05 lakh as the money was required by her for the marriage of her sister. In discharge of this liability of rupees 3.05 lakh the respondents said she is having transferred the money to her account and when she went for the encashment of the same the check word is honored with the remark “funds insufficient”.

OBSERVATION: I observed that the respondent does not want to give back the money to the complainant she wants to keep that money to herself only I think it will be justified if the Hon’ble Court provide her with the strict punishment and the complainant gets back her money with compensation.

On the very next day sir taught me to make a legal notice under section 138 of Negotiable Instrument Act. A proper format has to be followed. For a better understanding I went through this section and learn that there are some ingredients which has to be keep in mind.

1. The cheque should have been issued for the discharge in whole or part of any debt or other liability.
2. The cheque should have been presented within the period of six months or with its validity period whichever is earlier.

There are also few Grounds of dishonor of cheque that is:

1. Funds insufficient: the amount of money standing to the credit of the account of the drawer is insufficient to the honor of the cheque.
2. Account close: it means that there was no amount in the credit of the account on the specific date when the cheque was presented for honoring the same.

I went through some section of protection of child from sexual offences act 2012

(POCSOACT,201)

This act provides the protection of children from the offences of sexual assault sexual harassment and pornography while safeguarding the interest of child at every stage of judicial proceedings.

Section 3 to section 12 deals with sexual offences against children in which punishment for sexual assault punishment for harassment is provided.

Section 11 of act provides definition of sexual harassment:

A person is said to commit sexual harassment upon a child when such person with sexual intent, -

-

- (i) utters any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child; or
- (ii) makes a child exhibit his body or any part of his body so as it is seen by such person or any other person; or
- (iii) shows any object to a child in any form or media for pornographic purposes; or
- (iv) repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or
- (v) threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act; or
- (vi) entices a child for pornographic purposes or gives gratification therefor.

CASE LAW-4

IN THE COURT Mr. DEEPAK KUMAR, MM DWARKA COURT, NEW DELHI

COURT ROOM NO.-14

IN THE MATTER OF:

STATE

...COMPLAINANT

VERSUS

SAKSHAM GOEL

...ACCUSED

P.S.- Dwarka North U/S- 279,338IPC

Complaint under Section-279 and Section-338 of INDIAN PEANL CODE, as amended up to date.

Brief Facts: This case falls under section 279 of IPC which states that Rash driving or riding on a public way and 338 of IPC which states that causing grievous hurt by act endangering life or personal safety of others. The complainant was coming back from the park and the accused the complainant by his car while he was crossing the road after that the complainant was taken to the hospital by the accused in his own car.

Observation: According to me after reading the whole case statement of both equation complain and the point I could Run from it was that's the accused was no driving the high-speed the traffic light were also green and the complaint and suddenly on the spot came in front of his car due to which the actual loss is control and it to the complainant.

I research on PIL and deep analysis on my research work was done by me what I learn from it are:

Public interest Litigation (PIL) means litigation filed in a court of law, for the protection of “PublicInterest”, such as Pollution, Terrorism, Road safety, Constructional hazards etc. Any matter where the interest of public at large is affected can be redressed by filing a Public Interest Litigation in a court of law. Public interest litigation is not defined in any statute or in any act. It has been interpreted by judges to consider the intent of public at large. Public interest litigation is the power given to the public by courts through judicial activism. However, the person filing the petition must prove to the satisfaction of the court that the petition is being filed for a public interest and not just as a frivolous litigation by a busy body.

Evolution of PIL in India

- The seeds of the concept of public interest litigation were initially sown in India by **Justice Krishna Iyer**, in 1976 in **Mumbai Kamagar Sabha vs. Abdul Thai**.
- The first reported case of PIL was **Hussainara Khatoon vs. State of Bihar** (1979) that focused on the inhuman conditions of prisons and under trial prisoners that led to the release of more than 40,000 under trial prisoners.

A new era of the PIL movement was heralded by Justice P.N. Bhagwati in the case of **S.P. Gupta vs. Union of India**

- In this case it was held that “any member of the public or social action group acting Bonafede” can invoke the Writ Jurisdiction of the High Courts (under article 226) or the Supreme Court (under Article 32) seeking redressal against violation of legal or constitutional rights of persons who due to social or economic or any other disability cannot approach the Court.

- By this judgment PIL became a potent weapon for the enforcement of “public duties” where executive action or misdeed resulted in public injury. And as a result any citizen of India or any consumer groups or social action groups can now approach the apex court of the country seeking legal remedies in all cases where the interests of general public or a section of the public are at stake.
- Justice Bhagwati did a lot to ensure that the concept of PILs was clearly enunciated. He did not insist on the observance of procedural technicalities and even treated ordinary letters from public-minded individuals as writ petitions.

MY OBSERVATION ON PIL

- Public Interest Litigation has produced astonishing results which were unthinkable three decades ago. Degraded bonded laborer's, tortured under trials and women prisoners, humiliated inmates of protective women's home, blinded prisoners, exploited children, beggars, and many others have been given relief through judicial intervention.
- The greatest contribution of PIL has been to enhance the accountability of the government towards the human rights of the poor.
- The PIL develops a new jurisprudence of the accountability of the state for constitutional and legal violations adversely affecting the interests of the weaker elements in the community.
- However, the Judiciary should be cautious enough in the application of PILs to avoid Judicial Overreach that are violative of the principle of Separation of Power.
- Besides, the frivolous PILs with vested interests must be discouraged to keep its workload manageable.

I attended a webinar on cybercrime in which I understand the provision of IT Act. Basically, cybercrime criminal offences committed by internet or otherwise added by various forms of Computer technology such as the use of online social networks to Bully other or sending sexual acts reset digital photo with smartphone.

Cyber Security is protecting cyber space including critical information infrastructure from attack,damage, misuse and economic espionage. Provisions of the information technology act deals withthe cybercrime laws. The Covid-19 outbreak presents a global challenge for the medical fraternityand society as well as for law enforcement agencies, due to the rising cases of cybercrime. The lockdown has forced employees to work from home. Use of public platforms may result in loss ofconfidential data if an organization does not have its own infrastructure and does not use VPN (Virtual Private Network) for accessing its resources. Recent Cases of Cyber Fraud

- Fake UPI of PM CARES Fund

An alert has been issued about phishing of the UPI (Unified Payments Interface) ID of thePM CARES Fund, in which the offender created a similar-looking ID to deceive users.

UPI is a real-time payment system developed by National Payments Corporation of India (NCPI) for inter-bank transactions.

The interface is regulated by the Reserve Bank of India and instantly transfers funds between two bank accounts on a mobile platform. The NPCI keeps a record of all the accounts and transactions.

- Facebook Fraud

Cases have been reported of fake Facebook accounts where money has been fraudulentlyasked for the treatment of alleged patients by hacking their accounts.

- Zoom App Mishap

The Computer Emergency Response Team-India (CERT-In) circulated a vulnerability note giving Zoom a 'medium' security rating.

The permission to Zoom for accessing the user's microphone, web-cam and data storage can result in hijacking and loss of private data.

'Zoom raiding' or 'Zoom bombing' can be started, in which hate speech, pornography or other content is suddenly flashed by disrupting a video call on Zoom.

In the app, meeting IDs can be shared through a link, on screen and other mediums which give the chances to uninvited guests to join a meeting and gain access to sensitive information.

CASE LAW-

Avnish Bajaj v State (N.C.T.) of Delhi (2005 H.C.)

The accused is the CEO of Baaze.com, which Company facilitates the sale of any property, for which it receives commission and also generates revenue from advertisement carried on its web page. In the present case, Counsel for the State has argued that the accused was remiss, at the pain of culpability, in not stopping payment through Banking channels after learning of the illegal nature of the transaction. It has been strenuously contended that if bail is not granted it will adversely impact e-commerce, for which India may be the eventual loser. These are not considerations which India may be the eventual loser. These are not considerations which would prevail or tamper the Courts decision whether to grant or reject bail. Mr. Jaitley, counsel for the petitioner has underscored that in Section 67 of the Information Technology Act, 2000 an offence is committed by a person who publishes or transmits any material which is lascivious or appeals to the prurient interest. Sections 292 and 294 of the Indian Penal Code have also been mentioned which contemplate the selling, letting on hire, distribution or public exhibition of the

absence matter. He has emphasized that the provision does not bring within its sweep the causing of the transmission in contradistinction to the publication of obscene material. Prima facie it has not been established from the evidence that has been gathered till date that any publication took place by the accused, directly or indirectly. The actual obscene recording/clip cannot be viewed on the portal of Basse.com. It was held that the accused has actively participated in the investigations, and nothing was even argued before it in contrary by Counsel for the State. The nature of the alleged offence is such that the evidence has already crystallized and may even be tamper proof. Even though the accused is no longer an Indian National, he is of Indian origin with family roots in our country. It cannot possibly be argued that a foreign national is disentitled to the grant of bail. The accused is enlarged on bail subject to furnishing two sureties in the sum of Rs. 1,00,000/- each to the satisfaction of the concerned Court/Metropolitan Magistrate/Duty Magistrate. The Accused shall also not leave the territories of India without the leave of the Court and far for this purpose shall surrender his passport to the Magistrate. It is implicit in the grant of bail that he shall participate and assist in the investigation. The Bail Application stands disposed of.

I researched on provisions of water act 1974 what I learn from it are.

Water (prevention and control of pollution) act 1974 is an act that regulates Agencies responsible checking on water pollution and impacts of pollution control boards both at center and state. This act was adopted by Indian Parliament with the aim to prevent of water pollution in India.

Under water act 1974 sewage or pollutants cannot be discharged into water bodies including lakes and it is the duty of the state pollution control board to intervene and stop such activities and even falling to abide by the law of Under is liable for imprisonment under section 24 and section 43 ranging from not less than one year and 6 months to 6

years along with monetary fines.

I did My research work and also read some of the judgement on which were as follow

CASE LAW:

M.C. Mehta v. Union of India – Ganga Pollution Case

Ganga is a trans-boundary river of Asia flowing through India and Bangladesh. It is one of the most sacred rivers to the Hindus and a lifeline to a billion Indians who live along its course. One of the most populated cities along its course is Kanpur. This city has a population of approx. 29.2lakhs (2.9 million). At this juncture of its course Ganga receives large amounts of toxic waste from the city's domestic and industrial sectors, particularly the leather tanneries of Kanpur. In 1985,

M.C. Mehta filed a writ petition in the nature of mandamus to prevent these leather tanneries from disposing off domestic and industrial waste and effluents in the Ganga River. This writ petition was bifurcated by the Supreme Court into two parts known as Mehta I and Mehta II.

JUDGMENT

MEHTA I

The Court held the despite the above-stated provisions in the Water (Prevention and Control of Pollution) Act, 1974 Act no effective steps were taken by the State Board to prevent the discharge of effluents into the river Ganga. Also, despite the provisions in the Environment Protection Act, no effective steps were taken by the Central Government to prevent the public nuisance caused by the tanneries at Kanpur. The Court ordered the tanneries to establish primary treatment plants if not Secondary treatment plants. That is the minimum which the tanneries should do in the circumstances of the case. The Court further held that the financial capacity of the tanneries should be considered as irrelevant while requiring them to establish primary treatment plants. Just like an industry which cannot pay minimum wages to its workers cannot be allowed to exist a tannery which

cannot set up a primary treatment plant cannot be permitted to continue to be in existence for the adverse effect on the public at large which is likely to ensue by the discharging of the trade effluents from the tannery to the river Ganga would be immense and it will outweigh any inconvenience that may be caused to the management and the labour employed by it on account of its closure.

MEHTA II

The Court directed the Kanpur Nagar Mahapalika to take appropriate action under the provisions of the Adhmiya for the prevention of water pollution in the river. It was noted that a large number of dairies in Kanpur were also polluting the water of the river by disposing waste in it. The Supreme Court ordered the Kanpur Nagar Mahapalika to direct the dairies to either shift to any other place outside the city or dispose waste outside the city area. Kanpur Nagar Mahapalika was ordered to increase the size of sewers in the labor colonies and increase the number of public latrines and urinals for the use of poor people. Whenever applications for licenses to establish new industries are made in future, such applications shall be refused unless adequate provision has been made for the treatment of trade effluents flowing out of the factories. The above orders were made applicable to all Nagar Mahapalikas and Municipalities which have jurisdiction over the area through which the Ganga River flows. In addition to this, the Supreme Court further relied on Article 52A (g) on the Constitution of India, which imposes a fundamental duty of protecting and improving the natural environment. The Court order that –1) It is the duty of the Central Government to direct all the educational institutions throughout India to teach at least for one hour in a week lesson relating to the protection and the improvement of the natural environment including forests, lakes, rivers and wildlife in the first ten classes. 2) The Central Government shall get text books written for the said purpose and distribute them to the educational institutions free of cost. Children should be

taught about the need for maintaining cleanliness commencing with the cleanliness of the houseboth inside and outside, and of the streets in which they live. Clean surroundings lead to healthy body and healthy mind. Training of teachers who teach this subject by the introduction of short- term courses for such training shall also be considered. This should be done throughout India.

CASE LAW – 5

IN THE COURT OF SH. SUDHIR KUMAR SIROHI, ACJ (SOUTH-EAST) SAKET
COURT, NEW DELHI.

CIVIL SUIT NO: - 275/2019

IN THE MATTER OF: -

SH. CHETAN SEHRAWAT PETITIONER

V/S

STATE & ORS. RESPONDENT

SUBJECT MATTER- Petition for grant of Succession certificate u/s 272 of the Indian Succession Act,1925 in respect of movable assets of late shri Bajrang Lal Chokhani.

FACTS: - In this case, Bajrang Lal Chokhani died intestate in respect of his movable assets on 25.08.1982. As per the law of intestate succession, all the seven respondents became joint and absolute owner of 1/7th undivided share of the entire movable assets of the deceased. Out of the 7 respondents, five respondents are dead and other three have given an affidavit relinquishing all their rights, title and/or interest whatsoever in all the movable assets in favor of petitioner herein making him absolute and sole owner of the said movable assets.

OBSERVATION: -The court ordered to put an article in the Hindustan Times Paper.

CASE LAW – 6

IN THE COURT OF SHRI SACHIN SANGWAN, SAKET COURT, NEW DELHI.

NO- 863/2017

IN THE MATTER OF: -

ASHOK SHARMA Plaintiff

V/S

M/S JSB STAFFING SOLUTIONS Defendant

SUBJECT MATTER- Suit for Recovery of amount under Order XXXVII CPC, 1908.

FACTS: In this matter, the Plaintiff was illegally terminated from the employment without any reason or notice by the defendant. He was constantly harassed and was not paid his salary for the period of his due employment

OBSERVATION: Counsel for plaintiff has submitted that she has received the copy of affidavit yesterday only. Further, it is pointed out that certain e-mails are referred as exhibits in the affidavits but no certificate u/s 65B of the Indian Evidence Act has been filed. The court has asked the defendants to file the requisite affidavit in support of the e-mail.

CASE LAW – 7

IN THE COURT OF DEEPAK DABAS, ADJ, TIS HAZARI COURT, NEW DELHI.

CIVIL SUIT NO: - 562/2019

IN THE MATTER OF: -

SANTOSH KUMAR Plaintiff

V/S

M/S ACTION UDYOG & ANR Defendant

SUBJECT MATTER: Suit for the recovery of amount under Order XXXVII CPC, 1908.

FACTS: Plaintiff disbursed the loan to Defendant. Defendant firm executed a promissory note for the loan advanced. The defendant issued an undated cheque for encashment. On presentation for encashment of cheque it was returned with remark “CHQ RET-ACCOUNT BLOCKED”. Defendant avoided contacts to which the plaintiff issued a legal notice. Plaintiff approached the court for recovery of loan amount.

OBSERVATION: The court ordered to issue summons for appearance to the defendants as prescribed under Order 37 CPC on filing PF RC, Speed post and Courier.

CASE LAW – 8

IN THE COURT OF SUGANDHA AGGARWAL, ADJ TIS HAZARI COURTS, NEW
DELHI.

IN THE MATTER OF:

KRISHAN DEV KHANNA Plaintiff

V/S

TRILOECHAN SINGH...Defendant

SUBJECT MATTER- Suit for Ejectment/ possession; Recovery of arrears of rent and damages / mesne profit and mandatory injunction.

FACTS: In this matter, the Plaintiff / their predecessor had lent out an open space to defendant in year 1971. Tenancy was created for a period of 11 months. Defendant evaded in making payments of the rent. Legal notice was issued to pay upon arrears of rent. In view of referred termination of tenancy of defendant, he became illegal and unauthorized occupant of the suit property.

OBSERVATION: No one appeared from the defendant side. Therefore, initially court was adjourned for 12.30 pm & when again the case was to be heard at 12.30 still no counsel from the defendant side. The court then gave the next date for hearing.

CASE LAW – 9

IN THE COURT OF DR. RK CHAUHAN ADJ, SAKET COURTS, NEW DELHI.

SUIT NO- 166/2018

IN THE MATTER OF: -

MOHD. YUSUF - Plaintiff

V/S

BSES RAJDHANI POWER PVT LTD - Defendants

NATURE OF THE MATTER- SUIT FOR COMPENSATION.

FACTS: The Plaintiff was a jointer with the defendant, who is defendant no.2 in the suit. The Plaintiff repaired the electricity & while repairing the fault cables, one of the cables got activated due to negligence on the part of defendant no.1 due to which the plaintiff was seriously injured & was almost 55% burnt. The Plaintiff has now become permanently disabled & is not able to carry out his daily functions. When the plaintiff filed an application alleging defendant no.1 asking for compensation, the defendant no.1 denied the allegations saying that it was not his liability. Thus, the Plaintiff approached the court for seeking compensation from all the defendants & for seeking pendente lite along with the interest. On the other hand, both the defendants i.e., defendant 1 & defendant 2 alleged that the plaintiff is not an employee.

OBSERVATION: The Plaintiff & Advocates of the parties were present. The hon'ble court suggested to settle the dispute by way of mediation proceedings. All the parties agreed for the same. The matter was sent to mediation & the matter was adjourned.

CASE LAW – 10

IN THE COURT OF S.K AGGARWAL, TIS HAZARI COURTS, NEW DELHI.

SUIT NO- 434/12

IN THE MATTER OF: -

MASTER YASHWARDHAN PARAKH - Petitioner

V/S

AMIT BHALLA & ORS -Respondent

NATURE OF THE MATTER- Petition under Sec 166 & 140 of Motor Vehicles Act, 1988

FACTS- In this matter, the Petitioner along with his friend was injured in an accident by the Respondent who was coming in a car driving rashly and negligently & hit the Petitioner as a result of which the Petitioner was seriously injured & was admitted to the hospital in a serious condition. The Petitioner is now seeking compensation from the Respondent along with his insurance company who is Respondent No. 3 in the suit.

OBSERVATION: Petitioner as a result of the accident was seriously injured & was admitted to the hospital. The matter is fixed today for compliance of final order of award. The Respondent's insurance company stated that they will deposit the cheque of the award amount within a week from today. Matter was adjourned.

working lady and he saw time to place on record. The court in support of his arguments denied the allegations. Matter was adjourned.

CASE LAW- 12

IN THE COURT OF YASHWANT KUMAR, PJFC TIS HAZARI COURTS, DELHI.

H.M.A. PETITION NO.-155/2018

IN THE MATTER OF: -

ANKIT KUMAR Petitioner

V/S

JYOTI KUMARI Respondent

SUBJECT MATTER: -Petition for Dissolution of Marriage u/s 13 (1) (i) (a) of HMA, 1955.

FACTS: - The Petitioner was married to the Respondent as per the Hindu Rites and Ceremonies on 12-04-2015. The Petitioner organized the party. After reception the family members of the Respondent took her back to the parental home on 13-04-2015. The Petitioner reached at his in-law's place and was shocked to find that Respondent was not there with great reluctance the family members of Respondent informed the Petitioner that Respondent was having an affair before her marriage with the name Sunny, and she eloped after returning back from the reception. The Petitioner requested his in-laws to give facts returning implicated in the false case. The father of Respondent lodged a complaint against Sunny for abducting the Respondent and father of Petitioner also lodged the complaint of missing Daughter-in-law. After five days the police arrested Sunny and rescue Respondent from Vaishno Devi. Meeting was called in Police Station. The Respondent refused to go with father and with Petitioner and insist to live with Sunny and stated she was gone with her own free will. After great persuasion, the SHO handed over the Respondent to her father and obtained signatures of all those who were in the meeting. While the Petitioner was still waiting for Respondent to join the matrimonial house. She lodged false complaint of harassment against Petitioner and family members. Therefore,

Petitioner was not left with anything rather to seek divorce

OBSERVATION: - Both the parties with their advocates appeared. The Hon'ble Court asked the parties to settle the matter. However, the Respondent refused to join the company of Petitioner and Petitioner refused to seek divorce by Mutual Consent and requested to pursue his petition on the plea that the wrongs committed by the Respondent must be proved in the Court of Law and Application for Maintenance was filed by the Respondent.

CASE LAW- 13

IN THE COURT OF MS.REENA SINGH NAG, FAMILY COURTS, TIS
HAZARI COURTS, DELHI.

H.M.A. PETITION NO.-616/2017

IN THE MATTER OF: -

ISTIYAK HUSAIN Petitioner

V/S

AARTI JINDAL Respondent

SUBJECT MATTER: - Petition u/s 9 of HMA,1955.

FACTS: - Petitioner and Respondent were in love with each other and their marriage was solemnized according to Hindu Rites and Customs. Petitioner renounced his religion and converted to Hindu Religion just to marry the Respondent as their parents were against the marriage but they decided to marry against the wishes of their families. After marriage very soon Respondent's family members started extending threats and warnings for leaving the Petitioner. So, Respondent has left the company of Petitioner without any reasonable cause but due to illegal compulsion of her uncle and other family members. So, Petitioner approached the court for seeking to pass a decree of Restitution of Conjugal Rights.

OBSERVATION: - In the said matter advocate for Plaintiff appeared and requested the court to give some more time to trace out the fresh address of the Respondent. The court observed that time was only granted to trace out the fresh address by the court. The court directed to Plaintiff; he may take steps to find Respondent by substituted service by way of publication.

CASE LAW- 15

IN THE COURT OF MS. REENA SINGH NAG, FAMILY COURT, TIS HAZARI
COURTS, DELHI.

H.M.A. PETITION NO.-135/2019

IN THE MATTER OF: -

GURMINDER KAUR Petitioner No.1

V/S

SANJAY SIKKA Petitioner No.2

SUBJECT MATTER: - Petition for Dissolution of Marriage by way of Mutual Consent u/s 13
(B) (1) of HMA, 1955.

FACTS: - The marriage between the Petitioner 1&2 was solemnized in accordance to Hindu Rites and Ceremonies. Both the Petitioners could not adjust with each other right from the very beginning. Both the Petitioners have reached to the conclusion that their marriage has irretrievably broken down. Both have agreed to obtain divorce from each other by way of Mutual Consent. So, both the parties approached the court for dissolving the marriage by the decree of divorce on the basis of Mutual Consent.

OBSERVATION: - Both the Petitioners appeared along with their lawyers. The Hon'ble Judge had a meeting with the Petitioners in her chamber and tried to reconcile the differences between them but the Petitioners were not willing to live with each other. Thereafter the Hon'ble court perused the documents filed by the Petitioner and heard the arguments of both the lawyers and thereafter passed an order on First Motion on the Petition and gave freedom to approach the court after expiry of 6 months from the date of order passed on First Motion, if they still wish to go for divorce by Mutual Consent.

CASE LAW- 16

IN THE COURT OF MS. SURYA MALIK GROVER, CJ, DELH

SUIT NO.-316/2018

IN THE MATTER OF: -

ICICI BANK

Plaintiff

V/S

MADAN RAWAT

Defendant

SUBJECT MATTER: - Suit for the recovery of amount under Order XXXVII CPC, 1908.

FACTS: - Plaintiff disbursed the loan to Defendant. The loan was given against the security of the vehicle INNOVA/G2. Defendant had undertaken to make the payment against the EMI'S but majority of the EMI'S have got dishonored. So, Plaintiff approached the court for recovery of loan amount.

OBSERVATION: - The summon issued to the Defendant is duly served. The Defendant has tendered his appearance within prescribed time. The Plaintiff has moved an application for issuance of summon judgment. The Defendant on the address provided by him adjudicate for service of summon of judgment. The matter was adjourned.

CASE LAW- 17

IN THE COURT OF KAMLESH KUMAR PFC TIS HAZARI, NEW DELHI.

HMA NO. 401/1

IN THE MATTER OF:

SARDAM KHAN

.....Petitioner

V/S

STATE & OTHERS

Respondent

SUBJECT MATTER- Complaint under section 482 of CRPC.

FACTS- That the petitioner is married to respondent as per Hindu rites and ceremonies. However, their marriage was not accepted by family members of respondent as the petitioner was Muslim. The petitioner & respondent started living at Gurgaon. The petitioner alleged that Delhi police with the father and uncle of respondent no.2 abducted petitioner & respondent no.2 from their residence and took them to Seelampur in UP in a village. There petitioner was detained in a room. The petitioner alleged that the father and uncle & other villagers planned to murder the petitioner at night. However, a young boy from the village came to the rescue of petitioner & unlocked the door & the petitioner escaped from the village. Now the petitioner has approached the court for his protection & quashing the false FIR lodged against him by the father of respondent no.2.

OBSERVATIONS- The petitioner, respondent no.2 & father were present in the court. The Respondent. 2 confirmed the allegations leveled by the court. However, requested not to take any action against the father. However serious allegations are leveled against the father

and uncle of respondent.2 & also against police. The court thus directed the police to
takenecessary protection & the safety of the petitioner.

CONCLUSION:

One of the biggest lessons I learnt that the practical world is very different from what we learnt in books a person has to work day and night to become successful not only from knowledge but also from how he uses it. Another thing which I learnt during the internship for saving time and valuing it. I then came to the conclusion that the time is not only what my watch reads but it is indeed a big fat money. One thing I observe if one is attentive and craving for knowledge there is a lot to do and learn from the cases but should also learnt from the surroundings like it is worth noticing that all interns and counsels a working way harder one thing, I can conclude from that is practice and experience is a big teacher in life. the reason I chose District Court for internship so that I can get more experience and more work to do internship I learnt about the basic legal problems faced by peoples they are a fantastic and humongous unit of our justice delivery system. through this internship I learnt many things like drafting legal notice drafting of plaint and many more I learn the entire format of proceeding that was taught by my sir that is written statement by replications, than additional pleas, final hearing which involves evidence of both the parties, date of arguments, judgement and final execution. the one important thing which I learnt from the internship after experiencing many things Lo does not mean simply to solve cases for monetary value but also moral values should be kept in mind this time I also learn the future of virtual earring there are many advantages of virtual court hearing as transfer and Judiciary system was your court hearing and also time saving and the parties can appear from anywhere anytime their presence in court will not require.

Yours faithfully:

AKSHAY RAJPUT,

01290103817 (BA-LLB IXth Semester)



FIMT

SCHOOL OF PROFESSIONAL STUDIES

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FIMT-SCHOOL OF LAW- BBA-LLB(INTEGRATED), BA-LLB (INTEGRATED)
FIMT-SCHOOL OF JOURNALISM & MASS COMMUNICATION- BA-JMC
FIMT-SCHOOL OF BUSINESS ADMINISTRATION- BBA(GEN.)
FIMT-SCHOOL OF INFORMATION TECHNOLOGY- BCA
FIMT-SCHOOL OF COMMERCE- B.COM.(H)
FIMT-SCHOOL OF EDUCATION- B.ED

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Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT

SCHOOL OF LAW

Submitted by:-

NAME - Ananya Goswami
ENROLLMENT NO. - 01490103817
COURSE - BALLB
BATCH - 2017-2022



DECLARATION AND INTERNSHIP
CERTIFICATE

DECLARATION

I, **Ananya Goswami (01490103817)**, 5th year, B.A. LL.B (H) FIMT (affiliated to GGSIPU), have interned at Advocate Parvat Singh Thakran & Associates for a period of 30 days from 1st August, 2021 to 31st August, 2021.

This declaration is made on 3-9-21 at New Delhi that, this Internship Report is prepared and drafted by me, Ananya Goswami under the aegis of Adv. Parvat Singh Thakran.

It contains the work that was assigned to me during this internship, and successfully accomplished from my side.

This report is a sincere attempt at compilation of the aforementioned work. Its submission is a partial fulfilment of the requirement for the award of Bachelor of Arts & of Law [B.A. LL.B (Hons.)] degree.

This has not been submitted, either in whole or in part, to any other Law University or affiliated Institute under any University as recognized by the Bar Council of India, for the award of any other law degree or diploma, within the territory of India.

Date: 3-9-21

Ananya Goswami

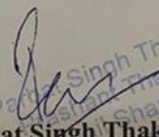
Enrollment No.: 01490103817

B..A. LL.B. (Hons.)

5th Year

Fairfield Institute of Management and Technology.

Guru Gobind Singh Indraprastha University


Parvat Singh Thakran
Parvat Singh Thakran
Parvat Singh Thakran
9810491538, 981049026
ADVOCATE

Parvat Singh Thakran Advocate

To whomsoever it may concern

This is to certify that Ananya Goswami daughter of Shri Anil Goswami, student of 5th year at **Fairfield Institute Of Management & Technology** affiliated to GGSIPU has successfully undergone internship in criminal cases w.e.f 01.08.2021 to 31.08.2021 at District Courts, Gurugram & at our law office.

We have found her to be intelligent, positive learner, active listener, motivated, duty bound & hard working intern. She worked sincerely on his case studies, assignments & her performance was par excellence.

She was very attentive & polite to her fellow interns and seniors. She is very obedient & soft spoken to all her seniors. We totally appreciate her conduct, positivity & zeal to learn more.

We wish her best of luck for her future.

Parbat Singh Thakran
Prashant Thakran
Sunita Sharma
9810 91538

Parvat Singh Thakran

Advocate (Enr. P-741-1993)

District: Gurugram

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to **Advocate Parvat Singh Thakran**, who have been my constant support. Throughout my internship period he has been a great source of inspiration to me, and still continues to be so. Working under him was not only a great opportunity but educational as well. He have guided and helped me in successfully completing my Summer Internship.

Moreover, apart from court he gave me a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to express my sincere gratitude to our **Director Dr. B.R SAINI** for initiating this internship project for students of 5th year. We students who previously had just theoretical knowledge of the procedures, through this project were exposed to the practical aspects of the laws we studied in the classroom. I hereby thank him for this opportunity that he provided us for practical exposure of the subjects. I would also like to reiterate my thanks to **Adv. Prashant Thakran**, for being my mentor in this endeavour.

I would also thank my parents for supporting me dearly throughout this period of internship & for adjusting their already busy schedule to suit mine & making it as much comfortable for me as they could possibly do. I also pay my sincere regards to office staff of **Adv. Parvat SinghThakran** for always being helpful & supportive to me as an intern in order to facilitate the efficient completion of tasks assigned.

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OBJECTIVE

Clinical education programs for law students have been of great advantage to them. The objective of such programs is to provide an understanding of the human, social and policy contexts of law and legal practice. This objective is met through the Legal Internship. Internships fulfill an important component of both academic and practical education in law. The integration of professional experience into the learning process is highly effective in developing the understanding of law in action, as you are able to observe and perceive the relevance and application of theory to practice. Consequently, the program is not simply 'work experience' but a significant educational experience.

In a workplace setting one will be exposed to the reality of the practice of law in all its dimensions –

- The integration of different areas of law, policy issues;
- The application and development of skills to the analysis and resolution of client concerns;
- Ethical responses to situations which arise unexpectedly and spontaneously;
- Issues of professional responsibility including responsibility to clients and case management;
- The operations of the government and court system in the legal process.

These subjects provide the theoretical knowledge and ethical framework necessary for you to appreciate the operation of the 'law in action'.

CASES OBSERVED

CASE NO. – 1

**IN THE COURT OF SHRI ASHWANI KUMAR MEHTA, ADJ
SESSIONS COURT, GURUGRAM**

DOH: 02/08/2021

U/s: 420/166/167/384/405/467/468/471/120B IPC

7/8/10/12/13/15 PC Act

F.I.R.: 32/18

P.S.: Palam Vihar, Gurugram

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

BABULAL

....DEFENDANT

Complaint U/S: 420/166/167/384/405/467/468/471/120B IPC AND

7/8/10/12/13/15 PC Act

BRIEF FACTS: The accused is a government servant and has allegedly taken Rs.10,000. The accused took this amount to perform an authorized task in an unauthorized manner. For some reason the accused could not perform the task in accordance with the instructions of the complainant and hence the complainant has filed the current suit.

OBSERVATION: The PW was examined by the defence counsel.

NEXT DATE OF HEARING :- 17/08/2021

PURPOSE- On next date of hearing case will further proceed for

consideration of charge and PW will be further examined as the examination of the PW on the previous date could not be concluded.

CASE NO. – 2

IN THE COURT OF Ms. RAJ RANI, ADJ (fast track court for rape cases)

SESSIONS COURT, GURUGRAM

DOH: 03/08/2021

U/s: 6 and 12 of the POCSO Act

F.I.R.: 12/2019

P.S.: Sector-14, Gurugram

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

NITESH

....DEFENDANT

Complaint U/S: 6 and 12 of the POCSO Act

BRIEF FACTS: The Prosecutrix in the present case is about 17 years old and the accused is her distant cousin. On the day of the incident the Prosecutrix was attending a wedding at the house of the accused. The accused allegedly took the Prosecutrix to his room on the pretext of having a friendly conversation with her. The accused then gave her a soft drink which made the Prosecutrix a little dizzy at first and then completely unconscious.

After the incident when the Prosecutrix came to her senses, she realised what had happened but remained silent as she claims that the accused had clicked pictures of her and was blackmailing her. The Prosecutrix also claims that he used to threaten her regularly over phone calls. They also met a few times a week and during one of such meetings, the brother of the Prosecutrix saw them and informed her parents. When the parents started questioning her, she got scared, slit her wrist and ran away with the accused to Haridwar where they were caught by the police. When their parents came to the police station, The

Prosecutrix told them everything truthfully and hence the complaint was filed.

OBSERVATION: The Prosecutrix was cross examined by the defence counsel and evidence in contradiction to her complaint were presented in the court.

NEXT DATE OF HEARING :- 22/08/2021

PURPOSE:- Further cross examination of the Prosecutrix.

CASE NO. – 3

**IN THE COURT OF SHRI ANIL KUMAR BHISHNOI, ADJ
SESSIONS COURT, GURUGRAM**

DOH: 03/08/2021

U/s: 370/370A/372 read with 34/506 IPC

F.I.R.: 42/18

P.S.: Sector 51, Gurugram

IN THE MATTER OF:

STATE

....PETITIONER

VERSUS

SAGAR JAIN

....DEFENDANT

Complaint U/S: 370/370A/372 read with 34/506 IPC

BRIEF FACTS: The complainant in this matter is an NGO working to prevent the exploitation of minors employed as domestic help. The defendant is a married man who lives in Gurugram with his wife and twin children. The defendants were unable to take care of the twin babies on their own and hence they contacted an agency to get a domestic help in order to get assistance.

The agency sent a girl to the house of the defendants within 15 days and also provided her documents stating that she is over 18 years of age (which was false). One day the girl was alone in the house and was lying on the floor unconscious. A neighbour saw her through an open window and tried calling her, when she did not respond, the neighbour called the police. She had a few injuries on her head and her elbow. The accused and his wife were both arrested and were charged under the above mentioned sections. The accused claims that the girl had a health condition due to which she gets fits and becomes unconscious.

OBSERVATION: The counsels were arguing on the definition of the word 'exploitation' and on the fact that the agency is at fault as they falsely presented the girl to be an adult.

NEXT DATE OF HEARING :- 03/08/2021

PURPOSE- On next date of hearing case will further proceed for consideration of charge and PW will be examined.

CASE NO. – 4

IN THE COURT OF SHRI RAJ KUMAR JAIN, ADJ, ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT,
GURUGRAM

DOH: 03/08/2021
U/s: 13 of HMA

IN THE MATTER OF:

RUCHIB

....PETITIONER

VERSUS

MEENAKSHI

....DEFENDANT

Petition U/S: 13 of the Hindu Marriage Act, 1965

BRIEF FACTS: The Hindu Marriage was solemnized between petitioner and respondent according to Hindu rites ceremonies on 23/04/2012 at Gurugram. The marriage was duly consummated and both petitioner and respondent were cohabitated as husband and wife in matrimonial house and no child was born from the wedlock. After marriage the behaviour of respondent was good but after sometime the behaviour of respondent towards petitioner and his family was changed, she started quarrelling with petitioner and also disrespected petitioner and his family and she used to go to her parental home without informing to her husband and used to remain there for many days, every time petitioner used to take her back from her parental house but the attitude of respondent remains same and the petitioner remains silent in order to save his relationship in the month of May 2013, the uncles of respondent approach the petitioner and said to the petitioner “Ladkialagrehnachaitihai.” To save his matrimonial life, the petitioner started living separately from his parents but the

behaviour of respondent was not changed. Ultimately on 17-06-2015, the respondent left the house of petitioner after taking the valuable goods and gold jewellery and clothes without the consent of the petitioner.

Petitioner made calls and made all possible ways to bring her back but all in vain.

OBSERVATION: On the date of hearing, notice was issued to the respondent.

NEXT DATE OF HEARING: 20/08/2021

PURPOSE: Next date for hearing is fixed for appearance of respondent.

CASE NO. – 5

IN THE COURT OF Ms. RAJ RANI, ADJ (fast track court for rape cases)

SESSIONS COURT, GURUGRAM

DOH: 04/08/2021

U/s: 376/506/328 IPC

F.I.R.: 85/6/7/18

P.S.: Sector-51, Gurugram

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

MANGESH

....DEFENDANT

Complaint U/S: 376/506/328 IPC

BRIEF FACTS: The Prosecutrix is 20 years old, she was at a restaurant with a few friends on the night of the incident. At 11:00 pm when they were leaving the restaurant, the Prosecutrix decided to stay at her friend's place for the night to which her parents agreed as they were family friends. All of them were a little drunk and reached the house of the accused as he was the father of Prosecutrix's friend. After they all went to sleep, the accused came inside the Prosecutrix's room and had forceful intercourse with her.

OBSERVATION: PW-1 was examined and the evidence provided by him by way of affidavit was taken on record.

NEXT DATE OF HEARING :- 18/09/2021

PURPOSE:- Examination of PW-2

CASE NO. -6

IN THE COURT OF SHRI RAJ KUMAR JAIN, ADJ, ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT,
GURUGRAM

DOH: 04/08/2021

U/s: 498A IPC

F.I.R.: 71/8/9/18

P.S.: Sector-14, Gurugram

IN THE MATTER OF :-

STATE

...COMPLAINANT

VERSUS

VINOD SHARMA

...DEFENDANT

Subject Matter:- Complaint under section 498A of Indian Penal Code,1860.

BRIEF FACTS:

- That the marriage between the revisionist and respondent no.1 was solemnized on 15/02/2014. They both lived together and out of their wedlock a minor child namely baby Prophi was born to them on 11/07/2015. During the period, the revisionist lived with the respondent no. 1. She committed all sorts of acts of cruelty, harassment, torture and humiliation.
- That the F.I.R was lodged on 17/05/2018 in crime (women) cell. F.I.R no. as 73/10 was filed u/s 498A /406/34 by Pooja wife of the accused against the family also.
- That Pooja also filed a petition for divorce u/s 13(1)(a) of Hindu Marriage Act, against the revisionist on 24/08/2019.

- That Pooja has put the false allegation on Vinod Sharma and his family u/s 468A/406/34 as accused never done any cruelty act on Pooja, whereas she was careless and egoist person, she never took care of his parents and use to give answers in founding way.
- That the pooja with filing the false F.I.R abuses the procedure and law as well wasted the time of court.
- That on 05/07/2015, the anticipatory bail was also file in the of Dwarka court which was also there in accepted by the court.

OBSERVATION:-

On 04/07/2020 that matter was fixed before the Hon'ble court for hearing on this day P.P. was on a leave and Pooja was also not present in person, summon was issued for here on the next date.

NEXT DATE OF HEARING: 18/09/2021

PURPOSE: The defendant has been given last and final opportunity to file replication to the complaint.

CASE NO. – 7

IN THE COURT OF Ms. RAJ RANI, ADJ (fast track court for rape cases)

SESSIONS COURT, GURUGRAM

DOH: 05/08/2021

U/s: 354D IPC

F.I.R.: 19/2019

P.S.: Sukhrali, Gurugram

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

AJAY KR. GUPTA

....ACCUSED

Complaint U/S: 354D IPC

BRIEF FACTS:

The accused is an astrologer and the complainant is a dentist. The accused has his office in the same area as that of the complainant's clinic. One day the complainant came to the office of the accused in order to consult him as she was facing a crisis in her personal life. Their official appointments turned into more personal ones as they started going out for movies, shopping etc.

After a while they had a serious argument and the complainant started threatening the accused with a false case as she was habitual of filing false cases against a person to blackmail them. She was already in the middle of more than 4 litigations. The accused was then framed under section-354-D IPC and the substantial question of law which lies here is whether the case is maintainable in the court of law under the said section even though there was a pre existing relation between the accused and the complainant.

OBSERVATION: The Prosecutrix was cross examined by the defence counsel and evidence in contradiction to her complaint were presented in the

court.

NEXT DATE OF HEARING :- 23/09/2021

PURPOSE:- Further cross examination of the Prosecutrix.

CASE NO. – 8

IN THE COURT OF Mr. BALWANT RAI BANSAL, ADJ
DWARKA COURT, NEW DELHI

DOH: 09/08/2021

IN THE MATTER OF:

RAJ KR. BHARTI

....COMPLAINANT

VERSUS

BINDU PRAJAPATI & ORS.

....DEFENDANT

Suit for possession

BRIEF FACTS:

The defendant no. 2 Mrs. Neelam Sharma had entered into an agreement with defendant no. 1 on 09/08/2010 for developing and construction of her property bearing no. RZF 99/11 situated at gali no. 41A, Sadh Nagar Part-II, Palam Colony, New Delhi wherein it was agreed upon between defendant no. 1 and 2 that defendant no. 1 shall construct 8 flats admeasuring 77.25 sq. yards of each flat, 5 shops and a one BHK flat on the ground floor/stilt floor out of which 5 flats bearing no. U1, F1, S1, T1 and T2 shall be in the possession of defendant no. 2 while flats no. U2, F2, and S2 out of 8 flats will be in the possession of defendant no. 2 along with three reserved car parking. Apart from 5 flats the defendant no. 2 would also have 5 shops, a 1 BHK flat and car parkings on the ground/stilt floor. It was further agreed upon that before construction of the said building, the defendant no. 2 shall execute sale deeds in favour of defendant no. 1 in respect of flat nos. U2, F2 and S2. It was further agreed upon that the defendant no. 1 shall complete the building as per map and time schedule as mentioned in the agreement dated 09/08/2010. If the defendant no. 1 will not complete the building in time and according to the map, the defendant no. 2 will have full right to cancel the above mentioned sale deeds and the defendant no. 1 will have no objection for the same.

On the basis of aforesaid sale deeds the defendant no. 1 has sold the suit property i.e. flat no. S2 with one car parking situated on the second floor of the building to plaintiff as mentioned in the plaint. It is pertinent to mention here that the building bearing no. RZF 99/11 situated at gali no. 41A, Sadh Nagar Part-II, Palam Colony, New Delhi was sealed by the building department, Najafgarh zone, MCD on 28/02/2011 and partial demolition action was taken against the unauthorized construction of the building when the building was at an initial stage. On the basis of the sale deed executed by defendant no. 2 in favour of defendant no. 1 before construction of the building the defendant no. 1 had sold the suit property to plaintiff on 22/07/2011 as stated in the plaint though the defendant no. 2 had no knowledge of the same.

OBSERVATION: The defendant no. 2 requested for permission to amend his written statement and the court granted the same as there was a change in the list of issues due to new facts coming to light.

NEXT DATE OF HEARING :- 22/09/2021

PURPOSE:- Matter set for examination of D2W1.

CASE NO. – 9

IN THE COURT OF MS. UPASANA SATIJA, LD. METROPOLITAN

MAGISTRATE, DWARKA COURT, NEW DELHI

CRIMINAL COMPLAINT NO. 8270 OF 2019

DOH: 09/08/2021

U/s: 138 R/w 142 of the NI Act

IN THE MATTER OF:

MS. ANITA DEVI

...COMPLAINANT

VERSUS

B.N. JAGADISH KUMAR

...ACCUSED

COMPLAINT UNDER SECTION 138 R/W SECTION 142 OF THE
NEGOTIABLE INSTRUMENTS ACT, 1886 AS AMENDED UP TO
DATE.

BRIEF FACTS:

- That the accused is known to the complainant for last many years and having friendly relation with the complainant and approached to the complainant for a friendly loan of Rs. 7,00,000/- (SEVEN LACS ONLY). As the complainant and accused were having good relation

with each other, the complainant paid a sum of Rs. 7,00,000/- in cash to the accused as a friendly loan.

- That the accused in discharge of his liability accused issued cheque bearing No. 212552 dated 24.10.2018 for Rs. 7,00,000/- drawn on AXIS BANK BANGALORE and promised the complainant to present the said cheque with his bankers and same would be honoured/cleared by his banker and he also assured the complainant that he will make necessary arrangement of funds in his bank account to honour above said cheque.
- That as per instructions the complainant deposited the abovesaid cheque with his banker syndicate bank najafgarh, New Delhi and same were returned with the reason “DRAWER SIGNATURE DIFFER” on 30.12.2018.
- That the complainant contacted the accused for the payment of the aforesaid amount and issue of new cheques and was assured that the same will be delivered to him within a week but the accused failed to do so and did not respond to further communications by the complainant.
- That thereafter the complainant got a legal notice dated 20.1.2019 sent on 22.1.2019 through his advocate which was duly served upon the accused under the provision of N.I Act and thereby demanded the payment for the aforesaid cheques.

- That despite the awareness and service of the said statutory notice dated 20.2.2019 the accused failed to meet with his admitted liability or to make the payment covered under the above noted cheque within the statutory period as prescribed under the law. As a matter of fact the accused had not paid the cheque bearing no. 212552 dated 24.10.2018 for Rs. 7, 00,000/- drawn on AXIS BANK BANGALORE to the complainant till date. As such the accused has, therefore rendered liable to be prosecuted under the provisions of N.I Act for the offence committed by them.
- That knowing fully well that the accused did not have the credit balance in bank account and issued a cheque for payment to the complainant in discharge of his legal liability and have thereby committed an offence punishable under the amended provisions of Negotiable Instruments Act.
- That the cheque in the subject of complaint was delivered to complainant was delivered to the complainant at his address and the complainant operates and works from gain from his said address.
- That in support of allegations in his complaint, the complainant filed his evidence by way of an affidavit and placed on record the following documents: (i) Cheque bearing no. 212552 dated 24.10.2018 for a sum of Rs.7,00,000/- drawn on Axis Bank Bangalore issued in favour of the complainant by the accused (ii) Cheque return memos dated 30.12.2018

issued by Syndicate Bank Najafgarh where the aforesaid cheque was presented for encashment reflecting the fact that the said cheque were dishonoured for the reason “Drawer Signature Differ” (iii) Legal Notice dated 20.1.2019 addressed to the accused on behalf of the complainant demanding the payment of cheque amount within fifteen days from the receipt of said notice (iv) Postal receipts reflecting the fact that the aforesaid legal notice was dispatched to the accused at both his addresses available with the complainant vide registered post on 22.1.2019 (v) Acknowledgment card with respect to delivery of the legal notice sent at one of the addresses of the accused.

OBSERVATIONS:

The matter on 09.07.2020 was fixed for pre-summoning evidence is further fixed again for pre-summoning evidence for 21.09.2020. The complainant was present in person with his counsel.

NEXT DATE OF HEARING :- 21/09/2021.

PURPOSE:- Pre-summoning evidence.

CASE NO. – 10

**IN THE COURT OF MS.UPASANA SATIJA, LD. METROPOLITIAN
MAGISTRATE, DWARKA COURTS, NEW DELHI**

COMPLAINT CASE NO. 4993725 OF 2016

DOH: 10/08/2021

P.S.: NAJAFGARH

U/s: 138 R/w 142 of the NI Act

IN THE MATTER OF:

AMIT NATH

...COMPLAINANT

VERSUS

SATISH VATS

...ACCUSED

**COMPLAINT UNDER SECTION 138 R/W SECTION 142 OF THE
NEGOTIABLE INSTRUMENTS ACT, 1886 AS AMENDED UP TO
DATE.**

BRIEF FACTS:

- The present complaint has been filed under Section 138 of the Negotiable Instruments Act, 1881.
- That in 2006, the complainant was working with Aditya Birla Group and came in contact with accused as the accused was a vendor in the

above said company and was supplying commercial vehicles to the said company.

- That in February, 2012, the accused approached the complainant and requested a loan of Rs.30,00,000/- from the complainant and assured to repay the same within five months and stated that he will receive considerable amount upon sale of his father's land and also represented to be the owner of several movable and immovable properties.
- That Consequent to said representations and keeping in mind the past conduct, the complainant advanced Rs.27, 30,000/- to the accused.
- That the complainant advanced the amount in the following manner: Rs.3,50,000/- through cheque on 16.04.2012, Rs.9,50,000 through cash on 20.04.2012, Rs.3,00,000/- through cash on 20.04.2012, Rs.1,00,000/- through cheque on 02.05.2012, Rs.1,70,000/- through cash on 22.05.2012, Rs.8,60,000/- through cash on 31.05.2012.
- That the accused assured to repay the said amount by October, 2012 and upon being contacted further assured repayment in November, 2012.
- That on 01.11.2012, the accused in discharge of aforesaid liability issued two post-dated cheques bearing no.538287 dated 05.11.2012 and 538289 dated 11.01.2013 for a sum of Rs.5, 65,000/- and Rs.21, 65,000/- respectively both drawn on HDFC Bank Ltd., Najafgarh, New Delhi and upon request of the accused, the complainant presented both

the cheques on 11.01.2013 for encashment but the same were dishonoured vide separate return memo(s) dated 14.01.2013 for reasons 'Funds Insufficient'.

- That the complainant allegedly then served legal notice dated 30.01.2013 on the accused demanding the cheque amount and in spite of service of said notice, the accused failed to make the payment of cheque amount and hence, committed an offence under Section 138, Negotiable Instruments Act.
- That in support of allegations in his complaint, the complainant filed his evidence by way of an affidavit and placed on record the following documents: (i) 2 Cheques bearing no. 538287 dated 05.11.2012 and 538289 dated 11.01.2013 for a sum of Rs.5,65,000/and Rs.21,65,000/respectively both drawn on HDFC Bank Ltd., Najafgarh, New Delhi issued in favour of the complainant by the accused (ii) Cheque return memos dated 14.01.2013 issued by State Bank of Travancore where the aforesaid cheques were presented for encashment reflecting the fact that the said cheques were dishonoured for the reason "Funds Insufficient" (iii) Legal Notice dated 30.01.2013 addressed to the accused on behalf of the complainant demanding the payment of cheque amount within fifteen days from the receipt of said notice (iv) Postal receipts reflecting the fact that the aforesaid legal notice was dispatched to the accused at both his addresses available with the

complainant vide registered post on 30.01.2013 (v) Acknowledgment card with respect to delivery of the legal notice sent at one of the addresses of the accused.

- That upon consideration of the complaint and documents annexed therewith and upon examination of the complainant, the cognizance of offence under Section 138 Negotiable Instruments Act, 1881 was taken and process was issued against the accused. Accused was produced before this court and was admitted to bail and upon joint request of the parties, the matter was referred to Mediation Centre and the same was settled for an amount of Rs.21, 50,000/.
- That however, since the accused failed to make the payment, the matter proceeded further on merits.
- That notice under Section 251 Cr.P.C. was framed against the accused to which, he pleaded not guilty and claimed trial. The accused admitted his signatures on both the cheques but denied filling remaining particulars of the cheque bearing no.538289.
- That the defence disclosed by the accused at this stage was that the complainant purchased some property and made payment through accused. The value of property was Rs.35, 00,000/- and payment of Rs.18, 00,000/- was made through accused from 20.04.2012 to 02.05.2012. The complainant gave Rs.1, 00,000/- in cash on 22.05.2012 and Rs.70, 000/- in cash in May, 2012 to the accused.

Further the complainant issued cheques dated 20.04.2012, 20.04.2012, 16.04.2012, 02.05.2012 for an amount of Rs.9,50,000/, Rs.3,00,000/, Rs.3,50,000/ & Rs.1,00,000/- respectively.

- That the accused encashed all the cheques and made cash payment to one Vikash Chauhan on behalf of complainant. The complainant also paid Rs.10,00,000/- and Rs.9,50,000/- to the said Vikas Chauhan through RTGS on 25.04.2012. The complainant then sold the above said property in September, 2012 without getting the documents transferred in his name and therefore the said Vikas Chauhan returned Rs.12,35,000/- to the complainant. Accused deposited cash of Rs.4,00,000/- in loan account of complainant with State Bank of Travancore, Dwarka and made payment of Rs.2,00,000/- through RTGS to the complainant on 18.05.2012 and Rs.1,00,000/- in cash on 12.04.2014.
- That the complainant again purchased a plot at Bahadurgarh from one Sunil Dahiya for Rs.30,00,000/- in October, 2012 and made payment of only Rs.11,50,000/- to him and then refused to purchase the property. The above payment of Rs.11,50,000/- was made by the accused to the said Sunil Dahiya on behalf of complainant and since the agreement was with the complainant, Sunil Dahiya did not return Rs.11,50,000/- to the accused. Towards the above payment, the accused issued first cheque of Rs.5,65,000/in favour of the complainant. Since the accused was not having sufficient funds, the said cheque was dishonoured. The

accused then issued another cheque for Rs.5, 50,000/drawn on Axis Bank which was also dishonoured. The accused then gave another cheque bearing no.538289 as blank signed as security and three other blank signed cheques. The complainant has misused the said cheques and another blank signed cheque drawn on HDFC Bank for sum of Rs.10, 00,000/.

- That the accused denied the receipt of demand notice dated 30.01.2013.

OBSERVATIONS:

The matter was listed for judgment on 04.07.2020 and reserved the order for 07.08.2020. The Ld. Trial court was pleased to convict the accused for dishonour of cheque no. 538287 vide order dated 07.08.2020 under section 138 of Negotiable Instruments Act, 1881 and sentenced the accused to simple imprisonment for a period of 3 months and directed to pay a compensation of Rs. 11,30,000/- under section 357(3) Cr.P.C.

Further the accused was acquitted against cheque no. 538289.

NEXT DATE OF HEARING :- Nil.

PURPOSE:- Nil.

CASE NO. – 11

**IN THE COURT OF SHRI NIKHIL CHOPRA , ADJ, SOUTH
DISTRICT, SAKET COURTS, NEW DELHI
EXECUTION PETITION NO. 547 OF 2020**

DOH: 12/08/2021

IN THE MATTER OF:

SMT. NIRMALA DEVI

(SINCE DECEASED)

THROUGH HER LEGAL HEIRS

...DECREE HOLDER

VERSUS

SH. GOPAL KRISHAN DUA AND ORS.

(SINCE DECEASED)

THROUGH THEIR LEGAL HEIRS

...JUDGEMENT DEBTORS

- That the Plaintiff/Decree Holder late Smt. Nirmala Devi had filed a suit bearing no. 1120/1993 for possession and manse profits of the property bearing no. 36-A, Block no. 80, Malviya Nagar, New Delhi-110017. On 20.05.1970 which was decreed on 05.01.1996. The certified copy of judgement and decree dated 05.01.1996 is annexed herewith as Annexure-A and site plan of the suit premises is annexed as Annexure-B.
- That the defendant no. 1 and 2 i.e. Judgement Debtors preferred an appeal against the judgement and decree dated 05.01.1996 in the Hon'ble High Court of Delhi bearing appeal no. RFA 264/1996. During the pendency of appeal, Plaintiff/Decree Holder Smt. Nirmala Devi had died on 17.09.2002 and her legal heirs namely Sh. Subhash Chand Dua (son), Mrs. Geeta Rani and Mrs. Kavita Rani (Daughters) were brought on record vide order dated 04.08.2003. The present appeal was dismissed with the directions that the appellants shall pay Rs. 50,000 as cost and occupation charges at the rate of Rs. 5,000 per month till the date the Judgement Debtor vacate the premises in question. The judgement debtors were further directed to vacate the suit premises and hand over the possession to the LRs of the Decree Holder within 1 month from the date of order i.e. 02.04.2009. The certified copy of judgement and order of the Hon'ble High Court of Delhi by which the

appeal of the appellant/ Judgement debtors was dismissed is annexed herewith as Annexure-C.

- That the Judgement Debtors i.e. defendant no. 2 filed a SLP (civil) bearing no. 20448/2009 against the order of the Hon'ble High Court of Delhi in the Hon'ble Supreme Court which was also dismissed vide order dated 31.08.2009. The certified copy of order dated 31.08.2009.
- That Sh. Subhash ChanderDua, one of the Legal heirs of the Decree Holder tried to get vacated the suit premises amicably which is now in the possession of legal heirs of Judgement Debtor no. 1 Late Sh. Gopal Krishan Dua. The legal heirs of the Judgement Debtor agreed to vacate the suit premises. Unfortunately, Sh. Subhash ChanderDua also died on 12.08.2016. Thereafter the Legal heirs of the Judgement Debtor did not honour their words. In these circumstances, therefore execution petition could not be filed as early as possible after attaining the finality of Judgement and Decree dated 05.01.1996.

OBSERVATIONS:

The dasti orders were issued to all the Judgement Debtors and their heirs and the matter was fixed for the next date of hearing for their appearances.

NEXT DATE OF HEARING : 16/09/2021

PURPOSE: Appearance of all the judgement debtors.

CASE NO. – 12

IN THE HIGH COURT OF DELHI AT NEW DELHI
R.C.Rev. NO. 131 of 2019

DOH: 16/08/2021

IN THE MATTER OF:

Smt. Maya Devi
W/o Late Shri Laxman DassKanojia
R/o 137, Hari Nagar, Ashram
New Delhi – 110014
And Others

...Petitioner

Versus

Smt. Sushila Devi
W/o Late Shri Rama Kant
R/o 137, Hari Nagar,
New Delhi – 110014

...Respondent

REVISION PETITION UNDER SECTION 25-B(8) OF DELHI RENT CONTROL ACT, 1958 AGAINST ORDER DATED 22.05.2019 WHEREBY HON'BLE COURT OF MS. MONIKA SAROHA, SR. CIVIL JUDGE-CUM RENT CONTROLLER, SOUTH-EAST, SAKET COURTS, NEW DELHI HAS DISMISSED THE APPLICATION FILED BY THE PETITIONERS/TENANTS FOR GRANT OF LEAVE TO DEFEND THE PETITION NO.E-91/2018 UNDER SECTION 14(1)(E) READ WITH SECTION 25-B OF THE DELHI RENT CONTROL ACT, 1958 AS AMENDED UPTO DATE.

BRIEF FACTS

That the Respondent has filed a petition under section 14(1)(e) read with section 25B of the Delhi Rent Control Act against the petitioners on the ground that the property bearing no. 137, Hari Nagar, Ashram, New Delhi admeasuring 224 sq. yards is the ancestral property which was inherited by the father-in-law of the petitioner namely late Shri Santosh Narayan from his mother Late Smt. Bhagwati Devi by virtue of registered Will deed dated 17.03.1975 which is bounded as under East:- Passage 5 ft. wide West:- Passage 5 ft. wide North:- Quarters of PanditDhano Ram and property of SanatanDharam Brahma Charya Ashram South:- House of

Pandit Shri Dhano Ram.

That after the death of Late Shri Santosh Narayan, his two daughters namely Smt. Rekha Rani and Smt. Mamta Rani had relinquished their 2/3rd share of the property bearing no. 137, Hari Nagar, Ashram, New Delhi – 110014, therefore, Shri Hari Bhushan became the owner of of the aforesaid property. Smt. Rekha Rani and Smt. Mamta Rani both daughters of Late Shri Santosh Narayan had relinquished their 2/3rd shares in favour of their brother Shri Hari Bhushan S/o Late Shri Santosh Narayan by way of registered relinquishment deed dated 03.05.2011 which was registered in the office of sub registrar-V New Delhi on 06.05.2011. The relinquishment deed dated 03.05.2011 was neither challenged by the legal heirs of Late Shri Rama Kant nor Chandra Shekhar during his lifetime or after his death by his legal heirs. Therefore, Shri Hari Bhushan became absolute owner of property bearing no. 137 admeasuring 224 sq. yards Hari Nagar, Ashram, New Delhi – 110014. Though the respondent in her petition had wrongly stated that after the death of late Shri Santosh Narayan, the husband of the respondent, Shri Rama Kant S/o Late Shri Santosh Narayan inherited the said property from his father. Shri Rama Kant expired on 08.11.2009, after his death his wife i.e. respondent became the owner of premises in question by registered relinquishment deed dated 03.11.2016. the said property admeasuring 220 sq. yards was already partitioned and a portion admeasuring 72 sq. yards which includes the premises in question has fallen in the share of the respondent herein.

OBSERVATIONS:

Although the matter was fixed for miscellaneous arguments, it could not be taken up as the Ld. P.O. was on leave.

NEXT DATE OF HEARING : 17/09/2021.

PURPOSE: Matter set for miscellaneous arguments.

CASE NO. – 13

IN THE COURT OF Ms. RAJ RANI, ADJ (fast track court for rape cases)

SESSIONS COURT, GURUGRAM

DOH: 16/09/2021

U/s: 377 IPC

F.I.R.: 127/2019

P.S.: Sector-51, Gurugram

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

SAHIL

....ACCUSED

BRIEF FACTS

- That the accused and the complainant were office colleagues who worked with an MNC in Gurgaon. They used to commute together in the metro to work.
- That on the day of the incident i.e. 22/12/2019 the accused asked the complainant if he will accompany him to a party to which the complainant agreed.
- That after the office hours they left together for the party which was nearby. In the party both of them got drunk and as a result of this the complainant got a bit dizzy, so the accused offered to take him to his house as lived nearby.
- That at the house of the accused the complainant fall asleep and when he woke up the next morning he felt a very unfamiliar pain in his lower portion of the body.
- That he left the house of the accused and went to see a doctor where he found out that someone had carnal intercourse with him.
- That he suspected that it was the accused only who could have done it and he filed an FIR immediately.

OBSERVATIONS: The bail application of the accused was rejected.

NEXT DATE OF HEARING : 31/08/2021

PURPOSE: Matter set for miscellaneous arguments.

CASE NO. – 14

IN THE COURT OF SHRI RAJ KUMAR JAIN, ADJ, ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT,
GURUGRAM

DOH: 17/08/2021

U/s: 13 of HMA

IN THE MATTER OF:

PRACHI

...PETITIONER

VERSUS

VISHESH

....RESPONDENT

Petition U/S: 13 of the Hindu Marriage Act, 1965

BRIEF FACTS

- That the marriage of the parties was solemnised as per Hindu rites and rituals on 18/02/2016. The couple was married for 2 years and both of them were working.
- That on 04/05/2019 the respondent did not come home and the petitioner got worried and this led to an argument the next day. The same thing happened a few more times in the course of the next few weeks which made the petitioner suspicious.
- That the petitioner decided to follow the respondent and finds out that the respondent was spending time with another woman.
- That upon confrontation after a heated argument, the respondent admits that he was cheating upon the petitioner.
- That both of them were unable to continue the marriage and decided to dissolve it but when the division of assets was supposed to take place

the respondent refused to give anything to the petitioner stating that they have signed a pre nuptial agreement.

- That the petitioner stated that it was specifically mentioned in the agreement that if one of them commits cheating on the other, then such act will result in breach of the agreement making the defaulter party liable to liquidate the amount of the agreement.

OBSERVATIONS: The petitioner gave evidence by way of evidence along with supporting documents.

NEXT DATE OF HEARING : 31/08/2021

PURPOSE: Matter set for further petitioner evidence..

CASE NO. – 15

**IN THE COURT OF MS. MANIKA, MM, SOUTH DISTRICT, SAKET
COURTS, NEW DELHI**

DOH: 18/08/2021
U/s: 376, 507, 509 IPC
F.I.R.: 989/2019
P.S.: Hauz Khas

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

SUNIL &ors.

....ACCUSED

Complaint u/s 376, 507, 509 IPC

BRIEF FACTS

- That the prosecutrix on 09/09/2019 went to her friend's place to meet him and they had a few drinks. Her friend got a call from the accused persons as they wanted to meet him but he refused and told them that he was with the prosecutrix.
- That after drinking the prosecutrix's friend fall asleep. The door bell rang and the prosecutrix answered. The prosecutrix was a little drunk herself. The accused persons forcefully entered the house and tried to misbehave with the prosecutrix.
- That when the prosecutrix objected the accused persons forced themselves on her turn by turn and left her there.
- That on the very next morning the accused filed an FIR in the Hauz Khas Police Station.

NEXT DATE OF HEARING : 10/10/2021

PURPOSE: Matter set for miscellaneous arguments.

CASE NO. – 16

IN THE COURT OF MS. ARCHANA BENIWAL, MM, SOUTH
DISTRICT, SAKET COURTS, NEW DELHI

DOH: 22/08/2021

U/s: 354,375,376, 509 IPC

F.I.R.:989/2019

P.S.: Lajpat Nagar

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

HARSHIT

....ACCUSED

Complaint u/s 354, 375, 376, 509 IPC

BRIEF FACTS

- That the prosecutrix was in a relationship with the accused since 2 months. On 26/06/2016 she invited a few friends to her house along with the accused.
- That after a few hours people started leaving and the accused was the only person left.
- That the accused demanded intercourse from the prosecutrix to which she refused as she was menstruating at that time.
- That the accused still tried to convince her but she bluntly refused and then the accused got enraged and forced himself upon her.

OBSERVATIONS:The matter was listed for judgment and reserved the order for 27/07/2020. The Ld. Trial court was pleased to convict the accused for rape, outraging the modesty of a woman with criminal force u/s 354, 375, 376,

509 IPCand sentenced the accused rigorous imprisonment of 7 years.

NEXT DATE OF HEARING : Nil.

PURPOSE: Nil.

CASE NO. – 17

**IN THE COURT OF Ms. NEHA PALIWAL,MM
DWARKA COURTS , NEW DELHI**

DOH: 23/08/2021

U/s: 323/341/452/354/506/509/420/468/471/120-B/34

F.I.R.: 36/13

P.S.: DWARKA SECTOR 10

IN THE MATTER OF:

SH. SATISH KUMAR

...PETITIONER

VERSUS

SMT. RISHALI DEVI

...DEFENDANT

Acussed No.- 1 Smt. Rishali Devi (Mother)

Acussed No.- 2 Rajveer (Brother)

Acussed No.- 3 Nephew

Acussed No. - 4 Devender (Brother)

Acussed No.- 5 Real sister of complainant

Complainant U/S: 323/341/452/354/506/509/420/468/471/120-B/34 of

Indian Penal Code

BRIEF FACTS:

Complaint is permanent resident of 4/45, ground floor, Khichripur, Delhi.

Complainant is residing on the ground floor with his family. Due to some misunderstanding between the accused and the complainant , a suit for mandatory and permanent injunction was filed before Civil Judge of Dwarka and the same was compromised between them before mediation centre, Dwarka on the condition that none of the accused will interfere in the possession of the complainant. Case was withdrawn by both the parties after

order of mediation centre.

Both the parties started living together but after sometimes accused no.- 1-5 started quarrelling with complainant and his wife. All the accused started trespassing in house of complainant illegally and forcefully and also threatens them to dispose of the property , also they threaten them by saying that if they fail to leave the possession of property, they would kill them, and also made forged documents regarding property .

Accused on the daily basis visit the place of complainant and used to abuse the complainant and his wife also beat them. When complainant went to Police Station for complaint, police official refuse to file complaint by saying that “ this is your family matter.”

After regular collusion, when complainant again made the complaint, police official refuse to file complaint because they had took bribe from accused person and tell them (complainant) we will not file your complaint. Because accused and their association are very rich and influential person and knew some police official too, so police official always refuse to register complaint against them.

Now , complainant and his family are living under the terror of accused.

OBSERVATION: On date of hearing i.e. 02/07/2016 , Copy of charge sheet received.

NEXT DATE OF HEARING :- 03/09/2021

PURPOSE- On next date of hearing case will further proceed for consideration of charge.

CASE NO.- 18

**IN THE COURT OF HON'BLE PRINCIPAL JUDGE OF FAMILY
COURT**

VISHWAS GARG, DWARKA COURTS, DELHI.

DOH: 24/08/2021

IN THE MATTER OF:

SH. SONU BREJMOHAN

...PETITIONER

VERSUS

SMT. HIMANI

...RESPONDENT

**Petition filed under section 9 of Hindu Marriage Act, 1995 for Restitution
of conjugal rights.**

BRIEF FACTS:

The Hindu Marriage was solemnized between petitioner and respondent according to Hindu rites ceremonies on 23/04/2012 at Ghaziabad. The marriage was duly consummated and both petitioner and respondent were cohabitated as husband and wife in matrimonial house and no child was born from the wedlock. After marriage the behaviour of respondent was good but after sometime the behaviour of respondent towards petitioner and his family was changed she started quarrelling with petitioner and also disrespected petitioner and his family and she used to go to her parental home without informing to her husband and used to remain there for many days, every time petitioner used to take her back from her parental house but the attitude of respondent remains same and the petitioner remains silent in order to save his relationship in the month of May 2013, the uncles of respondent approach the

petitioner and said to the petitioner “Ladkialagrehnachahtihai.” To save his matrimonial life, the petitioner started living separately from his parents but the behaviour of respondent was not changed. Ultimately on 17-06-2019, the respondent left the house of petitioner after taking the valuable goods and gold jewellery and clothes without the consent of the petitioner.

Petitioner made calls and made all possible ways to bring her back but all in vain.

OBSERVATION: On the date of hearing, notice was issued to the respondent.

NEXT DATE OF HEARING: 20/09/2021

PURPOSE: Next date for hearing is fixed for appearance of respondent.

CASE NO.- 19

IN THE COURT OF Ms. NEHA PALIWAL,MM
DWARKA COURTS , NEW DELHI

DOH: 25/08/2021

U/s:359, 361, 363 IPC

F.I.R.: 546/2018

P.S.: DWARKA SECTOR 12

IN THE MATTER OF:

STATE

...PETITIONER

VERSUS

RATTAN

...RESPONDENT

**Petition filed under section 9 of Hindu Marriage Act, 1995 for Restitution
of conjugal rights.**

BRIEF FACTS:

- That the victim is a 7 year old boy and the accused was a known person to the family of the minor. The accused was the gardener in the house of the boy's family.
- That due to some reason the accused got fired and was humiliated by the parents of the boy and took upon himself to take revenge from them.
- That the accused was aware of the whereabouts of the child and one evening when the boy was returning from the park, he was intercepted by the kidnapper, knowing the guy the kid did not flinch as he recognised him and was friendly towards him . Taking advantage of this fact the kidnapper offered the child a candy which was drugged and took him to an empty construction site and kept him there in ropes.

- That realising that he was the prime suspect he made an anonymous call to the family asking for ransom of Rs. 50 Lakhs and was caught later as the security guard of the site called the police.

OBSERVATION: On the date of hearing, the bail application of the accused was dismissed.

NEXT DATE OF HEARING: 20/08/2021

PURPOSE: Next date for hearing is fixed for examination chief of the parents.

CASE NO.- 20

IN THE COURT OF Ms. NEHA PALIWAL,MM
DWARKA COURTS , NEW DELHI

DOH: 26/08/2021

U/s:320, 322, 325, 326A, 326B, 354DIPC

F.I.R.: 546/2019

P.S.: DWARKA SECTOR 06

IN THE MATTER OF:

STATE

...PETITIONER

VERSUS

ARVIND

...RESPONDENT

Complaint U/s: 354-D,320, 322, 325, 326A, 326B IPC

BRIEF FACTS:

- That the accused is a middle aged man whereas the prosecutrix is a college going girl aged about 20 years. The accused used to stalk the prosecutrix while she used to commute to her college.
- That one fine day the accused saw her with a male friend and was furious. He asked the prosecutrix to stay away from boys to which she bluntly refused.
- That on 11/07/2019 the accused along with his friend while riding a bike came outside the college of the prosecutrix and threw acid on her face.

OBSERVATION: On the date of hearing, the bail application of the accused was heard and was deferred.

NEXT DATE OF HEARING: 25/09/2021

PURPOSE: Next date for hearing is fixed for argument on the bail application.

CASE NO. – 21

IN THE COURT OF SHRI RAJ KUMAR JAIN, ADJ, ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT,
GURUGRAM

DOH: 29/08/2021
U/s: 13 of HMA

IN THE MATTER OF:

AASHNA

...PETITIONER

VERSUS

ANURAG

...DEFENDANT

Petition U/S: 13 of the Hindu Marriage Act, 1965

BRIEF FACTS

- That the Hindu Marriage was solemnized between petitioner and respondent according to Hindu rites ceremonies on 23/04/2018 at Gurugram. The petitioner had a project for which she had to stay in a different city for a few days and there were some network issues in that place.
- That the petitioner and the respondent grew apart as they could not talk to each other. One day the respondent saw the petitioner's social media handle where she posted a picture with a male colleague which made the respondent furious and upon her return for a week the respondent got in a huge fight with the petitioner.
- That during the fight the accused raised his hand upon the petitioner and accused her of being an ill charactered lady.
- That the petitioner has thus filed the present petition.

OBSERVATION: On the date of hearing, notice was issued to the respondent.

NEXT DATE OF HEARING: 28/09/2021

PURPOSE: Next date for hearing is fixed for appearance of respondent.

CASE NO. – 22

IN THE COURT OF SHRI HARUN PRATAP, MM, SOUTH EAST
DISTRICT, SAKET COURTS, NEW DELHI

DOH: 31/08/2021
U/s:302,303,340,350,351,352,364
F.I.R.: 36/2016
P.S.:Jaitpur

Complaint U/s: 302,303,340,350,351,352,364

IN THE MATTER OF:

STATE

...COMPLAINANT

VERSUS

IQBAL

...ACCUSED

Complaint U/s: 302,303,340,350,351,352,364

BRIEF FACTS

- That the deceased a 20 year boy met the accused person through a dating app. They decided to meet for coffee and this continued for over a month.
- That on the day of the incident that is 21/05/2018, they met again at a café and later went to the house of the accused where there was a conflict between the two. The argument got heated and the suspect attacked the deceased with a cricket bat in a total fit of rage.
- That the deceased did not die after the blow but was severely injured. The suspect got frightened and kept him in his house for the next 3 days and kept blackmailing him that if he does not agree to his terms he will tell his family and his friends about his sexual preferences. The

deceased kept arguing that he will reveal the suspect true motive when he gets out.

- That on the 4th day the suspect killed the deceased with a house knife and disposed the body in pieces in sever.

OBSERVATION: On this date of hearing the P.P. examined the medical expert.

NEXT DATE OF HEARING: 09/09/2021

PURPOSE: For examination of the victim's friend.

CONCLUSION

This internship I did in the Chamber of, **Advocate Parvat Singh Thakran** I interned for a period of 31 Days which was quite a learning and new experience as I got to witness the practical application of laws which I studied in my books only.

The Internship gave me the ocean of opportunities to have practical exposure of the professional field of law it enables me to observe the legal environment of courts, professional life of an advocate and other important aspects of law.

After doing this Internship I gained the knowledge in some important fields of law. Firstly, the real legal practice is different from the theoretical version of law which we study. Secondly without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law.

Thirdly, what we study is the body, but what we have learned from this internship is the mechanism of this body. For a law student internship plays a very extensive role as it makes a student familiar to legal atmosphere and helps him learn tactics of a good lawyer from early age.

My senior used to assign me some quality of work which I was capable of doing and understanding. So, my work was confirmed to tasks like finding cases, some research work, interacting with clients, organizing the files and documents, maintaining the books, accompanying clerk to various sections. Attending case hearings, doing research work on various legal topics.

I was also given the opportunity to sit during discussions with clients as well as the opportunity to prepare case briefs after conference with the clients.

My regular task was to maintain the masses of files that lie in my office and to check if their documents are complete and in order. It made my senior's work easy as everything was organized and in place. It also used to make me aware which cases are currently going on and which are oncoming dates.

With Warm Regards

Yours Faithfully,

Ananya Goswami

01490103817

B.A.LL.B.(Hons.)

9th semester

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

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Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

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SUMMER INTERNSHIP REPORT

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FIMT SCHOOL OF LAW

Submitted by:-

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ENROLLMENT NO. - 01590103817

COURSE - BA LLB

BATCH - 2017-2022



STUDENT INTERNSHIP DIARY

5 YEARS BA-LLB (INTEGRATED) | BBA-LLB (INTEGRATED)

FIMT-SCHOOL OF LAW

NAAC ACCREDITED



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KAPASHERA, NEW DELHI

Session 2017....-2022.....

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Dated-1ST September 2021

TO WHOMSOEVER IT MAY CONCERN

This is to certify that Ancia P. Joseph D/o Lt. Sh. James P Joseph ,5TH year (9th semester) Fairfield Institute of Management and Technology affiliated to GGSIPU has been associated with me as an intern for a period of one month commencing from 1st August 2021 to 31st August 2021

She assisted me in Drafting, research and appearances before the courts of law at Delhi For Civil and Criminal litigations.

During the Internship period she had shown keen interest in learning the various aspects of advocacy and court procedures and was found to be hardworking , diligent , inquisitive and a bright student.

I wish her all the very best in life and in her Career as a legal professional.


SUNNY
(ADVOCATE)

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DECLARATION

I **ANCIA P. JOSEPH** student of 9th semester B.A.LLB.(Hons) hereby declare that this report as compiled by me under Summer Internship program (4 weeks) is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to **Fairfield Institute of Management & Technology** affiliated to **Guru Gobind Singh Indraprastha University, New Delhi** is a reliable document and is of bonafide nature.

ANCIA P. JOSEPH

Enr No. 01590103817

B.A.LLB (Hon's)

9th Semester Sec-A

FAIRFIELD INSTITUTE OF
MANAGEMENT & TECHNOLOGY

DATED: 1ST SEPTEMBER 2021



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ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected sir, Advocate Sunny who has been my constant support, source of encouragement & inspiration and guided and helped me in successfully completing my 4 weeks summer internship.

Moreover, apart from court they gave me a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during the internship as well as at the time of drafting of this report.

OBJECTIVE

Internship is a process of education, to offer meaningful, career related work experience to students, while simultaneously providing an excellent source of highly motivated, career minded individuals for employers.

The internship program serves to:

1. Reinforce and strength the student's personal values and career objectives through an Improved understanding of themselves and the work environment.
2. Assist students in identifying and acquiring the skills needed to enter a chosen field.
3. Provide practical work experience to balance the student's theoretical training.
4. Allow students to meet and learn from professionals in the field and develop network of contacts.

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**In the court of Sh. Chandra Bose, JSCC-ASCJ-G- Judge (NORTH DISTT) ROHINI
COURTS, NEW DELHI**

IN THE MATTER OF:-

HARJEET KAUR ...PLAINTIFF
Versus
INDER PAL DUA ...DEFENDANT

SUBJECT MATTER:-

SECTION 5 SPECIFIC RELIEF ACT

(Suit for possession and Mesne Profit)

Date of Hearing: 08.08.2021

BRIEF FACTS:-

1. The plaintiff was an absolute and exclusive owner of a property. Thereby the aforesaid property was given to the defendant on rent for a period of 11 months vide rent agreement dated at the monthly rent of Rs.6, 500/- exclusive of electricity and water and other charges and for the residential purposes only and for a period of eleven months only..
2. An amount of Rs.12, 000/- was also deposited by defendant with plaintiff as interest free security to be refunded to defendant at the time of handing over the vacant possession of the tenanted premises to plaintiff.
3. That the agreed period of eleven months expired on 1/03/2016. The tenancy came to an end by efflux of time and was further extended. Vide a legal notice dt. 04.04.2016 plaintiff asked defendant to vacate his flat by 20/04/16 as the tenancy stood terminated and the premises was required by plaintiff for his own use and for the use of his family members.

4. That the defendant has, however, failed to vacate and hand over the possession of the demised premises to the plaintiff in spite of termination of tenancy by efflux of time and in spite of having received the notice for vacating the suit premises.
5. That the plaintiff is entitled to get back the possession of his property and the defendant is under a legal obligation to restore the possession of the suit property in question to this plaintiff.
6. That w.e.f. 01/04/2016, defendant has no legal right to stay in the premises and his status is converted into that of a trespasser and an unauthorized occupant and defendant is liable to pay the unauthorized user and occupation charges at the rate of Rs.10, 000/- per month along with interest at the rate of 12% till defendant vacates and hands over the possession of the premises to plaintiff.
7. That there is no other equally efficacious remedy available except to bring the present suit in the given facts and circumstances of the case.

OBSERVATION:-

Decree was passed in favor of the plaintiff vide judgment and decree dated 22/8/ 2021

Next Date of Hearing:-NIL

**IN THE HON'BLE COURT OF SH.ATUL KRISHNA AGGARWAL,LD. ACJ CIVIL
JUDGE TIZ HAZARI COURTS, NEW DELHI**

IN THE MATTER OF :-

SH.CHANDER PRAKASH GUPTA

...PLAINTIFF

Versus

DELHI JAL BOARD

...DEFENDANT

SUBJECT MATTER :-

- PERMANENT INJUNCTION
SPECIFIC RELIEF ACT

Date of Hearing: 15.08.2021

BRIEF FACTS:-

1. The facts of the case in brief are that the plaintiff is the owner and in possession of a property. The father of the plaintiff and one Late. Johri mal had raised construction of a shop. After coming into the possession of the said land they had started a business of sweet shop, therein, father of the plaintiff is in possession of the said sweet shop.
2. Plaintiff further states that he was enjoying a water connection vide K NO. 2593800000 installed at the shop which was in the name of late Shri. JohriMal . Plaintiff and his brother were paying the water bills regularly for many years. Plaintiff also filed an RTI application on 05.01.2016, officials of defendant came to the sweet shop and threatened plaintiff to disconnect the water bills regularly. On 11.03.2016 officials of the defendant again came and tried to disconnect the water supply but on resistance made by the plaintiff by showing documents, they left the shop giving threats to plaintiff.

3. As per plaintiff, defendant had no right to disconnect the water supply since he had been paying the bills regularly. Hence this suit was filed by plaintiff seeking injunction to restrain defendant from disconnecting the water supply.

OBSERVATION:-

Counsel appeared on behalf of Delhi Jal Board. No arguments heard as the file was not forcible
Adjourned to 28.08.2021 for arguments.

NEXT DATE OF HEARING:-NIL

IN THE HON'BLE HIGH COURT OF DELHI, NEW DELHI

IN THE MATTER OF :-

RITA GOYLE

...APPELLANT

Versus

SUBHASH CHANDRA & OTHERS

...RESPONDENTS

SUBJECT MATTER :-

Appeal under section 173 of the Motor Vehicles Act 1998 against the impugned judgment and order dated 16.10.2018 passed by Shri G.N Pandey ,Judge, MACT ,Delhi, Passed in case M No. 128/ 16.Titled as 'Subhash Chandra vs. Ajay & Others.

Date of Hearing: 08.08.2021

BRIEF FACTS:-

That the alleged accident was caused on 10.04.2011.It was alleged that at the time of accident Smt. Neelam aged 37 and shri Subhash chandra were going to their village and that is when they reached mid-way, their motorcycle hit with an ambulance. It was alleged that the ambulance came from the opposite direction and the impact was head -on. Thereby Smt.Neelam and shri Subhashchandra, allegedly sustained injuries and filed claimed in pleadings. Ajay the driver of the ambulance and also impleading the appellant as the owner of the ambulance. Whereforth, the case further led to the ownership of the ambulance and after further decisions taken by the tribunals the case was brought back to the court to settle down the quantum of compensation.

OBSERVATION:-

Advocate on behalf of the parties tried to mediate with settlement at Rs. 12 lakhs payment + rest amount of 4 lakhs was to be payed in installment within 16 months .Thereby the client disagreed to settle and decided to take back the case to the court. Adjourned to 10.08.2021

NEXT DATE OF HEARING:-Disposed off.

IN THE HON'BLE HIGH COURT OF DELHI, NEW DELHI

IN THE MATTER OF :-

NARESH KUMAR

...PETITIONER

Versus

ALKA

...RESPONDENT

SUBJECT MATTER :-

Petition U/S 397/01/482 of the CRPC read with section 19(4) of the Family Courts Act challenging the correctness, legality and propriety of the order dated 27.08.2018 passed by the court of Dharma Sharma, LD.PrincipalJudge,Central ,Family courts, Tishazari courts, Delhi against the petitioner. In the case bearing M.No 03/2018 U/S 125 CRPC titled as Smt.Alka Vs Sh.Naresh Kumar.

Date of Hearing: 11.08.2021

BRIEF FACTS:-

1. That the marriage of the petitioner was solemnized with the respondent on 08.12.2012 in Delhi as per Hindu customs, rites and ceremonies and both of them started residing at the house of the petitioner.
2. After the marriage there were serious temperamental differences between the parties as a result the respondent could not adjust with the petitioner and his family, and picked up quarrel on pretty issues and used to torture the petitioner.
3. Due to this continuous series of quarrels and hassles the respondent lodged a complaint with the CAW cell. In meanwhile revert the petitioner filed a DV case.

OBSERVATION:-

Advocate with client appeared and OC sought time for filing reply. Court directed to pay the arrears of maintenance Rs.15000 within a week and Rs.25000 within a month thereafter to the respondent's wife and also placed the matter on mediation on 15/08/21 at 4:00 pm. Before DHE mediation center and adjourned to 13/08/21 before court for compliance of the order.

NEXT DATE OF HEARING:-13.09.2021

**IN THE HON'BLE COURT OF SH.M.CGUPTA ADJ JUDGE,(NORTH WEST)FAMILY
COURTS ,ROHINI COURTS, DELHI**

IN THE MATTER OF :-

RUCHI SEHGAL & Ors.

...PETITIONER

Versus

RAJESH SEHGAL

...DEFENDANTS

SUBJECT MATTER :-

- Petition for maintenance under section 125 CR.PC on behalf of the Petitioners.

Date of Hearing: 8.08.2021

BRIEF FACTS:-

That the marriage of the petitioner was solemnized with the respondent on 22.11.2004 in Delhi as per Hindu customs, rites and ceremonies and both of them started residing at the house of the petitioner.

After the marriage there were serious temperamental differences between the parties as a result the petitioner could not adjust with the respondent and his family, and picked up quarrel on petty issues and used to torture the petitioner. The respondent had given several threats of killing the petitioner and the family members of the respondent had beaten the petitioner quite often even after settlement commitments.

Due to this continuous series of quarrels and threats by the respondent. Petitioner 1 had filed a Domestic Violence case. Thereby the Petitioner seeks the maintenance from the respondents.

OBSERVATION:-

Adjourned to next date due to unavailability of certain documents.

NEXT DATE OF HEARING:-21.10.2019

IN THE HON'BLE HIGH COURT OF DELHI, NEW DELHI

IN THE MATTER OF :-

DEVI AND ANR.

...PETITIONER

Versus

STATE & ANR.

...RESPONDENTS

SUBJECT MATTER :-

- Petition U/S 482 CRPC for quashing of the F.I.R No.0165/2019 dated 08.05.2019 U/S 323/341/506/34 IPC.

Date of Hearing: 11.08.2021

BRIEF FACTS:-

The Petitioners and the respondent had shops adjacent to each other. Few months earlier there arose some dispute between the Petitioners and the respondent regarding the disposal of garbage of their respective shops and opening of the shutter of the shops by the respondent. Later on with immense quarrel a fight broke out between the two over the same issue and domestic refuse of their respective shops. An FIR was lodged by the side of the Petitioners after all sort of fight. With due process of time both the parties sorted out the matter amicably and resolved the dispute. Thereby the Petitioners crave leave from the court.

OBSERVATION:

The case got quashed and the Petitioners were told to pay off the courts fees and rest all the charges that were involved with initiating the case.

NEXT DATE OF HEARING:-QUASHED

IN THE HON'BLE HIGH COURT OF DELHI, NEW DELHI

IN THE MATTER OF :-

SH. MUKESH BHILOTRA

...COMPLAINANT

Versus

M/S TULSIANI CONSTRUCTION AND DEVELOPERS LTD. ANR. ...RESPONDENTS

SUBJECT MATTER :-

- U/S 138 of the Negotiable Instruments Act 1881.

DATE OF HEARING: 03.08.2021

BRIEF FACTS:-

1. 30.06.2014 the complainant booked one flat in the group of housing project launched by the accused persons and known as " Tulsiano charmsood" for a total sale consideration of Rs 25 lac. The complainant and both the accused vide an agreement between them with respect to the above said property. The Agreement dated 30.06.2014.
2. That the complainant paid a sum of Rs.20 lac on account of the part payment for purchase of the abovesaid flat and the balance amount of Rs.5,00,000 /- was also paid by our client towards the full and final payment of the total sale consideration of Rs. 25 lac which were duly acknowledged by receipts issued by the accused no. 2 for and on behalf of accused no.1.
3. The complainant presented a series of cheques through his bank ICICI. The above said cheques however were returned unpaid by respondent no.1's banker to the bank of complainant vide its memo with the remark of insufficient fund.
4. That the above said cheques were issued by both of the accused towards the discharge of their admitted liability to the complaint. Further both the accused had issued the said

cheques knowing fully -well that the same shall be dishonored on its presentation to the bank as they has not made the sufficient arrangement with their banker for the payment of the said cheques. After this notice were sent to the accused but the above mentioned notices were returned with different invalid remarks.

OBSERVATION:-

The Matter got settled and withdrawn as the accused paid one lakh in hand and rest by transfer of Rs.5 lakh by DD to the complainant and also handed over MOU & Builders buyer Agreement to the complainant and original client. The accused thereby promised to pay The balance of Rs. 75000 /- by today evening.

NEXT DATE OF HEARING :-DISPOSED OFF.

**IN THE COURT OF SH. P.R PANDEY, PRINCIPAL JUDGE, FAMILY COURT
DISTRICT COURT,DWARKA, NEW DELHI**

IN THE MATTER OF :-

Deepak Giri

.....Petitioner

And

Ritu Sharma (RiyaGiri)

.....Petitioner

SUBJECT MATTER :-

- Petition Filed U/S 13(B) Of Hindu Marriage Act,1955

DATE OF HEARING: 12.08.2021

BRIEF FACTS:-

The Hindu Marriage between Deepak &Ritu was solemnized on 19.04.2014 with Hindu rites & rituals on Delhi. The marriage was duly consummated & no child was born from the wedlock. Because of some temperaments differences the petitioner was not living together since 29.07.2014. Both the parties have tried at level best to reconcile but they were not succeeded. The petitioners have mentally agreed that their marriage should be dissolved by decree of divorce.

OBSERVATION:

The statement of both the parties was on 24.07.2016 & the Hon'ble Court granted the 1stMotion in the said matter.

NEXT DATE OF HEARING : 20.09.2021

**IN THE COURT OF HON'BLE JUSTICE MANMOHAN
HIGH COURT OF DELHI**

IN THE MATTER OF :-

Premwati

... Appellant

Versus

1. Sh. VinayRathi , Director Of Rathi Steels

2. Sh. AnuragRathi, Director OfRathi Steels

3. Delhi Development Authority

4. East Delhi Municipal Corporation

... Respondent

SUBJECT MATTER :-

- Suit filed under article 65 of Limitation Act 1963 read with section 5 of Specific Relief Act.CS no. 336/2013

DATE OF HEARING: 15.08.2021

BRIEF FACTS:-

1. In this case it was held that the appellant owned a plot near Shahdara, Delhi. Appellant used to visit her plot from time to time, and when she last visited the plot on 26/04/2016, she saw that the boundary wall of the plot was demolished. On 05/06/2016 appellant filed a case.
2. In this case it was seen that the respondents no. 1 & 2 were the directors of the Rathi steels Ltd., the other two respondents i.e. respondents no. 3 DDA (through Mr.VikasSadan Vice chairmanof DDA) & respondent no. 4 East Delhi Municipal Corporation.

3. All the respondents were innocent on their part as they did their work properly without any partiality. But on the hearing it came to knowledge that the directors of Rathi steels had the adjoining plot and they had already planted their industry near the appellants plot. Thus all the parties were directed to show all the evidences which makes their part correct.

OBSERVATION:-

Appellant was unable to show any hard evidences against the involvements of the respondents no. 4. Appellant does not have any documents for the purchase of the property, no witnesses, and even no evidences also, which proves the involvement of respondents in the demolition of the structure. Court directed the appellant to show the purchase documents and agreement papers also along with the bank account transaction of purchasing of that plot.

NEXT DATE OF HEARING :-18.10.2021

**IN THE COURT OF RENU BHATNAGAR ADJ, DISTRICT COURT, DWARKA, NEW
DELHI**

IN THE MATTER OF :-

State

.....Complainant

Versus

Ravi Gupta

.....Accused

SUBJECT MATTER :-

- Complaint u/s 376, 354D, 506 of IPC & POSCO ACT

DATE OF HEARING: 16.08.2021

BRIEF FACTS:-

In the instant case the complainant has alleged that when she was at the resident of the accused for the purpose of meeting sister-in-law & the not being there taking advantage of my innocence perform sex with me without my consent. Here with the F.I.R has been lodged against him u/s 376,354D, 506 of IPC & the F.I.R NO.61/15.

OBSERVATION:-

On the date when I reached the court there I saw “Arguments on evidences” is done & in this court , I observed that how, the advocates argue on the evidences & I also learned about sections 376, 354D, 506 of IPC & the POSCO ACT & I also observed the exchange of the documents were by the judge has given of further date of 19.10.2016 for arguments on framing of the charges. It is manifest that the signatures are proven by the witnesses & they have been marked as exhibits without any objection. Thus, there was no plea whatsoever as regards the denial of signature or

any kind of forgery or fraud. The present case is not one such case where the plaintiff have chosen not to adduce any evidence. They have examined witness, proven entries in the books of accounts & also proven the acknowledgements duty signed by the defendant. The accused remains the custody.

NEXT DATE OF HEARING :- 29.12.2021

**IN THE COURT OF SH. BRIJESH SETHI, PRINCIPLE JUDGE, FAMILY COURT
DISTRICT COURT DWARKA, NEW DELHI**

IN THE MATTER OF :-

State

...Complainant

Versus

Vinod Sharma

...Accused

SUBJECT MATTER :-

- Complaint under Section 498A of Indian Penal Code, 1860.

DATE OF HEARING: 08.08.2021

BRIEF FACTS:-

1. That the marriage between the revisionist and respondent no. 1 was solemnized on 15/02/2009. They both lived together and out of their wedlock a minor child namely baby Prophi was born to them on 11/07/2010. During the period, the revisionist lived with the respondent no. 1. She committed all sorts of acts of cruelty, harassment, torture and humiliation.
2. That the F.I.R was lodged on 17/05/2014 in crime (women) cell. F.I.R no. as 73/10 was filed u/s 498A /406/34 by Pooja wife of the accused against the family also.
3. That the pooja also filed a petition for divorce u/s 13(1)(a) of hindu marriage Act, against the revisionist on 24/08/2014

4. That the pooja have put the false allegation on vinodsharma and his family u/s 468A/406/34 as accused never done any cruelty act on pooja, whereas she was careless and egoist person, she never took care of his parents and use to give answers in founding way.
5. That the pooja with filing the false F.I.R abuses the procedure and law as well wasted the time of court.
6. That on 05/07/2015, the anticipatory bail was also file in the of dwarka court which was also there in accepted by the court.

OBSERVATION:

On 30/06/2016 that matter was fixed before the hon'ble court for hearing on this day P.P was absent and Pooja was also not present in person, summon was issued for here on the next date of 15/10/2016.

I have learned about the provision of section 498A & 34 of IPC.

NEXT DATE OF HEARING :- 19.11.2021

**IN THE COURT OF Mr. SUNIL KUMAR
PATIALA HOUSE, NEW DELHI**

IN THE MATTER OF :-

Sudha Bisht

...Complainant

Versus

S.K. Thaper

... Accused

SUBJECT MATTER :-

- Complaint under section 420 and 120B of the Indian Penal Code, 1860.

DATE OF HEARING: 23.08.2021

BRIEF FACTS:-

1. That the complainant is the resident of s/1007 of Ghaziabad sector 5 booked a plot in the scheme of the builder, the plot booked was of 200sq. yards. The complainant was also given the token money for booking the plot as amount of Rs. 5, 00, 000/- on 04/07/2015.
2. That at the time of booking the builder promised to give the plot in the 7 or 8 months from the date of booking. The plot and the project was of Haridwar, Uttarakhand but was subject to the jurisdiction of the New Delhi.
3. But after waiting the longtime of one and half years the plaintiff didn't get the plot, although they received a letter of confirmation of the payment but after a long time.
4. That plaintiff then along with her husband had gone to meet the builder personally, but when they reached the official of the builder they were asked not to come back here again.

5. That after going through this humiliation the plaintiff lodge an FIR no. as 275/11 in police station under the section of cheating, criminal conspiracy and other offences related to property.

6. The S.K. Thaper was arrested and after that release on bail.

OBSERVATION:

I have come to know about the provision of bail and arrest as stated in the Code Of Criminal Procedure,1973.

NEXT DATE OF HEARING :-15.09.2021

**IN THE COURT OF THE LD. SENIOR CIVIL JUDGE- NORTH WEST DISTRICT,
ROHINI COURTS COMPLEX, DELHI**

IN THE MATTER OF:

Mrs. Kavya Mittal Goyal

...Plaintiff

VERSUS

1. Strategic Retail Private Limited

2. Mr. Sandeep Kumar

3. Mr. Karan

4. GauravAgarwal

...Defendants

SUBJECT MATTER :-

- SUIT FOR RECOVERY OF AMOUNT OF RS. 4, 50, 000 (RUPEES FOUR LAKHS FIFTY THOUSAND) WITH PENDENTE LITE & FUTURE INTEREST

DATE OF HEARING: 10.08.2021

BRIEF FACTS:-

1. That the defendant No. 4 namely GauravAgarwal was earlier a partner in M/s Ved Mittal and Associates, a chartered accountancy firm of plaintiff's father who is the principal partner in the said accountancy firm. The plaintiff asked the said GauravAgarwal on 21.08.2015 to invest by way of fixed deposit receipt in the Indian Overseas Bank, Pitampura branch B-155 LokVihar Pitampura New Delhi-110034 and obtain fixed deposit receipt from the bank and for the said purpose, the plaintiff had accordingly issued under her signature a cheque No. 028628 dated 21.08.2015 for a sum of Rs. 4, 50,000/- (Four Lakhs Fifty Thousand Only) drawn on Indian Overseas Bank, Pitampura in favour of yourself i.e. the bank. The details on the cheques were written by the Defendant No.4.

2. That the said Defendant No.4 with active connivance of the Sandeep Kumar (DIN No. 06656179), Director of Strategic Retail Private Limited and Karan (DIN No. 06656182) Director of Strategic Retail Private Limited for and behalf of themselves as well as on behalf of Strategic Retail Private Limited, a company registered under the provisions of the Companies Act, 1956, misappropriated the said cheque and usurped the same by making RTGS payment of the said amount to the Strategic Retail Private Limited i.e. which has no relation what so ever with the plaintiff or plaintiff's father. The cheque, when signed, was issued by the plaintiff as 'YOURSELF' for the purpose of making a fixed deposit, but the Defendant No.4 pursuant to the plaintiff signing the cheque added for 'RTGS Strategic Retail Private Limited'.

3. That it is to state here that the RTGS form with which the amount was fraudulently and illegally transferred to the account of the Defendant's company was also made to be signed by the plaintiff on a false pretext by the Defendant No.4, and the said form when signed was blank i.e. no name of the beneficiary or the amount or any other was mentioned and in fact all the said details are not even in the handwriting of the plaintiff and the RTGS form has been filled without any knowledge or consent of the plaintiff by the Defendant No.4 and the amount of Rs. 4, 50,000/- was illegally and fraudulently usurped by the defendants.

OBSERVATION:

The court ordered the defendants to file a reply of the suit till the next date of hearing on 1.10.2021

NEXT DATE OF HEARING: - 21.11.2021

**IN THE COURT OF JUSTICE RANJIT SINGH
DEBT RECOVERY TRIBUNAL,
NEW DELHI**

IN THE MATTER OF :-

Indian Bank

...Appellant

Versus

Punjab National Bank

...Respondent

SUBJECT MATTER :-

- Suit for recovery of 6 Billion \$ under section 13(2) of the the securitization and reconstruction of financial assets and enforcement of security interest act,2002 (SARFAESI)

DATE OF HEARING: 25.08.2021

BRIEF FACTS:-

1. Oswal, a company registered in Ludhiana but situated at London is a construction based company. EEPFL is a partnership firm situated at London and also a new company in the construction business.
2. EEPFL like any other new company was in need of funds for their start up project.
3. Oswal agreed to fund EEPFL. For this purpose Oswal approached the Indian Bank and submitted an affidavit of not having any personal relations with the owners of EEPFL.

4. Oswal approached Indian Bank for lending them a loan of 6 Billion \$, meanwhile EEPFL approached Punjab National Bank for the same.
5. Both the banks granted the loan making each other the guarantor.
6. After few months, EEPFL dissolved. And therefore Punjab National Bank approached the Oswal for the recovery of their money.

OBSERVATION:

After 22 years of litigation of this case, Justice Ranjit Singh suggested for the out of court settlement between the two banks. Both the parties agreed to it. It was also held that a period of 6 months will be given to the parties to end the dispute.

NEXT DATE OF HEARING :- 22.12.2021

**BEFORE THE HON'BLE CONSUMER DISPUTE REDRESSAL FORUM,SHEIKH
SARAINEW DELHI**

IN THE MATTER OF :-

Tanya Aircon

.....Complainant

Versus

M/S RudraBuildwell Project Pvt.Ltd. &Ors.

.....Respondent

SUBJECT MATTER :-

- Complaint under Section 12 of the Consumer Protection Act

DATE OF HEARING: 01.08.2021

BRIEF FACTS:-

1. It is stated herein that the opposite parties issued advertisement, public announcements and publication at large in order to lure huge investments for the company, by misrepresenting the individuals, that the company is in the process of developing a project in Greater Noida (west) Uttar Pradesh. Further the opposite parties misrepresented the complainant that the said project will be the stagnant growth in the future.
2. The opposite parties approached the complainant to buy a flat in the said project. That based on the false and misrepresented assurances of the opposite parties, the complainant agreed to purchase a flat in the said project. It is further submitted that the opposite parties promised to sign an agreement in regard to the said flat after paying the sum of Rs 3,00,000/- as pre-booking amount.

3. That the complainant believing on the false and uncorroborated assurances of the opposite parties paid an amount of Rs. 3,00,000/- (Rupees Three Lacs only) as pre-booking amount for flat bearing no. "B 2-902" measuring about 1015 Sq. feet Super Area (approx.) in place Heights GH-02 B, Sector-1, Greater Noida (West) U.P. It is pertinent to mention here that the complainant was assured that the agreement will be signed and the possession of the flat would be handed over within 30 months after receiving the full and final payment.
4. The complainant paid a registration/ pre-booking amount of Rs. 3,00,000/- (Rupees Three Lacs only) vide online payment inward in ref. no. M77366 dated 21.09.2015 transfer from Punjab National Bank, as further advance towards registration of the said flat in question which was duly acknowledged vide receipt no. 1805 dated 04.10.2015. It is further submitted that after making the several requests by the complainant in regard to the said flat. Further the opposite parties never provided any document of regarding the flat nor produced any proof of stagnant growth of the project.
5. It is stated herein that despite of making several request by the complainant regarding documentation, progress report and the time when the possession of flat will be given the opposite parties completely refused and kept the complainant in the dark.
6. The complainant after waiting for a long prolong period, was informed by the opposite parties that the said project has been stopped for indefinite time and therefore the opposite parties offered the complainant to cancel the flat booking and agreed to refund the full amount paid by the complainant. the opposite parties are jointly and severally liable for the harassment, loss, agony, both mental and physical caused to the complainant with such degraded act of the opposite parties.
7. The opposite parties cheated the complainant and breached the trust when the opposite party no.2 with the malafide intentions of cheating duped us for buying a flat in the said project. That by the said act the opposite parties has caused wrongful gain to the opposite parties and wrongful loss to the complainant, for which the opposite parties are liable to the prosecuted for cheating, criminal breach of trust, criminal misappropriation and wrongful loss to the complainant which is punishable under the provisions of the Indian Penal Code. Further by admitting the amounts as mentioned above but later on refuse to

pay the same and not handing over the possession of the flat; amounted forgery for the purpose of cheating punishable u/s 468 & 471 of IPC.

OBSERVATION:

It was held that the opposite parties are required to pay a sum of Rs. 3,00,000/- (Rupees Three Lacs only) towards recovery of the amount paid to the opposite parties along with interests @ 24% along with Rs 25,000/- (Rupees Twenty Five Thousand Only) without any delay.

NEXT DATE OF HEARING :- 05.08.2021

**IN THE COURT OF JUSTICE HIMA KHOHLI
HIGH COURT OF DELHI**

IN THE MATTER OF :-

M/S Ahluwalia Contracts (India) Pvt. Ltd

.....Petitioner

Versus

M/S Mgf Developments Ltd.

.....Respondent

SUBJECT MATTER :-

- Application Under Section 151 CPC For Appropriate Direction On Behalf Of The Petitioner.

DATE OF HEARING: 17.08.2021

BRIEF FACTS:-

1. That the present petition is filed by the petitioner for an order that the respondent company be wind up by this Hon'ble Court under the provisions of the Companies Act, 1956.
2. As per books of the account of the petitioner, the total outstanding dues against the works done in terms of the contracts as entered in between the parties and the respondent is shown as Rs. 15,27,79,696/- (Rupees Fifteen crores Twenty Seven Lacs Seventy Nine thousand Six hundred and Ninety Six only).
3. It is submitted that the vide order dated May 27, 2015-
“The Managing Director of the Respondent is directed to file Balance of Sheet and Loss account for the last three years along with an affidavit in support thereof”

4. The said order is not complied by the respondent.

5. It is submitted herein that the respondent has to comply the order with direction in respect of filing of the affidavit.

OBSERVATION:

In terms of the said order the respondent were mandatorily directed to file the balance of sheet and the profit and loss account for the last three years along with an affidavit.

NEXT DATE OF HEARING :- 15.10.2021

**IN THE COURT OF SH. RAGHUBIR SINGH, ASJ
DISTRICT COURT, DWARKA, NEW DELHI**

IN THE MATTER OF :-

State

.....Complainant

V/S

Satish

.....Accused

SUBJECT MATTER:-

- **Complaint U/s : 452/354/354-B/323/341 IPC & 8 POSCO ACT,2012**

DATE OF HEARING: 14.08.2021

BRIEF FACTS:-

1. Complainant Anjali along with her sister Shamma coming back after taking birthday cake. There was a dispute with Barkha near Aggarwal Sweets due to cream issue & Barkha threatened them. Complainant along with her sister returned home. After sometime at about 7:15pm, brothers of Barkha namely Ajju, Natholi & Satish came into the house of complainant & started abusing them.
2. Complainant objected to this act but all the three above mentioned persons entered forcefully into the house of complainant & Ajju caught complainant's sister Shamma & started abusing & misbehaving with her. When complainant opposed the same then Satish & Natholi caught the complainant & started beating her.
3. Ajju warned Shamma to teach a lesson & torn her T-shirt & pressed her breath. When they (complainant) obstructed the same all the three accused persons started beating complainant

& her sister Shamma. When complainant shouted all the three accused persons fled away & Natholi also threatened them to kill.

OBSERVATION:

Accused remain in jail about 14 days & there after Hon'ble Court granted the bail.

NEXT DATE OF HEARING: - 25.10.2021

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included dimensions of criminal medico legal experts to civil corporate litigation. All of which was an over the top experience.

Such summer trainings help a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which the pre-requisite to our training was.

When it comes to observance of trials in the courts, it was one of the most essential parts of learning for an intern. Observance of trials and court proceedings help in understanding the very root of the law in India. Proceedings are the whole mechanism in to whose analysis is always advisable.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards

Sincerely,

ANCIA P JOSEPH

01590103817

BA.LLB. (Hon's)

9th Semester Sec. –A

FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

(AFFILIATED TO GGSIPU)



SUMMER TRAINING REPORT

SUBMITTED BY-

NAME : ANJALI SAMANT

COURSE/SEMESTER : BA.LLB/ 9TH

SECTION : A

ENROLL NO. : 01690103817

JITENDER SINGH PUNDIR
ADVOCATE
DELHI HIGH COURT

M- 9212679967

Chamber No. : 605, Lawyers Chambers, District Courts, Dwarka, New Delhi-75
Chamber No. : 511, Western Wing Tis Hazari Courts, Delhi-110045.
Email:- Jitendersingh.advocate@gmail.com

Ref. No. _____

Dated. _____

TO WHOMSOEVER IT MAY CONCERN

CERTIFICATE OF COMPLETION OF INTERNSHIP

This is to certify that Ms. Anjali Samant, student of B.A-LL.B. (Session 2017-2022) 5th year (9th Semester), Enrolment No. 01690103817 of Fairfield Institute Of Management and Technology, Kapashera, New Delhi, has completed 1 month's Internship under my supervision, at Dwarka District Courts, Sector-10, New Delhi from 01/07/2021 to 31/07/2021. I have given her research work and she has made legal drafts in her internship during this covid-19 pandemic while staying at home.

She worked diligently with dedication and discipline. She has strong communication skills and legal aptitude.

I wish her good luck and best wishes for her academics and professional career.



Jitender Singh Pundir,
Advocate

JITENDER SINGH PUNDIR
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DECLARATION

I do hereby declare that the report is compiled by me on the basis of “Summer Training Programme” on my own experiences and knowledge to the best of my understanding which is submitted to Fairfield Institute of Management and Technology affiliated to Guru Gobind Singh Indraprastha University, Delhi.

Signature :

Date :

ACKNOWLEDGEMENT

First and foremost, I am expressing my thankfulness and praise to Almighty God for his guidance and blessing throughout my entire internship. I would also like to sincerely thank **ADV.JITENDER PUNDIR** for giving me this wonderful opportunity to undergo internship training.

My appreciation and gratitude is extended to Adv. JITENDER PUNDIR for his guidance, generosity to share their tremendous knowledge, for giving continuous motivation from the starting of the internship until the end of the training. Also my sincere gratitude to all the associates for their willing to accept me into their family.

Also I would like to take this opportunity to thank Chairman, Principal and Directors of FIMT. I would like to extend my sincere gratitude to all the teachers of Law Faculty, FIMT for their guidance and support. Last but not the least, I would like to thank my parents and colleagues for their comforting supports and guidance.

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OBJECTIVE

The objective behind this internship was to gain knowledge and working of various legal institutions and court proceedings. It was immense pleasure while working with several advocates, learning and interacting with clients in order to get much exposure in law field. We realize that much exposure is needed in this field, as the proceedings are of great importance. The internships are very much essential as it helps in self learning and enhancing one's knowledge. As far as I have seen lower courts are the best in providing proper understanding of legal proceedings. More the exposure, more the understanding is the prime objective behind this internship.

CASE LAW-1

IN THE HONBLE COURT OF SH. AJAY KUMAR JAIN, LD
ADDITIONAL SESSIONS JUDGE, PATIALA HOUSE
COURTS, NEW DELHI

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

ASADULLAH & MAUSSA.....ACCUSED

Petition Filed U/S 21/29 OF NDPS ACT

14 OF FOREIGN ACT

468 OF IPC

Filed on – 09/01/2019

Facts – In this case, on 08.01.2019 Nirbhaya Rana was present in office special cell, Saket. A secret informer came to office and informed him that an Afghan National who is accused named Asadullah who deals in narcotics drugs would come at near bus stop, near Malviya Nagar metro station to deliver heroin to a African person. Then Sh. Attar Singh ACP authorised SI Nirbhaya Rana to constitute a raiding party under the supervision of Insp. Ishwar singh. SI Nirbhaya Rana and caught the 2 accused with the total heroin of 6 kilogram. Both accused brought in the custody for the HEROIN (Narcotics drug) u/s 21 NDPS Act.

NDOH – 27.08.2021

CASE LAW – 2

**IN THE COURT OF MS. SWARNA KANTA SHARMA,
FAMILY COURT, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:

PALLAVI GUPTA.....COMPLAINANT

V

VIKAS MOHAN.....ACCUSED

Petition filed u/s 12 of the Protection of Women from Domestic Violence Act 2005

Facts – Marriage between Vikas and Pallavi was solemnized on 19.04.2007 at Bulandshahar (UP). After their wedding, parties stayed in Bulandshahar. She found the behaviour of her in laws rather peculiar and disrespectful towards her, her mother in law did not speak properly to her and kept yelling at her. By June 2007, the complainant Pallavi had already conceived her baby. No one was available for the assistance including her husband because of which she had to do every physical activity herself. Vikas never tried to call and inquire about the Well Being of the complainant. He always avoided her, due to the immense amount of stress, her health deteriorated. Due to above reasons, she was compelled to take medical leave from her job and move to Delhi with her parents.

Observation – Father i.e. Vikas filed a case for the custody of this son from his wife, but apparently this matter is got settled. Now both the parties will file mutual divorce and they will withdraw each and every case against each other, settlement done by money.

NDOH – 20.09.2021

CASE LAW 3

**IN THE COURT OF SH. P.K. JAIN, ADDITIONAL SESSIONS JUDGE,
PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

ASHOK KUMAR.....ACCUSED

Petition filed u/s 308 IPC

Filed on 24.04.2019

Facts – Shiv who lived in sec 23 Dwarka with his parents, a student of Amity University, Noida. Shiv is going to home from college after giving the 2nd semester exam with his friend Rohit from the AUDI Car with the help of navigator. Because of high traffic navigator takes the car to the location of Vasant Gaon near 6 pm. There was a Nano car coming behind the shiv's car giving horn repeatedly. Rohit who was driving stopped the car and Nano hit the shiv's car AUDI from the side. Four boys came from the Nano car and started beating the Rohit and Shiv. Accused also take the amount of Rs. 5000, ATM Syndicate Bank, Aadhar Card and ran away.

Observation – Argument on an application of bail heard, accused is alleged to have involved in an road rage case u/s 308 IPC, two co-accused are already absconding, and one of them is BC (Bad Character) of the area. Driving licence of the present applicant is not available to show that, he has having valid permission to play an vehicle on road, it is early to grant bail, in these circumstances bail application is dismissed.

NDOH – 22.07.2021

CASE LAW – 4

**IN THE COURT OF MS. SWARNA KANTA SHARMA,
FAMILY COURT, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

DEEPIKA.....COMPLAINANT

V

ABHISHEK.....ACCUSED

Petition filed u/s 308 IPC

Filed on 06.07.2019

Facts – The above matter was filed by wife to take divorce from her husband on the ground of cruelty and ignorance attitude of husband towards his wife i.e. Deepika.

Observation – The said matter was settled via mediation and petitioner is ready to withdraw this case, but she is pregnant and come to court. So another date is required to withdraw the present case.

NDOH – 26.08.2021

CASE LAW – 5

**IN THE COURT OF MANOJ KUMAR, METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

NAIM UR REHMAAN AND OTHERS.....ACCUSED

Petition filed u/s 374/34 IPC

3/14 CLA

23/26 JJA

Police station – R.K. Puram

Facts – This case is against few accused who had deputed children below 16 years of age to commercial work, which is an offence in Juvenile Justice Act.

Observation – on 08.07.2021, Arguments regarding framing of charges against all the accused person heard and case is pending for orders on charge.

NDOH – 13.09.2021

CASE LAW – 6

**IN THE COURT OF ANKITA LAL, METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

UDAY SINGH.....ACCUSED

Petition filed u/s 378 IPC

Filed on 29.07.2013

Police station – Vasant Kunj North

Facts – In this case it is alleged that accused Uday was in a company, which is working for BSES, and Accused today in connivance with other two did theft of cables (big electrical wires).

Observation – On 09.07.2021 one public witness was examined by the state, but his examination on chief could not be completed for want of case property (it means that the theft cables or the car In which accused person took the cables, should be shown to the witness before the court to identify that this is the same cable or whatever the case property was involved).

NDOH is 4.09.2021 for want of case property and further examination in chief and cross by defence counsel.

CASE LAW – 7

**IN THE COURT OF VASUNDHRA CHI, METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

SHEKHAR.....ACCUSED

Petition filed u/s 354b IPC

Police station – R.K. Puram

Facts – Allegations in this case are that accused Shekhar in the influence of liquor misbehaved to the complainant and molest her.

Observations – On 27.07.2021, the witness/complainant has not present to give her testimony before the Ld Court and after a long wait,ailable warrants are issued against the complainant.

NDOH – 21.10.2021

CASE LAW – 8

**IN THE COURT OF DHARMENDER SINGH,
METROPOLITAN MEGISTRATE, PATIALA HOUSE
COURTS, NEW DELHI**

IN THE MATTER OF:-

DALVIR SINGH BATRA.....COMPLAINANT

V

RAJU BATRA.....ACCUSED

Petition filed u/s 138 NI Act

Facts – Raju (illiterate kind of) has given blank cheques to one of his known for new car loan in good faith, but the guy used those cheque to Mr Dalvir for encashment but the cheque was dishonoured and Dalvir filed a case against raju.

Observation – we were for accused Raju. On 18.07.2021, We filed an application u/s 145(2) for seeking an opportunity to show or prove our defence.

NDOH – 22.08.2021

CASE LAW – 9

IN THE COURT OF Sh. SUMEET ANAND,
METROPOLITAN MEGISTRATE, PATIALA HOUSE
COURTS, NEW DELHI

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

SONIA RAO..... ACCUSED

Petition filed u/s 279/338 IPC

Filed on 02.04.2019

Police station – Vasant Vihar

Facts – This is a case of road accident, Sonia accused hit her car with another car, nobody got injured, only car was damaged.

Observation – One witness who was present at the time of arrest of the accused Sonia got examined and cross examined as well.

NDOH – 22.09.2021

CASE LAW – 10

**IN THE COURT OF Sh ANIL ANTIL ADDITIONAL
SESSIONS JUDGE, PATIALA HOUSE COURTS, NEW
DELHI**

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

SANJEEV MADAN.....ACCUSED

Petition filed U/S 498A, 406 IPC

Filed on 05.10.2018

Police station – R.K. Puram

Facts - It is an appeal preferred by the state against an order of acquittal of both the accused Sanjeev and Rajeev Madan.

Observation – Matter was fixed for appearance of both the accused

NDOH – 23.08.2021

CASE LAW – 11

**IN THE COURT OF PRAGATI, METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

NEERAJ.....ACCUSED

Petition filed u/s 457/380/411/34/17A IPC

Filed on 17.09.2018

Police station – Cannaught Place

Facts – The applicant/accused is a peace loving and law abiding citizen of India. That the accused was arrested by the police officials of P.S. Cannaught Place for the theft in dwelling house and he was produced before the Hon'ble court and he was sent to J.C. till date.

Observation – Bail application was dismissed dated 25.05.2021

NDOH – 03.03.2021

CASE LAW – 12

**IN THE COURT OF MS. SWARNA KANTA SHARMA,
FAMILY COURT, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

DEEPAKSHI SHARMA.....COMPLAINANT

V

VAIBHAV KUMAR GHAI.....ACCUSED

Petition filed u/s 13 1(ia) HMA 1955

Facts – Marriage of the petitioner and the respondent was solemnized on 27.05.2017. Both family met to each other through matrimonial site in which respondent has given his personal profile about himself which was totally fake and wrong. After solemnization of marriage, when the petition reached the house, respondent including his parents started threatening and restricted the petitioner to talk to her parents. These cruelties of the respondent and his parents continued and the petitioner tolerated everything for the sake of her married life.

NDOH – 06.08.2021

CASE LAW – 13

**IN THE COURT OF MS. AMBIKA SINGH, METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

SORAJ SINGH.....ACCUSED

Petition filed u/s 279/304A IPC

Filed on 02.06.2017

Police station – Chanakyapuri

Facts – In this case driving licence was involved. Application is made for release of driving licence no. U.P. 1219790001047 valid upto 11.03.2018 as allegations of section 179 and 304A of IPC made against soraj singh.

Observation – That the said licence has expired on 11.03,2018, applicant want to renew the same as he undertake to produce the said licence after renewal.

NDOH – 16.07.2021

CASE LAW – 14

IN THE COURT OF MS. ANU GROVER BALIGA,
ADDITIONAL SESSIONS JUDGE, PATIALA HOUSE
COURTS, NEW DELHI

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

SUNNY AND SUMIT.....ACCUSED

Petition filed u/s - 323, 328,342, 376D, 506, 509, 34, 376 IPC

Filed on 02.04.2018

Police station – Vasant Kunj North

Facts – Sunny has girlfriend named Nishi who he met on Facebook. After chatting for a time period of 5-6 months, Nishi asked him to marry her to which sunny replied her with NO. Nishi asked him to meet her last at 19B, Mahipalpur his uncle’s place which resulted in the arisen of fake allegations made against Sunny and his friend for raping Nishi.

Observation – We talked to Sunny and Sumit regarding this matter in which we get to know that sunny is an innocent person who was wrongly stuck in the plot built by Nishi.

NDOH – 08.11.2021

CASE LAW – 15

**IN THE COURT OF Sh. PITAMBER DUTT, FAMILY COURT,
DWARKA, NEW DELHI**

IN THE MATTER OF:-

MUKUL.....COMPLAINANT

V

PREETI BHATIA.....ACCUSED

Petition filed u/s Special Marriage Act

Filed on 16.03.2019

Facts – Marriage of petitioner and respondent solemnized on 12.12.2018. Due to their conflict, Mukul filed the case against his wife Preeti under Special Marriage Act.

Observation – on 20.07.2021 reply filed by preeti counsel on an application of restoration of main case, not to put up final arguments on restoration arguments.

NDOH – 16.09.2021

CONCLUSION

This internship had been excellent and rewarding experience. I would like to pine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the outside world one cannot understand the analytical and positive application of law and jurisprudence and the actual functions and structure of law.

I was surprised to see how the loopholes were being bought out by the advocated and often leave an impression in the minds of interns and develops the practice of deriving loopholes in the simplest way. Leaders often say one learns discipline within a court room. It brings the best in oneself. This exposure was very vital as one learns the proceedings of the court. I would like to conclude with a vote of thanks and gratefulness for reading this report thoroughly and also for giving me this wonderful opportunity to grow my vision in this field.

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

तेजस्वि नावधीतमस्तु
ISO 9001:2015 & 14001:2015

Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT

SCHOOL OF LAW

Submitted by:-

NAME - Ankita Sharma
ENROLLMENT NO. - 01890103817
COURSE - BALLB
BATCH - 2017-2022



DECLARATION AND INTERNSHIP
CERTIFICATE

SUBHASH GUPTA
Advocate, Delhi High Court

125, FIRST FLOOR, ANAND NAGAR
INDERLOK, DELHI-110035.
Cell: 9910464710
Email: gupta1114@gmail.com
Dated: 03.09.2021


TO WHOMSOEVER IT MAY CONCERN

This is to certify that Ankita sharma, daughter of Shri Rajender Sharma, student of 3rd year at **Fairfield institute of management and technology**, affiliated to GGSIPU has successfully undergone internship in criminal cases w.e.f 01.08.2021 to 31.08.2021 at district courts and at our law office.

We found her to be an intelligent, positive learner, active listener, motivated, duty bound and hard working intern. She worked sincerely on her case studies, assignments and her performance was par excellence.

She was very polite and attentive to her fellow interns and seniors, she is a very obedient and soft speaker to all of her seniors. We totally appreciate her conduct, positivity and zeal to learn things.

We wish her best of luck for her future.


SUBHASH GUPTA
ADVOCATE
Enrollment No. D-446/2002

DECLARATION

I, **ANKITA SHARMA** (01890103817), 5th year BA.LLB (H) FIMT have interned under advocate **SUBHASH GUPTA** for a period of 30 days from 1st Aug to 31st

This declaration is made on 17.09.2021 at New Delhi that this internship report is prepared and drafted by me, Ankit Sharma under the aegis of advocate Subhash Gupta.

It contains the work that was assigned to me during this internship and successfully from my side.

This report is a sincere attempt of compilation of the aforementioned work. Its submission is the partial fulfillment of the requirement of Bachelors of Arts and law degree.

This has not been submitted either in whole or in part, to any other law university or affiliated institute under any university as recognized by the Bar Council of India, for the award of any law degree or diploma, within the territory of India.

Date: 17.09.2021

Ankita sharma
(01890103817)
B.A LLB (HONS.)
5th year


SUBHASH GUPTA
ADVOCATE
17/09/21

Fairfield Institute Of Management And Technology
Guru Gobind Singh Indraprastha University.

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to **Advocate Subhash Gupta**, who have been my constant support. Throughout my internship period he has been a great source of inspiration to me, and still continues to be so. Working under him was not only a great opportunity but educational as well. He have guided and helped me in successfully completing my Summer Internship. Moreover, apart from court he gave me a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to express my sincere gratitude to our **Director Dr. B.R SAINI** for initiating this internship project for students of 5th year. We students who previously had just theoretical knowledge of the procedures, through this project were exposed to the practical aspects of the laws we studied in the classroom. I hereby thank him for this opportunity that he provided us for practical exposure of the subjects. I would also like to reiterate my thanks to **Adv. Prashant Thakran**, for being my mentor in this endeavour.

I would also thank my parents for supporting me dearly throughout this period of internship & for adjusting their already busy schedule to suit mine & making it as much comfortable for me as they could possibly do. I also pay my sincere regards to office staff of **Advocate Subhash Gupta** for always being helpful & supportive to me as an intern in order to facilitate the efficient completion of tasks assigned.

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OBJECTIVE

Clinical education programs for law students have been of great advantage to them. The objective of such programs is to provide an understanding of the human, social and policy contexts of law and legal practice. This objective is met through the Legal Internship. Internships fulfill an important component of both academic and practical education in law. The integration of professional experience into the learning process is highly effective in developing the understanding of law in action, as you are able to observe and perceive the relevance and application of theory to practice. Consequently, the program is not simply 'work experience' but a significant educational experience.

In a workplace setting one will be exposed to the reality of the practice of law in all its dimensions –

- The integration of different areas of law, policy issues;
- The application and development of skills to the analysis and resolution of client concerns;
- Ethical responses to situations which arise unexpectedly and spontaneously;
- Issues of professional responsibility including responsibility to clients and case management;
- The operations of the government and court system in the legal process.

These subjects provide the theoretical knowledge and ethical framework necessary for you to appreciate the operation of the 'law in action'.

CASES OBSERVED

CASE NO. – 1

**IN THE COURT OF SHRI ASHWANI KUMAR MEHTA, ADJ
SESSIONS COURT, GURUGRAM**

DOH: 02/08/2021

U/s: 420/166/167/384/405/467/468/471/120B IPC

7/8/10/12/13/15 PC Act

F.I.R.: 32/18

P.S.: Palam Vihar, Gurugram

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

BABULAL

....DEFENDANT

Complaint U/S: 420/166/167/384/405/467/468/471/120B IPC AND

7/8/10/12/13/15 PC Act

BRIEF FACTS: The accused is a government servant and has allegedly taken Rs.10,000. The accused took this amount to perform an authorized task in an unauthorized manner. For some reason the accused could not perform the task in accordance with the instructions of the complainant and hence the complainant has filed the current suit.

OBSERVATION: The PW was examined by the defence counsel.

NEXT DATE OF HEARING :- 17/08/2021

PURPOSE- On next date of hearing case will further proceed for consideration

of charge and PW will be further examined as the examination of the PW on the previous date could not be concluded.

CASE NO. – 2

IN THE COURT OF Ms. RAJ RANI, ADJ (fast track court for rape cases)

SESSIONS COURT, GURUGRAM

DOH: 03/08/2021

U/s: 6 and 12 of the POCSO Act

F.I.R.: 12/2019

P.S.: Sector-14, Gurugram

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

NITESH

....DEFENDANT

Complaint U/S: 6 and 12 of the POCSO Act

BRIEF FACTS: The Prosecutrix in the present case is about 17 years old and the accused is her distant cousin. On the day of the incident the Prosecutrix was attending a wedding at the house of the accused. The accused allegedly took the Prosecutrix to his room on the pretext of having a friendly conversation with her. The accused then gave her a soft drink which made the Prosecutrix a little dizzy at first and then completely unconscious.

After the incident when the Prosecutrix came to her senses, she realised what had happened but remained silent as she claims that the accused had clicked pictures of her and was blackmailing her. The Prosecutrix also claims that he used to threaten her regularly over phone calls. They also met a few times a week and during one of such meetings, the brother of the Prosecutrix saw them and informed her parents. When the parents started questioning her, she got scared, slit her wrist and ran away with the accused to Haridwar where they were caught by the police. When their parents came to the police station, The Prosecutrix told

them everything truthfully and hence the complaint was filed.

OBSERVATION: The Prosecutrix was cross examined by the defence counsel and evidence in contradiction to her complaint were presented in the court.

NEXT DATE OF HEARING :- 22/08/2021

PURPOSE:- Further cross examination of the Prosecutrix.

**IN THE COURT OF SHRI ANIL KUMAR BHISHNOI, ADJ
SESSIONS COURT, GURUGRAM**

DOH: 03/08/2021

U/s: 370/370A/372 read with 34/506 IPC

F.I.R.: 42/18

P.S.: Sector 51, Gurugram

IN THE MATTER OF:

STATE

....PETITIONER

VERSUS

SAGAR JAIN

....DEFENDANT

Complaint U/S: 370/370A/372 read with 34/506 IPC

BRIEF FACTS: The complainant in this matter is an NGO working to prevent the exploitation of minors employed as domestic help. The defendant is a married man who lives in Gurugram with his wife and twin children. The defendants were unable to take care of the twin babies on their own and hence they contacted an agency to get a domestic help in order to get assistance.

The agency sent a girl to the house of the defendants within 15 days and also provided her documents stating that she is over 18 years of age (which was false). One day the girl was alone in the house and was lying on the floor unconscious. A neighbour saw her through an open window and tried calling her, when she did not respond, the neighbour called the police. She had a few injuries on her head and her elbow. The accused and his wife were both arrested and were charged under the above mentioned sections. The accused claims that the girl had a health condition due to which she gets fits and becomes unconscious.

OBSERVATION: The counsels were arguing on the definition of the word

'exploitation' and on the fact that the agency is at fault as they falsely presented the girl to be an adult.

NEXT DATE OF HEARING :- 03/08/2021

PURPOSE- On next date of hearing case will further proceed for consideration of charge and PW will be examined.

CASE NO. – 4

**IN THE COURT OF SHRI RAJ KUMAR JAIN, ADJ, ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT,
GURUGRAM**

**DOH: 03/08/2021
U/s: 13 of HMA**

IN THE MATTER OF:

RUCHIB

....PETITIONER

VERSUS

MEENAKSHI

....DEFENDANT

Petition U/S: 13 of the Hindu Marriage Act, 1965

BRIEF FACTS: The Hindu Marriage was solemnized between petitioner and respondent according to Hindu rites ceremonies on 23/04/2012 at Gurugram. The marriage was duly consummated and both petitioner and respondent were cohabitated as husband and wife in matrimonial house and no child was born from the wedlock. After marriage the behaviour of respondent was good but after sometime the behaviour of respondent towards petitioner and his family was changed, she started quarrelling with petitioner and also disrespected petitioner and his family and she used to go to her parental home without informing to her husband and used to remain there for many days, every time petitioner used to take her back from her parental house but the attitude of respondent remains same and the petitioner remains silent in order to save his relationship in the month of May 2013, the uncles of respondent approach the petitioner and said to the petitioner “Ladkialagrehnachaitihai.” To save his matrimonial life, the petitioner started living separately from his parents but the behaviour of respondent was not changed. Ultimately on 17-06-2015, the

respondent left the house of petitioner after taking the valuable goods and gold jewellery and clothes without the consent of the petitioner.

Petitioner made calls and made all possible ways to bring her back but all in vain.

OBSERVATION: On the date of hearing, notice was issued to the respondent.

NEXT DATE OF HEARING: 20/08/2021

PURPOSE: Next date for hearing is fixed for appearance of respondent.

IN THE COURT OF Ms. RAJ RANI, ADJ (fast track court for rape cases)

SESSIONS COURT, GURUGRAM

DOH: 04/08/2021

U/s: 376/506/328 IPC

F.I.R.: 85/6/7/18

P.S.: Sector-51, Gurugram

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

MANGESH

....DEFENDANT

Complaint U/S: 376/506/328 IPC

BRIEF FACTS: The Prosecutrix is 20 years old, she was at a restaurant with a few friends on the night of the incident. At 11:00 pm when they were leaving the restaurant, the Prosecutrix decided to stay at her friend's place for the night to which her parents agreed as they were family friends. All of them were a little drunk and reached the house of the accused as he was the father of Prosecutrix's friend. After they all went to sleep, the accused came inside the Prosecutrix's room and had forceful intercourse with her.

OBSERVATION: PW-1 was examined and the evidence provided by him by way of affidavit was taken on record.

NEXT DATE OF HEARING :- 18/09/2021

PURPOSE:- Examination of PW-2

CASE NO. -6

**IN THE COURT OF SHRI RAJ KUMAR JAIN, ADJ, ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT,
GURUGRAM**

DOH: 04/08/2021

U/s: 498A IPC

F.I.R.: 71/8/9/18

P.S.: Sector-14, Gurugram

IN THE MATTER OF :-

STATE

...COMPLAINANT

VERSUS

VINOD SHARMA

...DEFENDANT

Subject Matter:- Complaint under section 498A of Indian Penal Code,1860.

BRIEF FACTS:

- That the marriage between the revisionist and respondent no.1 was solemnized on 15/02/2014. They both lived together and out of their wedlock a minor child namely baby Prophi was born to them on 11/07/2015. During the period, the revisionist lived with the respondent no. 1. She committed all sorts of acts of cruelty, harassment, torture and humiliation.
- That the F.I.R was lodged on 17/05/2018 in crime (women) cell. F.I.R no. as 73/10 was filed u/s 498A /406/34 by Pooja wife of the accused against the family also.
- That Pooja also filed a petition for divorce u/s 13(1)(a) of Hindu Marriage Act, against the revisionist on 24/08/2019.
- That Pooja has put the false allegation on Vinod Sharma and his family u/s 468A/406/34 as accused never done any cruelty act on Pooja,

whereas she was careless and egoist person, she never took care of his parents and use to give answers in founding way.

- That the pooja with filing the false F.I.R abuses the procedure and law as well wasted the time of court.
- That on 05/07/2015, the anticipatory bail was also file in the of Dwarka court which was also there in accepted by the court.

OBSERVATION:-

On 04/07/2020 that matter was fixed before the Hon'ble court for hearing on this day P.P. was on a leave and Pooja was also not present in person, summon was issued for here on the next date.

NEXT DATE OF HEARING: 18/09/2021

PURPOSE: The defendant has been given last and final opportunity to file replication to the complaint.

IN THE COURT OF Ms. RAJ RANI, ADJ (fast track court for rape cases)

SESSIONS COURT, GURUGRAM

DOH: 05/08/2021

U/s: 354D IPC

F.I.R.: 19/2019

P.S.: Sukhrali, Gurugram

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

AJAY KR. GUPTA

....ACCUSED

Complaint U/S: 354D IPC

BRIEF FACTS:

The accused is an astrologer and the complainant is a dentist. The accused has his office in the same area as that of the complainant's clinic. One day the complainant came to the office of the accused in order to consult him as she was facing a crisis in her personal life. Their official appointments turned into more personal ones as they started going out for movies, shopping etc.

After a while they had a serious argument and the complainant started threatening the accused with a false case as she was habitual of filing false cases against a person to blackmail them. She was already in the middle of more than 4 litigations. The accused was then framed under section-354-D IPC and the substantial question of law which lies here is whether the case is maintainable in the court of law under the said section even though there was a pre existing relation between the accused and the complainant.

OBSERVATION: The Prosecutrix was cross examined by the defence counsel and evidence in contradiction to her complaint were presented in the court.

NEXT DATE OF HEARING :- 23/09/2021

PURPOSE:- Further cross examination of the Prosecutrix.

CASE NO. – 8

**IN THE COURT OF Mr. BALWANT RAI BANSAL, ADJ
DWARKA COURT, NEW DELHI**

DOH: 09/08/2021

IN THE MATTER OF:

RAJ KR. BHARTI

....COMPLAINANT

VERSUS

BINDU PRAJAPATI & ORS.

....DEFENDANT

Suit for possession

BRIEF FACTS:

The defendant no. 2 Mrs. Neelam Sharma had entered into an agreement with defendant no. 1 on 09/08/2010 for developing and construction of her property bearing no. RZF 99/11 situated at gali no. 41A, Sadh Nagar Part-II, Palam Colony, New Delhi wherein it was agreed upon between defendant no. 1 and 2 that defendant no. 1 shall construct 8 flats admeasuring 77.25 sq. yards of each flat, 5 shops and a one BHK flat on the ground floor/stilt floor out of which 5 flats bearing no. U1, F1, S1, T1 and T2 shall be in the possession of defendant no. 2 while flats no. U2, F2, and S2 out of 8 flats will be in the possession of defendant no. 2 along with three reserved car parking. Apart from 5 flats the defendant no. 2 would also have 5 shops, a 1 BHK flat and car parkings on the ground/stilt floor. It was further agreed upon that before construction of the said building, the defendant no. 2 shall execute sale deeds in favour of defendant no. 1 in respect of flat nos. U2, F2 and S2. It was further agreed upon that the defendant no. 1 shall complete the building as per map and time schedule as mentioned in the agreement dated 09/08/2010. If the defendant no. 1 will not complete the building in time and according to the map, the defendant no. 2 will have full right to cancel the above mentioned sale deeds and the defendant no. 1 will have no objection for the same.

On the basis of aforesaid sale deeds the defendant no. 1 has sold the suit property i.e. flat no. S2 with one car parking situated on the second floor of the building to plaintiff as mentioned in the plaint. It is pertinent to mention here that the building bearing no. RZF 99/11 situated at gali no.

41A, Sadh Nagar Part-II, Palam Colony, New Delhi was sealed by the building department, Najafgarh zone, MCD on 28/02/2011 and partial demolition action was taken against the unauthorized construction of the building when the building was at an initial stage. On the basis of the sale deed executed by defendant no. 2 in favour of defendant no. 1 before construction of the building the defendant no. 1 had sold the suit property to plaintiff on 22/07/2011 as stated in the plaint though the defendant no. 2 had no knowledge of the same.

OBSERVATION: The defendant no. 2 requested for permission to amend his written statement and the court granted the same as there was a change in the list of issues due to new facts coming to light.

NEXT DATE OF HEARING :- 22/09/2021

PURPOSE:- Matter set for examination of D2W1.

CASE NO. – 9

IN THE COURT OF MS. UPASANA SATIJA, LD. METROPOLITAN

MAGISTRATE, DWARKA COURT, NEW DELHI

CRIMINAL COMPLAINT NO. 8270 OF 2019

DOH: 09/08/2021

U/s: 138 R/w 142 of the NI Act

IN THE MATTER OF:

MS. ANITA DEVI

...COMPLAINANT

VERSUS

B.N. JAGADISH KUMAR

...ACCUSED

**COMPLAINT UNDER SECTION 138 R/W SECTION 142 OF THE
NEGOTIABLE INSTRUMENTS ACT, 1886 AS AMENDED UP TO
DATE.**

BRIEF FACTS:

- That the accused is known to the complainant for last many years and having friendly relation with the complainant and approached to the complainant for a friendly loan of Rs. 7,00,000/- (SEVEN LACS ONLY). As the complainant and accused were having good relation with each other, the complainant paid a sum of Rs. 7,00,000/- in cash to the accused as a friendly loan.
- That the accused in discharge of his liability accused issued cheque bearing No. 212552 dated 24.10.2018 for Rs. 7,00,000/- drawn on AXIS

BANK BANGALORE and promised the complainant to present the said cheque with his bankers and same would be honoured/cleared by his banker and he also assured the complainant that he will make necessary arrangement of funds in his bank account to honour above said cheque.

- That as per instructions the complainant deposited the abovesaid cheque with his banker syndicate bank najafgarh, New Delhi and same were returned with the reason “DRAWER SIGNATURE DIFFER” on 30.12.2018.
- That the complainant contacted the accused for the payment of the aforesaid amount and issue of new cheques and was assured that the same will be delivered to him within a week but the accused failed to do so and did not respond to further communications by the complainant.
- That thereafter the complainant got a legal notice dated 20.1.2019 sent on 22.1.2019 through his advocate which was duly served upon the accused under the provision of N.I Act and thereby demanded the payment for the aforesaid cheques.
- That despite the awareness and service of the said statutory notice dated 20.2.2019 the accused failed to meet with his admitted liability or to make the payment covered under the above noted cheque within the statutory period as prescribed under the law. As a matter of fact the accused had not paid the cheque bearing no. 212552 dated 24.10.2018 for Rs. 7, 00,000/- drawn on AXIS BANK BANGALORE to the

complainant till date. As such the accused has, therefore rendered liable to be prosecuted under the provisions of N.I Act for the offence committed by them.

- That knowing fully well that the accused did not have the credit balance in bank account and issued a cheque for payment to the complainant in discharge of his legal liability and have thereby committed an offence punishable under the amended provisions of Negotiable Instruments Act.
- That the cheque in the subject of complaint was delivered to complainant was delivered to the complainant at his address and the complainant operates and works from gain from his said address.
- That in support of allegations in his complaint, the complainant filed his evidence by way of an affidavit and placed on record the following documents: (i) Cheque bearing no. 212552 dated 24.10.2018 for a sum of Rs.7,00,000/- drawn on Axis Bank Bangalore issued in favour of the complainant by the accused (ii) Cheque return memos dated 30.12.2018 issued by Syndicate Bank Najafgarh where the aforesaid cheque was presented for encashment reflecting the fact that the said cheque were dishonoured for the reason “Drawer Signature Differ” (iii) Legal Notice dated 20.1.2019 addressed to the accused on behalf of the complainant demanding the payment of cheque amount within fifteen days from the receipt of said notice (iv) Postal receipts reflecting the fact that the aforesaid legal notice was dispatched to the accused at both his addresses

available with the complainant vide registered post on 22.1.2019 (v)
Acknowledgment card with respect to delivery of the legal notice sent at
one of the addresses of the accused.

OBSERVATIONS:

The matter on 09.07.2020 was fixed for pre-summoning evidence is further
fixed again for pre-summoning evidence for 21.09.2020. The complainant was
present in person with his counsel.

NEXT DATE OF HEARING :- 21/09/2021.

PURPOSE:- Pre-summoning evidence.

CASE NO. – 10

**IN THE COURT OF MS.UPASANA SATIJA, LD. METROPOLITIAN
MAGISTRATE, DWARKA COURTS, NEW DELHI**

COMPLAINT CASE NO. 4993725 OF 2016

DOH: 10/08/2021
P.S.: NAJAFGARH
U/s: 138 R/w 142 of the NI Act

IN THE MATTER OF:

AMIT NATH

...COMPLAINANT

VERSUS

SATISH VATS

...ACCUSED

**COMPLAINT UNDER SECTION 138 R/W SECTION 142 OF THE
NEGOTIABLE INSTRUMENTS ACT, 1886 AS AMENDED UP TO
DATE.**

BRIEF FACTS:

- The present complaint has been filed under Section 138 of the Negotiable Instruments Act, 1881.
- That in 2006, the complainant was working with Aditya Birla Group and came in contact with accused as the accused was a vendor in the above said company and was supplying commercial vehicles to the said company.
- That in February, 2012, the accused approached the complainant and requested a loan of Rs.30,00,000/from the complainant and assured to repay the same within five months and stated that he will receive considerable amount upon sale of his father's land and also represented to be the owner of several movable and immovable properties.

- That Consequent to said representations and keeping in mind the past conduct, the complainant advanced Rs.27, 30,000/- to the accused.
- That the complainant advanced the amount in the following manner: Rs.3,50,000/- through cheque on 16.04.2012, Rs.9,50,000 through cash on 20.04.2012, Rs.3,00,000/- through cash on 20.04.2012, Rs.1,00,000/- through cheque on 02.05.2012, Rs.1,70,000/- through cash on 22.05.2012, Rs.8,60,000/- through cash on 31.05.2012.
- That the accused assured to repay the said amount by October, 2012 and upon being contacted further assured repayment in November, 2012.
- That on 01.11.2012, the accused in discharge of aforesaid liability issued two post-dated cheques bearing no.538287 dated 05.11.2012 and 538289 dated 11.01.2013 for a sum of Rs.5, 65,000/- and Rs.21, 65,000/- respectively both drawn on HDFC Bank Ltd., Najafgarh, New Delhi and upon request of the accused, the complainant presented both the cheques on 11.01.2013 for encashment but the same were dishonoured vide separate return memo(s) dated 14.01.2013 for reasons 'Funds Insufficient'.
- That the complainant allegedly then served legal notice dated 30.01.2013 on the accused demanding the cheque amount and in spite of service of said notice, the accused failed to make the payment of cheque amount and hence, committed an offence under Section 138, Negotiable Instruments Act.

- That in support of allegations in his complaint, the complainant filed his evidence by way of an affidavit and placed on record the following documents: (i) 2 Cheques bearing no. 538287 dated 05.11.2012 and 538289 dated 11.01.2013 for a sum of Rs.5,65,000/and Rs.21,65,000/respectively both drawn on HDFC Bank Ltd., Najafgarh, New Delhi issued in favour of the complainant by the accused (ii) Cheque return memos dated 14.01.2013 issued by State Bank of Travancore where the aforesaid cheques were presented for encashment reflecting the fact that the said cheques were dishonoured for the reason “Funds Insufficient” (iii) Legal Notice dated 30.01.2013 addressed to the accused on behalf of the complainant demanding the payment of cheque amount within fifteen days from the receipt of said notice (iv) Postal receipts reflecting the fact that the aforesaid legal notice was dispatched to the accused at both his addresses available with the complainant vide registered post on 30.01.2013 (v) Acknowledgment card with respect to delivery of the legal notice sent at one of the addresses of the accused.
- That upon consideration of the complaint and documents annexed therewith and upon examination of the complainant, the cognizance of offence under Section 138 Negotiable Instruments Act, 1881 was taken and process was issued against the accused. Accused was produced before this court and was admitted to bail and upon joint request of the

parties, the matter was referred to Mediation Centre and the same was settled for an amount of Rs.21, 50,000/.

- That however, since the accused failed to make the payment, the matter proceeded further on merits.
- That notice under Section 251 Cr.P.C. was framed against the accused to which, he pleaded not guilty and claimed trial. The accused admitted his signatures on both the cheques but denied filling remaining particulars of the cheque bearing no.538289.
- That the defence disclosed by the accused at this stage was that the complainant purchased some property and made payment through accused. The value of property was Rs.35, 00,000/- and payment of Rs.18, 00,000/- was made through accused from 20.04.2012 to 02.05.2012. The complainant gave Rs.1, 00,000/- in cash on 22.05.2012 and Rs.70, 000/- in cash in May, 2012 to the accused. Further the complainant issued cheques dated 20.04.2012, 20.04.2012, 16.04.2012, 02.05.2012 for an amount of Rs.9,50,000/, Rs.3,00,000/, Rs.3,50,000/ & Rs.1,00,000/- respectively.
- That the accused encashed all the cheques and made cash payment to one Vikash Chauhan on behalf of complainant. The complainant also paid Rs.10, 00,000/- and Rs.9, 50,000/- to the said Vikas Chauhan through RTGS on 25.04.2012. The complainant then sold the above said property in September, 2012 without getting the documents transferred in his

name and therefore the said Vikas Chauhan returned Rs.12,35,000/- to the complainant. Accused deposited cash of Rs.4, 00,000/- in loan account of complainant with State Bank of Travancore, Dwarka and made payment of Rs.2, 00,000/- through RTGS to the complainant on 18.05.2012 and Rs.1,00,000/- in cash on 12.04.2014.

- That the complainant again purchased a plot at Bahadurgarh from one Sunil Dahiya for Rs.30,00,000/- in October, 2012 and made payment of only Rs.11,50,000/- to him and then refused to purchase the property. The above payment of Rs.11,50,000/- was made by the accused to the said Sunil Dahiya on behalf of complainant and since the agreement was with the complainant, Sunil Dahiya did not return Rs.11,50,000/- to the accused. Towards the above payment, the accused issued first cheque of Rs.5, 65,000/in favour of the complainant. Since the accused was not having sufficient funds, the said cheque was dishonoured. The accused then issued another cheque for Rs.5, 50,000/drawn on Axis Bank which was also dishonoured. The accused then gave another cheque bearing no.538289 as blank signed as security and three other blank signed cheques. The complainant has misused the said cheques and another blank signed cheque drawn on HDFC Bank for sum of Rs.10, 00,000/.
- That the accused denied the receipt of demand notice dated 30.01.2013.

OBSERVATIONS:

The matter was listed for judgment on 04.07.2020 and reserved the order for

07.08.2020. The Ld. Trial court was pleased to convict the accused for dishonour of cheque no. 538287 vide order dated 07.08.2020 under section 138 of Negotiable Instruments Act, 1881 and sentenced the accused to simple imprisonment for a period of 3 months and directed to pay a compensation of Rs. 11,30,000/- under section 357(3) Cr.P.C.

Further the accused was acquitted against cheque no. 538289.

NEXT DATE OF HEARING :- Nil.

PURPOSE:- Nil.

CASE NO. – 11

**IN THE COURT OF SHRI NIKHIL CHOPRA , ADJ, SOUTH
DISTRICT, SAKET COURTS, NEW DELHI
EXECUTION PETITION NO. 547 OF 2020**

DOH: 12/08/2021

IN THE MATTER OF:

SMT. NIRMALA DEVI

(SINCE DECEASED)

THROUGH HER LEGAL HEIRS

...DECREE HOLDER

VERSUS

SH. GOPAL KRISHAN DUA AND ORS.

(SINCE DECEASED)

THROUGH THEIR LEGAL HEIRS

...JUDGEMENT DEBTORS

- That the Plaintiff/Decree Holder late Smt. Nirmala Devi had filed a suit bearing no. 1120/1993 for possession and manse profits of the property bearing no. 36-A, Block no. 80, Malviya Nagar, New Delhi-110017. On 20.05.1970 which was decreed on 05.01.1996. The certified copy of judgement and decree dated 05.01.1996 is annexed herewith as Annexure-A and site plan of the suit premises is annexed as Annexure-B.
- That the defendant no. 1 and 2 i.e. Judgement Debtors preferred an appeal against the judgement and decree dated 05.01.1996 in the Hon'ble High Court of Delhi bearing appeal no. RFA 264/1996. During the pendency of appeal, Plaintiff/Decree Holder Smt. Nirmala Devi had died on 17.09.2002 and her legal heirs namely Sh. Subhash Chand Dua (son), Mrs. Geeta Rani and Mrs. Kavita Rani (Daughters) were brought on record vide order dated 04.08.2003. The present appeal was dismissed with the directions that the appellants shall pay Rs. 50,000 as cost and occupation charges at the rate of Rs. 5,000 per month till the date the Judgement Debtor vacate the premises in question. The judgement debtors were further directed to vacate the suit premises and hand over the possession to the LRs of the Decree Holder within 1 month from the date of order i.e. 02.04.2009. The certified copy of judgement and order of the Hon'ble High Court of Delhi by which the appeal of the appellant/Judgement debtors was dismissed is annexed herewith as Annexure-C.
- That the Judgement Debtors i.e. defendant no. 2 filed a SLP (civil) bearing no. 20448/2009 against the order of the Hon'ble High Court of Delhi in the Hon'ble Supreme Court which was also dismissed vide order dated 31.08.2009. The certified copy of order dated 31.08.2009.
- That Sh. Subhash ChanderDua, one of the Legal heirs of the Decree Holder tried to get vacated the suit premises amicably which is now in the possession of legal heirs of Judgement Debtor no. 1 Late Sh. Gopal Krishan Dua. The legal heirs of the Judgement Debtor agreed to vacate the suit premises. Unfortunately, Sh. Subhash ChanderDua also died on 12.08.2016. Thereafter the Legal heirs of the Judgement Debtor did not honour their words. In these circumstances, therefore execution petition could not be filed as early as possible after attaining the finality of Judgement and Decree dated 05.01.1996.

OBSERVATIONS:

The dasti orders were issued to all the Judgement Debtors and their heirs and the matter was fixed for the next date of hearing for their appearances.

NEXT DATE OF HEARING : 16/09/2021

PURPOSE: Appearance of all the judgement debtors.

CASE NO. – 12

**IN THE HIGH COURT OF DELHI AT NEW DELHI
R.C.Rev. NO. 131 of 2019**

DOH: 16/08/2021

IN THE MATTER OF:

Smt. Maya Devi

W/o Late Shri Laxman DassKanojia

R/o 137, Hari Nagar, Ashram

New Delhi – 110014

And Others

...Petitioner

Versus

Smt. Sushila Devi

W/o Late Shri Rama Kant

R/o 137, Hari Nagar,

New Delhi – 110014

...Respondent

REVISION PETITON UNDER SECTION 25-B(8) OF

DELHI RENT CONTROL ACT, 1958 AGAINST ORDER DATED 22.05.2019 WHEREBY HON'BLE COURT OF MS. MONIKA SAROHA, SR. CIVIL JUDGE-CUM RENT CONTROLLER, SOUTH-EAST, SAKET COURTS, NEW DELHI HAS DISMISSED THE APPLICATION FILED BY THE PETITIONERS/TENANTS FOR GRANT OF LEAVE TO DEFEND THE PETITION NO.E-91/2018 UNDER SECTION 14(1)(E) READ WITH SECTION 25-B OF THE DELHI RENT CONTROL ACT, 1958 AS AMENDED UPTO DATE.

BRIEF FACTS

That the Respondent has filed a petition under section 14(1)(e) read with section 25B of the Delhi Rent Control Act against the petitioners on the ground that the property bearing no. 137, Hari Nagar, Ashram, New Delhi admeasuring 224 sq. yards is the ancestral property which was inherited by the father-in-law of the petitioner namely late Shri Santosh Narayan from his mother Late Smt. Bhagwati Devi by virtue of registered Will deed dated 17.03.1975 which is bounded as under East:- Passage 5 ft. wide West:- Passage 5 ft. wide North:- Quarters of PanditDhano Ram and property of SanatanDharam Brahma Charya Ashram South:- House of Pandit Shri Dhano Ram.

That after the death of Late Shri Santosh Narayan, his two daughters namely Smt. Rekha Rani and Smt. Mamta Rani had relinquished their 2/3rd share of the property bearing no. 137, Hari Nagar, Ashram, New Delhi – 110014, therefore, Shri Hari Bhushan became the owner of of the aforesaid property. Smt. Rekha Rani and Smt. Mamta Rani both daughters of Late Shri Santosh Narayan had relinquished their 2/3rd shares in favour of their brother Shri Hari Bhushan S/o Late Shri Santosh Narayan by way of registered relinquishment deed dated 03.05.2011 which was registered in the office of sub registrar-V New Delhi on 06.05.2011. The relinquishment deed dated 03.05.2011 was neither challenged by the legal heirs of Late Shri Rama Kant nor Chandra Shekhar during his lifetime or after his death by his legal heirs. Therefore, Shri Hari Bhushan became absolute owner of property bearing no. 137 admeasuring 224 sq. yards Hari Nagar, Ashram, New Delhi – 110014. Though the respondent in her petition had wrongly stated that after the death of late Shri Santosh Narayan, the husband of the respondent, Shri Rama Kant S/o Late Shri Santosh Narayan inherited the said property from his father. Shri Rama Kant expired on 08.11.2009, after his death his wife i.e. respondent became the owner of premises in question by registered relinquishment deed dated 03.11.2016. the said property admeasuring 220 sq. yards was already partitioned and a portion admeasuring 72 sq. yards

which includes the premises in question has fallen in the share of the respondent herein.

OBSERVATIONS:

Although the matter was fixed for miscellaneous arguments, it could not be taken up as the Ld. P.O. was on leave.

NEXT DATE OF HEARING : 17/09/2021.

PURPOSE: Matter set for miscellaneous arguments.

CASE NO. – 13

IN THE COURT OF Ms. RAJ RANI, ADJ (fast track court for rape cases)

SESSIONS COURT, GURUGRAM

DOH: 16/09/2021

U/s: 377 IPC

F.I.R.: 127/2019

P.S.: Sector-51, Gurugram

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

SAHIL

....ACCUSED

BRIEF FACTS

- That the accused and the complainant were office colleagues who worked with an MNC in Gurgaon. They used to commute together in the metro to work.
- That on the day of the incident i.e. 22/12/2019 the accused asked the complainant if he will accompany him to a party to which the complainant agreed.
- That after the office hours they left together for the party which was nearby. In the party both of them got drunk and as a result of this the complainant got a bit dizzy, so the accused offered to take him to his house as lived nearby.
- That at the house of the accused the complainant fall asleep and when he woke up the next morning he felt a very unfamiliar pain in his lower portion of the body.
- That he left the house of the accused and went to see a doctor where he found out that someone had carnal intercourse with him.
- That he suspected that it was the accused only who could have done it and he filed an FIR immediately.

OBSERVATIONS: The bail application of the accused was rejected.

NEXT DATE OF HEARING : 31/08/2021

PURPOSE: Matter set for miscellaneous arguments.

CASE NO. – 14

**IN THE COURT OF SHRI RAJ KUMAR JAIN, ADJ, ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT,
GURUGRAM**

**DOH: 17/08/2021
U/s: 13 of HMA**

IN THE MATTER OF:

PRACHI

....PETITIONER

VERSUS

VISHESH

....RESPONDENT

Petition U/S: 13 of the Hindu Marriage Act, 1965

BRIEF FACTS

- That the marriage of the parties was solemnised as per Hindu rites and rituals on 18/02/2016. The couple was married for 2 years and both of them were working.
- That on 04/05/2019 the respondent did not come home and the petitioner got worried and this led to an argument the next day. The same thing happened a few more times in the course of the next few weeks which made the petitioner suspicious.
- That the petitioner decided to follow the respondent and finds out that the respondent was spending time with another woman.
- That upon confrontation after a heated argument, the respondent admits that he was cheating upon the petitioner.
- That both of them were unable to continue the marriage and decided to dissolve it but when the division of assets was supposed to take place the respondent refused to give anything to the petitioner stating that they have signed a pre nuptial agreement.
- That the petitioner stated that it was specifically mentioned in the agreement that if one of them commits cheating on the other, then such act will result in breach of the agreement making the defaulter party liable to liquidate the amount of the agreement.

OBSERVATIONS: The petitioner gave evidence by way of evidence along with supporting documents.

NEXT DATE OF HEARING : 31/08/2021

PURPOSE: Matter set for further petitioner evidence..

CASE NO. – 15

**IN THE COURT OF MS. MANIKA, MM, SOUTH DISTRICT, SAKET
COURTS, NEW DELHI**

**DOH: 18/08/2021
U/s: 376, 507, 509 IPC
F.I.R.:989/2019
P.S.: Hauz Khas**

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

SUNIL &ors.

....ACCUSED

Complaint u/s 376, 507, 509 IPC

BRIEF FACTS

- That the prosecutrix on 09/09/2019 went to her friend's place to meet him and they had a few drinks. Her friend got a call from the accused persons as they wanted to meet him but he refused and told them that he was with the prosecutrix.
- That after drinking the prosecutrix's friend fall asleep. The door bell rang and the prosecutrix answered. The prosecutrix was a little drunk herself. The accused persons forcefully entered the house and tried to misbehave with the prosecutrix.
- That when the prosecutrix objected the accused persons forced themselves on her turn by turn and left her there.
- That on the very next morning the accused filed an FIR in the Hauz Khas Police Station.

NEXT DATE OF HEARING : 10/10/2021

PURPOSE: Matter set for miscellaneous arguments.

CASE NO. – 16

**IN THE COURT OF MS. ARCHANA BENIWAL, MM, SOUTH
DISTRICT, SAKET COURTS, NEW DELHI**

DOH: 22/08/2021

U/s: 354,375,376, 509 IPC

F.I.R.:989/2019

P.S.: Lajpat Nagar

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

HARSHIT

....ACCUSED

Complaint u/s 354, 375, 376, 509 IPC

BRIEF FACTS

- That the prosecutrix was in a relationship with the accused since 2 months. On 26/06/2016 she invited a few friends to her house along with the accused.
- That after a few hours people started leaving and the accused was the only person left.
- That the accused demanded intercourse from the prosecutrix to which she refused as she was menstruating at that time.
- That the accused still tried to convince her but she bluntly refused and then the accused got enraged and forced himself upon her.

OBSERVATIONS:The matter was listed for judgment and reserved the order for 27/07/2020. The Ld. Trial court was pleased to convict the accused for rape, outraging the modesty of a woman with criminal force u/s 354, 375, 376, 509 IPC and sentenced the accused rigorous imprisonment of 7 years.

NEXT DATE OF HEARING : Nil.

PURPOSE: Nil.

CASE NO. – 17

**IN THE COURT OF Ms. NEHA PALIWAL,MM
DWARKA COURTS , NEW DELHI**

DOH: 23/08/2021

U/s: 323/341/452/354/506/509/420/468/471/120-B/34

F.I.R.: 36/13

P.S.: DWARKA SECTOR 10

IN THE MATTER OF:

SH. SATISH KUMAR

...PETITIONER

VERSUS

SMT. RISHALI DEVI

...DEFENDANT

Acussed No.- 1 Smt. Rishali Devi (Mother)

Acussed No.- 2 Rajveer (Brother)

Acussed No.- 3 Nephew

Accused No. - 4 Devender (Brother)

Accused No.- 5 Real sister of complainant

Complainant U/S: 323/341/452/354/506/509/420/468/471/120-B/34 of
Indian Penal Code

BRIEF FACTS:

Complainant is permanent resident of 4/45, ground floor, Khichripur, Delhi.

Complainant is residing on the ground floor with his family. Due to some misunderstanding between the accused and the complainant , a suit for mandatory and permanent injunction was filed before Civil Judge of Dwarka and the same was compromised between them before mediation centre, Dwarka on the condition that none of the accused will interfere in the possession of the complainant. Case was withdrawn by both the parties after order of mediation centre.

Both the parties started living together but after sometimes accused no.- 1-5 started quarrelling with complainant and his wife. All the accused started trespassing in house of complainant illegally and forcefully and also threatens them to dispose of the property , also they threaten them by saying that if they fail to leave the possession of property, they would kill them, and also made forged documents regarding property .

Accused on the daily basis visit the place of complainant and used to abuse the complainant and his wife also beat them. When complainant went to Police Station for complaint, police official refuse to file complaint by saying that “ this is your family matter.”

After regular collusion, when complainant again made the complaint, police official refuse to file complaint because they had took bribe from accused person and tell them (complainant) we will not file your complaint. Because accused and their association are very rich and influential person and knew some police

official too, so police official always refuse to register complaint against them.
Now , complainant and his family are living under the terror of accused.

OBSERVATION: On date of hearing i.e. 02/07/2016 , Copy of charge sheet received.

NEXT DATE OF HEARING :- 03/09/2021

PURPOSE- On next date of hearing case will further proceed for consideration of charge.

CASE NO.- 18

**IN THE COURT OF HON'BLE PRINCIPAL JUDGE OF FAMILY
COURT**

VISHWAS GARG, DWARKA COURTS, DELHI.

DOH: 24/08/2021

IN THE MATTER OF:

SH. SONU BREJMOHAN

....PETITIONER

VERSUS

SMT. HIMANI

....RESPONDENT

**Petition filed under section 9 of Hindu Marriage Act, 1995 for Restitution
of conjugal rights.**

BRIEF FACTS:

The Hindu Marriage was solemnized between petitioner and respondent according to Hindu rites ceremonies on 23/04/2012 at Ghaziabad. The marriage was duly consummated and both petitioner and respondent were cohabitated as husband and wife in matrimonial house and no child was born from the wedlock. After marriage the behaviour of respondent was good but after sometime the behaviour of respondent towards petitioner and his family was changed she started quarrelling with petitioner and also disrespected petitioner and his family and she used to go to her parental home without informing to her husband and used to remain there for many days, every time petitioner used to take her back from her parental house but the attitude of respondent remains same and the petitioner remains silent in order to save his relationship in the month of May 2013, the uncles of respondent approach the petitioner and said to the petitioner "Ladki lagre nachahtihai." To save his matrimonial life, the petitioner started living separately from his parents but the behaviour of respondent was not changed. Ultimately on 17-06-2019, the respondent left the house of petitioner after taking the valuable goods and gold jewellery and clothes without the consent of the petitioner.

Petitioner made calls and made all possible ways to bring her back but all in vain.

OBSERVATION: On the date of hearing, notice was issued to the respondent.

NEXT DATE OF HEARING: 20/09/2021

PURPOSE: Next date for hearing is fixed for appearance of respondent.

CASE NO.- 19

**IN THE COURT OF Ms. NEHA PALIWAL,MM
DWARKA COURTS , NEW DELHI**

DOH: 25/08/2021

U/s:359, 361, 363 IPC

F.I.R.: 546/2018

P.S.: DWARKA SECTOR 12

IN THE MATTER OF:

STATE

...PETITIONER

VERSUS

RATTAN

...RESPONDENT

**Petition filed under section 9 of Hindu Marriage Act, 1995 for Restitution
of conjugal rights.**

BRIEF FACTS:

- That the victim is a 7 year old boy and the accused was a known person to the family of the minor. The accused was the gardener in the house of the boy's family.
- That due to some reason the accused got fired and was humiliated by the parents of the boy and took upon himself to take revenge from them.
- That the accused was aware of the whereabouts of the child and one evening when the boy was returning from the park, he was intercepted by the kidnapper, knowing the guy the kid did not flinch as he recognised him and was friendly towards him . Taking advantage of this fact the kidnapper offered the child a candy which was drugged and took him to an empty construction site and kept him there in ropes.
- That realising that he was the prime suspect he made an anonymous call to the family asking for ransom of Rs. 50 Lakhs and was caught later as the security guard of the site called the police.

OBSERVATION:On the date of hearing, the bail application of the accused was dismissed.

NEXT DATE OF HEARING: 20/08/2021

PURPOSE: Next date for hearing is fixed for examination chief of the parents.

CASE NO.- 20

**IN THE COURT OF Ms. NEHA PALIWAL,MM
DWARKA COURTS , NEW DELHI**

DOH: 26/08/2021

U/s:320, 322, 325, 326A, 326B, 354DIPC

F.I.R.: 546/2019

P.S.: DWARKA SECTOR 06

IN THE MATTER OF:

STATE

...PETITIONER

VERSUS

ARVIND

...RESPONDENT

Complaint U/s: 354-D,320, 322, 325, 326A, 326B IPC

BRIEF FACTS:

- That the accused is a middle aged man whereas the prosecutrix is a college going girl aged about 20 years. The accused used to stalk the prosecutrix while she used to commute to her college.
- That one fine day the accused saw her with a male friend and was furious. He asked the prosecutrix to stay away from boys to which she bluntly refused.
- That on 11/07/2019 the accused along with his friend while riding a bike came outside the college of the prosecutrix and threw acid on her face.

OBSERVATION: On the date of hearing, the bail application of the accused was heard and was deferred.

NEXT DATE OF HEARING: 25/09/2021

PURPOSE: Next date for hearing is fixed for argument on the bail application.

CASE NO. – 21

**IN THE COURT OF SHRI RAJ KUMAR JAIN, ADJ, ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT,
GURUGRAM**

**DOH: 29/08/2021
U/s: 13 of HMA**

IN THE MATTER OF:

AASHNA

...PETITIONER

VERSUS

ANURAG

...DEFENDANT

Petition U/S: 13 of the Hindu Marriage Act, 1965

BRIEF FACTS

- That the Hindu Marriage was solemnized between petitioner and respondent according to Hindu rites ceremonies on 23/04/2018 at Gurugram. The petitioner had a project for which she had to stay in a different city for a few days and there were some network issues in that place.
- That the petitioner and the respondent grew apart as they could not talk to each other. One day the respondent saw the petitioner's social media handle where she posted a picture with a male colleague which made the respondent furious and upon her return for a week the respondent got in a huge fight with the petitioner.
- That during the fight the accused raised his hand upon the petitioner and accused her of being an ill characterized lady.
- That the petitioner has thus filed the present petition.

OBSERVATION: On the date of hearing, notice was issued to the respondent.

NEXT DATE OF HEARING: 28/09/2021

PURPOSE: Next date for hearing is fixed for appearance of respondent.

CASE NO. – 22

**IN THE COURT OF SHRI HARUN PRATAP, MM, SOUTH EAST
DISTRICT, SAKET COURTS, NEW DELHI**

**DOH: 31/08/2021
U/s:302,303,340,350,351,352,364
F.I.R.: 36/2016
P.S.:Jaitpur**

Complaint U/s: 302,303,340,350,351,352,364

IN THE MATTER OF:

STATE

...COMPLAINANT

VERSUS

IQBAL

...ACCUSED

Complaint U/s: 302,303,340,350,351,352,364

BRIEF FACTS

- That the deceased a 20 year boy met the accused person through a dating app. They decided to meet for coffee and this continued for over a month.
- That on the day of the incident that is 21/05/2018, they met again at a café and later went to the house of the accused where there was a conflict between the two. The argument got heated and the suspect attacked the deceased with a cricket bat in a total fit of rage.
- That the deceased did not die after the blow but was severely injured. The suspect got frightened and kept him in his house for the next 3 days and kept blackmailing him that if he does not agree to his terms he will tell his family and his friends about his sexual preferences. The deceased kept arguing that he will reveal the suspect true motive when he gets out.
- That on the 4th day the suspect killed the deceased with a house knife and disposed the body in pieces in sever.

OBSERVATION: On this date of hearing the P.P. examined the medical expert.

NEXT DATE OF HEARING: 09/09/2021

PURPOSE: For examination of the victim's friend.

CONCLUSION

This internship I did in the Chamber of, **Advocate Subhash Gupta** I interned for a period of 31 Days which was quite a learning and new experience as I got to witness the practical application of laws which I studied in my books only.

The Internship gave me the ocean of opportunities to have practical exposure of the professional field of law it enables me to observe the legal environment of courts, professional life of an advocate and other important aspects of law.

After doing this Internship I gained the knowledge in some important fields of law. Firstly, the real legal practice is different from the theoretical version of law which we study. Secondly without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law.

Thirdly, what we study is the body, but what we have learned from this internship is the mechanism of this body. For a law student internship plays a very extensive role as it makes a student familiar to legal atmosphere and helps him learn tactics of a good lawyer from early age.

My senior used to assign me some quality of work which I was capable of doing and understanding. So, my work was confirmed to tasks like finding cases, some research work, interacting with clients, organizing the files and documents, maintaining the books, accompanying clerk to various sections.

Attending case hearings,doing research work on various legal topics.

I was also given the opportunity to sit during discussions with clients as well as the opportunity to prepare case briefs after conference with the clients.

My regular task was to maintain the masses of files that lie in my office and to check if their documents are complete and in order. It made my senior's work easy as everything was organized and in place. It also used to make me aware which cases are currently going on and which are oncoming dates.

WithWarm Regards

Yours Faithfully,

Ankita Sharma

01890103817

B.A.LL.B.(Hons.)

9th semester

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

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ISO 9001:2015 & 14001:2015

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SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - ANMOL ARORA
ENROLLMENT NO. - 01990103817
COURSE - BA.LLB
BATCH - 2017-2022



STUDENT INTERNSHIP DIARY

5 YEARS BA-LLB (INTEGRATED) | BBA-LLB (INTEGRATED)

FIMT-SCHOOL OF LAW

NAAC ACCREDITED



तेजस्वि नावधीतमस्तु

ISO 9001:2015 & 14001:2015

FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY
(Affiliated to Guru Gobind Singh Indraprastha University, Delhi)

KAPASHERA, NEW DELHI

Session 2017 – 2022

NAME OF THE STUDENT : ANMOL ARORA

CLASS : BALLB SEMESTER 9TH SECTION. A ENRL. NO. 01990103817

RESIDENTIAL ADDRESS OF STUDENT: HARI NAGAR, JAIL ROAD, NEW DELHI

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NAME OF THE ADVOCATE/LEGAL FIRM: Legal Doctors

ADDRESS – Chamber 546, Patiala House Court

CONTACT NO- 9871436397

E MAIL I.D -

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LEGAL DOCTORS

Adv. Vaibhav Mishra

Advocate (D/143/2001)

CHAMBER NO.51

PATIALA HOUSE COURT

NEW DELHI-110001

9958519398

Dr. Aparna Sharma

Advocate (D/976/2015)

CHAMBER NO.546

PATIALA HOUSE COURT

NEW DELHI-110001

9871436397

GST1N - 07AAGFL1544C1ZQ

CERTIFICATE OF INTERNSHIP

This is to certify that **Mr. ANMOL ARORA**, S/O Gopal Krishan Arora having Enrollment No. 01990103817 student of B.A. LLB, 5th year, **Fairfield Institute of Management and Technology** pursued an internship under my guidance starting from **1st day of August 2021 till 31st August 2021**.

During his internship he visited different District Courts of Delhi and Delhi High Court and observed the Court proceedings diligently, which will surely stand as an advantage for his professional career. Further, he actively participated in discussion over legal matters and showed exemplary presence of mind in all court activities.

I feel that he possesses an incisive mind, complemented by his personal capabilities, which will enable him to achieve great heights in legal professional.

I wish him bright and prosperous future ahead.


30/08/21

Dr. Aparna Sharma
(Advocate) D/976/2015
Ch. No. - 546, Patiala House
Court, New Delhi - 110001
Ph : 9871436397, 7861992999

DECLARATION

I, ANMOL ARORA of 9th semester of BA-LLB (H) hereby declare that this report is compiled by me under 4 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to **Fairfield Institute Of Management & Technology** affiliated to **GGSIU UNIVERSITY, New Delhi** is a reliable document and is of bonafide nature.

Signature –



Date - 22/11/2020

ACKNOWLEDGEMENT

First and foremost, I am expressing my thankfulness and praise to Almighty God for his guidance and blessing throughout my entire internship. I would also like to sincerely thank **DR. APARNA SHARMA & ADV. VAIBHAV MISHRA** for giving me this wonderful opportunity to undergo internship training.

My appreciation and gratitude is extended to Adv. Gaurav Parashar for his guidance, generosity to share their tremendous knowledge, for giving continuous motivation from the starting of the internship until the end of the training. Also my sincere gratitude to all the associates for their willingness to accept me into their family.

Also I would like to take this opportunity to thank Chairman, Principal and Directors of FIMT. I would like to extend my sincere gratitude to all the teachers of Law Faculty, FIMT for their guidance and support.

Last but not the least, I would like to thank my parents and colleagues for their comforting supports and guidance.

OBJECTIVE

The Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility

CASE LAW - 1

IN THE COURT OF SH. HARUN PRATAP LD, M.M SAKET DISTRICT COURT,
NEW DELHI

IN THE MATTER OF

STATEPetitioner

V.

RISHIRespondent

SUBJECT MATTER :-Application related the offence of section 420 & 120B of Indian Penal Code, 1860

BRIEF FACTS

- ❖ That the case was registered through F.I.R which was lodged on 23/05/2016 no. as 74/12 U/s 420, 120-B of IPC and sec. 66 of IT Act.
- ❖ According to the allegation of F.I.R when complainant was on inspection of refund states on BSP system, the complainant was surprised to know that dew refunds for a sum of Rs. 06, 58, 000/- for the financial years, 2012-2013, 2013-2014, 2014-2015 were issued to the accused Vicky through refund banker.
- ❖ It was further alleged that ID code/password of the complainant and additional CIT range 43, were fraudulently misused on 04/10/2020 where as neither the complainant nor the additional CIT attended the office that day.

PRESENT DAY :-

On the present day of 12/07/2021 all the 6 accused was present in the court and council from both the side was present. The matter was fixed for the arguments. The court have issued an order to the IT department to give the record of the refund status by all verification, And also said to submit the report up to 05/08/2014. The court also directed to all the accused to present on the next day of 05/12/2021

OBSERVATIONS:

I have come to know about the provision of the section 420 and 120B of IPC, and the attitude of the court while dealing with these matters.

Next Date of Hearing : 05/12/2021

CASE LAW – 2

**IN THE COURT OF Sh. SHIKHAR SHARMA, FAMILY COURT, DWARKA, NEW
DELHI**

IN THE MATTER OF:-

DHRUV COMPLAINANT

V

PREYANSHI SINGH ACCUSED

Petition filed u/s Special Marriage Act

Filed on 15.06.2021

Facts – Marriage of petitioner and respondent solemnized on 12.12.2019. Due to their conflict, Mukul filed the case against his wife Preeti under Special Marriage Act.

Observation – on 21.08.2021, reply filed by preeti counsel on an application of restoration of main case, not to put up final arguments on restoration arguments.

Next Date of Hearing – 12.11.2021

CASE LAW – 3

IN THE COURT OF MS. SWARNA KANTA SHARMA, FAMILY COURT, PATIALA
HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

DEEPIKACOMPLAINANT

V

ABHISHEK ACCUSED

Petition filed u/s 308 IPC

Filed on 06.07.2020

Facts – The above matter was filed by wife to take divorce from her husband on the ground of cruelty and ignorance attitude of husband towards his wife i.e. Deepika.

Observation – The said matter was settled via mediation and petitioner is ready to withdraw this case, but she is pregnant and come to court. So another date is required to withdraw the present case.

NDOH – 26.09.2021

CASE LAW – 4

IN THE COURT OF MANOJ KUMAR, METROPOLITAN MAGISTRATE,
PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

STATECOMPLAINANT

V

NAIM UR REHMAAN AND OTHERSACCUSED

Petition filed u/s 374/34 IPC

3/14 CLA

23/26 JJA

Police station – R.K. Puram

Facts – This case is against few accused who had deputed children below 16 years of age to commercial work, which is an offence in Juvenile Justice Act.

Observation – on 17.08.2021, Arguments regarding framing of charges against all the accused person heard and case is pending for orders on charge.

NDOH – 26.10.2021

CASE LAW – 5

IN THE COURT OF DHARMENDER SINGH, METROPOLITAN MEGISTRATE,
PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

DALVIR SINGH BATRA.....COMPLAINANT

V

RAJU BATRA..... ACCUSED

Petition filed u/s 138 NI Act

Facts – Raju (illiterate kind of) has given blank cheques to one of his known for new car loan in good faith, but the guy used those cheque to Mr Dalvir for encashment but the cheque was dishonoured and Dalvir filed a case against Raju.

Observation – we were for accused Raju. On 19.07.2021, We filed an application u/s 145(2) for seeking an opportunity to show or prove our defence

NDOH – 22.11.2021

CASE LAW – 6

IN THE COURT OF SMT. RICHA PARIHAR, METROPOLITAN MAGISTRATE,
KARKARDOOMA COURT, NEW DELHI

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

RAJBIR SINGH.....RESPONDENT

SUBJECT MATTER :- Case filed u/s 354 of INDIAN PENAL CODE 1860

BRIEF FACTS:

That the FIR was lodged on 27/06/2016 no. as 352/2004 u/s 354 of IPC against accused Rajbir Singh of 48 years. The FIR was lodged by Smt. Bhawna who lives in anand vihar, New Delhi. According to the FIR, accused knock the door of the victim at around 12:20 AM at night when victim was doing dinner with her family. When she opened the door, she saw Rajbir there. According to the allegation Rajbir start abusing her badly then at last he hit victim on her chest and then ran away. Rajbir was the family friend of the victim and she knows him well.

PRESENT DAY: On the present day the matter was fixed for the statement of accused, as provided in sec. 313 of the criminal procedure code, to enable the accused tp personally explain any circumstances appearing in the evidence against him.

The statement was recorded by the court as on 06/06/2021 and both the council was present along with accused in the court.

OBSERVATION: I have come to know about the various stages of criminal proceeding in the Indian court.

NDOH:- 01.07.2021

CASE LAW – 7

**IN THE COURT OF MS. ANU GROVER BALIGA, ADDITIONAL SESSIONS
JUDGE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

STATE COMPLAINANT

V

SUNNY AND SUMIT ACCUSED

Petition filed u/s - 323, 328, 342, 376D, 506, 509, 34, 376 IPC

Filed on 02.04.2018

Police station – Vasant Kunj North

Facts – Sunny has girlfriend named Nishi who he met on Facebook. After chatting for a time period of 5-6 months, Nishi asked him to marry her to which sunny replied her with NO. Nishi asked him to meet her last at 19B, Mahipalpur his uncle's place which resulted in the arisen of fake allegations made against Sunny and his friend for raping Nishi.

Observation – We talked to Sunny and Sumit regarding this matter in which we get to know that sunny is an innocent person who was wrongly stuck in the plot built by Nishi.

NDOH – 03.11.2021

CASE LAW – 8

**IN THE COURT OF Sh. PITAMBER DUTT, FAMILY COURT, DWARKA, NEW
DELHI**

IN THE MATTER OF:-

MUKUL COMPLAINANT

V

PREETI BHATIA ACCUSED

Petition filed u/s Special Marriage Act

Filed on 16.09.2020

Facts – Marriage of petitioner and respondent solemnized on 12.12.2018. Due to their conflict, Mukul filed the case against his wife Preeti under Special Marriage Act.

Observation – on 20.07.2021, reply filed by preeti counsel on an application of restoration of main case, not to put up final arguments on restoration arguments.

NDOH – 11.12.2021

CASE LAW – 9

IN THE COURT OF MS. SWARNA KANTA SHARMA, FAMILY COURT, PATIALA
HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

DEEPAKSHI SHARMACOMPLAINANT

V

VAIBHAV KUMAR GHAIACCUSED

Petition filed u/s 13 1(ia) HMA 1955

Facts – Marriage of the petitioner and the respondent was solemnized on 27.05.2017. Both family met to each other through matrimonial site in which respondent has given his personal profile about himself which was totally fake and wrong. After solemnization of marriage, when the petition reached the house, respondent including his parents started threatening and restricted the petitioner to talk to her parents. These cruelties of the respondent and his parents continued and the petitioner tolerated everything for the sake of her married life.

NDOH – 21.10.2021

CASE LAW – 10

IN THE COURT OF MS. SWARNA KANTA SHARMA, FAMILY COURT, PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:

PALLAVI GUPTA.....COMPLAINANT

V

VIKAS MOHAN... ACCUSED

Petition filed u/s 12 of the Protection of Women from Domestic Violence Act 2005

Facts – Marriage between Vikas and Pallavi was solemnized on 19.04.2007 at Bulandshahar (UP). After their wedding, parties stayed in Bulandshahar. She found the behaviour of her in laws rather peculiar and disrespectful towards her, her mother in law did not speak properly to her and kept yelling at her. By June 2007, the complainant Pallavi had already conceived her baby. No one was available for the assistance including her husband because of which she had to do every physical activity herself. Vikas never tried to call and inquire about the Well Being of the complainant. He always avoided her, due to the immense amount of stress, her health deteriorated. Due to above reasons, she was compelled to take medical leave from her job and move to Delhi with her parents.

Observation – Father i.e. Vikas filed a case for the custody of this son from his wife, but apparently this matter is got settled. Now both the parties will file mutual divorce and they will withdraw each and every case against each other, settlement done by money.

NDOH – case disposed

CASE LAW – 11

IN THE COURT OF DISTRICT & SESSION JUDGE,

DWARKA COURTS, NEW DELHI

In The Matter of:

STATE OF DELHI

..... COMPLAINANT

Vs

NIKHIL

..... ACCUSED

SUBJECT MATTER: APPLICATION U/S 439 C.r.P.C. FOR GRANT OF REGULAR BAIL TO THE APPLICANT/ACCUSED IN CASE FIR NO. 101/21 UNDER SECTION 363/365 IPC 6 POCSO ACT REGISTERED AT PS. DABRI, NEW DELHI

Brief about facts of the case:

It is alleged in the FIR, the Complainant met the accused near her tuition where the accused took some type of intoxicant in his hand and put the said intoxicant on a cloth, that thereafter the accused put the said cloth on the nose of the complainant due to which she instantly lost her consciousness. It is further alleged that after sometime around 4 P.M the complainant got back her consciousness and found herself lying on a bed with the accused without any clothes.

Observation: The matter was taken up through video conferencing on . .2021. Part arguments were heard and the matter was adjourned.

Previous Date: 08.04.2021

Next Date of Hearing: 22.11.2021

Current Status/Stage: Final arguments.

CASE LAW – 12

IN THE COURT OF SH. ANIL JAIN. LD ASJ, SAKET DISTRICT COURT, NEW DELHI.

IN THE MATTER OF:-

STATEPetitioner

V.

SHYAM RAORespondent

SUBJECT MATTER:-Case regarding the section 304A of Indian Penal Code 1860

BRIEF FACTS

- ❖ That the Kanhayalal Nanda was an independent contractor who has hired by the Ansal Builders to build the property building for them.
- ❖ That the 4 floors of the building was ready and work was going on 5th floor of the building, the project was started from year 2003 and was going on well but on 05/04/2004 an accident occurred and one worker named Avdesh Sharma died due to the negligence of the contractor.
- ❖ That the worker was then taken to the Metha nursing home but it was declared that “died before admission”. The worker is of 25 years, so now the disputes have arisen.
- ❖ That the FIR was lodged as no. 131/04 and case was CrL/607/1/11 U/s 288 and 304A of Indian Penal Code.

- ❖ That the accused was then, arrested and after two month he was released on bail, but have to report in court on every date.

- ❖ That the compensation of Rs. 1, 00, 000/- was also provided by the accused to the brother of victim.

PRESENT DAY:-

The matter was pending for hearing before the Hon'ble court as on 9/07/2021. On this day the matter notice was for the pro evidence but witness not arrives from the part of complainant. So now date have fixed for 11/12/2021

OBSERVATION:-

I have learn about the provision of sec. 304A and about the evidence, how to present it. Furthermore I have come to know about the provision of compensation.

Next Date of Hearing: 11/12/2021

CASE LAW – 13

**BEFORE THE HON'BLE COURT OF DISTRICT JUDGE PATIALA HOUSE COURT
NEW DELHI AT NEW DELHI**

IN THE MATTER OF:

Aparna Sharma

.....Plaintiff

Versus

Rakesh Kumar Tiwary

.....Defendant

SUBJECT MATTER: Suit u/o XXXVII C.P.C. for recovery of amount of Rs. 8,00,000/- (Eight Lacs Only) with Interest upto date of Realisation.

Brief Facts:

- Here defendant himself and his agents had been approaching and inducing the plaintiff for a sale of ginger, garlic, and mangoes, mango plants, curry leaves, curry cleaves, etc worth a sum of rs. 8,00,000 only payable on demand.
- Defendant agreed that he would repay the said sum of demand and that the parties entered into a written receipt cum declaration to the effect on 02.04.2021.
- That defendant executed declaration cum acknowledgement cum receipt cum written declaration on 02.04.2021 at Patiala House Court, New delhi.
- The delivery and possession of the ginger, garlic and mangoes, mango plants, curry leaves, curry cleaves plant etc had been duly received from time to time by the declarant/defendant.

- That the plaintiff on 06.07.2021 orally demanded the said amount from the defendant but to no avail. Plaintiff has discovered that defendant does not intent to fulfil his lawfull obligation.
- Eight lacs is now due to by defendant.

OBSERVATION:-

On 02.08.2021, in this case settlement done from both the parties mutually, defendant agree to pay the amount payable within 30 days.

Next Date of Hearing:- Case Disposed

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included promote the work in different ways. All of which was an over the top experience.

Such summer trainings help a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was the pre-requisite to our training

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards

Yours Faithfully



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ISO 9001:2008 & 14001:2004

F.I.M.T. School of Law

(Aff. To GGSIP University, New Delhi)

SUMMER TRAINING REPORT



Submitted By-

Name – Anvarul Haq Khan

Enrollment No. – 02290103817

Course – B.A.LLB.(Hons.) / 9TH Sem.

Batch – 2017-2022

DECLARATION

I **Anvarul Haq Khan** student of 9th semester B.A.LL.B.(Hons.) hereby declare that this report as compiled by me under summer internship program (8 weeks) is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to **Fairfield Institute Of Management & Technology** affiliated to **Guru Gobind Singh Indraprastha University, New Delhi** is a reliable document and is of bona-fide nature.

Signature-

Date –

Anvarul Haq Khan

9th Sem/B.A.LL.B.(Hons.)

02290103817

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to the Sir, **Senior Adv. Mukesh Birla** and **Adv. Imran Khan** who have been my constant support, source of encouragement & inspiration and guided and helped me in successfully completing my 8 weeks Summer Internship.

Moreover, apart from court they give me a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during the internship as well as at the time of drafting of this report.

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CASE LAW -1

**IN THE COURT OF SMT. SHREYA ARORA
METHA, METROPOLITAN MAGISTRATE,
SAKET COURT NEW DELHI**

IN THE MATTER OF:-

STATE

V.

KANHAYA LAL NANDA

SUBJECT MATTER:- Case regarding the section 304A of Indian Penal Code 1860

BRIEF FACTS

- ❖ That the Kanhaya Lal Nanda was an independent contractor who has hired by the Ansal builders to build the property building for them.
- ❖ That the 4 floors of the building was ready and work was going on 5th floor of the building, the project was started from year 2003 and was going on well but on 05/04/2004 an accident occur and one worker name as Avdesh Sharma died to the negligence of the contractor.
- ❖ That the worker was then taken to the Mehta nursing home but it was declare that “died before admission”. The worker is of 25 years, so now the disputes have arisen.
- ❖ That the FIR was lodged as no. 131/04 and case was CrL/607/1/11 U/s 288 and 304A of Indian Penal Code.
- ❖ That the accused was then, arrested and after two month he was released on bail, but have to report in court on every date.

- ❖ That the compensation of Rs. 1, 00, 000/- was also provided by the accused to the brother of victim.

PRESENT DAY:-

The matter was pending for hearing before the Hon'ble court as on 2/07/2021. On this day the matter notice was for the pro evidence but witness not arrives from the part of complainant. So now date have fixed for 11/11/2021

OBSERVATION:-

I have learn about the provision of sec. 304A and about the evidence, how to present it. Furthermore I have come to know about the provision of compensation.

NEXT DATE OF HEARING:- 11/11/2021

CASE LAW 2

IN THE COURT OF SH. SUNIL KUMAR, METROPOLITAN MAGISTRATE, PATIALA HOUSE, NEW DELHI

IN THE MATTER OF:-

SUDHA BISHT

V.

S.K. THAPER

SUBJECT MATTER :- Application related to section 420 and 120B of Indian Penal Code,1860

BRIEF FACTS:-

- ❖ That the complainant is the resident of s/1007 of Ghaziabad sector 5 booked a plot in the scheme of the builder, the plot booked was of 200sq. yards. The complainant was also given the token money for booking the plot as amount of Rs. 5, 00, 000/- on 04/07/2021.
- ❖ That at the time of booking the builder promised to give the plot in the 7 or 8 months from the date of booking. The plot and the project was of Haridwar, Uttrakhand but was subject to the jurisdiction of the New Delhi.
- ❖ But after waiting the long time of one and half years the Sudha haven't got the plot, although they have receive a letter for confirmation of the payment but after a communication gap was arise between the both. As the builder never responded the calls and messages of the Sudha.
- ❖ That the Sudha Bisht then along with the husband gone to meet the builder personally, but when they reached the official of the builder there after told them and ask never to come back here again.

- ❖ That after going through this humiliation the Sudha Bisht lodge an FIR no. as 275/11 in police station under the section of cheating, criminal conspiracy and other offences related to property.
- ❖ The S.K. Thaper was arrested and after that release on bail.

PRESENT DAY:-

On this day the accused haven't come again to the court, the warrant have been issue according to the provision of the Cr.P.C. the day was 06/06/2021 and next was fixed after next week.

OBSERVATION:-

I have come to know about the provision of bail and arrest as stated in the Code Of Criminal Procedure,1973

NDOH:- 31/7/2021

CASE LAW 3

**IN THE COURT OF SMT. RICHA
PARIHAR, METROPOLITAN
MAGISTRATE, KARKARDOOMA COURT,
NEW DELHI**

IN THE MATTER OF:-

STATE

V.

RAJBIR SINGH

SUBJECT MATTER :- Case filed u/s 354 of INDIAN PENAL CODE 1860

BRIEF FACTS:-

- ❖ That the FIR was lodged on 27/06/2004 no. as 352/2004 u/s 354 of IPC against accused Rajbir Singh of 48 years.
- ❖ The FIR was lodged by Smt. Bhawna who lives in anand vihar, New Delhi. According to the FIR, accused knock the door of the victim at around 12:20 AM at night when victim was doing dinner with her family. When she opened the door, she saw Rajbir there.
- ❖ According to the allegation Rajbir start abusing her badly then at last he hit victim on her chest and then ran away.
- ❖ Rajbir was the family friend of the victim and she knows him well.

PRESENT DAY:-

On the present day the matter was fixed for the statement of accused, as provided in sec. 313 of the criminal procedure code, to enable the accused to personally explain any circumstances appearing in the evidence against him.

The statement was recorded by the court as on 06/06/2021 and both the council was present along with accused in the court.

OBSERVATION:-

I have come to know about the various stages of criminal proceeding in the Indian court.

NDOH:- 27/06/2021

CASE LAW 4

**IN THE COURT OF SH. TALWAT SINGH,
PRINCIPAL JUDGE, FAMILY COURT,
EAST DISTRICTS, VISHWAS NAGAR,
NEW DELHI**

IN THE MATTER OF:-

VARSHA GAUR & OTHERS

V.

VINOD KUMAR

SUBJECT MATTER :- Application for Meeting Rights

BRIEF FACTS:-

- ❖ That the application was filed to grant the meeting rights to the applicant, with his children Aarna Gupta & Tanav Gupta, as the custody of both the children are with Chaya Gupta.
- ❖ that the marriage was solemnized between the petitioner i.e. applicant here in and the respondent on 16/08/2003 and two children Aarna Gupta a baby girl & Tanav Gupta a baby boy were born on 07/03/2007 & 21/08/2009 respectively.
- ❖ That the applicant have also filed a petition for dissolution of marriage by a decree of divorce U/s 13(1)(a) of the Hindu Marriage Act, 1955 before this Hon'ble court.
- ❖ That on 05/03/2013 respondent's parents and many relatives with local police from Indrapuram police station visited applicant's place. They forcefully took the custody of the children of the applicant.

- ❖ That this attitude of the respondent caused tremendous mental shock to the applicant & his parents and the family of the are keen to meet children and want to give the children thier love and affection.
- ❖ that the respondent has not allowed the applicant and his parents to meet with the children since 05/03/2013.
- ❖ that the applicant has been left with no option , but to seek the indulgence of this hon'ble court for meeting his own children.

PRESENT DAY:-

on the present day of 06/06/2021 before the hon'ble court the application was filed and the order was given in the favour of applicant. as divorce case is also going in the same court, i have learn about the grounds of divorce U/s 13 of Hindu Marringae Act, 1955.

OBSERVATIONS :-

I have come to know about the power of the court to grant the meeting rights to the party seeking relief on it.

NDOH :- 30/07/2021

CASE LAW 5

**IN THE COURT OF SMT. SWATI KATIYAR,
METROPOLITAN MAGISTRATE, PATIALA
HOUSE COURT, NEW DELHI**

IN THE MATTER OF :-

STATE

V.

SURESH GOYAL

SUBJECT MATTER – Application for bail under section 437 Code of Criminal Procedure.

BRIEF FACTS -

- ❖ That the FIR was lodged on 20/04/2021 no. as 231/14 U/s 420 of INDIAN PENAL CODE. According to the allegation of F.I.R Mr. Suresh Goyal cheated the victim Ashok by selling him the artificial jewelers by saying it to be the original of 24 karat of near by looking.
- ❖ When Ashok came to know about thia fact he asks suresh to return his money back, but he ignores him and she also not responded to the calls of the Ashok. it was estimated that cheating was done near by of Rs. 5, 00, 000/-.
- ❖ Then after trying all the ways for the recovering of the money, they failed. after all this incident Ashok lodged F.I.R next day the accused was arrested.

PRESENT DAY:-

The accused council filed the application for bail on 10/06/2021, under the provision of 437 of CrPC.

Arguments between P.P. and the defense council arose for the pleading of the bail. at last court granted the bail to the accused by doing F.D. of 1 lakh by the 2 sureties. Next date was fixed for 2/06/2021.

OBSERVATIONS:-

I have come to know about the provision of section 437 of CrPC regarding the bail before filling charge sheet.

CASE LAW-6

**IN THE COURT OF SH. PAWAN KUMAR,
METROPOLITAN MAGISTRATE, SAKET
COURT, NEW DELHI**

IN THE MATTER OF:-

STATE

V.

SHANKAR & ORS.

SUBJECT MATTER:-Application for Protest Petition on behalf of complainant.

BRIEF FACTS :-

- ❖ That the F.I.R was lo/d/ed on 13/12/2012 no. as 261/12 U/s 420, 120-B, 34 of Indian Penal Code.
- ❖ That the complainant works in an MNC, and lives at lodhi road complex, 98, new delhi. on the one fine day the complainant was going to hospital for his treatment so there accused have arrived and stop him and offer him his lost 4 silver coins and chain of gold which was of 3 Kg.
- ❖ That the complainant have lost its in the ashram of his guruji. That the police after investigation given the closer report for this case.

PRESENT DAY :-

On the present day of 09/06/2021, The council on behalf of complainant file an application for the protest petition in court and arguments have been done to make it enforce.

Court grants the permission of protest petition.

OBSERVATION :-

Come to know about the concept of protest petition in which the victim can by the permission of court get another chance to re-investigate the case even after the investigation is complete.

NEXT DATE OF HEARING :- 27/6/2021

CASE LAW 7

**IN THE COURT OF SH. ANKIT SINGHLA ,
METROPOLITAN MAGISTRATE, SAKET
COURT, NEW DELHI**

IN THE MATTER OF:-

AMIT RATHI

V.

SATISH NAGAR & OTHS.

SUBJECT MATTER :- complainant u/s 156(3) of Code of criminal procedure, 1973 for cheating, breach of trust, embarrassment & criminal conspiracy against the complainant

BRIEF FACTS:-

- ❖ That Amit Rathi star insutries ltd. is a company registered under companies Act, have its office at New Delhi.
- ❖ The accused no. 3 is a registered company named as m/s sanvi stripping pvt. ltd. and the accused 1 & 2 are the directors thereof and accused no. 4 is the general manager with companies and accused no. 5 is the daughter of accused no. 4.
- ❖ Accused no. 4 tells to complainant that he is having good relation with accused no. 1 and if they deal with them they can supply material in less price.
- ❖ When complainant agree upon this, so accused no. 3 asks for rs. 50, 00, 000/- advance payment so that they can start supplying the material.
- ❖ the complainant refuses as without any prior relationship how can he pay Rs. 50, 00, 000/- in advance, so on this accused no. 4 try to convince him, but the complainant was not ready to fulfill the T&C.

- ❖ Then accused no. 4 introduce accused no. 5 and offered him to mortgage a property of accused no. 5 as a security for the payment of Rs. 50, 00, 000/-. Complainant agrees upon the same. Then the advance was paid to the accused no. 3 but they haven't supply the material.
- ❖ The complainant requested many times, but they ignore, the complainant try to make an FIR against all 5 but police haven't respond.
- ❖ Then complainant personally meets the SSP & given a written complainant but no cognizance have been taken by police till date.

PRESENT DAY:-

The application was filed U/s 156(3) of Cr.P.C and after reading all the facts and attached files the court given order for the police investigation on 27/06/2021.

OBSERVATION:-

I have come to know about the provision of the Sec. 156(3) of Cr.P.C in which court have special powers to direct the police for investigation.

NEXT DATE OF HEARING:- 25/07/2021

CASE LAW 8

**IN THE COURT OF SH. ASHOK KUMAR,
METROPOLITAN MAGISTRATE,
PATIALA HOUSE COURT, NEW DELHI**

IN THE MATTER OF

STATE

V.

D.C. SHARMA

SUBJECT MATTER :- Application related the offence of section 420 & 120B of Indian Penal Code,1860

BRIEF FACTS

- ❖ That the case was registered through F.I.R which was lodged on 23/05/2012 no. as 74/12 U/s 420, 120-B of IPC and sec. 66 of IT Act.
- ❖ According to the allegation of F.I.R when complainant was on inspection of refund states on BSP system, the complainant was surprised to know that dew refunds for a sum of Rs. 06, 58, 000/-for the financial years, 2008-2009, 2009-2010, 2010-2011 were issued to the accused D.C. Saxena through refund banker.
- ❖ It was further alleged that ID code/password of the complainant and additional CIT range 43, were fraudently misused on 04/10/2011 where as neither the complainant nor the aditional CIT attended the office that day.

PRESENT DAY :-

On the present day of 08/06/2021 all the 6 accused was present in the court and council from both the side was present. The matter was fixed for the arguments. the court have issued an order to the IT department 0to give the record of the refund status by all verification, And also said to submit the report up to 05/08/2021. the court also directed to all the accused to present on the next day of 05/08/2021

OBSERVATIONS:-

I have come to know about the provision of the section 420 and 120B of IPC, and the attitude of the court while dealing with these matters.

NDOH:- 29/08/2021

CASE LAW 9

IN THE COURT OF SH. RAJESH VERMA, CHIEF METROPOLITAN MAGISTRATE, KARKARDOOMA COURT, NEW DELHI

IN THE MATTER OF

KOTDWARA STEEL PVT. LTD.

V.

GOLDEN RATHI

SUBJECT MATTER:-Complainant U/S 138 Of Negotiable Instrument Act

BRIEF FACTS

- ❖ The complainant is a company incorporated under the provision of company's act and beside other item, does the business of manufacturing of mild sweep. ingot.
- ❖ That the accused had purchased M.S. Ingot from the complainant and some legally payable amount to complainant was due towards the accused. towards this legally payable dues, the accused had is used to the complainant, two cheques bearing no. 406579 & 406580 respectively dated 27/09/2013 for the sum of Rs. 5, 00, 000/- each.
- ❖ The accused has assured the complainant that there is sufficient balance in his account & payment of the above cheque will be cleared.
- ❖ Thus the cheques issued by the accused have been dishonored knowingly and in order to defraud the complainant didn't kept sufficient amount in their account and let the cheques dishonored.

PRESENT DAY:-

The matter was fixed for 27/06/2021 before the hon'ble court. in which council on behalf of accused have filed vakalatnama and further more done the cross examination of the complainant

OBSERVATION:-

I have come to know about the provision of sec. 138 of negotiable instrument Act, moreover i have come to know about the stage of cross examination in the criminal trial.

NEXT DATE OF HEARING :- 23/07/2021

CASE LAW 10

**IN THE COURT OF SH. ASHUTOSH
KUMAR, METROPOLITAN MAGISTRATE,
DWARKA COURT, NEW DELHI**

IN THE MATTER OF

STATE

V.

VINOD SHARMA

SUBJECT MATTER:- Application for the offence of section 498A of IPC

BRIEF FACTS

- ❖ That the marriage between the revisionist and respondent no. 1 was solemnized on 15/02/2006. They both lived together and out of their wedlock a minor child namely baby Prophi was born to them on 11/07/2007. During the period, the revisionist lived with the respondent no. 1. She committed all sorts of acts of cruelty, harassment, torture and humiliation.
- ❖ That the F.I.R was lodged on 17/05/2010 in crime (women) cell. F.I.R no. as 73/10 was filed u/s 498A /406/34 by Pooja wife of the accused against the family also.
- ❖ That the pooja also filed a petition for divorce u/s 13(1)(a) of hindu marriage Act, against the revisionist on 24/08/2009.
- ❖ That the pooja have put the false allegation on vinod sharma and his family u/s 468A/406/34 as accused never done any cruelty act on pooja, whereas she was careless and egoist person, she never took care of his parents and use to give answers in founding way.

- ❖ That the pooja with filing the false F.I.R abuses the procedure and law as well wasted the time of court.
- ❖ That on 05/07/2010, the anticipatory bail was also file in the court of Sh. neeraj kumar gupta, Ld. ASJ, dwarka court which was also there in accepted by the court.

PRESENT DAY:-

on 30/06/2021 that matter was fixed before the hon'ble court for hearing on this day P.P was absent and Pooja was also not present in person, summon was issued for here on the next date of 22/07/2021.

OBSERVATION:-

I have learned about the provision of section 498A & 34 of IPC.

NDOH:- 22/07/2021

CASE LAW 11

**IN THE COURT OF SMT. PURTA SINGH,
METROPOLITAN MAGISTRATE,
SAKET COURT, NEW DELHI**

IN THE MATTER OF

STATE

V.

JOGINDER

SUBJECT MATTER:- Application related to section 506,353 of Indian Penal Code,1860

BRIEF FACTS

- ❖ That the victim Sh. Rajesh singh, aged 28 years old was DTC bus driver (no DL-1PB-6726) who beetem up by accused joginder and his friends.
- ❖ That the FIR was lodge on 25/10/2011 (no. 229/11) U/s 186, 353, 506, 34 of IPC according to the FIR the driver was beaten up by 3 persons who first stop the bus in the middle of the road near palam.
- ❖ That while beating up the driver they were saying " ye humaesh gao main me jaam laga deta hai maro isse, maaro " then they ran away. that the car was HR 26 AS 6565
- ❖ That the injured then taken to AIIMS for the treatment. The bill of hospital is also attached with the complaint.

PRESENT DAY:-

The accused was present in person along with its coucil, Mr. raja was representing the injured victim as he was gone for his routine checkup. The day was 30/6/2021, in which court have charged tp accused and then next date was given for 25/08/2021

OBSERVATION:-

i have came to know about the stage of the criminal trial in INDIA.

NEXT DATE OF HEARING:- 25/08/2021

CASE LAW 12

**IN THE COURT OF SH. YOGESH KHANA,
ADDITIONAL SESSION JUDGE,
SAKET COURT, NEW DELHI**

IN THE MATTER OF

STATE

V.

ASHOK

SUBJECT MATTER :- Application for the offence of section 375 of I.P.C.1860

BRIEF FACTS

- ❖ The victim kaushal is currently of 29 years of age and have lodged a FIR no. 73/13 against her husband U/s 37B, 254 IPC. her husband is of 32 years name as Ashok. they both have married each other when kushal was only 18 years old. they have a son who is now 10 years old. The marriage was love marriage not arranged. The FIR was lodged in 06/09/2013.
- ❖ That the passing years of the marriage was not so fruitful as it was expected to, as firstly small/petty fights were there between them both. but as the passage of the fights were increased. after the particular point the fights were became more and more and Ashok to fight on daily basis.
- ❖ That the Ashok have a drinking habit, and he used to drink at daily basis, which was also an issue of fight.
- ❖ That the victim kaushal also helped Ashok to establish a small hospital in delhi, kaushal have given full financial support to him and also given full time for the establishment of that hospital.

- ❖ that the accused Ashok have afterward refuse to pay the maintenance when the victim have asked him so. she asked that her money is also invested in the hospital but Ashok refuses to pay that also.
- ❖ That after all possible attempts to make the relation good, the victim kushal asked Ashok for the divorce and he agree for the same. but, when in august month the victim have to go to nasik, maharashtra for the paper work of her property, she askefd Ashok to go along with her as he can help in reading the papers. So, when they both taken a room in the hotel the room was one but the beds are seperated. so, Ashok in that room committed a physical contact with kushal without her consent. the victim has opposed a lot but Ashok haven't listen to her.
- ❖ That the couple have also traveled to the victim native place thosail which is 20km away from nasik. There they stay for 10-12 days and on the last day accused again est. a physical relationship with kushal with her consent. She haven't file FIR because of the honour of the family.
- ❖ That the both come back to delhi, and Ashok also misbehave with the mother of the kushal and in delhi also he committed the sexual wrong with her without her consent.

PRESENT DAY :-

The trial i have seen on 1/07/2021 when the ld. council on behalf of the Ashok was doing the cross examination of the victim Kushal. and all the statement was recorded in the hon'ble court.

OBSERVATION:-

I have come to know about the stage of cross examination of the victim by the defense council the next date was fixed for 07/07/2021.

NEXT DATE OF HEARING -07/07/2021

CASE LAW 13

**IN THE COURT OF SMT. REKHA RANI,
PRINCIPAL JUDGE, FAMILY COURT,
PATIALA HOUSE, NEW DELHI**

IN THE MATTER OF

SMT. ARCHANA

V.

MANOJ KUMAR MURAYA

SUBJECT MATTER:- Application filed under section 125 of Code of Criminal Procedure, 1973

BRIEF FACTS

1. that the petition was filed by the applicant for seeking the relief U/s 125 of Cr.P.C for maintenance, where as the respondent have also file a case in Dehradun district court U/s 9 of Hindu marriage Act, but it was filed in Delhi first.
2. That the summon was given to the Manoj to appear before the hon'ble court on 08/07/2021.
3. That the marriage was solemnized between petitioner i.e. applicant herein and the respondent on 12/12/2011 in central park, naveji Nagar, Sarojini Nagar market.
4. the respondent was from Dehradun, and according to the allegation of the plaintiff he falsely shown that he is the owner of an automobile repairing shop.
5. Petitioner also stated that the respondent have at least Rs. 20,000/-income per month from all the sources.

Now petitioner wanted to get 12, 000/- per month from respondent.

PRESENT DAY:-

At 08/07/2021 the Vakalatnama was file by the council of respondent and the matter was transfers to the councilor of the family court on 12/07/2021 and further one more date was given in order if councilor will not able to solve the matter i.e. 19/07/2021.

OBSERVATIONS:-

I have gone through the provision of sec. 125 of Cr.P.C for seeking the relief of the maintenance by wife. I came to know about the concept of the transfer of case from principal judge to councilor for solving the dispute on the lower level.

NEXT DATE OF HEARING :-19/07/2021

CASE LAW 14

**IN THE COURT OF SH. ANKIT SINGHLA,
METROPOLITAN MAGISTRATE,
SAKET COURT, NEW DELHI**

IN THE MATTER OF

STATE

V.

MUKUL POUL TARNEJA

SUBJECT MATTER :- application filed under section 437 of code of criminal procedure, 1973

BRIEF FACTS

- ❖ That the case is about cheating, in which accused Mukul Paul first purchases the car on loan and then sell the same to the other person. the F.I.R was lodged against accused u/s 420 IPC (FIR no. 486/12)
- ❖ According to the allegation of FIR complainant here paid Rs. 4, 00, 000/- and balance was left of Rs.50, 000/- which was to be paid after transferring the N.O.C of the car. so after the purchase Rs. 4, 00, 000/- have been given but accused haven't transfer the N.O.C for vehicle and it become pending for more than 6 months.
- ❖ Date of Arrest was 10/02/2021
- ❖ The disputed car no, as DL 2C AN 7348
- ❖ The accused is aged about 49 years of age, and don't have any criminal background or any part case.

PRESENT DAY:-

on the present date of 07/07/2021 the council was present on behalf of accused, P.P was also present. Arguments for bail have been done between both the council. at last the bail is granted with the bail bond of Rs.50, 000/- by atleast 2 sureties.

OBSERVATIONS :-

I have come to know about the provision of bail U/s 467 of Cr.p.c

NDOH :-18/07/2021

CASE LAW-15

**IN THE COURT OF SHRI. RAJEEV
BANSAL ADDITIONAL SESSION JUDGE
SAKET COURT, NEW DELHI**

IN THE MATTER OF :-

State

Vs.

Neeraj Kumar

SUBJECT MATTER :- bail application under section 439 of Code of Criminal Procedure on behalf of accused.

BRIEF FACTS

- ❖ Mrs. Kavita lodge a F.I.R. on 25/5/2021 no. as 141/14 under section 498(A) of Indian Penal Code against her husband Neeraj Kumar and his family.
- ❖ According to the allegation of F.I.R. Mr. Neeraj was have drinking habit and he used to beat victim without any reason, as well as his family use to torture her mentally. When this incident increases the victim Kavita lodged an F.I.R. in nearby police station.
- ❖ From 26/05/2021 till present day the accused is in jail, therefore the bail application was first filed in the METROPOLITAN MAGISTRATE court under section 437 of code of criminal procedure but it was rejected.

PRESENT DAY :-

The case was fixed before the session court at 18/07/2021. In which accused council filed an application for bail under section 439 of code of criminal procedure. After listing all the arguments of the council the session court granted the bail to the accused with the condition of bail bond OF 50,000

OBSERVATIONS:-

I have came to know about the provision of section 439 of Code of Criminal Procedure on which session court have the special power to grand bail even it is firstly rejected by the M.M. of the court.

CASE LAW- 17

**IN THE COURT OF SMT. REKHA RANI
PRINCIPAL JUDGE, FAMILY COURT
PATIALA HOUSE COURT, NEW DELHI**

IN THE MATTER OF:-

Himani Singh

Vs.

Hitesh Kumar Singh

Subject Matter – Petition under section 12 (a) of Hindu Marriage Act, 1955 as amended by the marriage laws for nullity of the marriage on the ground of the impotency of the husband.

BRIEF FACTS:-

- ❖ The marriage between the petitioner Himani Singh and the respondent Hitesh Singh was solemnized as per Hindu rites and customs on 15/9/2012 at New Delhi.
- ❖ The petitioner submits that the respondent is an important from the day one from the marriage and it not medically fit to perform a normal married life.
- ❖ Petitioner also submit that impotency of the respondent is permanent and there is no treatment of such incapability. Whereas, respondent submits that he came to know at his impotency after the marriage only and further he don't want to hurt the feeling of the petitioner.

PRESENT DAY:-

The Matter was fixed for today 17/7/2021 before this hon'ble court. In which both petitioner as well as respondent were present in person along with their council. Respondent have submitted the reply of the notice filed by the petitioner.

OBSERVATIONS:-

After attending this court session I came to know about the grounds of nullity of Hindu marriage as well as the nature of the court while dealing these kinds of cases, like to observe the intentions of the petitioner and respondent.

Next Date Of Hearing :- 6/08/2021

CASE LAW-18

**IN THE COURT OF SMT. SHERYA ARORA
METHA METROPOLITAN MAGISTRATE
SAKET COURT, NEW DELHI**

In The Matter Of:-

State

Vs.

Vikas Singh

Subject Matter :- Application For bail under section 437 of Code of Criminal Procedure,1973

BRIEF FACTS:-

- ❖ Vikas Singh who is the resident of Saket only committed the offence under section 354 of Indian Penal Code. The F.I.R. against the accused was lodged by victim Rekha on 21/05/2021 no. as 241/14 on which the accused was arrested next day.
- ❖ According to the allegation of F.I.R. the dispute arise due to the parking of car on the gate of the victim's house. When victim Radha came out from her house and ask accused to park his car somewhere else so Vikas firstly start shouting on her and the start abusing her badly and when Radha reply back him for not to abuse so accused hit her on her breast and run away. This whole incident took place near about 8:00p.m. in night. Then Radha call police and then police lodged an F.I.R. and start investigating the case.
- ❖ The accused Vikas is in jail from the date of arrest till now.

PRESENT DAY :-

On the present day of 19/07/2021 the council on behalf of accused filed the bail application under section 437 of code of criminal procedure. After listing to the points of arguments on which bail should be granted, the hon'ble court accepted the application of bail and bail was granted on the bail bond of 50,000 by one surety.

OBSERVATIONS:-

I have come to know about the provision of section 437 of code of criminal procedure which enables the court to grant bail under non-bailable offence.

Next Date Of Hearing :- 25/07/2021, for the purpose of filing application for the criminal proceeding of the offence.

CASE LAW-19

In The Court Of Shri. RAJEEV BANSAL
ADDITIONAL SESSION JUDGE
SAKET COURT, NEW DELHI

IN THE MATTER OF:-

Rajesh

Vs.

Ashok

Subject Matter – application under section 438 of Code Of Criminal Procedure for anticipatory bail.

BRIEF FACTS:-

- ❖ That the applicant has been involved in a false and frivolous case by one sh. Ashok by lodging a complaint under section of Indian Penal Code.
- ❖ That the applicant apprehends arrest by the police in the above said non-bailable offence case , moreover applicant is innocent and has been involved due to the family deeds
- ❖ Mr. Ashok filed a case for cheating and breach of trust case against Mr. Vinod the accused no.1 , Mr. Brijesh the accused no. 2 and on Mr. Rajesh who is applicant in this case.
- ❖ 4.That the applicant has all proves that he was not the part of this deal moreover he was not in touch with the accused no. 1 and 2 from long time.

- ❖ Applicant accepted that at the time of giving money to the accused he was present there but he was not the part of this. Moreover the applicant have also stated that Mr. Ashok don't have sufficient evidence which proves the involvement of applicant.

PRESENT DAY :-

On the present day of 24/07/2021 the council for applicant file the application under section 438 of code of criminal procedure. After going through the facts of the case the court rejected the plea for anticipatory bail by stating that he should be used in extremely exceptional cases.

OBSERVATIONS :-

I have came to know about the provision of section 438 of code of criminal procedure in which court have power to grant bail before arrest. I also came to know about the nature of this relief which is not considered as normal as others.

CASE LAW -20

**IN THE COURT OF SHRI. ARVIND
BANSAL METROPOLITAN MAGISTRATE
SAKET COURT, NEW DELHI**

IN THE MATTER OF :-

State

Vs.

Shyam Lal

Subject Matter :- Bail Application under section 437 of code of criminal procedure on behalf of accused.

BRIEF FACTS:-

- ❖ The F.I.R. was lodged by the complainant Shabina w/o Salim on 30/05/2021 no as. 211/14, under section 323 and 354 of Indian Penal Code. The accused was arrested on the same date from his house Sarita Vihar, New Delhi.
- ❖ According to the allegation of F.I.R. Accused Shyam Lal abuses Shabina and also causes voluntary hurt. This incident took place when complainant goes to accused house as to complaint about the blockage of water tap.
- ❖ This dispute arise nearby 8.30 a.m. in the morning both was sharing same wall in the houses. Complainant also stated that this problem have occurred many times but the accused always ignores the complaint.
- ❖ Whereas accused put an allegation on complainant that he himself started the man handling .

PRESENT DAY :-

On 26/07/2021 the council of accused file the application for bail under section 437 of Code of Criminal Procedure. On the grounds mentioned by the applicant in the application the hon'ble court grants the bail on the condition and bail bond of 35000/- by one surety.

OBSERVATIONS:-

I have come to know about the bail given on merit by the court by imposing certain condition which court thinks fit for it. Further court may ask for the bail bond in granting of the bail.

NEXT DATE OF HEARING: - 2/08/2021

CONCLUSION

After doing this summer internship I gained the knowledge in some important fields of law. Firstly the real legal practice is absolutely different from the theoretical version of law which we study. Secondly without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. Thirdly, what we study is the body, but what we have learned from this internship is the mechanism of this body.

The Summer internship give me the ocean of opportunities to have practical exposure of the professional field of law it enables me to observe the legal environment of courts, professional life of advocate and other important aspects of law.

I also came to know about the duties, responsibilities and power of Judge, advocate and police in the case. The internship also helped me to understand the different stages of trial and suits. I was surprised to see how the interpretation of words done to prove their point and how the evidences were presented in the courts as it is totally different from the theoretical knowledge and how the simplest of laws were applicable in the most situations and how loopholes leave so much scope for evolution and improvisation today in this field. In other words law may come and law may repeal, but they always stay true to our original values.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards

Yours Faithfully,

Anvarul Haq Khan

02290103817

B.A.LL.B.(Hons.)

9th semester

NAACACCREDITED



FAIRFIELD

Institute of Management & Technology

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SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME -	APARNA PANDEY
ENROLLMENT NO. -	02390103817
COURSE -	B.A.LLB
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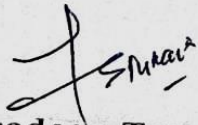
02.09.2021

CERTIFICATE

This is to certify that Ms. Aparna Panday (Enrol. No.02390103817) , of Fifth year B.A.LLB section 'A' student of Fairfield Institute Of Management And Technology, Affiliated To Guru Gobind Singh Indraprastha University has completed her internship under me from 2nd August, 2021 to 1st September, 2021. During the internship she was involved in the preparation of cases and has assisted me effectively. Also, she was punctual, sincere and hard working during the whole period of internship.

I wish her good luck for all the future endeavours.

Warm Regards,




Pradeep Tyagi

Advocate

DECLARATION

I, Aparna Pandey of 9th semester of BA-LLB (H) hereby declare that this report is compiled by me under 4 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to **Fairfield Institute of Management & Technology** affiliated to **GGSIU UNIVERSITY, New Delhi** is a reliable document and is of bonafide nature.

A handwritten signature in blue ink that reads "Aparna Pandey". The signature is written in a cursive style with a horizontal line underneath the name.

APARNA PANDEY

02390103817

BA-LLB

9th SEM/SEC-A

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected Mentor Adv. Pradeep Tyagi **where I undertook & completed my 4 weeks internship for Content Writing or Research work** who has been my constant support, source of encouragement, inspiration, guided and helped me in successfully completing my Summer Internship.

Moreover, apart from court they gave me a chance to get practical exposure by attending various conferences, seminars with various advocates

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting of this report.

OBJECTIVE

The Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at university may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

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CASE LAW- 1

IN THE COURT OF SH. TARUN YOGESH, MM, DWARKA COURT,

DELHI

C.C. NO. 639/2018

IN THE MATTER OF:

ASHOK KUMAR

.... COMPLAINANT

VERSUS
MANOHAR LAL & ORS.

.... ACCUSED

SUBJECT MATTER: COMPLAINT UNDER SECTION 200 / 156(3) OF CR.P.C FOR OFFENCES COMMITTED BY THE ACCUSED PERSONS UNDER SECTION 420/467/468/471/120-B IPC.

BRIEF FACTS OF THE CASE:

- 1) Ashok Kumar had purchased a plot of land from Manohar Lal. However, by forging the documents Manohar Lal again sold the said plot to Manoj Aggarwal thereby cheating Ashok Kumar.
- 2) Ashok Kumar reported the matter initially to the S.H.O, P.S- Shahbad Dairy, Delhi and since the police failed to take any legal action, the matter was reported to the jurisdictional Deputy Commissioner of Police. However, no orders were passed by the DCP for registering the F.I.R. Hence Ashok Kumar moved the court for registering of F.I.R and on 1/02/18 the matter was fixed for hearing on the application u/s 156(3) Cr. P. C.
- 3) The following judgments were relied upon in support of the case:
 - a) Suresh Chand Jain V. Madhya Pradesh & Anr.
 - b) Devarapali Lakshmi Narayan Reddy & Ors. V. Narayan Reddy & Ors. Wherein it was held that “where the complainant discloses cognizable offences, registration of F.I.R is mandatory”.

OBSERVATION:

“Where the complainant discloses cognizable offences, registration of F.I.R is mandatory”.

NEXT DATE OF HEARING:

After hearing the matter, the Learned Magistrate fixed the matter for order on application u/s 156(3) of CrPC for 06/09/2021.

CASE LAW- 2

IN THE COURT OF SH. N.K. KAUSHIK, ASJ, DWARKA COURTS, NEW

DELHI.

IN THE MATTER OF:

STATE

.... COMPLAINANT

VERSUS

ROBIN SAMSON

.... ACCUSED

SUBJECT MATTER: CRIMINAL CASE FOR OFFENCES U/S 376 R/W SECTION 4 of POCSO ACT

BRIEF FACTS OF THE CASE:

- 1) Robin Samson had been prosecuted for committing rape of prosecutrix (X) a minor aged 15 years who alleged that she had been raped by her brother in law. On 03/02/20 the matter was fixed for cross examination of the victim. The chief examination was held in camera proceeding wherein the accused can hear the testimony of the victim but he cannot see the victim.
- 2) However due to paucity of time only the examination in chief of the victim could be recorded. The cross-examination of the victim will be held on next hearing of date and the witness shall be bound for the last date of hearing.

OBSERVATION:

The victim seemed to be confused and was fondling with the facts of the case. The victim forgot material instances and it seemed the case is false and fabricated.

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NEXT DATE OF HEARING: 24/10/2021

CASE LAW- 3

IN THE COURT OF SH. VIKAS DHULL, SR. CJ-CUM-RC, DWARKA COURT, DELHI

CS/53973/2019

IN THE MATTER OF:

SHEELA RANI

.... PLAINTIFF

VERSUS

SUNIL KUMAR BIRLA

.... DEFENDANT

SUBJECT MATTER: SUIT FOR INJUCTION

BRIEF FACTS OF THE CASE:

1. The civil suit had been filed by Smt. Sheela Rani upon Sunil Kumar Birla who is the landlord of her son Kuldeep Aggarwal.
2. That a former suit had already been decided by the Hon'ble Court title as Sunil Kumar Birla vs. Kuldeep Aggarwal wherein the decree had been passed in favour of the Plaintiff and against the Defendant.
3. The question before the Hon'ble court was that whether a trespasser is entitled to injunction or not. The defendant had relied upon the judgment of Hon'ble SC: Prem ji Ratansey Shah and Ors. V. Union of India and Ors. "Wherein it was held that injunction would not be issued against the true owner."
4. The Defendant had moved an application under VII rule 11 of the civil procedure code for the rejection of plaint as the suit is without cause of action.

OBSERVATION:

The court dismissed the suit of plaintiff u/s Order VII R-11 of the Civil Procedure Code, 1908 as there is no cause of action was there in favour of the Plaintiff and against the Defendant, and the case was dismissed as vague and vexatious and without merit.

CASE LAW- 4

IN THE COURT OF SH. SUMEDH KUMAR SETHI, MM, ROHINI COURTS,
DELHI

IN THE MATTER OF:

STATE

.... COMPLAINANT

VERSUS

BHIM SUDESH

.... ACCUSED

SUBJECT MATTER: CRIMINAL CASE UNDER SECTION 406/498A OF IPC

BRIEF FACTS OF THE CASE:

1. This is a case u/s 406/498A of IPC wherein the complainant had alleged that the accused assaulted her and alleged that she was forced to bring money from her parents' house otherwise she would not be allowed to live in the matrimonial home.
2. She further alleged that her husband had also siphoned off with her stridhan articles.
3. That she further alleged that the parents of the accused also assaulted her for the purpose of bringing the dowry from her parental home, but the parents of the accused had not made party in the case as there was no reason for that.

OBSERVATION:

The matter was fixed for recording of statement of the complainant. As for the purpose of proceeding of the case the statement of the victim to be recorded, however, she wasn't present and the matter was adjourned to 06/03/2021.

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NEXT DATE OF HEARING: 06/12/2021.

CASE LAW- 5

IN THE COURT OF SH. DHEERAJ MOR, MM, ROHINI COURTS, DELHI

Ct. Cases 4245/17

IN THE MATTER OF:

RAJU THAKUR

.... COMPLAINANT

VERSUS

DEEPAK PODDAR

.... ACCUSED

SUBJECT MATTER: COMPLAINT UNDER SECTION 138 OF NI ACT FOR CHEQUE BOUNCING.

BRIEF FACTS OF THE CASE:

1. This was a case wherein Raju Thakur had filed a complaint u/s 138 of N.I. Act for bouncing of Cheque.
2. The matter was fixed for cross-examination of the complainant.
3. The witness was also well prepared for cross-examination and was able to provide the details of having paid RS.5 LAKHS to the accused.

OBSERVATION:

The witness was present in the court with all relevant documents. However, the counsel for the accused could not put good questions to create benefit of doubt in the prosecution story. After completion of cross – examination of the complainant was asked whether he would examine any other witness to which the witness replied in negative.

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NEXT DATE OF HEARING: 20/11/2021 for recording of the statement of the accused u/s 313 of Cr.P.C.

CASE LAW- 6

IN THE COURT OF SH. MANISH GUPTA, ACMM- II, ROHINI COURTS, DELHI

C.C 1352/2019

IN THE MATTER OF:

STATE

.... COMPLAINANT

VERSUS

DR KAPTAN SINGH AND OTHERS

.... ACCUSED

SUBJECT MATTER: COMPLAINT U/S 420/468/471 OF IPC

BRIEF FACTS OF THE CASE:

It was a case wherein the accused persons had cheated the Complainant by forging his signatures in conspiracy with others.

OBSERVATION:

The matter was under sections 420, 468 and 471 of IPC for the offences of cheating and forgery. We were appearing on behalf of one of the accused and in total there were four accused persons. Matter was listed for examination of complainant in prosecution evidence. The witness was first examined in chief by the APP for state and thereafter he was cross examined by each of the accused. As it was a lengthy examination it was already 01:00 pm when we finished with the said matter. Thereafter the matter was adjourned for recording the evidence of remaining prosecution witnesses.

NEXT DATE OF HEARING: 27/01/2022

CASE LAW-7

**IN THE COURT OF SHRI DINESH BHATT, ADD. PRINCIPAL JUDGE, TIZ
HAZARI COURTS, NEW DELHI**

Ct. Cases 4315/18

IN THE MATTER OF:

AJEET DHAWAN.....COMPLAINANT

VERSUS

1. ANIL NAGAR

2. DUSHYANT NAGAR

3. RAKESH NAGAR.....ACCUSED

SUBJECT MATTER: COMPLAINT CASE UNDER SECTION 200 Cr.P.C. ON BEHALF OF THE COMPLAINANT

BRIEF FACTS OF THE CASE:

In the present matter, the in-laws of the complainant came to his house and at the same time, the accused came their and asked complainant to remove his car. On this, the complainant parked his car on the other side but the accused no. 1 started abusing the complainant in filthy language without any reason, on which the complainant tried to make him understand but the accused no.1 threatened the complainant to teach him a lesson. Thereafter, when the complainant and his cousin brothers went to see off his relatives outside the house, the accused persons with their 15-20 associates were standing at the corner of street and they started abusing the complainant and when the complainant and his cousin brothers objected for the same, then the aforesaid accused persons along with their 15-20 associates with their

common conspiracy started beating the complainant and his cousin brothers with the sole intention to kill them and entered in their house and looted one gold chain of 40grams, one Roodraksh Mala of gold of 18 grams, one Samsung mobile and threaten them not to come in their way.

Thereafter, the complainant and his cousin brothers made their statement to the police but the police did not register the FIR against them according to the statement and the injuries but only registered an FIR No. 332/13 U/S 323/341/506/34 IPC. The accused persons are still threatening and pressurizing the complainant illegally to quash the said F.I.R. The complainant has no other option available except to approach this Hon'ble Court for want of justice. The accused persons have committed the aforesaid offences:

U/S 147/148/149/308/325/395/397/392/193/195/504/506/ IPC

OBSERVATION:

In the present matter the court was on strike due to which the party took the next hearing date.

NEXT DATE OF HEARING: 20/10/2021.

CASE LAW- 8

**IN THE COURT OF SH. KOVAI VENUGOPAL, ADJ,
DWARK COURTS, DELHI**

IN THE MATTER OF:

SURAJ PRATAP SRIVASTAV.....PLAINTIFF

VERSUS

VIDYADEVI AND ORS.....DEFENDENT

**SUBJECT MATTER: SUIT FOR DECLARATION, INJUNCTION, RECOVERY OF
POSSESSION AND MESNE PROFITS**

BRIEF FACTS OF THE CASE:

1. This is a suit filed by the son against her mother for declaration, injunction, and recovery of possession & mesne profits against the mother who had sold the property of her son illegally and purchased another property from the sale proceeds of the property of the son.
2. The matter was fixed for argument on application filed by the plaintiff for impleadment of the purchaser of the property of the son.

OBSERVATION :

The court after hearing the argument allowed the application under Order I Rule 10 of the CPC of the Plaintiff observing that the proposed party was necessary and proper for the just disposal of the case. The matter was adjourned for arguments on application under Order XXXIX Rule 1 and 2.

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NEXT DATE OF HEARING: 04/11/2021.

CASE LAW-9

**IN THE COURT OF Sh. BHUPINDER SINGH, MM, ROHINI COURTS, NEW
DELHI**

C.C NO: 52/ 2018

IN THE MATTER OF:

PARVEEN SRIVASTAVA

....COMPLAINANT

VERSUS

PRADEEP KUMAR GUPTA

....ACCUSED

**SUBJECT MATTER: COMPLAINT CASE UNDER SECTION 138 OF NEGOTIABLE
INSTRUMENT ACT**

BRIEF FACTS OF THE CASE:

1. That the complainant is doing the business of property dealing & he has friendly relation with the accused person since last 9-10 years. In the 1st week of December 2018, the accused and his father approached to the complainant for the friendly loan of Rs.7, 00,000/- due to some financial problem. The accused assured the plaintiff to return the same amount in 2-3 months.
2. On 24/12/18 the accused came to the house of plaintiff handed over him Rs.7, 00,000/- as a friendly loan & also a receipt acknowledging the said amount was also signed by the accused in front of said witnesses. On 25/02/19 the plaintiff contacted the accused for the said amount to be paid but the accused refused to pay it due to some family problem.
3. On 28/02/19 the plaintiff again tried to contact the accused but was not able to do so. On 03/03/19 the accused issued the Cheque of Rs.7, 00,000/- in order to discharge his liability the Cheque dated 04/03/19 & assured that the Cheque will be honoured on presentment.

4. On believing the assurance of accused the complainant presented the said Cheque in his bank but the same was dishonoured with remarks “ACCOUNT CLOSED” with returning memo dated 07/03/19.
5. After dishonourment of Cheque the complainant contacted the accused and told the accused about the dishonourment of the Cheque but the complainant demanded his Cheque amount but the accused refused to pay.

OBSERVATION:

Legal notice was framed.

NEXT DATE OF HEARING:

On 24/01/2022 next date of hearing matter is fixed for complainant evidence.

CASE LAW- 10

**IN THE COURT OF SHRI YASHWANT KUMAR, PRINCIPAL JUDGE FAMILY
COURTS, PATIALA HOUSE COURT, NEW DELHI**

H.M.A No. 462/2019

IN THE MATTER OF:

DEEPAK GIRI

.... PETITIONER No. 1

RITU SHARMA

.... PETITIONER No. 2

SUBJECT MATTER: PETITION FILED U/S 13(B) OF HINDU MARRIAGE ACT, 1955.

BRIEF FACTS OF THE CASE:

The Hindu Marriage between Deepak and Ritu was solemnized on 19/04/2018 with Hindu rites and rituals in Delhi. The marriage was duly consummated and no child was born from the wedlock. Because of some temperament differences the petitioner and defendant was not living together since 29/07/2018. Both the parties have tried at their level best to reconcile but they were not succeeded. The petitioners have mentally agreed that their marriage should be dissolve by decree of divorce.

OBSERVATION:

The statement of both the party was recorded on 24/01/2021 and the Hon'ble Court granted the 1st motion in the said matter.

NEXT DATE OF HEARING: 28/12/2021.

CASE LAW- 11

**IN THE COURT OF SHRI SUDESH KUMAR -II, SPL. JUDGE, (NDPS), PATIALA
HOUSE COURTS, NEW DELHI.**

IN THE MATTER OF:

NARCOTICS CONTROL BUREAU

.... APPLICANT

VERSUS

BASANT RATHI & ORS

.... RESPONDENT

SUBJECT MATTER: APPLICATION U/S 439 CR.P.C ON BEHALF OF APPLICANT
BASANT RATHI FOR GRANT OF INTERIM BAIL.

BRIEF FACTS OF THE CASE:

1. That the officers of NCB alleged to have recovered commercial quantity of Charas from the applicant of the present case.
2. That the consignment was booked by one Ashok Lama of Nepal and was meant was either Kiran Cargo or for Ashok Lama himself.
3. That the applicant works at the post Office and was assigned the duty of delivering customers parcels to the address mentioned on the parcels.
4. That the applicant is innocent and has nothing to do with the alleged recovery of contraband.
5. That nothing incriminating was either recovered from his possession nor at his instance.
6. That the applicant had given details to the NCB Officers as to how the consignment has to be delivered.

OBSERVATION:

The present application was filed u/s 439 Cr.P.C by the Ld. Counsel for the applicant for grant of interim bail on the medical ground. It was prayed in front of the court that “this Hon’ble court may graciously be pleased to release the applicant on interim bail for a period of two months in the interest of justice in order to save the life of his minor child.” The bail application was filed in Patiala House court as the son of the applicant was suffering from dengue and was hospitalized.

Courts Order:

Application u/s 439 Cr.P.C for grant of interim bail of the applicant Basant Rathi was accepted and bail was granted by the Hon’ble Court for a period of 4 weeks in the interest of justice.

NEXT DATE OF HEARING: Next date of hearing is on 07/10/2021.

CASE LAW- 12

IN THE HIGH COURT OF DELHI, AT, NEW DELHI

(JUSTICE: I.S. MEHTA)

(Court Number: 32)

PS: Crime Branch

IN THE MATTER OF:

JANG BAHADUR

.... APPELLANT

VERSUS

STATE

.... RESPONDENT

SUBJECT MATTER: APPEAL U/S 374 CR.P.C AGAINST JUDGEMENT DT. 20/11/19 PASSED BY SH. NARENDER KUMAR, WHEREIN APPELLANT WAS CONVICTED FOR 10 YEARS U/S 18 OF NDPS ACT VIDE ORDER DT. 20/11/19.

BRIEF FACTS OF THE CASE:

The fact of the case as per prosecution is that:

1. That PW-9, SI Sunil Jain while he was present in narcotic cell, Crime Branch, Shakurpur, Delhi received secret information on 04/08/14 at about 4:30am that one person namely Jang Bahadur, is involved in supply of opium in the area of Delhi.
2. Haryana and Punjab in association with his relative Narender unauthorizedly procures opium from the areas of Rajasthan and Madhya Pradesh and shall reach bus stop of Pratap Nagar, metro station, opposite Parasvnath Mall between 6:00- 7:00am on the same day. The said information was further disclosed that said appellant and his companion

would reach Delhi by train from Pratapgarh and that if raid was conducted they could be apprehended.

3. That the raiding team consisting of SI Sunil Jain, HC Yogesh, HC Rajesh and HC Mukesh reached near Pratap Nagar Metro station, opposite Paravnath Mall on the pointing out of secret informer and PW-9 accordingly apprehended the appellant near the spot as mentioned in the secret information.
4. That the appellant was apprehended and from him 10kgs of opium in 2 round shape plastic jars was recovered.
5. That after complying with the statutory provisions, the appellant was arrested. After investigation, challan was filed in the court. Charge was framed against the appellant u/s 18 of NDPS ACT and the appellant pleaded not guilty.
6. Prosecution examined 10 witnesses in its support and defence had also examined its witnesses. After the arguments the Ld. Spl Judge found the appellant guilty u/s 18 of NDPS ACT. And sentenced the appellant to undergo RI for 10 years and was also imposed a fine of RS 1 Lakhs on the appellant and was also ordered to further undergo imprisonment of 6 months for default of fine.

OBSERVATION:

In the present case the appellant aggrieved by the judgment of the Lower Court filed an appeal in the High Court of Delhi u/s 374 C.r.P.C. Thus the present case helped me understand how to file an appeal in the higher court.

NEXT DATE OF HEARING:

Next date of hearing is on 16/09/2021.

IN THE HIGH COURT OF DELHI, AT, NEW DELHI

(JUSTICE: I.S. MEHTA)

(Court Number: 32)

IN THE MATTER OF:

STATE

.... APPELLANT

VERSUS

PALAGIRI SIDDIQUI & ORS

....RESPONDENT

SUBJECT MATTER: BEING AGGRIEVED BY THE JUDGEMENT OF THE LD. TRIAL JUDGE, THE APPELLANT PREFERRED THE PRESENT APPEAL BEFORE THIS HON'BLE HIGH COURT .THE PRESENT CASE IS LISTED BEFORE THIS HON'BLE COURT FOR FINAL ARGUMENTS.

BRIEF FACTS OF THE CASE:

The brief fact as per prosecution is that:

1. According to prosecution on 22/06/2017 at about 10:25 am, PW-2, Insp. Devinder Singh received a secret information while he was in office from his informer that, one Afghani namely Dawood R/o Jama Masjid is indulged in trafficking of Heroin and at about 2:30 am he shall deliver Heroin to someone at Millennium Park.
2. That it was alleged by the prosecution that two persons and out of one, was tall and looking like Afghani and the other person was short height came to the spot at about 2:40 pm and the informer identified them as persons who had come to receive Heroin and after about 10 minutes, another tall Afghani person having beard came to the spot carrying a pithu bag.

3. That he was identified as Dawood i.e. supplier of Heroin. All of them were searched and from the possession of accused, Palagiri Siddiqui 1 kg of Heroin, from the possession of Sikender 1 kilo 10 Gms, and 3 kgs 252gms of Heroin was recovered from the possession of Md. Dawood.
4. That all the samples were chemically examined and found positive for Heroin. Compliance of various provisions of NDPS Act was stated to be complied with.
5. That after investigation, charge-sheet was filed and accused persons pleaded not guilty. During trial, prosecution examined witnesses in its support.

OBSERVATION:

This case helped me understand, as to how and what points are considered while delivering a judgment.

Courts Order/Judgment:

- I. That this court is of the opinion that the prosecution has not been able to prove its case against the accused persons Mohd. Dawood and Paligiri Siddiqui beyond reasonable doubt and therefore the said accused persons namely Mohd. Dawood and Paligiri Siddiqui are hereby acquitted of the charges under Section 21(c)/29NDPS Act, 1985.
- II. That the case property lying with MHC (M) PS Special Cell qua this case is confiscated to state and the State would be at liberty to dispose of the same as per the prescribed rules after the expiry of period of appeal / revision / order of the appellate court, if an appeal is preferred.
- III. As per record, accused Sikander Owaish has been declared as an absconder vide order dated 31.10.2019. In the said circumstances, the testimonies of prosecution witnesses as recorded after 31.10.2019 is read under section 299 Cr.P.C. against the said accused and the file are taken up again as and when he is arrested in this case.
- IV. File is consigned to record room after completion of all other necessary formal documents.

CASE LAW- 14

**IN THE COURT OF SH. DAYA PRAKASH, ADDL SESSIONS JUDGE-03, DWARKA
COURTS, NEW DELHI**

IN THE MATTER OF:

STATE

.... APPLICANT

VERSUS

MOHD JAVED

...RESPONDENT

SUBJECT MATTER: APPLICATION ON BEHALF OF MOHD. JAVED U/S 439 CR.
FOR GRANT OF INTERIM BAIL.

BRIEF FACTS OF THE CASE:

1. That the present case is pending trial before this Hon'ble Court.
2. That the applicant was falsely implicated in the present case though nothing incriminating was ever recovered either from his possession or at his instance.
3. That according to prosecution, commercial quantity of narcotic drugs was recovered from other co-accused persons.
4. That it is also alleged that commercial quantity of narcotic drugs was recovered from the possession of the applicant but as per analysis report, the substance in question was found to be negative.
5. That this Hon'ble Court was pleased to release the applicant on interim bail on 28/05/20 as his wife was to undergo surgery on 02/06/21.

OBSERVATION:

It was observed that an application had been filed u/s 439 Cr. P.C. for grant of bail before the Hon'ble court to release the applicant on interim bail as the wife of the applicant, Mrs. Ruksanabee is suffering from Malaria and she has been admitted in a government hospital in Rampur, UP. The court fixed 26/03/21 as its next date of hearing.

NEXT DATE OF HEARING:

Fixed 26/10/21 as its next date of hearing to take up this bail matter.

CASE LAW- 15

**IN THE COURT OF Ms. NIVEDITA ANIL SHARMA, MM, ROHINI COURTS, NEW
DELHI**

IN THE MATTER OF:

AMRIK SINGH & ORSAPPLICANT

VERSUS

STATE.....RESPONDENT

SUBJECT MATTER: APPLICATION ON BEHALF OF AMRIK SINGH FOR RELEASE OF VEHICLE BEARING REGISTRATION NO. UP-63J-9752 (TATA 2515-EX) ON SUPERDARI.

BRIEF FACTS OF THE CASE:

1. That the Delhi Police have seized vehicle bearing Regd. no. UP-63J-9752 (TATA 2515-EX) illegally in the present case though nothing incriminating was recovered from the said vehicle.
2. That the applicant is registered owner of the said vehicle.
3. That the said vehicle is no longer required for investigation and the same is lying in the police station and shall deteriorate its value in due course.
4. That the Hon'ble Court may graciously be pleased to release the vehicle to the applicant in the interest of justice.

OBSERVATION:

In the present case the applicant humbly prays to the Hon'ble court for release of his vehicle which is no longer required in the investigation. Thus, an application was filed in Rohini Court for release of the Vehicle which is lying with the police officers. Thus, the applicant prays to the court to pass an order for release of his vehicle.

NEXT DATE OF HEARING:

Next date of hearing is on 14/02/2022.

IN THE COURT OF SHRI NAVEEN KASHYAP, SENIOR

CIVIL JUDGE, ROHINI COURT, DELHI

C.C NO. 5973/2017

IN THE MATTER OF:

SUNEET RAI

.... PLAINTIFF

VERSUS

MANISH GOEL

...DEFENDANT

SUBJECT MATTER: WRITTEN STATEMENT FILED ON BEHALF OF THE
DEFENDANT

PRELIMINARY OBJECTIONS:

1. That the present suit is liable to be dismissed on the ground of concealment of facts as the present suit is a counterblast to the suit filed by the defendant against the plaintiffs being suit no. 520/2018 pending in the Court of sh. Ajay Garg, Civil Judge, Rohini Courts, Delhi titled as Manish Goel versus Suneet Rai.
2. The present suit is barred under the provision of section 34 of specific relief act as a suit for mere declaration without any consequential relief is not maintainable as the plaintiffs are not in possession of the suit property.
3. That the plaintiffs had undervalued the relief claimed and also had not affixed the ad valorem court fee on the relief claimed and hence the plaint is liable to be rejected on this ground under Order vii Rule 11 (b) C.P.C. The plaintiffs under the said agreement have received a sum of Rs. 6 lakhs and Rs. 35.50 lakhs respectively.

4. That the plaintiff has come to this Hon'ble court with unclean hands and had filed the present suit suppressing true facts and hence she is guilty of suppressio varie and suggestion falsi.
5. That the plaint filed by the plaintiff has not been verified as per the provisions of C.P.C. and hence liable to be rejected.

OBSERVATION:

Judge gave an opportunity to the Plaintiff to file replication to the Written Statement.

NEXT DATE OF HEARING: 13/12/2021

IN THE COURT OF SH. SIDHARTH MATHUR, ARC
(EAST), KARKARDOOMA COURT, NEW DELHI

C.S NO: 1193/2019

IN THE MATTER OF:

SH. JEET RAM..... PETITIONER

VERSUS

PRAVEEN JAIN.....RESPONDENT

SUBJECT MATTER: SUIT FOR EVICTION U/S 106 OF THE TRANSFER OF
PROPERTY ACT

BRIEF FACTS OF THE CASE:

1. The respondent was a tenant in the property of petitioner. The respondent carrying out the business in the shop of petitioner. Now the petitioner wants to vacant his shop because he needs this shop for his son who wants to start a new business in that shop.
2. The respondent says that the petitioner have other shops vacant in which his son can start his business but petitioner prove that all the other shops were in used by his family members. Therefore, he wants to vacant this shop by the help of court.

OBSERVATION:

The judge adjourned the case for arguments on leave to defend.

NEXT DATE OF HEARING: 27/01/2022

CASE LAW- 18

IN THE COURT SHRI DAVENDER GARG, ARC, KARKARDOOMA

COURT, DELHI

IN THE MATTER OF:

SH. PRAKASH ANAND

....PETITIONER

VERSUS

SH. PRITAM SINGH.....RESPONDENT

SUBJECT MATTER: AFFIDAVIT UNDER SUB-SECTION (4) OF SECTION 25(B) OF THE DELHI RENT CONTROL ACT

BREIF FACTS OF THE CASE:

1. That the deponent is respondent-tenant in the aforesaid case and as such is well conversant with the facts and circumstances of the case and is competent to file this affidavit to obtain leave of this Hon'ble court to contest the false and malafides application filed by the petitioner for eviction of the respondent.
2. The deponent request for leave of this Hon'ble court to contests the frivolous case of the petitioner because the application has been filed by the petitioner malafidely and contents thereof are absolutely incorrect, wrong, fabricated and are therefore emphatically denied.
3. The present application is nothing but an abuse of process of law because the petitioner has not placed any documentary evidence on record to show that she is absolute owner of property. The site plan given by the petitioner is wrong and incorrect.

4. The respondent is a poor person and has been running the embroidery shop in tented premises earning a meager income for last 30yrs. The respondent has no other source of income and he is completely dependent upon the said shop premises to earn livelihood.
5. The respondent is refusing to vacate the shop because he is paying rent on time and says that the petitioner is in no need of that place. Therefore petitioner wants to vacate his shop with the help of court process.

OBSERVATIONS:

The decree is passed in favor of plaintiff & judge order to defendant to vacate the shop

NEXT DATE OF HEARING: 21.09.2021.

CASE LAW- 19

IN THE COURT OF MS. PURVA SAREEN, MM, AT DWARKA COURTS,

NEW DELHI

IN THE MATTER OF:

SH. SONU@ BREJMOHANPETITIONER

VERSUS

SMT. HIMANI.....RESPONDENT

SUBJECT MATTER: PETITION FILED UNDER SECTION 9 OF HINDU MARRIAGE ACT, 1955 FOR RESTITUTION OF CONJUGAL RIGHTS.

BREIF FACTS OF THE CASE:

The Hindu Marriage was solemnized between petitioner and the respondent according to the Hindu rites and ceremonies on 30/01/2017 at Delhi. The marriage was duly consummated and both the petitioner and the respondent were cohabited as husband and wife in matrimonial house and no child was born from the wedlock. After marriage the behaviour of respondent was good but after sometime the behaviour of the respondent towards petitioner and his family changed. She started quarrelling with petitioner and disrespected his family members and she used to go to her paternal home without informing to him husband and used to remain there for many days. Every time petitioner has to take her back from her paternal home but the attitude of respondent remains the same and the petitioner used to remain silent in order to save their relationship. In the month of September 2017, the uncle of respondent approached petitioner and said to him “Ladki alag rahna chahti hai”. To save his matrimonial life, the petitioner started living separately from his parents but the behaviour of respondent did not change. Ultimately on 2/01/2019, the respondent left the house of petitioner after

taking the valuable goods and silver jewelry and clothes without the consent of petitioner.
Petitioner made calls and made all possible ways to bring her back but all in vain.

OBSERVATION:

On the date hearing, notice was issued to the respondent.

NEXT DATE OF HEARING: 11/11/2021.

**IN THE COURT OF SH. D.S PUNIA AT HON'BLE DISTRICT COURT
AT TIS HAZARI, DELHI**

IN THE MATTER OF:

MS. KIRAN NOGIA

....PETITIONER NO. 1

SH. VARUN ANAND

....PETITIONER NO. 2

SUBJECT MATTER: PETITION FOR DISSOLUTION OF MARRIAGE BY A DECREE OF DIVORCE BY MUTUAL CONSENT UNDER SECTION 13- B (1) OF THE HINDU MARRIAGE ACT, 1955.

BRIEF FACTS OF THE CASE:

1. That this case is based on dissolution of marriage.
2. That Due to temperamental differences and acute incapability the parties could not adjust with each other.
3. That they are living separately since 20.11.2018.
4. That the parties had been made all the efforts for reconciliation but nothing good came out of it.
5. That now there is no chance of reconciliation between parties.
6. That therefore, the parties have decided to get mutual divorce.
7. That Kiran (petitioner no. 1) has received all the stridhan and dowry articles back and nothing is due on Varun (petitioner no. 2).
8. That after this neither of the party will any dispute, claim or maintenance of any kind and this would be towards the total settlement of the past, present, and future claims from either side.
9. That Petitioner no. 1 withdraws all the complaints and cases back.

OBSERVATION:

Respondents were not presented neither was their main council. Respondent proxy council was not aware of the facts and therefore next date of hearing was given. Court ordered the respondents to be present next time.

NEXT DAY OF HEARING:

The next date for the proceeding is given for 26/12/2021.

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included promote the work in different ways. All of which was an over the top experience.

Such summer trainings help a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was the pre-requisite to our training.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards

Yours Faithfully,

SUMMER TRAINING REPORT

SESSION: 2017-2022



FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

(AFFILIATED TO GGSIPU)

SUBMITTED BY:

ARPIT TRIPATHI

COURSE/ SEMESTER: BA.LLB/ 9TH

SECTION: A

ENROLL NO.: 02590103817

Mob: 9781302248

GURPARTAP SINGH SIDHU & ASSOCIATES

Advocates & legal consultants
DELHI HIGH COURT
Chamber No: K90, Tis Hazari Courts, New Delhi

Date: 25.08.2021

TO WHOMSOEVER IT MAY CONCERN

This to certify that Mr. **ARPIT TRIPATHI, ENROLMENT NO. 02590103817**, a student of **FAIRFIELD INSTITUTE OF MANGEMENT AND TECHNOLOGY, KAPASHERA** pursuing BA.LLB (5th year), has successfully completed his internship at my office for a period of 1 month, i.e., **from 20th JULY 2021 To 20th AUGUST 2021.**

During the course of his internship, he became a valuable part of my office and has shown himself to be hardworking and dedicated. He had been entrusted with work relating to civil, criminal and family law. He was assigned to my team in the court proceedings of various matters. He showed special interest in criminal law and family law.

Mr. Arpit Tripathi is an intelligent and sincere person with great potential and willingness to work and learn. During his association with me, he has shown great commitment and dedication. He will prove to be an asset for any organization with which he will be associated.


GURPARTAP SINGH SIDHU
ADVOCATE



DECLARATION

I ARPIT TRIPATHI student of 9th semester B.A.LL.B hereby declare that this report as compiled by me under summer internship program is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to Fairfield Institute of Management & Technology affiliated to Guru Gobind Singh Indraprastha University, New Delhi is a reliable document and is of bonafide nature.

ARPIT TRIPATHI

02590103817

BA-LLB

9th SEM/SEC-A

ACKNOWLEDGEMENT

I would like to sincerely thank Adv. G. S. SIDHU for giving me this wonderful opportunity to undergo internship training. I would also like to thank him for his guidance, generosity to share their tremendous knowledge, for giving continuous motivation from the starting of the internship until the end of the training. Also, my sincere gratitude to all the associates for their willingness to accept me into their family.

I would also like to take this opportunity to thank Chairman, Principal and Directors of FIMT. I would like to extend my sincere gratitude to all the teachers of Law Faculty, FIMT for their guidance and support.

Last but not the least, I would like to thank my parents and colleagues for their comforting supports and guidance.

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OBJECTIVE

Internship is a process of education, to offer meaningful, career related work experience to students, while simultaneously providing an excellent source of highly motivated, career minded individuals for employers.

The internship program serves to:

- 1) Reinforce and strength the student's personal values and career objectives through an improved understanding of themselves and the work environment.
- 2) Assist students in identifying and acquiring the skills needed to enter a chosen field.
- 3) Provide practical work experience to balance the student's theoretical training.
- 4) Allow students to meet and learn from professionals in the field and develop network of contacts.

CASE-1

**IN THE COURT OF MS. SUNAINA SHARMA, JUDGE, MACT, DELHI
IN THE MATTER OF: -**

BISHAMBAR DAYAL COMPLAINANT

VS.

SURENDER ACCUSED

SUBJECT MATTER: COMPLAINT UNDER SECTION 138 AND SECTION 141 OF
NEGOTIABLE INSTRUMENT ACT, 1881 AS AMENDED UPTO DATE

CASE FACTS:

In this case, the complainant is a teacher in MCD School, Delhi and the accused is running a business of Jeans. That the complainant advanced a friendly loan of Rs. 5 lakhs on 16.09.2015 only on the conditions when the accused issue a Cheque against the friendly loan amount as security to the complaint and the accused agreed to issue the Cheque as security against the friendly loan amount. In order to get loan, the accused issued a post-dated Cheque 51/3, Bijwahan110061 in the month of October, 2015 stating that on the presentation of this Cheque, it shall be honoured. The said Cheque was dishonoured for the reasons and remarks as “Funds Insufficient” when presented by the complainant for encashment. It is also pertinent to mention here that whoever commits an offence u/s 138 of N.I. Act, he/she shall be punished with an imprisonment for a period of 2 years and has to pay double of the Cheque amount.

Next Date of Hearing: 14/08/2022

CASE-2

IN THE COURT OF HON'BLE CHIEF METROPOLITAN MAGISTRATE, TIS HAZARI,
DELHI

COMPLAINT CASE NO. - 16991 OF 2018

M/s Om Building Material Supplier ...COMPLAINANT

V/S

Unnati Fortune Holdings Ltd. & Ors. ...ACCUSED

**CRIMINAL COMPLAINT NAMED AGAINST THE ACCUSED FOR THE OFFENCE
PUNISHABLE U/S.138 READ WITH SECTION 142 OF NEGOTIABLE
INSTRUMENTS (AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT,
2002.**

BRIEF FACTS MENTIONED HEREUNDER:

1. The complainant is engaged in the business of Building Material Supplier and have its registered office at II Floor, Dharam Market, Atta, Sector-27, Noida and is engaged in supplying all the materials required in construction industry. It has gained a good reputation, status and goodwill in the market.
2. Accused No.1 is a Private Limited Company and accused no.2 to 8 are Directors of accused no.1. Thus accused no. 2 to 8 are jointly and severally liable for the day to day affairs of accused no.1.
3. Accused no.2 to 8 approached the complainant to sought his services of supplying the various raw materials. Complainant had a long standing commercial association with the accused.

4. During the course of business transaction, the accused managed to gain trust and confidence of the complainant and as such the complainant delivered the material to the accused persons on credit due to their mutual understanding.
5. In lieu of aforesaid relation, transaction of Rs. 500000/- along with applicable interest became due towards the accused and they are liable to release the same.
6. In order to discharge their aforesaid outstanding liability, the accused had issued the following cheque to be drawn on Vijaya Bank, MSME Noida Branch, Uttar Pradesh with the assurance and undertaking that the same shall be duly encashed on presentation. But when the cheque was presented at the bank, it was declined stating 'insufficient funds' as the reason.
7. Time and again dishonor of cheque prove the intention of accused to commit and perpetuate fraud on the complainant and indulge in cheating and misappropriation.

OBSERVATION

I came to know about the provisions of Negotiable Instrument Act, and how to file a case.

NEXT DATE: 12.11.2021

CASE-3

TIS HAZARI, DELHI

IN THE COURT OF MS RUBY NEERAJ KUMAR , MM MAHILA COURT

SMT. RUKMANI

... COMPLAINANT

VS

SH. PAWAN KUMAR & ORS.

... RESPONDENTS

Reply to Complainant U/S 12 of THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005, on the behalf of Respondents

FACTS OF THE CASE:-

- Complainant narrated false story to harass respondents for extorting money and for accepting her unjustified demands.
- Complainant wants to live with her parents and pressurizing her husband to live with her at her parental house, respondents denial from accepting her demand that is why, complainant filed false case against respondents. complainant's parents demands Rs. Three Lakhs Only (Rs.3,00,000) from respondents to take back case.
- Respondents face lot of troubles in attending dates in this Hon'ble court and also at women cell in Delhi, where complainant filed another complaint which is being preceeded.
- Complainant conceal the fact that another complaint filed by her is already pending process at CAW Cell in Delhi, and she also concealed the fact that she carried her all jewelries and most of stridhan items with her when she came to live with her parents at her parental house.

OBSERVATION: -

When I went to TIS HAZARI COURT during my internship I observed the case of DOMESTIC VIOLENCE. The Hon'ble judge heard both the parties and she don't found any strong point against any of them. The Hon'ble judge ask for more evidences against respondent and she give next date to parties.

NEXT DATE OF CASE ON: - 03.10.2021

CASE-4

IN THE COURT OF DISTRICT AND SESSION JUDGE, SAKET DISTRICT COURT,
NEW DELHI

SHELAISH ATRYA

... PETITIONER

V/S

AMRIT LAL & ORS.RESPONDENTS

... ACCUSED

APPLICATION UNDER ORDER 37 OF THE CODE OF CIVIL PROCEDURE, 1908

BRIEF FACTS OF THE CASE:

1. Present suit has been filed for recovery of Rs.1,50,00,000 under Order 37 CPC.
Summons of the suit were sent to the defendants.
2. Plaintiff was partnership firm and the defendant being proprietorship firm are engaged in the business of construction work. The defendant had awarded various assignments of civil works to the plaintiff as its subcontractor.
3. The plaintiff executed the work for the defendant with respect to the contract awarded by defendant under various heads for total sum of Rs. 40,20,675/.
4. The defendant released a sum of Rs. 30,34,038/ and is still liable to pay a sum of Rs. 1,50,000/ in the form of a principal amount.
5. Plaintiff requested awarded interest @10% per annum on the said amount from the date of filing of the suit till the date of decree.

OBSERVATION

I read the case and came to know about dismissal of cases and Order 37 of CPC.

FINAL ORDER: The suit is dismissed as withdrawn against the defendant no.3

CASE-5

KARKARDOOMA COURTS, DELHI

IN THE COURT OF SH. SANJAY GARG: ASJ-01(EAST)

STATE

V/S

GUNJAN KUMAR JHA

- The victim D/o. Joseph Anthony, aged about 14 years, R/o. 609/88, Mandawali Uncheper, near talab chowk, Delhi. Student of 5th class in a school at Chandra Vihar.
- The Accused is known to the victim for the last 2-3 years as he used to run a factory at the ground floor of her house. Accused used to talk with her.
- On 15.10.12 accused met the victim near her school and proposed her to marry him and asked her to accompany him to Bhuj. She agreed. They went to railway station and from there took the train to Bhuj. Next day they reached at bhuj.
- At the railway station of Bhuj husband of husband of her friend came to take them and took them to his house. There they established physical relations.
- On 23.10.13 prosecutrix made a call to her father and told him that she is fine and he should not worry. Prosecutrix father asked her where she was but she did not told him the place. Same day the person running STD shop brought the police in the evening to their house. Thereafter police made a call to her father. Delhi police came there and on 28.10.12 brought them to Delhi.
- In Delhi she was taken to LBS Hospital where she was medically examined. Their doctor seized her clothes which she was wearing. Thereafter she was produced before CWC and custody was handed over to her parents.
- PROCEEDING The witness was examined. Statement u/s. 164 CrPC recorded by Sh. SPS Laler, Ld. M.M is taken out and shown to the witness and she identified her signatures at points A and B on statement Ex.PW2/A.

Further examination of the witness was deferred.

CASE-6

IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE DELHI
COMPLAINT CASE NO.1180/08

SHRI AMRIT LAL SIYAL (COMPLAINANT)

V/S

SHRI MANJEET SINGH (ACCUSED)

Complaint under Section 138 of the Negotiable Instrument Act,1881 as Amended by the banking public financial institution and Negotiable Instrument Laws (Amended)Act,2003 read with Section 200 CrPC.

- Accused in discharge of his liability on account of payments given a cheque on Dated 10-06-2008 bearing No. 854328 of rs 10,61,000/- drawn on Punjab National Bank(0792) Jurehra (Bharatpur) RAJASTHAN in favour of the complainant with assurance that said cheques will be honoured on presentation because accused because accused himself working with same bank and branch at the time issuing cheque.
- The said cheque were presented by the complainant for payments through his bank i.e. Bank of Baroda Mayur Vihar Phase-1 Delhi on 11-06-2008 for encashment but the said cheque were returned as dishonoured by the bank of the accused with his own signature the remarks “INSUFFICIENT FUNDS” vide cheque return memo received date 30-07-2008 and intimation to this effect was received by the complainant from his banker on 30-07-2008 which shows the memo date signed by accused dated 20-06-2008 but accused delayed the same process.
- The accused had allowed the cheque in question to return unpaid on presentation as dishonoured goes to show that the accused had the criminal intention in order to defraud and cheat the complainant.
- The complainant issued statutory notice dated 06-08-2008 as required under the law to the accused through regd. A.D. as well as way of Certificate of Posting (UPC), The said notice has been duly served upon the respondent through UPC. The accused have failed to make the payments of the cheque in question even after the expiry of statutory period allowed to him as per the law and has not payed the cheque amount till date.

In this matter we were from the complainant’s side i.e. Shri Amrit Lal Siyal.

No DW was present. It was submitted that DW Sh. Sayyed Ahmed could not appear before the court as he was not well.

Matter be put up for defence evidence on PARTICULAR date.

CASE-7

KARKARDOOMA COURTS, DELHI
IN THE COURT OF SH. SANJAY GARG: ASJ-01(EAST)

STATE

Vs.

MOHSIM

- The victim aged about 14 years is studying in 7th class in Govt. Secondary School at 27 block, Trilok Puri, Delhi. Accused is known to her as he is residing in the Ambedkar Camp Jhuggi near our house.
- Whenever she used to go out, accused used to follow her passing obscene remarks and use to say “Bhaag le bhaag le kab tak bhagegi ek din tujhe pakad kar hi rahunga”.
- On 14.02.13 at about 09:00-09.30PM She had gone to buy some articles from house, accused followed her and when she entered her house, he kept on standing outside her house staring inside. On that date, accused had also passed some obscene comments.
- She told her mother about it. Her mother asked him to go but he refused to go and misbehaved with her mother. Her mother made a call at 100 number and PCR reached at the spot. Accused ran away from the spot when her mother made a call at 100 number. Police asked them to come to police station. She along with her mother went to police station where her statement and lodged the FIR. After that they returned to their house. In the night her mother made a call to the police informing that accused is present in his house. Police reached there and arrested the accused.
- PROCEEDING The victim was recalled for cross examination.

Further examination of the witness was deferred. NEXT DATE OF HEARING 03/10/2021.

CASE-8

PATIALA HOUSE COURT, DELHI

In the court of sh. Sumedh Kumar, Patiala house

M/S BAIJ NATH HANDI FAB

...COMPLAINANT

V/S

M/S JAMINI EXPORTS LTD & ORS

...ACCUSED

- Complainant having its office shop no.2 Sharda road, Gandhi Nagar, Delhi-110031 is engaged in the business of sale and purchase of Fabrics.
- The accused no.2 is the M.D. of the accused no.1 and accused no.3-4 is also in charge and in control of the day to day activities of Jamini exports ltd.
- Since the complainant is engaged in the business of sale and purchase of fabrics, the accused persons approached the complainant for the supply of fabrics as per the requirement and demand of the accused persons.
- After several requests by the complainants, the accused made a payment of Rs.2450000/- against its liability of Rs.10079283.
The accused further requested for some more time from the complainant to make the remaining payment.
- The complainant further requested the accused to make the outstanding payment of Rs.7629283 as was acknowledged by the accused. After several requests by the complainant, accused issue 3 cheques all dated 12.3.2011 drawn on oriental bank of commerce sec 20, Noida branch. The accused represented to the complainant that the cheques would be honoured.
- The complainant presented all the cheques in bank for encashment. The said cheques were returned dishonoured with the remark 'insufficient funds'. Accused were informed of the same and they assured that this time they would be honoured.
- On 5.5.2011 the bankers of the cheque informed the complainant that cheque is dishonoured because of insufficient funds. Once again complainant requested the accused persons to make outstanding payment. This time also the accused assured the same.
- Believing the assurances of the accused persons to be true, the complainant presented the cheques again for encashment and was completely shocked and surprised to receive all the said cheques returned dishonoured.
- On 2.7.2011 accused issued another cheque for its entire amount of Rs.7629283 to be drawn on oriental bank of commerce.
- This cheque also like other one's returned dishonoured. This was the fourth time it was repeated.

- It is now clear that accused has malafide intentions. The complainant through its counsel sent a legal notice dated 24.07.2011 u/s 138 of the negotiable instrument act, demanding amount of Rs.7629283 within 15 days of receipt. However no payment was made by the accused in spite of legal notice.

PROCEEDINGS In this case we were from the complainant's side. On the date of hearing due to absence of the learned judge next date of hearing was given-15.11.2021.

CASE-9

KARKARDOOMA COURTS, DELHI
IN THE COURT OF MS. ILLA RAWAT

ALL INDIA GENERAL MAZDOOR TRADE UNION (REGD.)

V/S

M/S FOURTH VISION

1. The petitioner filed his statement of claim stating that he was working as Pattern Master for the management since 28.12.2008 and his last drawn salary was Rs. 20,000/- per month and that he was doing his duties honestly and diligently. It is alleged that though during his tenure of service the management did not have any occasion to complain against him or to blame him for anything, the management did not provide him any legal benefits such as appointment letter, weekly and yearly leave, overtime, increase in salary, travel allowance, house allowance, leave book, bonus etc. and when the workman made requests to the management to provide him with these benefits, the management started misbehaving with him and stopped his salary from 01.08.2010 to 28.11.2010 in revenge and further terminated his service on 29.10.2010 without issuing him any notice or chargesheet in contravention of provisions under Section 25 F of Industrial Disputes Act, 1947.
2. The workman was directed to furnish fresh address of the management vide order however, the workman has failed to comply with the directions to file the fresh address of the management till date. Perusal of record further shows that none has been appearing on behalf of the petitioner. It appears that petitioner is not interested in pursuing the present matter and hence, he has not filed the fresh address of the management and none is appearing on behalf of the petitioner. Hence, claim filed by the workman is dismissed for non appearance and for nonprosecution and the reference is answered accordingly.

CASE-10

KARKARDOOMA COURTS, DELHI
IN THE COURT OF MS. KIRAN BANSAL P.O. MOTOR ACCIDENT CLAIMS
TRIBUNAL

IMRAN KHAN

V/S

SURAJ SINGH AND ANOTHERS

1 Petitioner being the guardian of the minor injured, has filed the present claim petition under Sec. 166 & 140 of MV Act stating that on 24.12.2011 at about 4:30 pm the injured was on foot and proceeding from Gagan Vihar, Ghaziabad, UP to Rajeev Colony, Ghaziabad. When the petitioner reached at opposite M. K. restaurant, then all of a sudden a tanker bearing no. DL 63B 3669 which was being driven by respondent hit the son of the petitioner i.e. injured, as a result of which injured fell down on the road and sustained grievous injuries. Injured was removed to GTB Hospital for treatment and thereafter, he was referred to Lok Nayak Hospital, Delhi for proper treatment and discharged on 07.02.2012.

2 After completion of the pleadings, following issues were frame:

1. Whether petitioner sustained injuries in motor accident caused by rash and negligent driving of the vehicle?

2. Whether petitioner is entitled to compensation? If so, to what amount and from whom?

- ISSUE NO.1

From the statements of the witnesses, and in view of the record of the criminal case regarding the accident, it is proved that injured Imran Khan sustained injuries in the accident which occurred on 24.12.11 due to rash and negligent driving of offending vehicle bearing no. HR 63B 3669 driven by its driver i.e. Respondent no. 1.

- ISSUE NO.2

Keeping in view the nature of injuries suffered by the Claimant i.e permanent disability of left lower limb and the fact that he was under constant treatment, he would have needed an Attendant to look after him and the claimant is therefore, entitled to attendant charges.

Thus, the total compensation amount is Rs. 10,70,466/-.

CASE-11

KARKARDOOMA COURTS, DELHI
IN THE COURT OF SMT. SARITA BIRBAL, ADDITIONAL SESSIONS JUDGE,
(SPECIAL FAST TRACK COURT)

STATE

V/S

NAZEER @ KALIA

1. The prosecutrix informed the police officials that she was raped by Kalia (accused).
2. In her complaint, the prosecutrix stated that her mother died when she was a child. Her father also expired two years back. Her two brothers were doing private jobs and used to leave at about 8:00 AM in the morning and come back at about 8:00 PM. Earlier, the prosecutrix was also doing some work but now she is unemployed. Prosecutrix alleged that on 19.02.2015 at about 2:00 PM she was sleeping in her room. Accused came to her room with a knife. The prosecutrix shouted but the accused threatened to kill her. Accused tore the upper portion of the kurta of the prosecutrix and removed her pyjama. Accused then by force raped her. To save herself, the prosecutrix kicked the accused on which he caught hold of her head and hit it against a wall. He also slapped the prosecutrix and then left. Thereafter the prosecutrix called the police. Prosecutrix alleged that the accused is a man of bad character who roams around on streets after consuming liquor. Prosecutrix requested that action be taken against the accused.
3. During cross examination on behalf of accused, the prosecutrix admitted that she and the accused got married on 25.05.2015 as per Muslim rites and customs. She also admitted her marriage photographs. She again reiterated that she made physical relations with the accused with her consent and will. She admitted that the accused never threatened to kill her or her brothers. She also admitted that the accused never tore her clothes nor beat her. She deposed that the accused used to come to her house with her consent as they were in love and wanted to marry each other. She also admitted that she has been residing happily with the accused.
4. At the relevant time, the prosecutrix was above 18 years of age. Thus, sexual intercourse between the accused and the prosecutrix would not perse amount to an offence of rape. The same shall constitute an offence if any act of such sexual intercourse was committed without her consent or against her will or by obtaining her consent by use of force or exercise of deception. The medical examination prosecutrix shows that during her examination no injury was seen on per person. There is no evidence on record to show that the accused used force, coercion or deception to obtain consent of the prosecutrix. On the other hand, the prosecutrix has deposed that

accused made physical relations with her consent and will. Thus, the accused is acquitted of the charge of offence punishable under section 376 IPC. 16.

CASE-12

IN THE COURT OF ASHWANI KUMAR SARPAL, ADDITIONAL DISTRICT JUDGE

NANAK CHAND

V/S

UNION OF INDIA & ANOTHER

- 1 Petitioner claiming to be the owner of the acquired land got his petition under section 18 of the Act referred to the court for enhancement of compensation. He described the compensation amount as inadequate and unjustified on several grounds and -1- demanded enhanced compensation at the rate of Rs. 75,000/- per sq. yards for land along with other statutory benefits. It is stated by the petitioner that land in question is situated on main Wazirabad Highway which connects Delhi to UP and all kind of facilities and amenities are available near the land. The entire area is an urbanized area and fully developed. There is petrol pump adjacent to the land in question and two petrol pumps on the opposite side of the road. There is a market on the opposite side of the road with number of shops where the market value of the land is minimum Rs. 1 lakh per sq. yards. On the northern side of the land, there is a colony known as Yamuna Vihar where value of land is in between I lakh to 1.20 lakhs. On the southern side, there are DDA flats and other colonies where the price of land is in between Rs. 75,000/- to Rs. 1 lakh. According to the petitioner, even govt. circle rates for the area where the land in question is situated is Rs. 16,600/- per sq. meters. As per petitioner, the illegal possession of the land was taken in the year 1969 as admitted by DDA in the writ petition no. 960/2005 and constructed college there. One bank is also situated inside of the said college, so he is entitled to the commercial rates of the acquired land. It is also alleged that land remained in possession of the DDA illegally much prior to the date of notification u/s 4 of the Land Acquisition Act.
- 2 The issue was:
What is the market value in respect of the land acquired at the time of notification u/s 4 of Land Acquisition Act?
- 3 Accordingly, it is held that the compensation assessed was not proper and justified so it is liable to be enhanced. This issue is decided accordingly in favour of the petitioner and against the respondents.

CASE-13

KARKARDOOMA COURTS, DELHI
IN THE COURT OF SH AJAY GUPTA, ADDITIONAL SESSION JUDGE

SH. AJAY GAUTAM

V/S

SH. SWAMI CHAKERPANI @ RAJESH SRIVASTAVA

1. In brief, the facts leading to the filing of this revision petition are that the revisionist filed an application u/s 156 (3) Cr.P.C seeking registration of the FIR against respondent. It is stated in the complaint that respondent is a blind supporter of Sant Asha Ram Babu who is in judicial custody for the serious charges of rape and sexual assault etc. The respondent represents himself as President of Akhil Bhartiya Hindu Mahasabha and continuously hurting the religious feelings of complainant and other citizens on National News Channels by comparing Asha Ram Babu with Hindu deities though he has been booked in several criminal cases of sexual assault, land grabbing, forgery and attempt to murder. The respondent hurt the religious feeling of the complainant.
2. Secondly, it is stated that actual name of the respondent is Rajesh Srivastava @ Rajesh Bharti but to show himself as devoted Sadhu, he changed his name as Swami Chakerpani without following the due process and has got prepared his false voter I-card by producing forged and fabricated documents before Election Commission.
3. In this regard, petitioner made a complaint against the respondent to the local police on 24.11.13 however, police did not take any action against the respondent.
4. ASJ found no justification in directing the police for registering FIR and the application under section 156 (3) Cr. P. C. was dismissed. The court was of the opinion that the police assistance was not required in the matter for the collecting of any further evidence as his statements were telecasted by various News Channels which was the primary evidence for the case and was within the reach of every citizen.

CASE-14

KARKARDOOMA COURT, DELHI
IN THE COURT OF MS. ILLA RAWAT: POLCV

SH. JAHANGIR

V/S

M/S FOURTH VISION

1. A reference was received from the appropriate government for adjudication and disposal of an industrial dispute between the workman and the management with the following terms of reference :“Whether the services of Sh. Jahangir S/o Sh. Mehmood Baksh have been terminated illegally and/or unjustifiably by the management; if yes, to what relief is he entitled and what directions are necessary in this respect ?”

2. A notice of the aforesaid reference was sent to the workman. He filed his statement of claim stating that he was working as Pattern Master for the management since 28.12.2008 and his last drawn salary was Rs. 20,000/per month and that he was doing his duties honestly and diligently. It is alleged that though during his tenure of service the management did not have any occasion to complain against him or to blame him for anything, the management did not provide him any legal benefits such as appointment letter, weekly and yearly leave, overtime, increase in salary, travel allowance, house allowance, leave book, bonus etc. and when the workman made requests to the management to provide him with these benefits, the management started misbehaving with him and stopped his salary in revenge and further terminated his service on 29.10.2010 without issuing him any notice or charge sheet in contravention of provisions under Section 25 F of Industrial Disputes Act, 1947.

3. It is further stated by the workman that he sent a demand letter through his union to the management, through registered AD / Speed Post but the management neither gave any reply to the said demand letter nor reinstated the service of the workman.

4. The workman states that thereafter he made a written complaint to the Regional Assistant Labour Commissioner, Delhi State Government, through his Union, and that the said Assistant Labour Commissioner sent a Labour Inspector to the management, who asked the management to reinstate the workman in his employment but the management refused to do so. Thereafter the workman filed his claim before the Regional Assistant Labour Commissioner pursuant to which repeated notices were sent to management to appear before him for settlement, but the conciliation proceedings failed due to non-cooperation attitude of the management. Left with no option, the workman filed a claim before the Court. The workman states that he is unemployed since the date of his illegal termination and has prayed that directions be given to the management to reinstate him in his services with continuity of service, full back wages and all other consequential benefits.

5 After consideration of the claim, notice thereof was directed to be issued to the management. The notice issued to management was received back unserved with report that no management by the name of M/s. Fourth Vision was operating from said premises. The workman was directed to furnish fresh address of the management vide order however, the workman has failed to comply with the directions to file the fresh address of the management till date. Perusal of record further shows that none has been appearing on behalf of the workman after 25.11.2013. It appears that workman is not interested in pursuing the present matter and hence,

he has not filed the fresh address of the management and none is appearing on behalf of the workman. Hence, claim filed by the workman is dismissed for non-appearance and for non-prosecution and the reference is answered accordingly. A copy of the award be sent to the appropriate Government for its publications as per rules.

CASE-15

**IN THE COURT OF JUSTICE SUNEET KUMAR
WRIT-C No.-11830/2019**

In the matter of: -

Raja Ram and Another..... PETITIONER

V

Union of India.....RESPONDENT

Petition filed under: Article 226 of Constitution of India

FACTS: Petitioner was appointed at the respondent institution and he is a retired employee. He got his payment till November 2014, thereafter he was not paid his salaries. Along with other employees he protested against the arbitrary use of powers by the university. They also called Dharna and resorted to agitation before the authorities in question, so they were forcibly removed from the gate of the university. Earlier it has been held by the Apex Court and the High Court that taking work from employees without payment infringes fundamental rights of the employees. Despite several attempts, the respondent did not give payment to its employees including post retiral benefits, gratuity, PF etc. Hence presents the writ petition.

OBSERVATION: By relying on the judgment of Rekha Singh v union of India and others, petitioner argued that all other employees have been given their arrears then why I am being deprived of this, so he requested that the arrears must be given to him. On the other hand, the respondent counsel prays for and is granted 15 days' time to seek instruction.

Next hearing date: 03/02/2022

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included dimensions of criminal medico legal experts to civil corporate litigation. All of which was an over the top experience. Such summer trainings help a law student to replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was the pre-requisite to our training.

When it comes to observance of trials in the courts, it was one of the most essential parts of learning for an intern. Observance of trials and court proceedings help in understanding the very root of the law in India. Proceedings are the whole mechanism in toto whose analysis is always advisable.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

SUMMER TRAINING REPORT

SESSION: 2017-2022



FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

(AFFILIATED TO GGSIPU)

SUBMITTED BY:

ARUN ARORA

COURSE/ SEMESTER: BA.LLB/ 9TH

SECTION: A

ENROLL NO.: 02690103817

Mob: 9781302248

GURPARTAP SINGH SIDHU & ASSOCIATES

Advocates & legal consultants
DELHI HIGH COURT
Chamber No: K90, Tis Hazari Courts, New Delhi

Date: 25.08.2021

TO WHOMSOEVER IT MAY CONCERN

This is to certify that **Mr. ARUN ARORA, ENROLMENT NO. 02690103817**, a student of **FAIRFIELD INSTITUTE OF MANGEMENT AND TECHNOLOGY, KAPASHERA** pursuing BA.LLB (5th year), has successfully completed his internship at my office for a period of 1 month, i.e., **from 20th JULY 2021 To 20th AUGUST 2021.**

During the course of his internship, he became a valuable part of my office and has shown himself to be hardworking and dedicated. He had been entrusted with work relating to civil, criminal and family law. He was assigned to my team in the court proceedings of various matters. He showed special interest in criminal law and family law.

Mr. Arun Arora is an intelligent and sincere person with great potential and willingness to work and learn. During his association with me, he has shown great commitment and dedication. He will prove to be an asset for an organization with which he will be associated.


GURPARTAP SINGH SIDHU
ADVOCATE



DECLARATION

I ARUN ARORA student of 9th semester B.A.LL.B hereby declare that this report as compiled by me under summer internship program is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to Fairfield Institute of Management & Technology affiliated to Guru Gobind Singh Indraprastha University, New Delhi is a reliable document and is of bonafide nature.

ARUN ARORA

02690103817

BA-LLB

9th SEM/SEC-A

ACKNOWLEDGEMENT

I would also like to sincerely thank Adv. G. S. SIDHU for giving me this wonderful opportunity to undergo internship training. I would also like to thank him for his guidance, generosity to share their tremendous knowledge, for giving continuous motivation from the starting of the internship until the end of the training. Also, my sincere gratitude to all the associates for their willingness to accept me into their family.

I would also like to take this opportunity to thank Chairman, Principal and Directors of FIMT. I would like to extend my sincere gratitude to all the teachers of Law Faculty, FIMT for their guidance and support.

Last but not the least, I would like to thank my parents and colleagues for their comforting supports and guidance.

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OBJECTIVE

Internship is a process of education, to offer meaningful, career related work experience to students, while simultaneously providing an excellent source of highly motivated, career minded individuals for employers.

The internship program serves to:

- 1) Reinforce and strength the student's personal values and career objectives through an improved understanding of themselves and the work environment.
- 2) Assist students in identifying and acquiring the skills needed to enter a chosen field.
- 3) Provide practical work experience to balance the student's theoretical training.
- 4) Allow students to meet and learn from professionals in the field and develop network of contacts.

CASE-1

**IN THE COURT OF MS. SUNAINA SHARMA, JUDGE, MACT, DELHI
IN THE MATTER OF: -**

BISHAMBAR DAYAL COMPLAINANT

VS.

SURENDER ACCUSED

SUBJECT MATTER: COMPLAINT UNDER SECTION 138 AND SECTION 141 OF
NEGOTIABLE INSTRUMENT ACT, 1881 AS AMENDED UPTO DATE

CASE FACTS:

In this case, the complainant is a teacher in MCD School, Delhi and the accused is running a business of Jeans. That the complainant advanced a friendly loan of Rs. 5 lakhs on 16.09.2015 only on the conditions when the accused issue a Cheque against the friendly loan amount as security to the complaint and the accused agreed to issue the Cheque as security against the friendly loan amount. In order to get loan, the accused issued a post-dated Cheque 51/3, Bijwashaan110061 in the month of October, 2015 stating that on the presentation of this Cheque, it shall be honoured. The said Cheque was dishonoured for the reasons and remarks as “Funds Insufficient” when presented by the complainant for encashment. It is also pertinent to mention here that whoever commits an offence u/s 138 of N.I. Act, he/she shall be punished with an imprisonment for a period of 2 years and has to pay double of the Cheque amount.

Next Date of Hearing: 14/08/2022

CASE-2

IN THE COURT OF HON'BLE CHIEF METROPOLITAN MAGISTRATE, TIS HAZARI,
DELHI

COMPLAINT CASE NO. - 16991 OF 2018

M/S OM BUILDING MATERIAL SUPPLIER ...COMPLAINANT

V/S

UNNATI FORTUNE HOLDINGS LTD. & ORS. ...ACCUSED

**CRIMINAL COMPLAINT NAMED AGAINST THE ACCUSED FOR THE OFFENCE
PUNISHABLE U/S.138 READ WITH SECTION 142 OF NEGOTIABLE
INSTRUMENTS (AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT,
2002.**

BRIEF FACTS MENTIONED HEREUNDER:

1. The complainant is engaged in the business of Building Material Supplier and have its registered office at II Floor, Dharam Market, Atta, Sector-27, Noida and is engaged in supplying all the materials required in construction industry. It has gained a good reputation, status and goodwill in the market.
2. Accused No.1 is a Private Limited Company and accused no.2 to 8 are Directors of accused no.1. Thus accused no. 2 to 8 are jointly and severally liable for the day-to-day affairs of accused no.1.
3. Accused no.2 to 8 approached the complainant to sought his services of supplying the various raw materials. Complainant had a long-standing commercial association with the accused.

4. During the course of business transaction, the accused managed to gain trust and confidence of the complainant and as such the complainant delivered the material to the accused persons on credit due to their mutual understanding.
5. In lieu of aforesaid relation, transaction of Rs. 500000/- along with applicable interest became due towards the accused and they are liable to release the same.
6. In order to discharge their aforesaid outstanding liability, the accused had issued the following cheque to be drawn on Vijaya Bank, MSME Noida Branch, Uttar Pradesh with the assurance and undertaking that the same shall be duly encashed on presentation. But when the cheque was presented at the bank, it was declined stating 'insufficient funds' as the reason.
7. Time and again dishonor of cheque prove the intention of accused to commit and perpetuate fraud on the complainant and indulge in cheating and misappropriation.

OBSERVATION

I came to know about the provisions of Negotiable Instrument Act, and how to file a case.

NEXT DATE: 12.11.2021

CASE-3

TIS HAZARI, DELHI

IN THE COURT OF MS RUBY NEERAJ KUMAR, MM MAHILA COURT

SMT. RUKMANI

... COMPLAINANT

VS

SH. PAWAN KUMAR & ORS.

... RESPONDENTS

Reply to Complainant U/S 12 of THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005, on the behalf of Respondents

FACTS OF THE CASE: -

- Complainant narrated false story to harass respondents for extorting money and for accepting her unjustified demands.
- Complainant wants to live with her parents and pressurizing her husband to live with her at her parental house, respondents' denial from accepting her demand that is why, complainant filed false case against respondents. complainant's parents demand Rs. Three Lakhs Only (Rs.3,00,000) from respondents to take back case.
- Respondents face lot of troubles in attending dates in this Hon'ble court and also at women cell in Delhi, where complainant filed another complaint which is being preceeded.
- Complainant conceal the fact that another complaint filed by her is already pending process at CAW Cell in Delhi, and she also concealed the fact that she carried her all jewelries and most of stridhan items with her when she came to live with her parents at her parental house.

OBSERVATION: -

When I went to TIS HAZARI COURT during my internship I observed the case of DOMESTIC VIOLENCE. The Hon'ble judge heard both the parties and she don't found any strong point against any of them. The Hon'ble judge ask for more evidences against respondent and she give next date to parties.

NEXT DATE OF CASE ON: - 03.10.2021

CASE-4

IN THE COURT OF DISTRICT AND SESSION JUDGE, SAKET DISTRICT COURT,
NEW DELHI

SHELAISH ATRYA

... PETITIONER

V/S

AMRIT LAL & ORS.RESPONDENTS

... ACCUSED

APPLICATION UNDER ORDER 37 OF THE CODE OF CIVIL PROCEDURE, 1908

BRIEF FACTS OF THE CASE:

1. Present suit has been filed for recovery of Rs.1,50,00,000 under Order 37 CPC.
Summons of the suit were sent to the defendants.
2. Plaintiff was partnership firm and the defendant being proprietorship firm are engaged in the business of construction work. The defendant had awarded various assignments of civil works to the plaintiff as its subcontractor.
3. The plaintiff executed the work for the defendant with respect to the contract awarded by defendant under various heads for total sum of Rs. 40,20,675/.
4. The defendant released a sum of Rs. 30,34,038/ and is still liable to pay a sum of Rs. 1,50,000/ in the form of a principal amount.
5. Plaintiff requested awarded interest @10% per annum on the said amount from the date of filing of the suit till the date of decree.

OBSERVATION

I read the case and came to know about dismissal of cases and Order 37 of CPC.

FINAL ORDER: The suit is dismissed as withdrawn against the defendant no.3

CASE-5

KARKARDOOMA COURTS, DELHI

IN THE COURT OF SH. SANJAY GARG: ASJ-01(EAST)

STATE

V/S

GUNJAN KUMAR JHA

- The victim D/o. Joseph Anthony, aged about 14 years, R/o. 609/88, Mandawali Uncheper, near talab chowk, Delhi. Student of 5th class in a school at Chandra Vihar.
- The Accused is known to the victim for the last 2-3 years as he used to run a factory at the ground floor of her house. Accused used to talk with her.
- On 15.10.12 accused met the victim near her school and proposed her to marry him and asked her to accompany him to Bhuj. She agreed. They went to railway station and from there took the train to Bhuj. Next day they reached at bhuj.
- At the railway station of Bhuj husband of husband of her friend came to take them and took them to his house. There they established physical relations.
- On 23.10.13 prosecutrix made a call to her father and told him that she is fine and he should not worry. Prosecutrix father asked her where she was but she did not told him the place. Same day the person running STD shop brought the police in the evening to their house. Thereafter police made a call to her father. Delhi police came there and on 28.10.12 brought them to Delhi.
- In Delhi she was taken to LBS Hospital where she was medically examined. Their doctor seized her clothes which she was wearing. Thereafter she was produced before CWC and custody was handed over to her parents.
- PROCEEDING The witness was examined. Statement u/s. 164 CrPC recorded by Sh. SPS Laler, Ld. M.M is taken out and shown to the witness and she identified her signatures at points A and B on statement Ex.PW2/A.

Further examination of the witness was deferred.

CASE-6

IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE DELHI
COMPLAINT CASE NO.1180/08

SHRI AMRIT LAL SIYAL (COMPLAINANT)

V/S

SHRI MANJEET SINGH (ACCUSED)

Complaint under Section 138 of the Negotiable Instrument Act, 1881 as Amended by the banking public financial institution and Negotiable Instrument Laws (Amended) Act, 2003 read with Section 200 CrPC.

- Accused in discharge of his liability on account of payments given a cheque on Dated 10-06-2008 bearing No. 854328 of rs 10,61,000/- drawn on Punjab National Bank(0792) Jurehra (Bharatpur) RAJASTHAN in favour of the complainant with assurance that said cheques will be honoured on presentation because accused because accused himself working with same bank and branch at the time issuing cheque.
- The said cheque were presented by the complainant for payments through his bank i.e. Bank of Baroda Mayur Vihar Phase-1 Delhi on 11-06-2008 for encashment but the said cheque were returned as dishonoured by the bank of the accused with his own signature the remarks “INSUFFICIENT FUNDS” vide cheque return memo received date 30-07-2008 and intimation to this effect was received by the complainant from his banker on 30-07-2008 which shows the memo date signed by accused dated 20-06-2008 but accused delayed the same process.
- The accused had allowed the cheque in question to return unpaid on presentation as dishonoured goes to show that the accused had the criminal intention in order to defraud and cheat the complainant.
- The complainant issued statutory notice dated 06-08-2008 as required under the law to the accused through regd. A.D. as well as way of Certificate of Posting (UPC), The said notice has been duly served upon the respondent through UPC. The accused have failed to make the payments of the cheque in question even after the expiry of statutory period allowed to him as per the law and has not paid the cheque amount till date.

In this matter we were from the complainant's side i.e. Shri Amrit Lal Siyal.

No DW was present. It was submitted that DW Sh. Sayyed Ahmed could not appear before the court as he was not well.

Matter be put up for defence evidence on PARTICULAR date.

CASE-7

KARKARDOOMA COURTS, DELHI
IN THE COURT OF SH. SANJAY GARG: ASJ-01(EAST)

STATE

Vs.

MOHSIM

- The victim aged about 14 years is studying in 7th class in Govt. Secondary School at 27 block, Trilok Puri, Delhi. Accused is known to her as he is residing in the Ambedkar Camp Jhuggi near our house.
- Whenever she used to go out, accused used to follow her passing obscene remarks and use to say “Bhaag le bhaag le kab tak bhagegi ek din tujhe pakad kar hi rahunga”.
- On 14.02.13 at about 09:00-09.30PM She had gone to buy some articles from house, accused followed her and when she entered her house, he kept on standing outside her house staring inside. On that date, accused had also passed some obscene comments.
- She told her mother about it. Her mother asked him to go but he refused to go and misbehaved with her mother. Her mother made a call at 100 number and PCR reached at the spot. Accused ran away from the spot when her mother made a call at 100 number. Police asked them to come to police station. She along with her mother went to police station where her statement and lodged the FIR. After that they returned to their house. In the night her mother made a call to the police informing that accused is present in his house. Police reached there and arrested the accused.
- PROCEEDING The victim was recalled for cross examination.

Further examination of the witness was deferred. NEXT DATE OF HEARING 03/10/2021.

CASE-8

PATIALA HOUSE COURT, DELHI

In the court of sh. Sumedh Kumar, Patiala house

M/S BAIJ NATH HANDI FAB

...COMPLAINANT

V/S

M/S JAMINI EXPORTS LTD & ORS

...ACCUSED

- Complainant having its office shop no.2 Sharda road, Gandhi Nagar, Delhi-110031 is engaged in the business of sale and purchase of Fabrics.
- The accused no.2 is the M.D. of the accused no.1 and accused no.3-4 is also in charge and in control of the day to day activities of Jamini exports ltd.
- Since the complainant is engaged in the business of sale and purchase of fabrics, the accused persons approached the complainant for the supply of fabrics as per the requirement and demand of the accused persons.
- After several requests by the complainants, the accused made a payment of Rs.2450000/- against its liability of Rs.10079283.
The accused further requested for some more time from the complainant to make the remaining payment.
- The complainant further requested the accused to make the outstanding payment of Rs.7629283 as was acknowledged by the accused. After several requests by the complainant, accused issue 3 cheques all dated 12.3.2011 drawn on oriental bank of commerce sec 20, Noida branch. The accused represented to the complainant that the cheques would be honoured.
- The complainant presented all the cheques in bank for encashment. The said cheques were returned dishonoured with the remark 'insufficient funds'. Accused were informed of the same and they assured that this time they would be honoured.
- On 5.5.2011 the bankers of the cheque informed the complainant that cheque is dishonoured because of insufficient funds. Once again complainant requested the accused persons to make outstanding payment. This time also the accused assured the same.
- Believing the assurances of the accused persons to be true, the complainant presented the cheques again for encashment and was completely shocked and surprised to receive all the said cheques returned dishonoured.
- On 2.7.2011 accused issued another cheque for its entire amount of Rs.7629283 to be drawn on oriental bank of commerce.
- This cheque also like other one's returned dishonoured. This was the fourth time it was repeated.

- It is now clear that accused has malafide intentions. The complainant through its counsel sent a legal notice dated 24.07.2011 u/s 138 of the negotiable instrument act, demanding amount of Rs.7629283 within 15 days of receipt. However, no payment was made by the accused in spite of legal notice.

PROCEEDINGS In this case we were from the complainant's side. On the date of hearing due to absence of the learned judge next date of hearing was given-15.11.2021.

CASE-9

KARKARDOOMA COURTS, DELHI
IN THE COURT OF MS. ILLA RAWAT

ALL INDIA GENERAL MAZDOOR TRADE UNION (REGD.)

V/S

M/S FOURTH VISION

1. The petitioner filed his statement of claim stating that he was working as Pattern Master for the management since 28.12.2008 and his last drawn salary was Rs. 20,000/- per month and that he was doing his duties honestly and diligently. It is alleged that though during his tenure of service the management did not have any occasion to complain against him or to blame him for anything, the management did not provide him any legal benefits such as appointment letter, weekly and yearly leave, overtime, increase in salary, travel allowance, house allowance, leave book, bonus etc. and when the workman made requests to the management to provide him with these benefits, the management started misbehaving with him and stopped his salary from 01.08.2010 to 28.11.2010 in revenge and further terminated his service on 29.10.2010 without issuing him any notice or chargesheet in contravention of provisions under Section 25 F of Industrial Disputes Act, 1947.
2. The workman was directed to furnish fresh address of the management vide order however, the workman has failed to comply with the directions to file the fresh address of the management till date. Perusal of record further shows that none has been appearing on behalf of the petitioner. It appears that petitioner is not interested in pursuing the present matter and hence, he has not filed the fresh address of the management and none is appearing on behalf of the petitioner. Hence, claim filed by the workman is dismissed for nonappearance and for nonprosecution and the reference is answered accordingly.

CASE-10

KARKARDOOMA COURTS, DELHI
IN THE COURT OF MS. KIRAN BANSAL P.O. MOTOR ACCIDENT CLAIMS
TRIBUNAL

IMRAN KHAN

V/S

SURAJ SINGH AND ANOTHERS

1 Petitioner being the guardian of the minor injured, has filed the present claim petition under Sec. 166 & 140 of MV Act stating that on 24.12.2011 at about 4:30 pm the injured was on foot and proceeding from Gagan Vihar, Ghaziabad, UP to Rajeev Colony, Ghaziabad. When the petitioner reached at opposite M. K. restaurant, then all of a sudden a tanker bearing no. DL 63B 3669 which was being driven by respondent hit the son of the petitioner i.e. injured, as a result of which injured fell down on the road and sustained grievous injuries. Injured was removed to GTB Hospital for treatment and thereafter, he was referred to Lok Nayak Hospital, Delhi for proper treatment and discharged on 07.02.2012.

2 After completion of the pleadings, following issues were frame:

1. Whether petitioner sustained injuries in motor accident caused by rash and negligent driving of the vehicle?

2. Whether petitioner is entitled to compensation? If so, to what amount and from whom?

- ISSUE NO.1

From the statements of the witnesses, and in view of the record of the criminal case regarding the accident, it is proved that injured Imran Khan sustained injuries in the accident which occurred on 24.12.11 due to rash and negligent driving of offending vehicle bearing no. HR 63B 3669 driven by its driver i.e. Respondent no. 1.

- ISSUE NO.2

Keeping in view the nature of injuries suffered by the Claimant i.e permanent disability of left lower limb and the fact that he was under constant treatment, he would have needed an Attendant to look after him and the claimant is therefore, entitled to attendant charges.

Thus, the total compensation amount is Rs. 10,70,466/-.

CASE-11

KARKARDOOMA COURTS, DELHI
IN THE COURT OF SMT. SARITA BIRBAL, ADDITIONAL SESSIONS JUDGE,
(SPECIAL FAST TRACK COURT)

STATE

V/S

NAZEER @ KALIA

1. The prosecutrix informed the police officials that she was raped by Kalia (accused).
2. In her complaint, the prosecutrix stated that her mother died when she was a child. Her father also expired two years back. Her two brothers were doing private jobs and used to leave at about 8:00 AM in the morning and come back at about 8:00 PM. Earlier, the prosecutrix was also doing some work but now she is unemployed. Prosecutrix alleged that on 19.02.2015 at about 2:00 PM she was sleeping in her room. Accused came to her room with a knife. The prosecutrix shouted but the accused threatened to kill her. Accused tore the upper portion of the kurta of the prosecutrix and removed her pyjama. Accused then by force raped her. To save herself, the prosecutrix kicked the accused on which he caught hold of her head and hit it against a wall. He also slapped the prosecutrix and then left. Thereafter the prosecutrix called the police. Prosecutrix alleged that the accused is a man of bad character who roams around on streets after consuming liquor. Prosecutrix requested that action be taken against the accused.
3. During cross examination on behalf of accused, the prosecutrix admitted that she and the accused got married on 25.05.2015 as per Muslim rites and customs. She also admitted her marriage photographs. She again reiterated that she made physical relations with the accused with her consent and will. She admitted that the accused never threatened to kill her or her brothers. She also admitted that the accused never tore her clothes nor beat her. She deposed that the accused used to come to her house with her consent as they were in love and wanted to marry each other. She also admitted that she has been residing happily with the accused.
4. At the relevant time, the prosecutrix was above 18 years of age. Thus, sexual intercourse between the accused and the prosecutrix would not perse amount to an offence of rape. The same shall constitute an offence if any act of such sexual intercourse was committed without her consent or against her will or by obtaining her consent by use of force or exercise of deception. The medical examination prosecutrix shows that during her examination no injury was seen on per person. There is no evidence on record to show that the accused used force, coercion or deception to obtain consent of the prosecutrix. On the other hand, the prosecutrix has deposed that

accused made physical relations with her consent and will. Thus, the accused is acquitted of the charge of offence punishable under section 376 IPC. 16.

CASE-12

IN THE COURT OF ASHWANI KUMAR SARPAL, ADDITIONAL DISTRICT JUDGE

NANAK CHAND

V/S

UNION OF INDIA & ANOTHER

- 1 Petitioner claiming to be the owner of the acquired land got his petition under section 18 of the Act referred to the court for enhancement of compensation. He described the compensation amount as inadequate and unjustified on several grounds and -1- demanded enhanced compensation at the rate of Rs. 75,000/- per sq. yards for land along with other statutory benefits. It is stated by the petitioner that land in question is situated on main Wazirabad Highway which connects Delhi to UP and all kind of facilities and amenities are available near the land. The entire area is an urbanized area and fully developed. There is petrol pump adjacent to the land in question and two petrol pumps on the opposite side of the road. There is a market on the opposite side of the road with number of shops where the market value of the land is minimum Rs. 1 lakh per sq. yards. On the northern side of the land, there is a colony known as Yamuna Vihar where value of land is in between I lakh to 1.20 lakhs. On the southern side, there are DDA flats and other colonies where the price of land is in between Rs. 75,000/- to Rs. 1 lakh. According to the petitioner, even govt. circle rates for the area where the land in question is situated is Rs. 16,600/- per sq. meters. As per petitioner, the illegal possession of the land was taken in the year 1969 as admitted by DDA in the writ petition no. 960/2005 and constructed college there. One bank is also situated inside of the said college, so he is entitled to the commercial rates of the acquired land. It is also alleged that land remained in possession of the DDA illegally much prior to the date of notification u/s 4 of the Land Acquisition Act.
- 2 The issue was:
What is the market value in respect of the land acquired at the time of notification u/s 4 of Land Acquisition Act?
- 3 Accordingly, it is held that the compensation assessed was not proper and justified so it is liable to be enhanced. This issue is decided accordingly in favour of the petitioner and against the respondents.

CASE-13

KARKARDOOMA COURTS, DELHI
IN THE COURT OF SH AJAY GUPTA, ADDITIONAL SESSION JUDGE

SH. AJAY GAUTAM

V/S

SH. SWAMI CHAKERPANI @ RAJESH SRIVASTAVA

1. In brief, the facts leading to the filing of this revision petition are that the revisionist filed an application u/s 156 (3) Cr.P.C seeking registration of the FIR against respondent. It is stated in the complaint that respondent is a blind supporter of Sant Asha Ram Babu who is in judicial custody for the serious charges of rape and sexual assault etc. The respondent represents himself as President of Akhil Bhartiya Hindu Mahasabha and continuously hurting the religious feelings of complainant and other citizens on National News Channels by comparing Asha Ram Babu with Hindu deities though he has been booked in several criminal cases of sexual assault, land grabbing, forgery and attempt to murder. The respondent hurt the religious feeling of the complainant.
2. Secondly, it is stated that actual name of the respondent is Rajesh Srivastava @ Rajesh Bharti but to show himself as devoted Sadhu, he changed his name as Swami Chakerpani without following the due process and has got prepared his false voter I-card by producing forged and fabricated documents before Election Commission.
3. In this regard, petitioner made a complaint against the respondent to the local police on 24.11.13 however, police did not take any action against the respondent.
4. ASJ found no justification in directing the police for registering FIR and the application under section 156 (3) Cr. P. C. was dismissed. The court was of the opinion that the police assistance was not required in the matter for the collecting of any further evidence as his statements were telecasted by various News Channels which was the primary evidence for the case and was within the reach of every citizen.

CASE-14

KARKARDOOMA COURT, DELHI
IN THE COURT OF MS. ILLA RAWAT: POLCV

SH. JAHANGIR

V/S

M/S FOURTH VISION

1. A reference was received from the appropriate government for adjudication and disposal of an industrial dispute between the workman and the management with the following terms of reference :“Whether the services of Sh. Jahangir S/o Sh. Mehmood Baksh have been terminated illegally and/or unjustifiably by the management; if yes, to what relief is he entitled and what directions are necessary in this respect ?”

2. A notice of the aforesaid reference was sent to the workman. He filed his statement of claim stating that he was working as Pattern Master for the management since 28.12.2008 and his last drawn salary was Rs. 20,000/per month and that he was doing his duties honestly and diligently. It is alleged that though during his tenure of service the management did not have any occasion to complain against him or to blame him for anything, the management did not provide him any legal benefits such as appointment letter, weekly and yearly leave, overtime, increase in salary, travel allowance, house allowance, leave book, bonus etc. and when the workman made requests to the management to provide him with these benefits, the management started misbehaving with him and stopped his salary in revenge and further terminated his service on 29.10.2010 without issuing him any notice or charge sheet in contravention of provisions under Section 25 F of Industrial Disputes Act, 1947.

3. It is further stated by the workman that he sent a demand letter through his union to the management, through registered AD / Speed Post but the management neither gave any reply to the said demand letter nor reinstated the service of the workman.

4. The workman states that thereafter he made a written complaint to the Regional Assistant Labour Commissioner, Delhi State Government, through his Union, and that the said Assistant Labour Commissioner sent a Labour Inspector to the management, who asked the management to reinstate the workman in his employment but the management refused to do so. Thereafter the workman filed his claim before the Regional Assistant Labour Commissioner pursuant to which repeated notices were sent to management to appear before him for settlement, but the conciliation proceedings failed due to non-cooperation attitude of the management. Left with no option, the workman filed a claim before the Court. The workman states that he is unemployed since the date of his illegal termination and has prayed that directions be given to the management to reinstate him in his services with continuity of service, full back wages and all other consequential benefits.

5 After consideration of the claim, notice thereof was directed to be issued to the management. The notice issued to management was received back unserved with report that no management by the name of M/s. Fourth Vision was operating from said premises. The workman was directed to furnish fresh address of the management vide order however, the workman has failed to comply with the directions to file the fresh address of the management till date. Perusal of record further shows that none has been appearing on behalf of the workman after 25.11.2013. It appears that workman is not interested in pursuing the present matter and hence,

he has not filed the fresh address of the management and none is appearing on behalf of the workman. Hence, claim filed by the workman is dismissed for non-appearance and for non-prosecution and the reference is answered accordingly. A copy of the award be sent to the appropriate Government for its publications as per rules.

CASE-15

**IN THE COURT OF JUSTICE SUNEET KUMAR
WRIT-C No.-11830/2019**

In the matter of: -

Raja Ram and Another..... PETITIONER

V

Union of India.....RESPONDENT

Petition filed under: Article 226 of Constitution of India

FACTS: Petitioner was appointed at the respondent institution and he is a retired employee. He got his payment till November 2014, thereafter he was not paid his salaries. Along with other employees he protested against the arbitrary use of powers by the university. They also called Dharna and resorted to agitation before the authorities in question, so they were forcibly removed from the gate of the university. Earlier it has been held by the Apex Court and the High Court that taking work from employees without payment infringes fundamental rights of the employees. Despite several attempts, the respondent did not give payment to its employees including post retiral benefits, gratuity, PF etc. Hence presents the writ petition.

OBSERVATION: By relying on the judgment of Rekha Singh v union of India and others, petitioner argued that all other employees have been given their arrears then why I am being deprived of this, so he requested that the arrears must be given to him. On the other hand, the respondent counsel prays for and is granted 15 days' time to seek instruction.

Next hearing date: 03/02/2022

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included dimensions of criminal medico legal experts to civil corporate litigation. All of which was an over the top experience. Such summer trainings help a law student to replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was the pre-requisite to our training.

When it comes to observance of trials in the courts, it was one of the most essential parts of learning for an intern. Observance of trials and court proceedings help in understanding the very root of the law in India. Proceedings are the whole mechanism in toto whose analysis is always advisable.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

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Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - ARUSHI SAJI
ENROLLMENT NO. - 02790103817
COURSE - B.A.LLB
BATCH - 2017-2022



STUDENT INTERNSHIP DIARY
5 YEARS BA.LLB (INTEGRATED) | BBA-LLB (INTEGRATED)

FIMT- SCHOOL OF LAW



FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY
(AFFILIATED TO GURU GOBIND INDRAPRASTHA UNIVERSITY, DELHI)
KAPASHERA, NEW DELH

Session 2017-2022

NAME OF THE STUDENT – ARUSHI SAJI
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KNOWLAW - The One Stop Lextination

CERTIFICATE OF APPRECIATION

awarded to

ARUSHI SAJI

who has worked as a virtual volunteer/intern for a period of one month from 28th June, 2021 to 31st July, 2021. Her primary areas of work included slide designing on Canva, legal posts making for social media platforms of KNOWLAW, etc. During her internship she was found punctual, hardworking, and inquisitive.

A handwritten signature in black ink that reads "Riya" with a flourish.

RIYA BELEL

Chief Operations Officer

DECLARATION

I, ARUSHI SAJI of 9th semester of BA-LLB (H) hereby declare that this report is compiled by me under 4 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to **Fairfield Institute Of Management & Technology** affiliated to **GGSIP UNIVERSITY, New Delhi** is a reliable document and is of bona fide nature.

Signature- Arushi Saji

Date-25-11-2021

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected Mentor Aditya Kumar (knowlaww.in) **where I undertook & completed my 4 weeks internship for Content Writing or Research work** who has been my constant support, source of encouragement, inspiration, guided and helped me in successfully completing my Summer Internship.

Moreover, apart from court they give me a chance to get practical exposure by attending various conferences, seminars with various people.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting of this report.

Signature: Arushi Saji

Date: 25-11-2021

OBJECTIVE

The Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to:

Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

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Task 1: Legality of live in relationship in India

June 27, 2021

On the first day my mentor assigned me and my co-intern a topic namely legality of live in relationship in India in which we had to research and make slides. Below I'm giving a brief of what I learnt. In 1978 SC for the first time passed the judgement regarding live-in relationship in the case of Badri Prasad vs. dy. Director of consolidation. The legal status of live-in relationship in India has been evolved and determined by the SC in its various judgements. In a recent judgement the Allahabad High Court ruled that a married woman moving in with another man without divorcing her spouse cannot claim to be in a live-in relationship and seek legal sanctity later. Their act was against the definition of a live-in relationship defined by law and the SC.

Task 2: Legal Update

29th June 2021

The second task assigned to me was legal update on any recent news. So I made the content on the topic “why should matrimonial matters be highlighted so much in every channel”? Delhi High Court questions media outlets Justice Rekha Palli was hearing a petition to prohibit 13 major news outlets from printing, publishing, displaying, circulating or airing any news related to matrimonial disputes and family matters. The prayer was made in a case concerning a dispute between a man, his wife and daughters.

Task 3: Kerala high court renames suo moto case

29th June 2021

The third task assigned to me was to make slides on (kerala high court renames suo moto case “in re Bruno”) here’s the brief of this topic a black Labrador Bruno was beaten to death by two juveniles and a youth at the adimalathura beach in Thiruvananthapuram. The matter came to light after the dog’s owner posted a video of the brutal assauly which went viral on social media with hashtag #justiceforbruno

The court said “we feel this will be fitting tribute to the hapless dog that succumbed to the acts of human cruelty and disturbed by which we had initiated these proceedings” Kerala High Court renamed the petition as “IN RE: BRUNO (suo moto proceedings initiated by the High Court in the matter of executive and legislative inaction of the state government in the matter of protection of animal).

Task 4: Madras HC gives guidelines against discrimination of LGBTQIA+ people

8th July 2021

The fourth task assigned to me was on the topic stated above. Brief of which I'm mentioning below. The court asked to enlist NGOs which have sufficient expertise in handling the issues faced by the LGBTQIA+ community. The court asked the union government to prohibit any attempts to medically cure other sexual orientation of lgbtqi+ persons to heterosexual, or the gender identity of transgender to cisgender. The court ordered police to close missing complaints if it was found that they involve consenting adults belonging to the LGBTQIA+ community. The prison authorities have been asked to house transgender and gender nonconforming prisoners separately. Centre ordered to upgrade all short stay homes to accommodate LGBTQIA+ people within 3 months. Justice Anand Venkatesh attended a session on LGBTQIA+ issues with clinical psychologist before issuing this judgement.

Task 5: Tele law

15th July 2021

The fifth task assigned to me was to research and make slides on tele law. Here's the brief of what I learnt. It is to facilitate the delivery of legal advice through a panel of lawyers stationed at the state legal services authorities and CSC. Tele law service enables anyone to seek legal advice without wasting their precious time and money. This law was recently in news because tele law touched a new milestone on October 30th 2020 by providing legal advice to 4 million beneficiaries through common service centres.

Task 6: Israel's border

16th July 2021

The sixth task was to do research on the above topic. Below I have mentioned what I learnt from it in brief. The battle for Jerusalem has been going for decades. Inside east Jerusalem is the al-aqsa mosque compound the third holiest site in islam. Jews revere it as the site of the ancient Jewish second temple and it is considered a chronic flashpoint in the regional conflict. Over the weekend violence erupted at the al-aqsa mosque when Israeli riot police fired rubber bullets and stun grenades at Palestinians. Israel says they stormed the mosque compound because Palestinians were stockpiling rocks and throwing them at police. More than 300 Palestinians were injured according to the red crescent, the red cross affiliate in the Muslim world.

Task 7: What's happening in Lakshadweep?

27th July 2021

The seventh task assigned to me was to make a post on the topic “What’s happening in Lakshadweep? Why are islanders protesting?” below I am mentioning a brief on the topic. The issue began with the death of Dineshwar Sharma the former administrator of Lakshadweep in December 2020 and Praful Khoda Patel took charge as new administrator. Over the past few days people mainly from Lakshadweep and kerala took social media with cries of #savelakshadweep to call out Praful khoda patel for his authoritative regulations like the LDAR and PASA. Lakshadweep development authority regulation 2021 gives the administrator powers to remove or relocate islanders from their property for town planning or any developmental activity. Besides beef banned and dairy farms closed which was source of income for many natives, panchayats were stripped of their powers, fishing sheds were demolished, non veg meals were removed from school menu, liquor bars were legalized in the dry land, etc.

Task 8: SC: does India need a colonial sedition law?

28th July 2021

The eighth task assigned to me was on the above mentioned topic. Below I'm briefing it. Section 124A of the Indian Penal code 1860. Whoever by words either spoken or written or by signs or by visible representation or otherwise brings or attempts to bring into hatred or contempt or excites or attempts to excite disaffection towards the government established by law in India shall be punished. Imprisonment for life to which fine may be added or imprisonment which may extend to three years to which fine may be added or just a fine. The apex court said "this government has been scrapping many obsolete laws. We don't know why they are not looking into this law? Continuance of this law is a serious threat to liberty." The enormous power of misuse of this section can be compared to a carpenter with a saw. Instead of cutting a tree, he cuts the entire forest."

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included promote the work in different ways. All of which was an over the top experience.

Such summer trainings help a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which is the pre-requisite to our training.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards
Yours Faithfully,

FAIRFIELD

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SCHOOL OF PROFESSIONAL STUDIES

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FIMT-SCHOOL OF LAW- BBA-LLB(INTEGRATED), BA-LLB (INTEGRATED)
FIMT-SCHOOL OF JOURNALISM & MASS COMMUNICATION- BA-JMC
FIMT-SCHOOL OF BUSINESS ADMINISTRATION- BBA(GEN.)
FIMT-SCHOOL OF INFORMATION TECHNOLOGY- BCA
FIMT-SCHOOL OF COMMERCE- B.COM.(H)
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SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - ASHISH TEHLAN

ENROLLMENT NO. - 02890103817

COURSE - BA-LLB

BATCH - 2017-2022(IXTH SEMESTER)



SANJEEV BEHL

MOBILE NO. 98101 82003
CHAMBER NO. B-6, B.G.S. BLOCK,
TIS HAZARI COURT COMPLEX, DELHI-54.
ENROLLMENT NO. D181/2000

ADVOCATE & SOLICITOR

To whomsoever it may concern

This is to certify that ASHISH TEHLAN S/o SH. VINOD TEHLAN, student of Fairfield Institute of Management and Technology, Kapashera (affiliated to GGSIPU) pursuing 5 years BALLB joined my office and worked as an intern from **02.08.2021** to **20.09.2021**.

During his internship he has researched upon various issues pertaining to law, analyzing briefs, creating notes relating to various aspects of criminal matters and drafting of cases.

I found him sincere, hard working and inquisitive wish him all the best in future endeavours.



(SANJEEV BEHL)
ADVOCATE

SANJEEV BEHL
(D-181/2000) Advocate
Ch. No. B-6, B. G. S. Block
Tis Hazari Courts, Delhi-54
Mobile No. 9810182003

DECLARATION

I ASHISH TEHLAN of 9th semester of BA-LLB (H) hereby declare that this report is compiled by me under 6 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to **Fairfield Institute of Management & Technology affiliated to GGS IP UNIVERSITY, New Delhi** is a reliable document and is of bonafide nature.

ASHISH TEHLAN

En.No.02890103817

23.11.2021

ACKNOWLEDGEMENT

The internship opportunity I had with **Mr. Sanjeev Behl (ADVOCATE)** was a great chance for learning and professional development. Therefore, I consider myself as a very lucky individual as I was provided with an opportunity to be a part of it. I am also grateful for having a chance to meet so many wonderful people and professionals who led me through this internship period.

Bearing in mind previous I am using this opportunity to express my deepest gratitude and special thanks to the **Mr. Sanjeev Behl (ADV)** who in spite of being extraordinarily busy with his duties, took time out to hear, guide and keep me on the correct path and allowing me to carry out my project at their esteemed organization and extending during the training.

I express my deepest thanks to Sir for taking part in useful decision & giving necessary advices and guidance and arranged all facilities to make life easier. I choose this moment to acknowledge his contribution gratefully. It is my radiant sentiment to place on record my best regards, deepest sense of gratitude for their careful and precious guidance which were extremely valuable for my study both theoretically and practically.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting this report.

OBJECTIVE

The Legal Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that.

The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at university may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

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Introduction

I interned under Adv. MR. SANJEEV BEHL, at TIS HAZARI Court, Delhi, through online mode for a period of one month i.e. 2nd August 2021 to 31th August 2021. I was excited and keen to internship with MR. SANJEEV BEHL. I joined the meeting with MR. SANJEEV BEHL and other counsels.

On my second day I did my research work on maintenance and read some of the judgements on it which were as follow:

Definition: The word maintenance is of wide connotation. The most precise definition of it has been given under Section 3 (b) of the Hindu Adoption & Maintenance Act, 1956, which reads as under: -"in all cases, provisions for food, clothing, residence, education and medical attendance and treatment; in the case of an unmarried daughter, also the reasonable expenses of an incident to her marriage."

Section 18: Maintenance of wife

(1) Subject to the provisions of this section, a Hindu wife, whether married before or after the commencement of this Act, shall be entitled to be maintained by her husband during her life time.

Section 18 (1) is applicable when the wife lives with her husband. A wife who has ceased to be Hindu cannot claim maintenance. However, an unchaste wife who lives with her husband can claim maintenance.

(2) A Hindu wife shall be entitled to live separately from her husband without forfeiting her claim to maintenance.

a) If he is guilty of desertion or of wilfully neglecting her.

b) If he has treated her with such cruelty as to cause a reasonable apprehension in her mind that it will be harmful or injurious to live with her husband.

c) If he is suffering from a virulent form of leprosy.

d) If he has any other wife living.

e) If he keeps a concubine in the same house in which his wife is living or habitually resides with a concubine elsewhere.

f) If he has ceased to be a Hindu by conversion to another religion.

g) If there is any other cause justifying living separately.

(3) (Forfeiture of the claim of maintenance). A Hindu wife shall not be entitled to separate residence and maintenance from her husband if she is unchaste or ceases to be a Hindu by conversion to another religion.

Maintenance of widowed daughter-in-law

Section 19 of the Hindu Adoption and Maintenance Act provides that after the death of her husband, a Hindu wife is entitled to be maintained by her father-in-law, if she has no means of her own earnings or other property or estate of her husband/ father/ mother or from her son or daughter or his/her estate. However, this right cannot be enforced if the father-in-law does not have the means to do so from any coparcenary property in his possession out of which the daughter-in-law has not obtained any share. Further, his obligation ceases when the daughter-in-law remarries.

- Shailja & Another v. Khobbanna (Supreme Court Of India)

Criminal Appeal No. 125-126 Of 2017 (Special Leave Petition (Crl.) No. 6025-6026 Of 2013) | 18-01-2017

Facts: Merely because the wife is capable of earning it is not a reason to reduce the maintenance awarded to her. In this case the supreme court made a remarkable observation by stating that merely because a wife is capable of running it is not the reason to reduce the maintenance and said that whether a wife is capable of earning and is actually earning are two different things.

In the case the family court awarded the appellant was an amount of rupees 25000 however the High Court reduced amount to rupees 12000

In Appeal the Supreme Court has ordered the family court's orders by opining that whether the appellant is capable of earning or that she is actually earning are two different requirements.

#Sudeep Chaudhary Vs Radha Chaudhary decided on 31.01.1997, AIR 1999 SC

It was held by Hon'ble Apex Court that the jurisdiction for granting maintenance under Section 125 of the Code of Criminal Procedure and Domestic Violence Act is parallel jurisdiction and if maintenance has been granted under Section 125 of the Code of Criminal Procedure after taking into account the entire material placed before the Court and recording evidence, it is not necessary that another Magistrate under Domestic violence Act should again adjudicate the issue of maintenance.

The law does not warrant that two parallel courts should adjudicate same issue separately. If adjudication has already been done by a Court of Magistrate under Section 125 of the Code of Criminal Procedure, re-adjudication of the issue of maintenance cannot be done by a Court of Magistrate under Domestic violence Act.

On very next day Sir assigned me a task to find judgments on mortgage and to read some provisions of mortgage under the Transfer of Property Act 1882. Section 58 to Section 104 of TPA 1882 deals with mortgage. Definition of mortgage: Mortgage is a kind of security given by the borrower-debtor for repayment of loan to the lender-creditor

I did my research work on mortgage and read some of the judgements on it which were as follow:

Gangadhar versus Shankar Lal(SC 1958)

In this case the mortgage instrument in question contain these terms I or my hires will not be entitled to redeem the property for 85 years. After the expiry of 85 years we shall redeem it within a period of six month otherwise we shall have no claim over the mortgage deed property and the mortgagee shall Have No claim to get the mortgage money. In such cases this very deed will Deemed to be a sale deed. It was contended by the appellant that the Covenant creating the long-term of 85 year for the mortgage taken along with the provision that the mortgage II must be within a period of six months thereafter or not at all is really a clog on the equity of redemption and is therefore invalid.

Ismail Khatri versus Muljibhai Bramabhattach(SC 1994)

The court observed that the document must be read as whole and held that it was a mortgage by conditional sale and notice sale with the right to the repurchase.

CASE STUDY

Case - 1

IN THE COURT OF MS.NEELAM SINGH ,ASJ, Dwarka Court, NEW

DELHI

IN THE MATTER OF:

MOONGIPA CAPITAL FINANCE LIMITED

...COMPLAINANT

VERSUS

MRS. INDU MITTAL

...RESPONDENT

P.S.- Dwarka North

U/S- 138 N.I.A.

Complaint under section 138 of Negotiable Instrument Act 1881 as amended up to date

Brief facts: That the complainant is limited company duly incorporated under the Indian companies act the company is also registered with Reserve Bank of India the complainant company is engaged in the business of finance and loan the respondent that is INDU MITTAL stood guarantor of Mr Kuldeep Mittal 4 finance and Loan by the complainant company in term of loan Agreement the complainant company has agreed to grant loan of rupees 300000 and issue a cheque which has to defend within 24 monthly instalments of rupees 21500.

The said borrower mister Kuldeep Mittal is in debt due to complainant company and failed to pay off clear his outstanding debt. As per the terms and condition of agreement respondent is also liable to clear the liabilities of Mr Kuldeep Mittal MRS. Indu Mittal issued a cheque in favour of company where the company went for the encashment the said cheque returned unpaid and dishonoured by the bankers with remarks funds insufficient.

MY OBSERVATION After understanding the case I came to know that the respondent did it not had any intention to return the loan back she kept telling lie even after knowing that her account does not have sufficient fund, she tried to make fool of the company. I strongly believe she should be made liable for it.

One interesting task was assigned to me it was to find judgement of cases of mutual divorce I went through many cases and provisions of divorce also under Hindu Marriage Act

I read the section 13 B of the Hindu Marriage Act 1955 which gives the provisions of divorce by mutual consent.

(1) Subject to the provisions of this Act a petition for dissolution of marriage by a decree of divorce may be presented to the district court by both the parties to a marriage together, whether such marriage was solemnized before or after the commencement of the Marriage Laws (Amendment) Act, 1976 (68 of 1976)*, on the ground that they have been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved.

(2) On the motion of both the parties made not earlier than six months after the date of the presentation of the petition referred to in sub-section (1) and not later than eighteen months after the said date, if the petition is not withdrawn in the meantime, the court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnised and that the averments in the petition are true, pass a decree of divorce declaring the marriage to be dissolved with effect from the date of the decree.]

(i) The period of 6 to 18 months provided in section 13B is a period of interregnum which is intended to give time and opportunity to the parties to reflect on their move. In this transitional period the parties or either of them may have second thoughts; Suman v. Surendra Kumar, AIR 2003 Raj 155.

(ii) The period of living separately for one year must be immediately preceding the presentation of petition. The expression 'living separately' connotes not living like husband and wife. It has no reference to the place of living. The parties may live under the same roof and yet they may not be

living as husband and wife. The parties should have no desire to perform marital obligations; Sureshta Devi v. Om Prakash, AIR 1992 SC 1904.

(iii) The period of six to eighteen months' time is given in divorce by mutual consent as to give time and opportunity to the parties to reflect on their move and seek advice from relations and friends. Mutual consent should continue till the divorce decree is passed. The court should be satisfied about the bona fides and consent of the parties. If there is no consent at the time of enquiry the court gets no jurisdiction to make a decree for divorce. If the court is held to have the power to make a decree solely based on the initial petition, it negates the whole idea of mutuality. There can be unilateral withdrawal of consent. Held, that since consent of the wife was obtained by fraud and wife was not willing to consent, there could be unilateral withdrawal, of consent; Sureshta Devi v. Om Prakash, AIR 1992 SC 1904.1 consent.

CASE LAWS:

Anil Kumar Jain vs Maya Jain (2009 SC)

Supreme Court held that in the case of divorce by mutual consent normally consent of parties subsist till passing of final decree on the petition and withdrawal of Consent by one of the parties even after expiry of statutory period of six months would result in dismissal of petition

Ritesh Bhatnagar versus Deepak Bhatnagar Supreme Court 2011

It was held that in divorce by mutual consent under section 13b consent can be withdrawn at any time before degree of divorce is passed non withdrawal of Consent before expiry of 18 months is in consequence shall 18 month period is specified only to ensure quick disposal of cases of dowry by mutual consent and not specific time period for withdrawal of consent.

CASE LAW-2

IN THE COURT OF MS. KISHORE KUMAR, LD, MM, TIS HAZARI

COURT, NEW DELHI

IN THE MATTER OF:

CHEDI RAM PAL

...COMPLAINANT

VERSUS

VIJENDER KUMAR PAL

...ACCUSED

P.S- Ranhola

U/S-156(3) and 200 CRPC

Criminal complaint under section 200 of code of criminal procedure against the accused person for committing offences punishable under Section 379/452/506/427 of Indian Penal Code.

Brief Facts:

The complaint is working as a DTC conductor at Dwarka Sector 08 recently transferred to Shadipur . the present complaint has been filed by complainant against his so Vijender Kumar Pal i.e. accused who along wit the family members are mentally torturing and pressurizing the complainant for transfer of property in his name and stolen complainant property papers, other valuable items also and intended to cause death and threatened the complainant to implicate him in false case.

On 24 May 2019 when the complainant was searching original paper of Plot No. 245nGali no. 35 measuring 100yards in the name of complainant, Nangli Vihar extension, New Delhi-110043. The complainant found the above-mentioned paper were missing and when asked about it to the son, the son told he have stolen it. Also, said he will sell the complainant property to someone else. If complainant told and disclosed about this to anyone or file a complaint in the Police Station against him. He will remove the complainant from his government job. On 1st June 2019, Saturday when the complainant was at his duty, the accused came to the complainant house and broke the lock and stole other property papers of plot at Noida in his name, two gold chains, two gold rings, and cheque book and passbook of the complainant's bank and also damaged the A.C. of complainant Being aggrieved with the acts of accuse the complainant restored to file the police complaint dated 26th May 2019 to the S.H.O., Ranhola , police station, but no action was taken by the police officials.

OBSERVATIONS:

According to my observation, the complainant is a law-abiding citizen. And belongs to a lower middle class and is working very hard for his family. I think the accused stole all the documents to grab the property of complainant and no proper remedy was available to him except to approach to the Hon'ble court as no action were taken by police officials. The court should punish the accused in accordance with the law and pass further order(s) in favour of complainant.

CASE LAW-3

**IN THE COURT SH. SUKHMAN SANDU,MM DWARKA COURT ,NEW
DELHI**

IN THE MATTER OF:

SUNITA

...PETITIONER

VERSUS

Ms. SUSHILA LAMBA

...RESPONDENT

P.S.- Dwarka Sec- 23

U/S- 138 N.I.A.

Complaint under Section-138 of the Negotiable Instrument Act as amended up to date.

Brief Facts: The complainant is a widow lady and is working in MCD at the post of “beldar” in West zone Delhi and is the sole bread earning member of the family. Both the parties known each other as they are both from the same village. The respondent asked the complainant a friendly loan of rupees 3.05 lakh as the money was required by her for the marriage of her sister. In discharge of this liability of rupees 3.05 lakh the respondents said she is having transferred the money to her account and when she went for the encashment of the same the check word is honoured with the remark “funds insufficient”.

OBSERVATION: I observed that the respondent do not want to give back the money to the complainant she wants to keep that money to herself only I think it will be justified if the Hon’ble Court provide her with the strict punishment and the complainant gets back her money with compensation.

On the very next day sir taught me to make a legal notice under section 138 of Negotiable Instrument Act. A proper format has to be followed. For a better understanding I went through this section and learn that there are some ingredients which has to be keep in mind.

1. The cheque should have been issued for the discharge in whole or part of any debt or other liability.
2. The cheque should have been presented within the period of six months or with its validity period whichever is earlier.

There are also few Grounds of dishonour of cheque that is:

1. Funds insufficient: the amount of money standing to the credit of the account of the drawer is insufficient to the honour of the cheque.
2. Account close: it means that there was no amount in the credit of the account on the specific date when the cheque was presented for honouring the same.

I went through some section of protection of child from sexual offences act 2012 (POCSO ACT,201)

This act provides the protection of children from the offences of sexual assault sexual harassment and pornography while safeguarding the interest of child at every stage of judicial proceedings.

Section 3 to section 12 deals with sexual offences against children in which punishment for sexual assault punishment for harassment is provided.

Section 11 of act provides definition of sexual harassment:

A person is said to commit sexual harassment upon a child when such person with sexual intent, -

(i) utters any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child; or

(ii) makes a child exhibit his body or any part of his body so as it is seen by such person or any other person; or

(iii) shows any object to a child in any form or media for pornographic purposes; or

(iv) repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or

(v) threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act; or

(vi) entices a child for pornographic purposes or gives gratification therefor.

CASE LAW-4

**IN THE COURT Mr. DEEPAK KUMAR, MM DWARKA COURT , NEW
DELHI**

COURT ROOM NO.-14

IN THE MATTER OF:

STATE

...COMPLAINANT

VERSUS

SAKSHAM GOEL

...ACCUSED

P.S.- Dwarka North

U/S- 279,338IPC

Complaint under Section-279 and Section-338 of INDIAN PEANL CODE, as

amended up to date.

Brief Facts: This case falls under section 279 of IPC which states that Rash driving or riding on a public way and 338 of IPC which states that causing grievous hurt by act endangering life or personal safety of others. The complainant was coming back from the park and the accused the complainant by his car while he was crossing the road after that the complainant was taken to the hospital by the accused in his own car.

Observation: According to me after reading the whole case statement of both equation complain and the point I could Run from it was that's the accused was no driving the high-speed the traffic light were also green and the complaint and suddenly on the spot came in front of his car due to which the actual loss is control and it to the complainant.

I research on PIL and deep analysis on my research work was done by me what I learn from it are:

Public interest Litigation (PIL) means litigation filed in a court of law, for the protection of “Public Interest”, such as Pollution, Terrorism, Road safety, Constructional hazards etc. Any matter where the interest of public at large is affected can be redressed by filing a Public Interest Litigation in a court of law. Public interest litigation is not defined in any statute or in any act. It has been interpreted by judges to consider the intent of public at large. Public interest litigation is the power given to the public by courts through judicial activism. However, the person filing the petition must prove to the satisfaction of the court that the petition is being filed for a public interest and not just as a frivolous litigation by a busy body.

Evolution of PIL in India

- The seeds of the concept of public interest litigation were initially sown in India by **Justice Krishna Iyer**, in 1976 in **Mumbai Kamagar Sabha vs. Abdul Thai**.
- The first reported case of PIL was **Hussainara Khatoon vs. State of Bihar** (1979) that focused on the inhuman conditions of prisons and under trial prisoners that led to the release of more than 40,000 under trial prisoners.

A new era of the PIL movement was heralded by Justice P.N. Bhagawati in the case of **S.P. Gupta vs. Union of India**

- In this case it was held that “any member of the public or social action group acting Bonafede” can invoke the Writ Jurisdiction of the High Courts (under article 226) or the Supreme Court (under Article 32) seeking redressal against violation of legal or constitutional rights of persons who due to social or economic or any other disability cannot approach the Court.

- By this judgment PIL became a potent weapon for the enforcement of “public duties” where executive action or misdeed resulted in public injury. And as a result any citizen of India or any consumer groups or social action groups can now approach the apex court of the country seeking legal remedies in all cases where the interests of general public or a section of the public are at stake.
- Justice Bhagwati did a lot to ensure that the concept of PILs was clearly enunciated. He did not insist on the observance of procedural technicalities and even treated ordinary letters from public-minded individuals as writ petitions.

MY OBSERVATION ON PIL

- Public Interest Litigation has produced astonishing results which were unthinkable three decades ago. Degraded bonded laborer’s, tortured under trials and women prisoners, humiliated inmates of protective women’s home, blinded prisoners, exploited children, beggars, and many others have been given relief through judicial intervention.
- The greatest contribution of PIL has been to enhance the accountability of the governments towards the human rights of the poor.
- The PIL develops a new jurisprudence of the accountability of the state for constitutional and legal violations adversely affecting the interests of the weaker elements in the community.
- However, the Judiciary should be cautious enough in the application of PILs to avoid Judicial Overreach that are violative of the principle of Separation of Power.
- Besides, the frivolous PILs with vested interests must be discouraged to keep its workload manageable.

I attended a webinar on cybercrime in which I understand the provision of IT Act. Basically, cybercrime criminal offences committed by internet or otherwise added by various forms of Computer technology such as the use of online social networks to Bully other or sending sexual acts reset digital photo with smartphone.

Cyber Security is protecting cyber space including critical information infrastructure from attack, damage, misuse and economic espionage. Provisions of the information technology act deals with the cybercrime laws. The Covid-19 outbreak presents a global challenge for the medical fraternity and society as well as for law enforcement agencies, due to the rising cases of cybercrime. The lockdown has forced employees to work from home. Use of public platforms may result in loss of confidential data if an organization does not have its own infrastructure and does not use VPN (Virtual Private Network) for accessing its resources.

Recent Cases of Cyber Fraud

- Fake UPI of PM CARES Fund

An alert has been issued about phishing of the UPI (Unified Payments Interface) ID of the PM CARES Fund, in which the offender created a similar-looking ID to deceive users.

UPI is a real-time payment system developed by National Payments Corporation of India (NPCI) for inter-bank transactions.

The interface is regulated by the Reserve Bank of India and instantly transfers funds between two bank accounts on a mobile platform. The NPCI keeps a record of all the accounts and transactions.

- Facebook Fraud

Cases have been reported of fake Facebook accounts where money has been fraudulently asked for the treatment of alleged patients by hacking their accounts.

- Zoom App Mishap

The Computer Emergency Response Team-India (CERT-In) circulated a vulnerability note giving Zoom a 'medium' security rating.

The permission to Zoom for accessing the user's microphone, web-cam and data storage can result in hijacking and loss of private data.

'Zoom raiding' or 'Zoom bombing' can be started, in which hate speech, pornography or other content is suddenly flashed by disrupting a video call on Zoom.

In the app, meeting IDs can be shared through a link, on screen and other mediums which give the chances to uninvited guests to join a meeting and gain access to sensitive information.

CASE LAW-

Avnish Bajaj v State (N.C.T.) of Delhi (2005 H.C.)

The accused is the CEO of Baaze.com, which Company facilitates the sale of any property, for which it receives commission and also generates revenue from advertisement carried on its web page. In the present case, Counsel for the State has argued that the accused was remiss, at the pain of culpability, in not stopping payment through Banking channels after learning of the illegal nature of the transaction. It has been strenuously contended that if bail is not granted it will adversely impact e-commerce, for which India may be the eventual loser. These are not considerations which India may be the eventual loser. These are not considerations which would prevail or tamper the Courts decision whether to grant or reject bail. Mr. Jaitely, counsel for the petitioner has underscored that in Section 67 of the Information Technology Act, 2000 an offence is committed by a person who publishes or transmits any material which is lascivious or appeals to the prurient or transmits any material which is lascivious or appeals to the prurient interest. Sections 292 and 294 of the Indian Penal Code have also been mentioned which contemplate the selling, letting on hire, distribution or public exhibition of the obscene matter. He has emphasized that the provision

does not bring within its sweep the causing of the transmission in contradistinction to the publication of obscene material. Prima facie it has not been established from the evidence that has been gathered till date that any publication took place by the accused, directly or indirectly. The actual obscene recording/clip cannot be viewed on the portal of Basse.com. It was held that the accused has actively participated in the investigations, and nothing was even argued before it in contrary by Counsel for the State. The nature of the alleged offence is such that the evidence has already crystallised and may even be tamper proof. Even though the accused is no longer an Indian National, he is of Indian origin with family roots in our country. It cannot possibly be argued that a foreign national is disentitled to the grant of bail The accused is enlarged on bail subject to furnishing two sureties in the sum of Rs. 1,00,000/- each to the satisfaction of the concerned Court/ Metropolitan Magistrate/Duty Magistrate. The Accused shall also not leave the territories of India without the leave of the Court and far for this purpose shall surrender his passport to the Magistrate. It is implicit in the grant of bail that he shall participate and assist in the investigation. The Bail Application stands disposed of.

I researched on provisions of water act 1974 what I learn from it are.

Water (prevention and control of pollution) act 1974 is an act that regulate Agencies responsible checking on water pollution and impacts of pollution control boards both at centre and state. This act was adopted by Indian Parliament with the aim to prevent of water pollution in India.

Under water act 1974 sewage or pollutants cannot be discharged into water bodies including lakes and it is the duty of the state pollution control board to intervene and stop such activities and even falling to abide by the law of Under is liable for imprisonment under section 24 and section 43 ranging from not less than one year and 6 months to 6 year along with monetary fines.

I did My research work and also read some of the judgement on which were as follow

CASE LAW:

M.C. Mehta v. Union of India – Ganga Pollution Case

Ganga is a trans-boundary river of Asia flowing through India and Bangladesh. It is one of the most sacred rivers to the Hindus and a lifeline to a billion Indians who live along its course. One of the most populated cities along its course is Kanpur. This city has a population of approx. 29.2 lakhs (2.9 million). At this juncture of its course Ganga receives large amounts of toxic waste from the city's domestic and industrial sectors, particularly the leather tanneries of Kanpur. In 1985, M.C. Mehta filed a writ petition in the nature of mandamus to prevent these leather tanneries from disposing off domestic and industrial waste and effluents in the Ganga river. This writ petition was bifurcated by the Supreme Court into two parts known as Mehta I and Mehta II.

JUDGMENT

MEHTA I

The Court held the despite the above-stated provisions in the Water (Prevention and Control of Pollution) Act, 1974 Act no effective steps were taken by the State Board to prevent the discharge of effluents into the river Ganga. Also, despite the provisions in the Environment Protection Act, no effective steps were taken by the Central Government to prevent the public nuisance caused by the tanneries at Kanpur. The Court ordered the tanneries to establish primary treatment plants if not Secondary treatment plants. That is the minimum which the tanneries should do in the circumstances of the case. The Court further held that the financial capacity of the tanneries should be considered as irrelevant while requiring them to establish primary treatment plants. Just like an industry which cannot pay minimum wages to its workers cannot be allowed to exist a tannery which cannot set up a primary treatment plant cannot be permitted to continue to be in existence for the adverse effect on the public at large which is likely to ensue by the discharging of the trade effluents from the tannery to the river Ganga would be immense and it will outweigh any inconvenience that may be caused to the management and the labour employed by it on account of its closure.

MEHTA II

The Court directed the Kanpur Nagar Mahapalika to take appropriate action under the provisions of the Adhiniyam for the prevention of water pollution in the river. It was noted that a large number of dairies in Kanpur were also polluting the water of the river by disposing waste in it. The Supreme Court ordered the Kanpur Nagar Mahapalika to direct the dairies to either shift to any other place outside the city or dispose waste outside the city area. Kanpur Nagar Mahapalika was ordered to increase the size of sewers in the labour colonies and increase the number of public latrines and urinals for the use of poor people. Whenever applications for licenses to establish new industries are made in future, such applications shall be refused unless adequate provision has been made for the treatment of trade effluents flowing out of the factories. The above orders were made applicable

to all Nagar Mahapalikas and Municipalities which have jurisdiction over the area through which the Ganga river flows. In addition to this, the Supreme Court further relied on Article 52A (g) on the Constitution of India, which imposes a fundamental duty of protecting and improving the natural environment. The Court order that –1) It is the duty of the Central Government to direct all the educational institutions throughout India to teach at least for one hour in a week lessons relating to the protection and the improvement of the natural environment including forests, lakes, rivers and wildlife in the first ten classes. 2) The Central Government shall get text books written for the said purpose and distribute them to the educational institutions free of cost. Children should be taught about the need for maintaining cleanliness commencing with the cleanliness of the house both inside and outside, and of the streets in which they live. Clean surroundings lead to healthy body and healthy mind. Training of teachers who teach this subject by the introduction of short-term courses for such training shall also be considered. This should be done throughout India.

One interesting task was assigned to me was to find whether a company can be a part of a partnership firm I went through some circulars and one such circular provided with the required in for stating that yes only certain clause listed in its memorandum of association states that. I also read the section 3 close 42 of the Companies Act which defines company as a legal person whereas the Partnership Act in the Section 4 says the following: Definition of partnership partner form and form name partnership is the relation between person who have agreed to share the profit of business carried on by all or any of them acting for all person who have entered into partnership which with another one another called individual partners and collectively a firm and the name under which their business is carried is called the firm name. Thus, stating that only a legal person confirm partnership

CASE LAW – 5

**IN THE COURT OF SH. SUDHIR KUMAR SIROHI, ACJ (SOUTH-EAST)
SAKET COURT, NEW DELHI.**

CIVIL SUIT NO: - 275/2019

IN THE MATTER OF:-

SH. CHETAN SEHRAWAT

PETITIONER

V/S

STATE & ORS.

RESPONDENT

SUBJECT MATTER- Petition for grant of Succession certificate u/s 272 of the Indian Succession Act, 1925 in respect of movable assets of late shri Bajrang Lal Chokhani.

FACTS:- In this case, Bajrang Lal Chokhani died intestate in respect of his movable assets on 25.08.1982. As per the law of intestate succession, all the seven respondents became joint and absolute owner of 1/7th undivided share of the entire movable assets of the deceased. Out of the 7 respondents, five respondents are dead and other three have given an affidavit relinquishing all their rights, title and/or interest whatsoever in all the movable assets in favor of petitioner herein making him absolute and sole owner of the said movable assets.

OBSERVATION:- The court ordered to put an article in the HindustanTimes Paper.

CASE LAW – 6

IN THE COURT OF SHRI SACHIN SANGWAN , SAKET COURT, NEW DELHI.

NO- 863/2017

IN THE MATTER OF: -

ASHOK SHARMAPlaintiff

V/S

M/S JSB STAFFING SOLUTIONS Defendant

SUBJECT MATTER- Suit for Recovery of amount under Order XXXVII CPC, 1908.

FACTS: In this matter, the Plaintiff was illegally terminated from the employment without any reason or notice by the defendant. He was constantly harassed and was not paid his salary for the period of his due employment

OBSERVATION: Counsel for plaintiff has submitted that she has received the copy of affidavit yesterday only. Further, it is pointed out that certain e-mails are referred as exhibits in the affidavits but no certificate u/s 65B of the Indian Evidence Act has been filed. The court has asked the defendants to file the requisite affidavit in support of the e-mail.

NEXT DATE OF HEARING & PURPOSE: 22-12-2020 for Payment.

CASE LAW – 7

IN THE COURT OF DEEPAK DABAS, ADJ, TIS HAZARI COURT, NEW DELHI.

CIVIL SUIT NO: - 562/2019

IN THE MATTER OF:-

SANTOSH KUMAR..... Plaintiff

V/S

M/S ACTION UDYOG & ANR.....Defendant

SUBJECT MATTER: Suit for the recovery of amount under Order XXXVII CPC, 1908.

FACTS: Plaintiff disbursed the loan to Defendant. Defendant firm executed a promissory note for the loan advanced. The defendant issued an undated cheque for encashment. On presentation for encashment of cheque it was returned with remark “CHQ RET- ACCOUNT BLOCKED”. Defendant avoided contacts to which the plaintiff issued a legal notice. Plaintiff approached the court for recovery of loan amount.

OBSERVATION: The court ordered to issue summons for appearance to the defendants as prescribed under Order 37 CPC on filing PF RC, Speed post and Courier.

CASE LAW – 8

IN THE COURT OF SUGANDHA AGGARWAL, ADJ TIS HAZARI COURTS, NEW

DELHI

IN THE MATTER OF:

KRISHAN DEV KHANNA..... Plaintiff

V/S

TRILOCHAN SINGH..... Defendant

SUBJECT MATTER- Suit for Ejectment/ possession; Recovery of arrears of rent and damages / mesne profit and mandatory injunction.

FACTS: In this matter, the Plaintiff / their predecessor had lent out an open space to defendant in year 1971. Tenancy was created for a period of 11 months. Defendant evaded in making payments of the rent. Legal notice was issued to pay upon arrears of rent. In view of referred termination of tenancy of defendant, he became illegal and unauthorized occupant of the suit property.

OBSERVATION: No one appeared from the defendant side. Therefore, initially court was adjourned for 12.30 pm & when again the case was to be heard at 12.30 still no counsel from the defendant side. The court then gave the next date for hearing.

CASE LAW – 9

IN THE COURT OF DR. RK CHAUHAN ADJ. SAKET COURTS, NEW

DELHI.

SUIT NO- 166/2018

IN THE MATTER OF:-

MOHD. YUSUF

- Plaintiff

V/S

BSES RAJDHANI POWER PVT LTD

- Defendants

NATURE OF THE MATTER- SUIT FOR COMPENSATION.

FACTS: The Plaintiff was a jointer with the defendant, who is defendant no.2 in the suit. The Plaintiff repaired the electricity & while repairing the fault cables, one of the cables got activated due to negligence on the part of defendant no.1 due to which the plaintiff was seriously injured & was almost 55% burnt. The Plaintiff has now become permanently disabled & is not able to carry out his daily functions. When the plaintiff filed an application alleging defendant no.1 asking for compensation, the defendant no.1 denied the allegations saying that it was not his liability. Thus, the Plaintiff approached the court for seeking compensation from all the defendants & for seeking pendente lite along with the interest. On the other hand, both the defendants i.e. defendant 1 & defendant 2 alleged that the plaintiff is not an employee.

OBSERVATION: The Plaintiff & Advocates of the parties were present. The hon'ble court suggested to settle the dispute by way of mediation proceedings. All the parties agreed for the same. The matter was sent to mediation & the matter was adjourned.

CASE LAW – 10

IN THE COURT OF S.K AGGARWAL, TIS HAZARI COURTS, NEW

DELHI.

SUIT NO- 434/12

IN THE MATTER OF: -

MASTER YASHWARDHAN PARAKH

- Petitioner

V/S

AMIT BHALLA & ORS

-Respondent

NATURE OF THE MATTER- Petition under Sec 166 & 140 of Motor Vehicles Act, 1988.

FACTS- In this matter, the Petitioner along with his friend was injured in an accident by the Respondent who was coming in a car driving rashly and negligently & hit the Petitioner as a result of which the Petitioner was seriously injured & was admitted to the hospital in a serious condition. The Petitioner is now seeking compensation from the Respondent along with his insurance company who is Respondent No. 3 in the suit.

OBSERVATION: Petitioner as a result of the accident was seriously injured & was admitted to the hospital. The matter is fixed today for compliance of final order of award. The Respondent's insurance company stated that they will deposit the cheque of the award amount within a week from today. Matter was adjourned.

CASE LAW- 11

IN THE COURT OF MS.BIMLA KUMARI, PJFC ROHINI COURTS,

DELHI.

H.M.A. PETITION NO.-402/2018

IN THE MATTER OF:-

NARESH KUMAR Petitioner

V/S

RACHNA Respondent

SUBJECT MATTER:- Petition for Dissolution of Marriage u/s 13 (1) (i) (a) of HMA, 1955.

FACTS: - The marriage between Petitioner and Respondent was solemnized in accordance to Hindu Rites and Ceremonies. A baby boy was born out of this wedlock. The Petitioner alleging that the Respondent wife was cruel towards him and not performing matrimonial duties and whenever asked to perform household jobs she used to create scene in the family. On the other hand the Respondent has denied all the allegations and stated that it was the Petitioner and family member who are greedy people and want to extract money from the father of Respondent. When the Respondent failed to fulfill the demands, she was mercilessly beaten by the Petitioner. The Respondent filed the Complaint against Petitioner and with CAW Cell and also filed the petition under DV Act as a counterblast to be taken action in order to escape from his liabilities and towards Respondent and her minor son. The Petitioner has filed the petition for Divorce.

OBSERVATION: - An application u/s 24 of HMA was filed by the Respondent which was replied by the Petitioner. The Hon'ble Court heard the arguments of both the parties on the said application. During the course of argument, the Plaintiff alleged that Respondent is working lady and he saw time to place on record. The court in support of his arguments denied the allegations. Matter was adjourned.

CASE LAW- 12

IN THE COURT OF YASHWANT KUMAR, PJFC TIS HAZARI

COURTS, DELHI.

H.M.A. PETITION NO.-155/2018

IN THE MATTER OF:-

ANKIT KUMAR.....Petitioner

V/S

JYOTI KUMARI..... Respondent

SUBJECT MATTER:-Petition for Dissolution of Marriage u/s 13 (1) (i) (a) of HMA, 1955.

FACTS: - The Petitioner was married to the Respondent as per the Hindu Rites and Ceremonies on 12-04-2015. The Petitioner organized the party. After reception the family members of the Respondent took her back to the parental home on 13-04-2015. The Petitioner reached at his in-law's place and was shocked to find that Respondent was not there with great reluctance the family members of Respondent informed the Petitioner that Respondent was having an affair before her marriage with the name Sunny and she eloped after returning back from the reception. The Petitioner requested his in-laws to give facts returning implicated in the false case. The father of Respondent lodged a complaint against Sunny for abducting the Respondent and father of Petitioner also lodged the complaint of missing Daughter-in-law. After five days the police arrested Sunny and rescue Respondent from Vaishno Devi. Meeting was called in Police Station. The Respondent refused to go with father and with Petitioner and insist to live with Sunny and stated she was gone with her own free will. After great persuasion, the SHO handed over the Respondent to her father and obtained signatures of all those who were in the meeting. While the Petitioner was still waiting for Respondent to join the matrimonial house. She lodged false

complaint of harassment against Petitioner and family members. Therefore Petitioner was not left with anything rather to seek divorce.

OBSERVATION: - Both the parties with their advocates appeared. The Hon'ble Court asked the parties to settle the matter. However, the Respondent refused to join the company of Petitioner and Petitioner refused to seek divorce by Mutual Consent and requested to pursue his petition on the plea that the wrongs committed by the Respondent must be proved in the Court of Law and Application for Maintenance was filed by the Respondent.

CASE LAW- 13

**IN THE COURT OF MS.REENA SINGH NAG, FAMILY
COURTS, TIS HAZARI COURTS, DELHI.**

H.M.A. PETITION NO.-616/2017

IN THE MATTER OF:-

ISTIYAK HUSAIN..... Petitioner

V/S

AARTI JINDAL Respondent

SUBJECT MATTER:-Petition u/s 9 of HMA,1955.

FACTS: - Petitioner and Respondent were in love with each other and their marriage was solemnized according to Hindu Rites and Customs. Petitioner renounced his religion and converted to Hindu Religion just to marry the Respondent as their parents were against the marriage but they decided to marry against the wishes of their families. After marriage very soon Respondent's family members started extending threats and warnings for leaving the Petitioner. So, Respondent has left the company of Petitioner without any reasonable cause but due to illegal compulsion of her uncle and other family members. So Petitioner approached the court for seeking to pass a decree of Restitution of Conjugal Rights.

OBSERVATION: - In the said matter advocate for Plaintiff appeared and requested the court to give some more time to trace out the fresh address of the Respondent. The court observed that time was only granted to trace out the fresh address by the court. The court directed to Plaintiff; he may take steps to find Respondent by substituted service by way of publication.

CASE LAW- 14

IN THE COURT OF JUSTICE C. HARI SHANKAR, HIGH COURT OF

DELHI AT NEW DELHI

WP(C) 5469/2019

IN THE MATTER OF:-

PREM SINGH & ORS Petitioner

V/S

UNION OF INDIA & ORS..... Respondent

SUBJECT MATTER:- To issue writ of Mandamus under Article 226 of Constitution of India

FACTS: - Petitioner 2 & 3 are parents of Petitioner 1 and had entered wrong names in the school records. The parents tried getting corrections done but the school did not accept. They also wrote detailed letter to C.B.S.E and filed affidavits seeking correction. Even after repeated contacts and letters to change the name, the concerned authorities have not made corrections. Thus, a writ petition has been filed.

OBSERVATION: -. Some summons was to be provided in previous hearing which were not duly served. Therefore, court has directed to re- serve summons to the parties to appear before the court.

CASE LAW- 15

IN THE COURT OF MS.REENA SINGH NAG, FAMILY COURT, TIS

HAZARI COURTS, DELHI.

H.M.A. PETITION NO.-135/2019

IN THE MATTER OF:-

GURMINDER KAUR **Petitioner No.1**

V/S

SANJAY SIKKA **Petitioner No.2**

SUBJECT MATTER:- Petition for Dissolution of Marriage by way of Mutual Consent u/s 13 (B) (1) of HMA, 1955.

FACTS: - The marriage between the Petitioner 1&2 was solemnized in accordance to Hindu Rites and Ceremonies. Both the Petitioners could not adjust with each other right from the very beginning. Both the Petitioners have reached to the conclusion that their marriage has irretrievably broken down. Both have agreed to obtain divorce from each other by way of Mutual Consent. So, both the parties approached the court for dissolving the marriage by the decree of divorce on the basis of Mutual Consent.

OBSERVATION: - Both the Petitioners appeared along with their lawyers. The Hon'ble Judge had a meeting with the Petitioners in her chamber and tried to reconcile the differences between them but the Petitioners were not willing to live with each other. Thereafter the Hon'ble court perused the documents filed by the Petitioner and heard the arguments of both the lawyers and thereafter passed an order on First Motion on the Petition and gave freedom to approach the court after expiry of 6 months from the date of order passed on First Motion, if they still wish to go for divorce by Mutual Consent.

CASE LAW- 16

IN THE COURT OF MS.SURYA MALIK GROVER, CJ, DELHI

SUIT NO.-316/2018

IN THE MATTER OF:-

ICICI BANK..... Plaintiff

V/S

MADAN RAWAT..... Defendant

SUBJECT MATTER:- Suit for the recovery of amount under Order XXXVII CPC, 1908.

FACTS: - Plaintiff disbursed the loan to Defendant. The loan was given against the security of the vehicle INNOVA/G2. Defendant had undertaken to make the payment against the EMI'S but majority of the EMI'S have got dishonored. So Plaintiff approached the court for recovery of loan amount.

OBSERVATION: - The summon issued to the Defendant is duly served. The Defendant has tendered his appearance within prescribed time. The Plaintiff has moved an application for issuance of summon judgment. The Defendant on the address provided by him adjudicate for service of summon of judgment. The matter was adjourned.

CASE LAW- 17

IN THE COURT OF KAMLESH KUMAR PFC TIS HAZARI, NEW

DELHI.

HMA NO. 401/18

IN THE MATTER OF:

SARDAM KHAN

.....Petitioner

V/S

STATE & OTHERS..... Respondent

SUBJECT MATTER- Complaint under section 482 of CRPC.

FACTS- That the petitioner is married to respondent as per Hindu rites and ceremonies. However, their marriage was not accepted by family members of respondent as the petitioner was Muslim. The petitioner & respondent started living at Gurgaon. The petitioner alleged that Delhi police with the father and uncle of respondent no.2 abducted petitioner & respondent no.2 from their residence and took them to Seelampur in UP in a village. There petitioner was detained in a room. The petitioner alleged that the father and uncle & other villagers planned to murder the petitioner at night. However, a young boy from the village came to the rescue of petitioner & unlocked the door & the petitioner escaped from the village. Now the petitioner has approached the court for his protection & quashing the false FIR lodged against him by the father of respondent no.2.

OBSERVATIONS- The petitioner, respondent no.2 & father were present in the court. The Respondent. 2 confirmed the allegations leveled by the court. However requested not to take any action against the father. However serious allegations are leveled against the father and

uncle of respondent.2 & also against police. The court thus directed the police to take necessary protection & the safety of the petitioner.

CONCLUSION:

One of the biggest lessons I learnt that the practical world is very different from what we learnt in books a person has to work day and night to become successful not only from knowledge but also from how he uses it. Another thing which I learnt during the internship for saving time and valuing it. I then came to the conclusion that the time is not only what my watch reads but is it is indeed a big fat money. One thing I observe if one is attentive and craving for knowledge there is a lot to do and learn from the cases but should also learnt from the surroundings like it is worth noticing that all interns and counsels a working way harder one thing, I can conclude from that is practice and experience is a big teacher in life. the reason I chose District Court for internship so that I can get more experience and more work to do internship I learnt about the basic legal problems faced by peoples they are a fantastic and humongous unit of our justice delivery system. through this internship I learnt many things like drafting legal notice drafting of plaint and many more I learn the entire format of proceeding that was taught by my sir that is written statement by replications, than additional pleas, final hearing which involves evidence of both the parties, date of arguments, judgement and final execution. the one important thing which I learnt from the internship after experiencing many things Lo does not mean simply to solve cases for monetary value but also moral values should be kept in mind this time I also learn the future of virtual earring there are many advantages of virtual court hearing as transfer and Judiciary system was your court hearing and also time saving and the parties can appear from anywhere anytime their presence in court will not require .Overall my experience in the virtual mode internships was informative and fascinating.

Yours faithfully:

ASHISH TEHLAN, 02890103817

B.A LLB, IXTH Semester

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FIMT-SCHOOL OF LAW- BBA-LLB(INTEGRATED), BA-LLB (INTEGRATED)

FIMT-SCHOOL OF JOURNALISM & MASS COMMUNICATION- BA-JMC

FIMT-SCHOOL OF BUSINESS ADMINISTRATION- BBA(GEN.)

FIMT-SCHOOL OF INFORMATION TECHNOLOGY- BCA

FIMT-SCHOOL OF COMMERCE- B.COM.(H)

FIMT-SCHOOL OF EDUCATION- B.ED

NAAC ACCREDITED



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Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

CONTACT DETAILS

EMAIL I.D

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

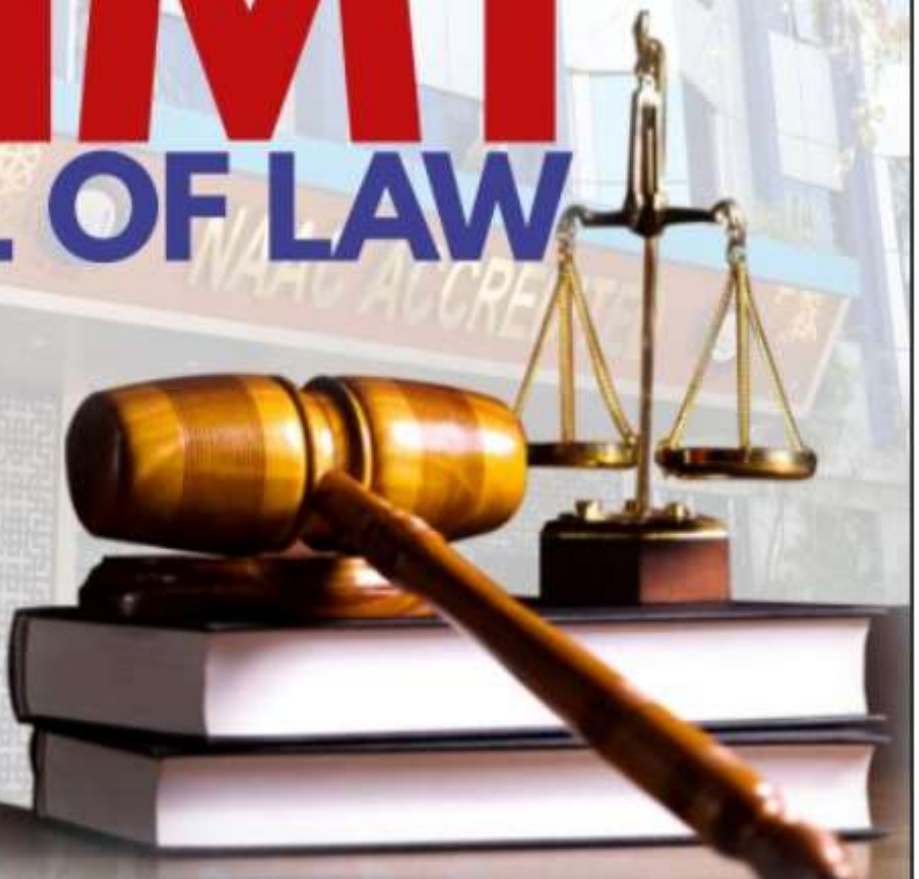
Submitted by:-

NAME - Ashtha Shrivastav

ENROLLMENT NO. - 02990103817

COURSE - B.A. LLB

BATCH - 2017 - 2022



STUDENT INTERNSHIP DIARY

FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

(Affiliated to Guru Gobind Singh Indraprastha University, Delhi)

KAPASHERA, NEW DELHI

Session 2017 – 2022

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Semester: 9TH

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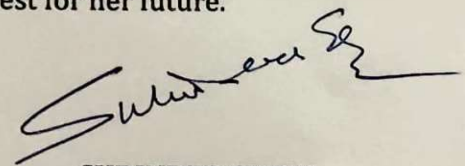
E-mail: advsurindersingh@gmail.com

TO WHOMSOEVER IT MAY CONCERN

This is to certify that, **ASHTHA SHRIVASTAV, D/o. Sh. Ashwani Shrivastav**, student of 9th Semester, Fairfield Institute of Management & Technology, Guru Gobind Singh Indraprastha University, pursuing B.A. LLB has successfully completed her internship from 2nd August 2021 to 6th September, 2021 with my firm.

During the period of her internship program with us, she was found sincere, hardworking and goal oriented. She completed all her research work relating to criminal and family law well on time. Moreover, she has drafted various petitions and applications which were accepted in the High Court. Also, she made regular court visits to various District Courts, Hon'ble High Court of Delhi as well as Hon'ble Supreme Court of India.

We take this opportunity to thank her and wish her all the best for her future.



SURINDER SINGH
Advocate

SURINDER SINGH
Advocate
Enroll. No. D/33/02
Chamber No 636
Dwarka Court Complex,
New Delhi - 110075
(Mob): 9212226354

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DECLARATION

I, Ashtha Shrivastav of 9th semester B.A.LLB. (Hons.) hereby declare that this report as compiled by me under summer internship program (4 weeks) is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to Fairfield Institute of Management & Technology affiliated to Guru Gobind Singh Indraprastha University, New Delhi is a reliable document and is of bona fide nature.

ACKNOWLEDGEMENT

I would like to acknowledge and express my deep gratitude to all the persons who have been my constant support, source of encouragement and inspiration and have helped me in successfully compiling and completing this Summer Internship Report for time bound and submission.

I take profound sense of pride to convey my gratefulness towards my university- Guru Gobind Singh Indraprastha University and my Institution Fairfield Institute of Management and Technology, for providing me this great opportunity to such an enlightening internship.

I am also extremely thankful to my Sir, Advocate Surinder Singh, for providing me with all the guidance, care and knowledge in the duration of my internship and I look forward to work again with him in the near future.

In the end, I would also like to thank my professors, my family and my friends for being a fountain of love and support during the internship as well as at the time of drafting of this report.

OBJECTIVE

Internship is a process of education, to offer meaningful, career related work experience to students, while simultaneously providing an excellent source of highly motivated, carrier minded individuals for employers.

The internship program serves to:

- Reinforce and strengthen the student's personal values and career objectives through an improved understanding of themselves and the work environment.
- Assist students in identifying and acquiring the skills needed to enter a chosen field.
- Provide practical work experience to balance the student's theoretical training.
- Allow students to meet and learn from professional in the field and develop a network of contacts.

CASE NO.1

**IN THE COURT OF Ms. NEHA, ASJ, TIS HAZARI COURTS, NEW
DELHI**

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

KULJEET SINGH

...RESPONDENT

Subject Matter: Case filed under section 376 of the Indian Penal Code.

Brief facts of the Case: The accused person was accused by his maid of rape in 2017. Charge sheet was filed without arrest. The accused was a senior citizen aged at 76 years.

Current Stage: Verification of death certificate of the accused.

Observation: As the accused person passed away, the death certificate was submitted in the court, the matter was listed for next date.

Date: 02.08.2021

Next Date: 25.08.2021

CASE NO. 2

**IN THE COURT OF Ms. NEHA PALIWAL, ASJ, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

PARMOD BARLA

...RESPONDENT

Subject Matter: Case filed under section 370 of the IPC and section 26 under Juvenile Justice Act.

Brief facts of the Case: The accused person was accused of treating an under-age girl as a slave against her will. The accused person was also accused of snatching away her money. Case was filed in the year 2018.

Current Stage: Prosecution Evidence

Observation: The witness was marked absent as he did not come to the court for giving statement.

Date: 04.08.2021

Next Date: 02.09.2021

CASE NO. 3

**IN THE COURT OF Ms. SH. SAMAR VISHAL, ASJ, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

KAUSHALYA & Anr.

... RESPONDENT

Subject Matter: Case filed under section 354 of the IPC.

Brief facts of the Case: The accused persons harassed and assaulted the Complainant to outrage her modesty. The case was filed in the year 2021.

Current Stage: Bail

Observation: The bail was granted to the accused due to the non-attachment of document by the Public Prosecutor and the Public Prosecutor was given a day's time to show the documents.

Date: 05.08.2021

Next Date: 06.08.2021

CASE NO. 4

IN THE COURT OF Ms. SONAM GUPTA, MM, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

HARLEEN KAUR

... COMPLAINANT

VERSUS

MANPREET SINGH

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry and money to invest in his business.

Current Stage: Application for stay on sale of property.

Observation: The Respondent was sent notice by the court for being present in the court on next date to file a reply against the present application.

Date: 05.08.2021

Next Date: 21.08.2021

CASE NO. 5

**IN THE COURT OF Ms. HEMANI MALHOTRA, ASJ, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

POOJA BAHRY

... COMPLAINANT

VERSUS

RAHUL BAHRY

...RESPONDENT

Subject Matter: Appeal filed under section 29 of the Domestic Violence Act.

Brief facts of the Case: The appeal was filed by Complainant to increase the amount of decided maintenance.

Current Stage: Hearing of Appeal

Observation: The Hon'ble Judge was on leave and the matter was marked for next date.

Date: 06.08.2021

Next Date: 27.08.2021

CASE NO. 6

**IN THE COURT OF Ms. HEMANI MALHOTRA, ASJ, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

GAURAV SURI

... COMPLAINANT

VERSUS

NIDHI SURI

...RESPONDENT

Subject Matter: Appeal filed under section 29 of the Domestic Violence Act.

Brief facts of the Case: The appeal was filed by Complainant to increase the amount of decided maintenance.

Current Stage: Hearing of Appeal

Observation: The Hon'ble Judge was on leave and the matter was marked for next date.

Date: 06.08.2021

Next Date: 30.09.2021

CASE NO. 7

IN THE COURT OF SH. ANKUR JAIN, ASJ, TIS HAZARI COURTS,
NEW DELHI

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

ANIL BHATIA

...RESPONDENT

Subject Matter: Case filed under 376 AND 354 of the IPC.

Brief facts of the Case: The accused persons harassed and assaulted the Complainant to outrage her modesty. The case was filed in the year 2016.

Current Stage: ARGUMENT

Observation: The matter was taken up on VC. The matter was adjourned as the Hon'ble Judge did not possess the case files during the hearing.

Date: 07.08.2021

Next Date: 30.09.2021

CASE NO. 8

**IN THE COURT OF Ms. SANYA DALAL,MM, ROHINI COURT,
NEW DELHI**

IN THE MATTER OF:

SHALINI KAPOOR

... COMPLAINANT

VERSUS

HIMANSHU KAPOOR

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry and money to invest in his business.

Current Stage: EVIDENCE

Observation: The matter was taken up on VC. After hearing the arguments regarding the maintenance, the court asked the parties to file a new income affidavit.

Date: 09.08.2021

Next Date: 11.10.2021

CASE NO. 9

IN THE COURT OF Ms. DEEPIKA THAKRAN ,MM, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

SONIA GULATI

... COMPLAINANT

VERSUS

ASHISH GULATI

...RESPONDENT.

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: First Hearing

Observation: The Hon'ble Court ordered to issue notice Respondent.

Date: 10.08.2021

Next Date: 17.09.2021

CASE NO. 10

IN THE COURT OF Ms. NEETU NAGAR ,MM, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

SAMNEET KAUR

... COMPLAINANT

VERSUS

HARKARAN SINGH

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: DIR Report was to be taken up.

Observation: The Hon'ble Judge was on leave and the matter was marked for next date.

Date: 10.08.2021

Next Date: 22.09.2021

CASE NO. 11

IN THE COURT OF Ms. NEETU NAGAR ,MM, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

AMRITA KAUR

... COMPLAINANT

VERSUS

HARDEEP SINGH

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: Withdrawal

Observation: The Complainant was marked absent as she did not turn up to the court for hearing, hence the matter was adjourned.

Date: 10.08.2021

Next Date: 07.09.2021

CASE NO. 12

**IN THE COURT OF SH. MANISH SHARMA, ADJ, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

RITIK THAKKAR

... COMPLAINANT

VERSUS

MANOJ THAKKAR

...RESPONDENT

Subject Matter: Civil Suit filed against a gift deed for property.

Brief facts of the Case: The Complainant filed the suit regarding a property that was given by his uncle to him in the form of gift deed but the Respondent was held the possession irrespective of the deed.

Current Stage: Argument

Observation: There was some error in the petition hence matter was adjourned while giving time to the Complainant to amend the petition.

Date: 11.08.2021

Next Date: 07.10.2021

CASE NO. 13

**IN THE COURT OF SH. VAIBHAV KUMAR, MM, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

PARMINDER SINGH OBEROI

... COMPLAINANT

VERSUS

DR. VIRENDER SINGH BEDI

...RESPONDENT

Subject Matter: Complaint filed under section 138 of the NI ACT.

Brief facts of the Case: The accused person paid in cheque for the bill of miscellaneous clinic items like gloves, sanitizer, cotton and etc. The accused person's cheque bounced due to insufficient funds.

Current Stage: FILING OF DOCUMENTS

Observation: NOTICE ISSUED

Date: 12.08.2021

Next Date: 02.09.2021

CASE NO. 14

**IN THE COURT OF SH. HIMANI MALHOTRA, ADJ, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

AMRIT PAL SINGH

... COMPLAINANT

VERSUS

STATE

...RESPONDENT

Subject Matter: Case filed under section 307 of the IPC.

Brief facts of the Case: The accused person/applicant was charged with attempt to murder. The accused person used a steel rod to hit the victim, a 54 year old lady in the head.

Current Stage: Argument for bail.

Observation: The Hon'ble Judge heard the arguments but was not satisfied with the grounds for bai, hence rejected the bail.

Date: 13.08.2021

Next Date: 18.08.2021

CASE NO. 15

**IN THE COURT OF Ms. NEETU NAGAR, MM, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

RAGHAV MEHRA

...RESPONDENT

Subject Matter: Case filed under section 498a of the IPC.

Brief facts of the Case: The accused person committed the offence of domestic violence and harassment on the Complainant for dowry.

Current Stage: EVIDENCE

Observation: High Court stayed proceedings

Date: 16.08.2021

Next Date: 09.11.2021

CASE NO. 16

**IN THE COURT OF Ms. POORVA MEHRA, MM, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

CANCELLATION

...RESPONDENT

Subject Matter: Case filed under section 354 of the IPC.

Brief facts of the Case: The accused persons harassed and assaulted the Complainant, who is her neighbor, to outrage her modesty.

Current Stage: COMPLAINANT EVIDENCE

Observation: Complainant was marked absent and the matter was adjourned.

Date: 16.08.2021

Next Date: 16.10.2021

CASE NO. 17

IN THE COURT OF Ms. CHARU DHANKAR, MM, DWARKA
COURTS, NEW DELHI

IN THE MATTER OF:

ARUSHI KRISHNA DAS

... COMPLAINANT

VERSUS

GAURV DAS GUPTA

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: Issuing of Notice to Respondent

Observation: Holiday declared by Delhi High Court.

Date: 20.08.2021

Next Date: 09.10.2021

CASE NO. 18

**IN THE COURT OF Ms. SONAM GUPTA, MM, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

DEVINDER KAUR

... COMPLAINANT

VERSUS

AMARJEET SINGH

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: EVIDENCE

Observation: Evidence affidavit was filed.

Date: 21.08.2021

Next Date: 15.11.2021

CASE NO. 19

**IN THE COURT OF Ms. DEEPIKA THAKRAN, MM, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

GURDEEP SINGH

...RESPONDENT

Subject Matter: Case filed under section 498a of the IPC.

Brief facts of the Case: The accused person committed the offence of domestic violence and harassment on the Complainant for dowry.

Current Stage: EVIDENCE

Observation: Investigating Officer was not present in the court to give statement.

Date: 24.08.2021

Next Date: 07.09.2021

CASE NO. 20

IN THE COURT OF Ms. RASHIKA SHRIVASTAVA, CIVIL JUDGE,
TIS HAZARI COURTS, NEW DELHI

IN THE MATTER OF:

AMARJEET KAUR

... COMPLAINANT

VERSUS

PARWINDER KAUR

...RESPONDENT

Subject Matter: Civil Suit for Property

Brief facts of the Case: The present civil suit was filed due to the illegal possession, arrear of rent and mesne profits against the Respondent.

Current Stage: REPLICATION

Observation: Adjournment seeked for some more time for replication

Date: 25.08.2021

Next Date: 22.10.2021

CASE NO. 21

IN THE COURT OF Ms. SADHIKA JALAN, MM, DWARKA
COURTS, NEW DELHI

IN THE MATTER OF:

KAWALJEET KAUR

... COMPLAINANT

VERSUS

MANJEET SINGH

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: ARGUMENT

Observation: Time seeked for preparation of arguments by the counsel of Respondent.

Date: 26.08.2021

Next Date: 08.10.2021

CASE NO. 22

IN THE COURT OF Ms. KAPIL GUPTA, MM, DWARKA COURTS,
NEW DELHI

IN THE MATTER OF:

KARINA FINCAP

... COMPLAINANT

VERSUS

NARESH KUMAR

...RESPONDENT

Subject Matter: Complaint filed under section 138 of the NI ACT.

Brief facts of the Case: The accused person paid in cheque for the payment of dues but the cheque bounced due to insufficient funds.

Current Stage: Evidence

Observation: Order issued for accused to be present

Date: 27.08.2021

Next Date: 24.11.2021

CASE NO. 23

IN THE COURT OF Ms. ILLA RAWT, FAMILY COURT, TIS
HAZARI COURTS, NEW DELHI

IN THE MATTER OF:

MANPREET SINGH

... COMPLAINANT

VERSUS

HARLEEN KAUR

...RESPONDENT

Subject Matter: Case filed under 25 of Guardianship Act.

Brief facts of the Case: The case was filed for the custody of the Complainant and Respondent's 8 year old son.

Current Stage: Application by the Complainant

Observation: Time given to the Respondent to file replication.

Date: 28.08.2021

Next Date: 25.10.2021

CASE NO. 24

**IN THE COURT OF Ms. ILLA RAWT, FAMILY COURT, TIS
HAZARI COURTS, NEW DELHI**

IN THE MATTER OF:

MOHIT SODHI

... COMPLAINANT

VERSUS

KRIKA SODHI

...RESPONDENT

Subject Matter: Suit filed under section 13 OF HMA.

Brief facts of the Case: The Divorce petition was filed on the ground of desertation.

Current Stage: Deciding of Maintenance

Observation: An order of maintenance was passed by the cost for ₹5000

Date: 02.09.2021

Next Date: 22.11.2021

CASE NO. 25

**IN THE COURT OF Ms. RENU BHATNAGAR, FAMILY COURT, TIS
HAZARI COURTS, NEW DELHI**

IN THE MATTER OF:

SAMNEET KAUR

... COMPLAINANT

VERSUS

HARKARAN SINGH

...RESPONDENT

Subject Matter: Filed for maintenance under HMA.

Brief facts of the Case: The suit was filed by Complainant to increase the amount of decided maintenance.

Current Stage: Filing of Reply of complaint and income affidavit

Observation: Reply of complaint and income affidavit was asked by the court and next date was given for the same.

Date: 03.09.2021

Next Date: 17.11.2021

CASE NO. 26

**IN THE COURT OF SH. VISHAL, ASJ, TIS HAZARI COURTS, NEW
DELHI**

IN THE MATTER OF:

ARJUN DUGGAL

... COMPLAINANT

VERSUS

STATE

...RESPONDENT

Subject Matter: Case filed under section 498a of IPC.

Brief facts of the Case: The accused person committed the offence of domestic violence and harassment on the Complainant for dowry.

Current Stage: Bail

Observation: The Hon'ble Court was informed that the matter is being settled and the FIR is being quashed in the Delhi High Court as the proceeding for quashing of FIR is initiated.

Date: 04.09.2021

Next Date: 04.10.2021

CASE NO. 27

IN THE COURT OF SH. ANKITKARAN SINGH, CIVIL JUDGE, TIS
HAZARI COURTS, NEW DELHI

IN THE MATTER OF:

HARPAL

... COMPLAINANT

VERSUS

MANOJ

...RESPONDENT

Subject Matter: Civil suit for disputed property in Will.

Brief facts of the Case: The parties are brothers. The disputed property belonged to their father. The father named the complainant as the owner of property in his will.

Current Stage: Replication for Complaint

Observation: The opposite party and the counsel were marked absent, hence, the matter was adjourned and next date was given.

Date: 04.09.2021

Next Date: 4.10.2021

CONCLUSION

In the end, I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, what we learned from the internship is the mechanism of this body.

I was surprised to see how the simplest of laws were applicable in the most difficult of situations and how loopholes leave so much scope of evolution and improvisation today in this field. I also observed that the law is everything but constant with the same soul as that of a human.

In other words, or as that of our counsel, law may come and law may repeal, but they must always be faithful to the constitution, which is the most supreme law of the land and governs all equals and unequal in respect of each other.

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

तेजस्वि नावधीतमस्तु
ISO 9001:2015 & 14001:2015

Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

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EMAIL I.D

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - ARJUN AHLAWAT

ENROLLMENT NO. - 02490103817

COURSE - BALLB 9th SEM

BATCH - 2017-22



STUDENT INTERNSHIP DIARY

FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

(Affiliated to Guru Gobind Singh Indraprastha University, Delhi)

KAPASHERA, NEW DELHI

Session 2017 – 2022

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DECLARATION

I, Arjun Ahlawat of 9th semester B.A.LLB. (Hons.) hereby declare that this report as compiled by me under summer internship program (4 weeks) is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to Fairfield Institute of Management & Technology affiliated to Guru Gobind Singh Indraprastha University, New Delhi is a reliable document and is of bona fide nature.

ACKNOWLEDGEMENT

I would like to acknowledge and express my deep gratitude to all the persons who have been my constant support, source of encouragement and inspiration and have helped me in successfully compiling and completing this Summer Internship Report for time bound and submission.

I take profound sense of pride to convey my gratefulness towards my university- Guru Gobind Singh Indraprastha University and my Institution Fairfield Institute of Management and Technology, for providing me this great opportunity to such an enlightening internship.

I am also extremely thankful to my Sir, Advocate Surinder Singh, for providing me with all the guidance, care and knowledge in the duration of my internship and I look forward to work again with him in the near future.

In the end, I would also like to thank my professors, my family and my friends for being a fountain of love and support during the internship as well as at the time of drafting of this report.

OBJECTIVE

Internship is a process of education, to offer meaningful, career related work experience to students, while simultaneously providing an excellent source of highly motivated, carrier minded individuals for employers.

The internship program serves to:

- Reinforce and strengthen the student's personal values and career objectives through an improved understanding of themselves and the work environment.
- Assist students in identifying and acquiring the skills needed to enter a chosen field.
- Provide practical work experience to balance the student's theoretical training.
- Allow students to meet and learn from professional in the field and develop a network of contacts.

CASE NO. 1

IN THE COURT OF Ms. NEHA, ASJ, TIS HAZARI COURTS, NEW
DELHI

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

KULJEET SINGH

...RESPONDENT

Subject Matter: Case filed under section 376 of the Indian Penal Code.

Brief facts of the Case: The accused person was accused by his maid of rape in 2017. Charge sheet was filed without arrest. The accused was a senior citizen aged at 76 years.

Current Stage: Verification of death certificate of the accused.

Observation: As the accused person passed away, the death certificate was submitted in the court, the matter was listed for next date.

Date: 02.08.2021

Next Date: 25.08.2021

CASE NO. 2

IN THE COURT OF Ms. NEHA PALIWAL, ASJ, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

PARMOD BARLA

...RESPONDENT

Subject Matter: Case filed under section 370 of the IPC and section 26 under Juvenile Justice Act.

Brief facts of the Case: The accused person was accused of treating an under-age girl as a slave against her will. The accused person was also accused of snatching away her money. Case was filed in the year 2018.

Current Stage: Prosecution Evidence

Observation: The witness was marked absent as he did not come to the court for giving statement.

Date: 04.08.2021

Next Date: 02.09.2021

CASE NO. 3

IN THE COURT OF Ms. SH. SAMAR VISHAL, ASJ, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

KAUSHALYA & Anr.

... RESPONDENT

Subject Matter: Case filed under section 354 of the IPC.

Brief facts of the Case: The accused persons harassed and assaulted the Complainant to outrage her modesty. The case was filed in the year 2021.

Current Stage: Bail

Observation: The bail was granted to the accused due to the non-attachment of document by the Public Prosecutor and the Public Prosecutor was given a day's time to show the documents.

Date: 05.08.2021

Next Date: 06.08.2021

CASE NO. 4

IN THE COURT OF Ms. SONAM GUPTA, MM, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

HARLEEN KAUR

... COMPLAINANT

VERSUS

MANPREET SINGH

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry and money to invest in his business.

Current Stage: Application for stay on sale of property.

Observation: The Respondent was sent notice by the court for being present in the court on next date to file a reply against the present application.

Date: 05.08.2021

Next Date: 21.08.2021

CASE NO. 5

IN THE COURT OF Ms. HEMANI MALHOTRA, ASJ, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

POOJA BAHRY

... COMPLAINANT

VERSUS

RAHUL BAHRY

...RESPONDENT

Subject Matter: Appeal filed under section 29 of the Domestic Violence Act.

Brief facts of the Case: The appeal was filed by Complainant to increase the amount of decided maintenance.

Current Stage: Hearing of Appeal

Observation: The Hon'ble Judge was on leave and the matter was marked for next date.

Date: 06.08.2021

Next Date: 27.08.2021

CASE NO. 6

IN THE COURT OF Ms. HEMANI MALHOTRA, ASJ, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

GAURAV SURI

... COMPLAINANT

VERSUS

NIDHI SURI

...RESPONDENT

Subject Matter: Appeal filed under section 29 of the Domestic Violence Act.

Brief facts of the Case: The appeal was filed by Complainant to increase the amount of decided maintenance.

Current Stage: Hearing of Appeal

Observation: The Hon'ble Judge was on leave and the matter was marked for next date.

Date: 06.08.2021

Next Date: 30.09.2021

CASE NO. 7

IN THE COURT OF SH. ANKUR JAIN, ASJ, TIS HAZARI COURTS,
NEW DELHI

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

ANIL BHATIA

...RESPONDENT

Subject Matter: Case filed under 376 AND 354 of the IPC.

Brief facts of the Case: The accused persons harassed and assaulted the Complainant to outrage her modesty. The case was filed in the year 2016.

Current Stage: ARGUMENT

Observation: The matter was taken up on VC. The matter was adjourned as the Hon'ble Judge did not possess the case files during the hearing.

Date: 07.08.2021

Next Date: 30.09.2021

CASE NO. 8

IN THE COURT OF Ms. SANYA DALAL,MM, ROHINI COURT,
NEW DELHI

IN THE MATTER OF:

SHALINI KAPOOR

... COMPLAINANT

VERSUS

HIMANSHU KAPOOR

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry and money to invest in his business.

Current Stage: EVIDENCE

Observation: The matter was taken up on VC. After hearing the arguments regarding the maintenance, the court asked the parties to file a new income affidavit.

Date: 09.08.2021

Next Date: 11.10.2021

CASE NO. 9

IN THE COURT OF Ms. DEEPIKA THAKRAN ,MM, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

SONIA GULATI

... COMPLAINANT

VERSUS

ASHISH GULATI

...RESPONDENT.

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: First Hearing

Observation: The Hon'ble Court ordered to issue notice Respondent.

Date: 10.08.2021

Next Date: 17.09.2021

CASE NO. 10

IN THE COURT OF Ms. NEETU NAGAR ,MM, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

SAMNEET KAUR

... COMPLAINANT

VERSUS

HARKARAN SINGH

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: DIR Report was to be taken up.

Observation: The Hon'ble Judge was on leave and the matter was marked for next date.

Date: 10.08.2021

Next Date: 22.09.2021

CASE NO. 11

IN THE COURT OF Ms. NEETU NAGAR ,MM, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

AMRITA KAUR

... COMPLAINANT

VERSUS

HARDEEP SINGH

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: Withdrawal

Observation: The Complainant was marked absent as she did not turn up to the court for hearing, hence the matter was adjourned.

Date: 10.08.2021

Next Date: 07.09.2021

CASE NO. 12

IN THE COURT OF SH. MANISH SHARMA, ADJ, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

RITIK THAKKAR

... COMPLAINANT

VERSUS

MANOJ THAKKAR

...RESPONDENT

Subject Matter: Civil Suit filed against a gift deed for property.

Brief facts of the Case: The Complainant filed the suit regarding a property that was given by his uncle to him in the form of gift deed but the Respondent was held the possession irrespective of the deed.

Current Stage: Argument

Observation: There was some error in the petition hence matter was adjourned while giving time to the Complainant to amend the petition.

Date: 11.08.2021

Next Date: 07.10.2021

CASE NO. 13

IN THE COURT OF SH. VAIBHAV KUMAR, MM, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

PARMINDER SINGH OBEROI

... COMPLAINANT

VERSUS

DR. VIRENDER SINGH BEDI

...RESPONDENT

Subject Matter: Complaint filed under section 138 of the NI ACT.

Brief facts of the Case: The accused person paid in cheque for the bill of miscellaneous clinic items like gloves, sanitizer, cotton and etc. The accused person's cheque bounced due to insufficient funds.

Current Stage: FILING OF DOCUMENTS

Observation: NOTICE ISSUED

Date: 12.08.2021

Next Date: 02.09.2021

CASE NO. 14

IN THE COURT OF SH. HIMANI MALHOTRA, ADJ, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

AMRIT PAL SINGH

... COMPLAINANT

VERSUS

STATE

...RESPONDENT

Subject Matter: Case filed under section 307 of the IPC.

Brief facts of the Case: The accused person/applicant was charged with attempt to murder. The accused person used a steel rod to hit the victim, a 54 year old lady in the head.

Current Stage: Argument for bail.

Observation: The Hon'ble Judge heard the arguments but was not satisfied with the grounds for bai, hence rejected the bail.

Date: 13.08.2021

Next Date: 18.08.2021

CASE NO. 15

IN THE COURT OF Ms. NEETU NAGAR, MM, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

RAGHAV MEHRA

...RESPONDENT

Subject Matter: Case filed under section 498a of the IPC.

Brief facts of the Case: The accused person committed the offence of domestic violence and harassment on the Complainant for dowry.

Current Stage: EVIDENCE

Observation: High Court stayed proceedings

Date: 16.08.2021

Next Date: 09.11.2021

CASE NO. 16

IN THE COURT OF Ms. POORVA MEHRA, MM, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

CANCELLATION

...RESPONDENT

Subject Matter: Case filed under section 354 of the IPC.

Brief facts of the Case: The accused persons harassed and assaulted the Complainant, who is her neighbor, to outrage her modesty.

Current Stage: COMPLAINANT EVIDENCE

Observation: Complainant was marked absent and the matter was adjourned.

Date: 16.08.2021

Next Date: 16.10.2021

CASE NO. 17

IN THE COURT OF Ms. CHARU DHANKAR, MM, DWARKA
COURTS, NEW DELHI

IN THE MATTER OF:

ARUSHI KRISHNA DAS

... COMPLAINANT

VERSUS

GAURV DAS GUPTA

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: Issuing of Notice to Respondent

Observation: Holiday declared by Delhi High Court.

Date: 20.08.2021

Next Date: 09.10.2021

CASE NO. 18

IN THE COURT OF Ms. SONAM GUPTA, MM, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

DEVINDER KAUR

... COMPLAINANT

VERSUS

AMARJEET SINGH

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: EVIDENCE

Observation: Evidence affidavit was filed.

Date: 21.08.2021

Next Date: 15.11.2021

CASE NO. 19

IN THE COURT OF Ms. DEEPIKA THAKRAN, MM, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

GURDEEP SINGH

...RESPONDENT

Subject Matter: Case filed under section 498a of the IPC.

Brief facts of the Case: The accused person committed the offence of domestic violence and harassment on the Complainant for dowry.

Current Stage: EVIDENCE

Observation: Investigating Officer was not present in the court to give statement.

Date: 24.08.2021

Next Date: 07.09.2021

CASE NO. 20

IN THE COURT OF Ms. RASHIKA SHRIVASTAVA, CIVIL JUDGE,
TIS HAZARI COURTS, NEW DELHI

IN THE MATTER OF:

AMARJEET KAUR

... COMPLAINANT

VERSUS

PARWINDER KAUR

...RESPONDENT

Subject Matter: Civil Suit for Property

Brief facts of the Case: The present civil suit was filed due to the illegal possession, arrear of rent and mesne profits against the Respondent.

Current Stage: REPLICATION

Observation: Adjournment seeked for some more time for replication

Date: 25.08.2021

Next Date: 22.10.2021

CASE NO. 21

IN THE COURT OF Ms. SADHIKA JALAN, MM, DWARKA
COURTS, NEW DELHI

IN THE MATTER OF:

KAWALJEET KAUR

... COMPLAINANT

VERSUS

MANJEET SINGH

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: ARGUMENT

Observation: Time seeked for preparation of arguments by the counsel of Respondent.

Date: 26.08.2021

Next Date: 08.10.2021

CASE NO. 22

IN THE COURT OF Ms. KAPIL GUPTA, MM, DWARKA COURTS,
NEW DELHI

IN THE MATTER OF:

KARINA FINCAP

... COMPLAINANT

VERSUS

NARESH KUMAR

...RESPONDENT

Subject Matter: Complaint filed under section 138 of the NI ACT.

Brief facts of the Case: The accused person paid in cheque for the payment of dues but the cheque bounced due to insufficient funds.

Current Stage: Evidence

Observation: Order issued for accused to be present

Date: 27.08.2021

Next Date: 24.11.2021

CASE NO. 23

IN THE COURT OF Ms. ILLA RAWT, FAMILY COURT, TIS
HAZARI COURTS, NEW DELHI

IN THE MATTER OF:

MANPREET SINGH

... COMPLAINANT

VERSUS

HARLEEN KAUR

...RESPONDENT

Subject Matter: Case filed under 25 of Guardianship Act.

Brief facts of the Case: The case was filed for the custody of the Complainant and Respondent's 8 year old son.

Current Stage: Application by the Complainant

Observation: Time given to the Respondent to file replication.

Date: 28.08.2021

Next Date: 25.10.2021

CASE NO. 24

IN THE COURT OF Ms. ILLA RAWT, FAMILY COURT, TIS
HAZARI COURTS, NEW DELHI

IN THE MATTER OF:

MOHIT SODHI

... COMPLAINANT

VERSUS

KRITIKA SODHI

...RESPONDENT

Subject Matter: Suit filed under section 13 OF HMA.

Brief facts of the Case: The Divorce petition was filed on the ground of desertation.

Current Stage: Deciding of Maintenance

Observation: An order of maintenance was passed by the cost for ₹5000

Date: 02.09.2021

Next Date: 22.11.2021

CASE NO. 25

IN THE COURT OF Ms. RENU BHATNAGAR, FAMILY COURT, TIS
HAZARI COURTS, NEW DELHI

IN THE MATTER OF:

SAMNEET KAUR

... COMPLAINANT

VERSUS

HARKARAN SINGH

...RESPONDENT

Subject Matter: Filed for maintenance under HMA.

Brief facts of the Case: The suit was filed by Complainant to increase the amount of decided maintenance.

Current Stage: Filing of Reply of complaint and income affidavit

Observation: Reply of complaint and income affidavit was asked by the court and next date was given for the same.

Date: 03.09.2021

Next Date: 17.11.2021

CASE NO. 26

IN THE COURT OF SH. VISHAL, ASJ, TIS HAZARI COURTS, NEW
DELHI

IN THE MATTER OF:

ARJUN DUGGAL

... COMPLAINANT

VERSUS

STATE

...RESPONDENT

Subject Matter: Case filed under section 498a of IPC.

Brief facts of the Case: The accused person committed the offence of domestic violence and harassment on the Complainant for dowry.

Current Stage: Bail

Observation: The Hon'ble Court was informed that the matter is being settled and the FIR is being quashed in the Delhi High Court as the proceeding for quashing of FIR is initiated.

Date: 04.09.2021

Next Date: 04.10.2021

CASE NO. 27

IN THE COURT OF SH. ANKITKARAN SINGH, CIVIL JUDGE, TIS
HAZARI COURTS, NEW DELHI

IN THE MATTER OF:

HARPAL

... COMPLAINANT

VERSUS

MANOJ

...RESPONDENT

Subject Matter: Civil suit for disputed property in Will.

Brief facts of the Case: The parties are brothers. The disputed property belonged to their father. The father named the complainant as the owner of property in his will.

Current Stage: Replication for Complaint

Observation: The opposite party and the counsel were marked absent, hence, the matter was adjourned and next date was given.

Date: 04.09.2021

Next Date: 4.10.2021

CONCLUSION

In the end, I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, what we learned from the internship is the mechanism of this body.

I was surprised to see how the simplest of laws were applicable in the most difficult of situations and how loopholes leave so much scope of evolution and improvisation today in this field. I also observed that the law is everything but constant with the same soul as that of a human.

In other words, or as that of our counsel, law may come and law may repeal, but they must always be faithful to the constitution, which is the most supreme law of the land and governs all equals and unequal in respect of each other.



FAIRFIELD

Institute of Management & Technology

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Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - AYUSH BEHL

ENROLLMENT NO. - 03090103817

COURSE - BA-LLB

BATCH - (2017-22) IXth Sem



SANJEEV BEHL

MOBILE NO. 98101 82003
CHAMBER NO. B-6, B.G.S. BLOCK,
TIS HAZARI COURT COMPLEX, DELHI-54.
ENROLLMENT NO. D181/2000

ADVOCATE & SOLICITOR

To whomsoever it may concern

This is to certify that AYUSH BEHL S/o SH. SANJEEV BEHL, student of Fairfield Institute of Management and Technology, Kapashera (affiliated to GGSIPU) pursuing 5 years BALLB joined my office and worked as an intern from **02.08.2021** to **20.09.2021**.

During his internship he has researched upon various issues pertaining to law, analyzing briefs, creating notes relating to various aspects of criminal matters and drafting of cases.

I found him sincere, hard working and inquisitive wish him all the best in future endeavours.



(SANJEEV BEHL)

ADVOCATE

SANJEEV BEHL
(D-181/2000) Advocate
Ch. No. B-6, B. G. S. Block
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Mobile No. 9810182003

DECLARATION

I Ayush Behl of 9th semester of BA-LLB (H) hereby declare that this report is compiled by me under 6 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to **Fairfield Institute of Management & Technology affiliated to GGS IP UNIVERSITY, New Delhi** is a reliable document and is of bonafide nature.

AYUSH BEHL

03090103817

24.11.21

ACKNOWLEDGEMENT

The internship opportunity I had with **Mr. Sanjeev Behl (ADVOCATE)** was a great chance for learning and professional development. Therefore, I consider myself as a very lucky individual as I was provided with an opportunity to be a part of it. I am also grateful for having a chance to meet so many wonderful people and professionals who led me through this internship period.

Bearing in mind previous I am using this opportunity to express my deepest gratitude and special thanks to the **Mr. Sanjeev Behl (ADV)** who in spite of being extraordinarily busy with his duties, took time out to hear, guide and keep me on the correct path and allowing me to carry out my project at their esteemed organization and extending during the training.

I express my deepest thanks to Sir for taking part in useful decision & giving necessary advice and guidance and arranged all facilities to make life easier. I choose this moment to acknowledge his contribution gratefully. It is my radiant sentiment to place on record my best regards, deepest sense of gratitude for their careful and precious guidance which were extremely valuable for my study both theoretically and practically.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting this report.

OBJECTIVE

The Legal Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that.

The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at university may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

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Introduction

I interned under Adv. MR. SANJEEV BEHL, at TIS HAZARI Court, Delhi, through online mode for a period of one month i.e. 2nd August 2021 to 31th August 2021. I was excited and keen to internship with MR. SANJEEV BEHL. I joined the meeting with MR. SANJEEV BEHL and other counsels.

On my second day I did my research work on maintenance and read some of the judgements on it which were as follow:

Definition: The word maintenance is of wide connotation. The most precise definition of it has

been given under Section 3 (b) of the Hindu Adoption & Maintenance Act, 1956, which reads as under: -"in all cases, provisions for food, clothing, residence, education and medical attendance and treatment; in the case of an unmarried daughter, also the reasonable expenses of an incident to her marriage."

CASE STUDY

Case -1

**IN THE COURT OF MS. RITU SINGH, METROPOLITAN
MAGISTRATE, DWARKA COURT, NEW DELHI**

IN THE MATTER OF:-

BIKASH SINGH

VERSUES

ARUN SINHA

SUBJECT MATTER: COMPLAINT FILED UNDER SECTION 138 OF THE NEGOTIABLE INSTRUMENT ACT, 1881

BRIEF FACTS OF THE CASE:

- Bikash Singh is a resident of Delhi, having roots in society and good friendly relations with Arun Sinha for last few years.
- In the month of June, 2012 Arun Sinha appeared to be in financial crunch and approached Bikash Singh for financial help. Keeping in view the old and cordial friendly relations with Arun Sinha, Bikash Singh gave a friendly loan of Rs.3,50,000/- to him through cheque of Rs.2 lacs and 1.5 lakh through cash. At the time of borrowing the aforesaid loan, Arun sinha promised to return the same within a year.
- Arun Sinha issued a post-dated cheque to discharge the liability on his part towards Bikash Singh.
- The facts of the case state that Arun sinha have acted in a most unfriendly manner by

breaching the trust of Bikash Singh. Thus, it is apparent that Arun Sinha is also guilty of committing other criminal offences such as cheating, criminal breach of trust upon Bikash Singh by making false representation. Arun sinha will make the payment against his liability, however, Bikash Singh reserves their right to take appropriate actions against Arun Sinha for the aforesaid criminal acts of cheating and fraud under U/s 406 and 420 of IPC, as and when so advised. Bikash Singh reserve his right to file separate proceedings for recovery and damages besides criminal prosecution.

OBSERVATION:

I have learn about the provision of sec. 138 and about the evidence, how to present it. Furthermore I have come to know about the provision of compensation. I have additionally learnt that an offence under section 138 of the Act, will be considered committed as soon as the cheque drawn by the accused on an account maintained by him for the discharge of debt or liability is returned without honoured.

One interesting task was assigned to me it was to find judgement of cases of mutual divorce I went through many cases and provisions of divorce also under Hindu Marriage Act

I read the section 13 B of the Hindu Marriage Act 1955 which gives the provisions of divorce by mutual consent.

(1) Subject to the provisions of this Act a petition for dissolution of marriage by a decree of divorce may be presented to the district court by both the parties to a marriage together, whether such marriage was solemnized before or after the commencement of the Marriage Laws (Amendment) Act, 1976 (68 of 1976)*, on the ground that they have been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved.

(2) On the motion of both the parties made not earlier than six months after the date of the presentation of the petition referred to in sub-section (1) and not later than eighteen months after the said date, if the petition is not withdrawn in the meantime, the court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnised and that the averments in the petition are true, pass a decree of divorce declaring the marriage to be dissolved with effect from the date of the decree.]

(i) The period of 6 to 18 months provided in section 13B is a period of interregnum which is intended to give time and opportunity to the parties to reflect on their move. In this transitional period the parties or either of them may have second thoughts; *Suman v. Surendra Kumar*, AIR 2003 Raj 155.

(ii) The period of living separately for one year must be immediately preceding the presentation of petition. The expression 'living separately' connotes not living like

husband and wife. It has no reference to the place of living. The parties may live under the same roof and yet they may not be

(iii) The period of six to eighteen months' time is given in divorce by mutual consent as to give time and opportunity to the parties to reflect on their move and seek advice from relations and friends. Mutual consent should continue till the divorce decree is passed. The court should be satisfied about the bona fides and consent of the parties. If there is no consent at the time of enquiry the court gets no jurisdiction to make a decree for divorce. If the court is held to have the power to make a decree solely based on the initial petition, it negates the whole idea of mutuality. There can be unilateral withdrawal of consent. Held, that since consent of the wife was obtained by fraud and wife was not willing to consent, there could be unilateral withdrawal, of consent; *Sureshta Devi v. Om Prakash*, AIR 1992 SC 1904.1 consent.

CASE LAW-2

**IN THE COURT OF MS. KISHORE KUMAR, LD, MM, TIS
HAZARI**

COURT, NEW DELHI

IN THE MATTER OF:

CHEDI RAM PAL

...COMPLANT

VERSUS

VIJENDER KUMAR PAL

...ACCUSED

P.S- Ranhola

U/S-156(3) and 200 CRPC

Criminal complaint under section 200 of code of criminal procedure against the accused person for committing offences punishable under Section 379/452/506/427 of Indian Penal Code.

Brief Facts:

The complainant is working as a DTC conductor at Dwarka Sector 08 recently transferred to Shadipur

. the present complaint has been filed by complainant against his son Vijender Kumar Pal i.e. accused who along with the family members are mentally torturing and pressurizing the complainant for transfer of property in his name and stolen complainant property papers, other valuable items also and intended to cause death and threatened the complainant to

implicate him in false case.

On 24 May 2019 when the complainant was searching original paper of Plot No. 245nGali no. 35 measuring 100yards in the name of complainant, Nangli Vihar extension, New Delhi-110043. The complainant found the above-mentioned paper were missing and when asked about it to the son, the son told he have stolen it. Also, said he will sell the complainant property to someone else.If complainant told and disclosed about this to anyone or file a complaint in the Police Station against him. He will remove the complainant from his government job. On 1st June 2019, Saturdaywhen the complainant was at his duty, the accused came to the complainant house and broke the lock and stole other property papers of plot at Noida in his name, two gold chains, two gold rings,and cheque book and passbook of the complainant's bank and also damaged the A.C. of complainant Being aggrieved with the acts of accuse the complainant restored to file the police complaint dated 26th May 2019 to the S.H.O., Ranhola , police station, but no action was taken bythe police officials.

OBSERVATIONS:

According to my observation, the complainant is a law-abiding citizen. And belongs to a lower middle class and is working very hard for his family. I think the accused stole all the documents tograb the property of complainant and no proper remedy was available to him except to approach to the Hon'ble court as no action were taken by police officials. The court should punish the accused in accordance with the law and pass further order(s) in favour of complainant.

CASE LAW-3

IN THE COURT SH. SUKHMAN SANDU,MM DWARKA COURT , NEW DELHI

IN THE MATTER OF:

SUNITA

...PETITIONER

VERSUS

Ms. SUSHILA LAMBA

...RESPONDENT

P.S.- Dwarka Sec- 23 U/S- 138 N.I.A.

Complaint under Section-138 of the Negotiable Instrument Act as amended up to date.

Brief Facts: The complainant is a widow lady and is working in MCD at the post of “beldar” in West zone Delhi and is the sole bread earning member of the family. Both the parties known each other as they are both from the same village. The respondent asked the complainant a friendly loan of rupees 3.05 lakh as the money was required by her for the marriage of her sister. In discharge of this liability of rupees 3.05 lakh the respondents said she is having transferred the money to her account and when she went for the encashment of the same the check word is honoured with the remark “funds insufficient”.

OBSERVATION: I observed that the respondent do not want to give back the money to the complainant she wants to keep that money to herself only I think it will be justified if the Hon’ble Court provide her with the strict punishment and the complainant gets back her money with compensation.

On the very next day sir taught me to make a legal notice under section 138 of Negotiable Instrument Act. A proper format has to be followed. For a better understanding I went through this section and learn that there are some ingredients which has to be keep in mind.

1. The cheque should have been issued for the discharge in whole or part of any debt or other liability.
2. The cheque should have been presented within the period of six months or with its validity period whichever is earlier.

There are also few Grounds of dishonour of cheque that is:

1. Funds insufficient: the amount of money standing to the credit of the account of the drawer is insufficient to the honour of the cheque.
2. Account close: it means that there was no amount in the credit of the account on the specific date when the cheque was presented for honouring the same.

I went through some section of protection of child from sexual offences act 2012
(POCSOACT,201)

This act provides the protection of children from the offences of sexual assault sexual harassment and pornography while safeguarding the interest of child at every stage of judicial proceedings.

Section 3 to section 12 deals with sexual offences against children in which punishment for sexual assault punishment for harassment is provided.

Section 11 of act provides definition of sexual harassment:

A person is said to commit sexual harassment upon a child when such person with sexual intent, -

-

- (i) utters any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child; or
- (ii) makes a child exhibit his body or any part of his body so as it is seen by such person or any other person; or
- (iii) shows any object to a child in any form or media for pornographic purposes; or
- (iv) repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or
- (v) threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act; or
- (vi) entices a child for pornographic purposes or gives gratification therefor.

CASE LAW-4

IN THE COURT Mr. DEEPAK KUMAR, MM DWARKA COURT , NEW DELHI

COURT ROOM NO.-14

IN THE MATTER OF:

STATE

...COMPLAINANT

VERSUS

SAKSHAM GOEL

...ACCUSED

P.S.- Dwarka North U/S- 279,338IPC

Complaint under Section-279 and Section-338 of INDIAN PEANL CODE, as amended up to date.

Brief Facts: This case falls under section 279 of IPC which states that Rash driving or riding on a public way and 338 of IPC which states that causing grievous hurt by act endangering life or personal safety of others. The complainant was coming back from the park and the accused the complainant by his car while he was crossing the road after that the complainant was taken to the hospital by the accused in his own car.

Observation: According to me after reading the whole case statement of both equation complain and the point I could Run from it was that's the accused was no driving the high-speed the traffic light were also green and the complaint and suddenly on the spot came in front of his car due to which the actual loss is control and it to the complainant.

I research on PIL and deep analysis on my research work was done by me what I learn from it are:

Public interest Litigation (PIL) means litigation filed in a court of law, for the protection of “PublicInterest”, such as Pollution, Terrorism, Road safety, Constructional hazards etc. Any matter where the interest of public at large is affected can be redressed by filing a Public Interest Litigation in a court of law. Public interest litigation is not defined in any statute or in any act. It has been interpreted by judges to consider the intent of public at large. Public interest litigation is the power given to the public by courts through judicial activism. However, the person filing the petition must prove to the satisfaction of the court that the petition is being filed for a public interest and not just as a frivolous litigation by a busy body.

Evolution of PIL in India

- The seeds of the concept of public interest litigation were initially sown in India by **Justice Krishna Iyer**, in 1976 in **Mumbai Kamagar Sabha vs. Abdul Thai**.
- The first reported case of PIL was **Hussainara Khatoon vs. State of Bihar** (1979) that focused on the inhuman conditions of prisons and under trial prisoners that led to the release of more than 40,000 under trial prisoners.

A new era of the PIL movement was heralded by Justice P.N. Bhagwati in the case of **S.P. Gupta vs. Union of India**

- In this case it was held that “any member of the public or social action group acting Bonafede” can invoke the Writ Jurisdiction of the High Courts (under article 226) or the Supreme Court (under Article 32) seeking redressal against violation of legal or constitutional rights of persons who due to social or economic or any other disability cannot approach the Court.

- By this judgment PIL became a potent weapon for the enforcement of “public duties” where executive action or misdeed resulted in public injury. And as a result any citizen of India or any consumer groups or social action groups can now approach the apex court of the country seeking legal remedies in all cases where the interests of general public or a section of the public are at stake.
- Justice Bhagwati did a lot to ensure that the concept of PILs was clearly enunciated. He did not insist on the observance of procedural technicalities and even treated ordinary letters from public-minded individuals as writ petitions.

MY OBSERVATION ON PIL

- Public Interest Litigation has produced astonishing results which were unthinkable three decades ago. Degraded bonded laborer's, tortured under trials and women prisoners, humiliated inmates of protective women's home, blinded prisoners, exploited children, beggars, and many others have been given relief through judicial intervention.
- The greatest contribution of PIL has been to enhance the accountability of the government towards the human rights of the poor.
- The PIL develops a new jurisprudence of the accountability of the state for constitutional and legal violations adversely affecting the interests of the weaker elements in the community.
- However, the Judiciary should be cautious enough in the application of PILs to avoid Judicial Overreach that are violative of the principle of Separation of Power.
- Besides, the frivolous PILs with vested interests must be discouraged to keep its workload manageable.

I attended a webinar on cybercrime in which I understand the provision of IT Act. Basically, cybercrime criminal offences committed by internet or otherwise added by various forms of Computer technology such as the use of online social networks to Bully other or sending sexual acts reset digital photo with smartphone.

Cyber Security is protecting cyber space including critical information infrastructure from attack,damage, misuse and economic espionage. Provisions of the information technology act deals withthe cybercrime laws. The Covid-19 outbreak presents a global challenge for the medical fraternityand society as well as for law enforcement agencies, due to the rising cases of cybercrime. The lockdown has forced employees to work from home. Use of public platforms may result in loss ofconfidential data if an organization does not have its own infrastructure and does not use VPN (Virtual Private Network) for accessing its resources. Recent Cases of Cyber Fraud

- Fake UPI of PM CARES Fund

An alert has been issued about phishing of the UPI (Unified Payments Interface) ID of thePM CARES Fund, in which the offender created a similar-looking ID to deceive users.

UPI is a real-time payment system developed by National Payments Corporation of India (NCPI) for inter-bank transactions.

The interface is regulated by the Reserve Bank of India and instantly transfers funds between two bank accounts on a mobile platform. The NPCI keeps a record of all the accounts and transactions.

- Facebook Fraud

Cases have been reported of fake Facebook accounts where money has been fraudulentlyasked for the treatment of alleged patients by hacking their accounts.

- Zoom App Mishap

The Computer Emergency Response Team-India (CERT-In) circulated a vulnerability note giving Zoom a 'medium' security rating.

The permission to Zoom for accessing the user's microphone, web-cam and data storage can result in hijacking and loss of private data.

'Zoom raiding' or 'Zoom bombing' can be started, in which hate speech, pornography or other content is suddenly flashed by disrupting a video call on Zoom.

In the app, meeting IDs can be shared through a link, on screen and other mediums which give the chances to uninvited guests to join a meeting and gain access to sensitive information.

CASE LAW-

Avnish Bajaj v State (N.C.T.) of Delhi (2005 H.C.)

The accused is the CEO of Baaze.com, which Company facilitates the sale of any property, for which it receives commission and also generates revenue from advertisement carried on its web page. In the present case, Counsel for the State has argued that the accused was remiss, at the pain of culpability, in not stopping payment through Banking channels after learning of the illegal nature of the transaction. It has been strenuously contended that if bail is not granted it will adversely impact e-commerce, for which India may be the eventual loser. These are not considerations which India may be the eventual loser. These are not considerations which would prevail or tamper the Courts decision whether to grant or reject bail. Mr. Jaitely, counsel for the petitioner has underscored that in Section 67 of the Information Technology Act, 2000 an offence is committed by a person who publishes or transmits any material which is lascivious or appeals to the prurient interest. Sections 292 and 294 of the Indian Penal Code have also been mentioned which contemplate the selling, letting on hire, distribution or public exhibition of the

absence matter. He has emphasized that the provision does not bring within its sweep the causing of the transmission in contradistinction to the publication of obscene material. Prima facie it has not been established from the evidence that has been gathered till date that any publication took place by the accused, directly or indirectly. The actual obscene recording/clip cannot be viewed on the portal of Basse.com. It was held that the accused has actively participated in the investigations, and nothing was even argued before it in contrary by Counsel for the State. The nature of the alleged offence is such that the evidence has already crystallised and may even be tamper proof. Even though the accused is no longer an Indian National, he is of Indian origin with family roots in our country. It cannot possibly be argued that a foreign national is disentitled to the grant of bail. The accused is enlarged on bail subject to furnishing two sureties in the sum of Rs. 1,00,000/- each to the satisfaction of the concerned Court/Metropolitan Magistrate/Duty Magistrate. The Accused shall also not leave the territories of India without the leave of the Court and for this purpose shall surrender his passport to the Magistrate. It is implicit in the grant of bail that he shall participate and assist in the investigation. The Bail Application stands disposed of.

I researched on provisions of water act 1974 what I learn from it are.

Water (prevention and control of pollution) act 1974 is an act that regulates Agencies responsible for checking on water pollution and impacts of pollution control boards both at centre and state. This act was adopted by Indian Parliament with the aim to prevent of water pollution in India.

Under water act 1974 sewage or pollutants cannot be discharged into water bodies including lakes and it is the duty of the state pollution control board to intervene and stop such activities and even falling to abide by the law of Under is liable for imprisonment under section 24 and section 43 ranging from not less than one year and 6 months to 6

year along with monetary fines.

I did My research work and also read some of the judgement on which were as follow

CASE LAW:

M.C. Mehta v. Union of India – Ganga Pollution Case

Ganga is a trans-boundary river of Asia flowing through India and Bangladesh. It is one of the most sacred rivers to the Hindus and a lifeline to a billion Indians who live along its course. One of the most populated cities along its course is Kanpur. This city has a population of approx. 29.2lakhs (2.9 million). At this juncture of its course Ganga receives large amounts of toxic waste from the city's domestic and industrial sectors, particularly the leather tanneries of Kanpur. In 1985,

M.C. Mehta filed a writ petition in the nature of mandamus to prevent these leather tanneries from disposing off domestic and industrial waste and effluents in the Ganga river. This writ petition was bifurcated by the Supreme Court into two parts known as Mehta I and Mehta II.

JUDGMENT

MEHTA I

The Court held the despite the above-stated provisions in the Water (Prevention and Control of Pollution) Act, 1974 Act no effective steps were taken by the State Board to prevent the discharge of effluents into the river Ganga. Also, despite the provisions in the Environment Protection Act, no effective steps were taken by the Central Government to prevent the public nuisance caused by the tanneries at Kanpur. The Court ordered the tanneries to establish primary treatment plants if not Secondary treatment plants. That is the minimum which the tanneries should do in the circumstances of the case. The Court further held that the financial capacity of the tanneries should be considered as irrelevant while requiring them to establish primary treatment plants. Just like an industry which cannot pay minimum wages to its workers cannot be allowed to exist a tannery which

cannot set up a primary treatment plant cannot be permitted to continue to be in existence for the adverse effect on the public at large which is likely to ensue by the discharging of the trade effluents from the tannery to the river Ganga would be immense and it will outweigh any inconvenience that may be caused to the management and the labour employed by it on account of its closure.

MEHTA II

The Court directed the Kanpur Nagar Mahapalika to take appropriate action under the provisions of the Adhmiya for the prevention of water pollution in the river. It was noted that a large number of dairies in Kanpur were also polluting the water of the river by disposing waste in it. The Supreme Court ordered the Kanpur Nagar Mahapalika to direct the dairies to either shift to any other place outside the city or dispose waste outside the city area. Kanpur Nagar Mahapalika was ordered to increase the size of sewers in the labour colonies and increase the number of public latrines and urinals for the use of poor people. Whenever applications for licenses to establish new industries are made in future, such applications shall be refused unless adequate provision has been made for the treatment of trade effluents flowing out of the factories. The above orders were made applicable to all Nagar Mahapalikas and Municipalities which have jurisdiction over the area through which the Ganga river flows. In addition to this, the Supreme Court further relied on Article 52A (g) on the Constitution of India, which imposes a fundamental duty of protecting and improving the natural environment. The Court order that –1) It is the duty of the Central Government to direct all the educational institutions throughout India to teach at least for one hour in a week lessons relating to the protection and the improvement of the natural environment including forests, lakes, rivers and wildlife in the first ten classes. 2) The Central Government shall get text books written for the said purpose and distribute them to the educational institutions free of cost. Children should be

taught about the need for maintaining cleanliness commencing with the cleanliness of the houseboth inside and outside, and of the streets in which they live. Clean surroundings lead to healthy body and healthy mind. Training of teachers who teach this subject by the introduction of short- term courses for such training shall also be considered. This should be done throughout India.

CASE LAW – 5

IN THE COURT OF SH. SUDHIR KUMAR SIROHI, ACJ (SOUTH-EAST) SAKET
COURT, NEW DELHI.

CIVIL SUIT NO: - 275/2019

IN THE MATTER OF:-

SH. CHETAN SEHRAWAT PETITIONER

V/S

STATE & ORS. RESPONDENT

SUBJECT MATTER- Petition for grant of Succession certificate u/s 272 of the Indian Succession Act, 1925 in respect of movable assets of late Shri Bajrang Lal Chokhani.

FACTS:- In this case, Bajrang Lal Chokhani died intestate in respect of his movable assets on 25.08.1982. As per the law of intestate succession, all the seven respondents became joint and absolute owner of 1/7th undivided share of the entire movable assets of the deceased. Out of the 7 respondents, five respondents are dead and other three have given an affidavit relinquishing all their rights, title and/or interest whatsoever in all the movable assets in favor of petitioner herein making him absolute and sole owner of the said movable assets.

OBSERVATION: -The court ordered to put an article in the Hindustan Times Paper.

CASE LAW – 6

IN THE COURT OF SHRI SACHIN SANGWAN , SAKET COURT, NEW DELHI.

NO- 863/2017

IN THE MATTER OF: -

ASHOK SHARMA Plaintiff

V/S

M/S JSB STAFFING SOLUTIONS Defendant

SUBJECT MATTER- Suit for Recovery of amount under Order XXXVII CPC, 1908.

FACTS: In this matter, the Plaintiff was illegally terminated from the employment without any reason or notice by the defendant. He was constantly harassed and was not paid his salary for the period of his due employment

OBSERVATION: Counsel for plaintiff has submitted that she has received the copy of affidavit yesterday only. Further, it is pointed out that certain e-mails are referred as exhibits in the affidavits but no certificate u/s 65B of the Indian Evidence Act has been filed. The court has asked the defendants to file the requisite affidavit in support of the e-mail.

CASE LAW – 7

IN THE COURT OF DEEPAK DABAS, ADJ, TIS HAZARI COURT, NEW DELHI.

CIVIL SUIT NO: - 562/2019

IN THE MATTER OF:-

SANTOSH KUMAR Plaintiff

V/S

M/S ACTION UDYOG & ANR Defendant

SUBJECT MATTER: Suit for the recovery of amount under Order XXXVII CPC, 1908.

FACTS: Plaintiff disbursed the loan to Defendant. Defendant firm executed a promissory note for the loan advanced. The defendant issued an undated cheque for encashment. On presentation for encashment of cheque it was returned with remark “CHQ RET-ACCOUNT BLOCKED”. Defendant avoided contacts to which the plaintiff issued a legal notice. Plaintiff approached the court for recovery of loan amount.

OBSERVATION: The court ordered to issue summons for appearance to the defendants as prescribed under Order 37 CPC on filing PF RC, Speed post and Courier.

CASE LAW – 8

IN THE COURT OF SUGANDHA AGGARWAL, ADJ TIS HAZARI COURTS, NEW
DELHI.

IN THE MATTER OF:

KRISHAN DEV KHANNA Plaintiff

V/S

TRILOECHAN SINGH...Defendant

SUBJECT MATTER- Suit for Ejectment/ possession; Recovery of arrears of rent and damages / mesne profit and mandatory injunction.

FACTS: In this matter, the Plaintiff / their predecessor had lent out an open space to defendant in year 1971. Tenancy was created for a period of 11 months. Defendant evaded in making payments of the rent. Legal notice was issued to pay upon arrears of rent. In view of referred termination of tenancy of defendant, he became illegal and unauthorized occupant of the suit property.

OBSERVATION: No one appeared from the defendant side. Therefore, initially court was adjourned for 12.30 pm & when again the case was to be heard at 12.30 still no counsel from the defendant side. The court then gave the next date for hearing.

CASE LAW – 9

IN THE COURT OF DR. RK CHAUHAN ADJ, SAKET COURTS, NEW DELHI.

SUIT NO- 166/2018

IN THE MATTER OF:-

MOHD. YUSUF - Plaintiff

V/S

BSES RAJDHANI POWER PVT LTD - Defendants

NATURE OF THE MATTER- SUIT FOR COMPENSATION.

FACTS: The Plaintiff was a jointer with the defendant, who is defendant no.2 in the suit. The Plaintiff repaired the electricity & while repairing the fault cables, one of the cables got activated due to negligence on the part of defendant no.1 due to which the plaintiff was seriously injured & was almost 55% burnt. The Plaintiff has now become permanently disabled & is not able to carry out his daily functions. When the plaintiff filed an application alleging defendant no.1 asking for compensation, the defendant no.1 denied the allegations saying that it was not his liability. Thus, the Plaintiff approached the court for seeking compensation from all the defendants & for seeking pendente lite along with the interest. On the other hand, both the defendants i.e. defendant 1 & defendant 2 alleged that the plaintiff is not an employee.

OBSERVATION: The Plaintiff & Advocates of the parties were present. The hon'ble court suggested to settle the dispute by way of mediation proceedings. All the parties agreed for the same. The matter was sent to mediation & the matter was adjourned.

CASE LAW – 10

IN THE COURT OF S.K AGGARWAL, TIS HAZARI COURTS, NEW DELHI.

SUIT NO- 434/12

IN THE MATTER OF: -

MASTER YASHWARDHAN PARAKH - Petitioner

V/S

AMIT BHALLA & ORS -Respondent

NATURE OF THE MATTER- Petition under Sec 166 & 140 of Motor Vehicles Act, 1988

FACTS- In this matter, the Petitioner along with his friend was injured in an accident by the Respondent who was coming in a car driving rashly and negligently & hit the Petitioner as a result of which the Petitioner was seriously injured & was admitted to the hospital in a serious condition. The Petitioner is now seeking compensation from the Respondent along with his insurance company who is Respondent No. 3 in the suit.

OBSERVATION: Petitioner as a result of the accident was seriously injured & was admitted to the hospital. The matter is fixed today for compliance of final order of award. The Respondent's insurance company stated that they will deposit the cheque of the award amount within a week from today. Matter was adjourned.

CASE LAW- 11

IN THE COURT OF MS.BIMLA KUMARI, PJFC ROHINI COURTS, DELHI.

H.M.A. PETITION NO.-402/2018

IN THE MATTER OF:-

NARESH KUMAR Petitioner

V/S

RACHNA Respondent

SUBJECT MATTER:- Petition for Dissolution of Marriage u/s 13 (1) (i) (a) of HMA, 1955.

FACTS: - The marriage between Petitioner and Respondent was solemnized in accordance to Hindu Rites and Ceremonies. A baby boy was born out of this wedlock. The Petitioner alleging that the Respondent wife was cruel towards him and not performing matrimonial duties and whenever asked to perform household jobs she used to create scene in the family. On the other hand the Respondent has denied all the allegations and stated that it was the Petitioner and family member who are greedy people and want to extract money from the father of Respondent. When the Respondent failed to fulfill the demands, she was mercilessly beaten by the Petitioner. The Respondent filed the Complaint against Petitioner and with CAW Cell and also filed the petition under DV Act as a counterblast to be taken action in order to escape from his liabilities and towards Respondent and her minor son. The Petitioner has filed the petition for Divorce.

OBSERVATION: - An application u/s 24 of HMA was filed by the Respondent which was replied by the Petitioner. The Hon'ble Court heard the arguments of both the parties on the said application. During the course of argument, the Plaintiff alleged that Respondent is working lady and he saw time to place on record. The court in support of his arguments denied the allegations. Matter was adjourned.

CASE LAW- 12

IN THE COURT OF YASHWANT KUMAR, PJFC TIS HAZARI COURTS, DELHI.

H.M.A. PETITION NO.-155/2018

IN THE MATTER OF:-

ANKIT KUMAR Petitioner

V/S

JYOTI KUMARI Respondent

SUBJECT MATTER:-Petition for Dissolution of Marriage u/s 13 (1) (i) (a) of HMA, 1955.

FACTS: - The Petitioner was married to the Respondent as per the Hindu Rites and Ceremonies on 12-04-2015. The Petitioner organized the party. After reception the family members of the Respondent took her back to the parental home on 13-04-2015. The Petitioner reached at his in-law's place and was shocked to find that Respondent was not there with great reluctance the family members of Respondent informed the Petitioner that Respondent was having an affair before her marriage with the name Sunny and she eloped after returning back from the reception. The Petitioner requested his in-laws to give facts returning implicated in the false case. The father of Respondent lodged a complaint against Sunny for abducting the Respondent and father of Petitioner also lodged the complaint of missing Daughter-in-law. After five days the police arrested Sunny and rescue Respondent from Vaishno Devi. Meeting was called in Police Station. The Respondent refused to go with father and with Petitioner and insist to live with Sunny and stated she was gone with her own free will. After great persuasion, the SHO

handed over the Respondent to her father and obtained signatures of all those who were in the meeting. While the Petitioner was still waiting for Respondent to join the matrimonial house. She lodged false complaint of harassment against Petitioner and family members. Therefore Petitioner was not left with anything rather to seek divorce

OBSERVATION: - Both the parties with their advocates appeared. The Hon'ble Court asked the parties to settle the matter. However, the Respondent refused to join the company of Petitioner and Petitioner refused to seek divorce by Mutual Consent and requested to pursue his petition on the plea that the wrongs committed by the Respondent must be proved in the Court of Law and Application for Maintenance was filed by the Respondent.

CASE LAW- 13

IN THE COURT OF MS.REENA SINGH NAG, FAMILY COURTS, TIS
HAZARI COURTS, DELHI.

H.M.A. PETITION NO.-616/2017

IN THE MATTER OF:-

ISTIYAK HUSAIN Petitioner

V/S

AARTI JINDAL Respondent

SUBJECT MATTER: - Petition u/s 9 of HMA,1955.

FACTS: - Petitioner and Respondent were in love with each other and their marriage was solemnized according to Hindu Rites and Customs. Petitioner renounced his religion and converted to Hindu Religion just to marry the Respondent as their parents were against the marriage but they decided to marry against the wishes of their families. After marriage very soon Respondent's family members started extending threats and warnings for leaving the Petitioner. So, Respondent has left the company of Petitioner without any reasonable cause but due to illegal compulsion of her uncle and other family members. So Petitioner approached the court for seeking to pass a decree of Restitution of Conjugal Rights.

OBSERVATION: - In the said matter advocate for Plaintiff appeared and requested the court to give some more time to trace out the fresh address of the Respondent. The court observed that time was only granted to trace out the fresh address by the court. The court directed to

Plaintiff; he may take steps to find Respondent by substituted service by way of publication.

CASE LAW- 14

IN THE COURT OF JUSTICE C. HARI SHANKAR, HIGH COURT OF DELHI AT NEW
DELHI

WP(C) 5469/2019

IN THE MATTER OF:-

PREM SINGH & ORS Petitioner

V/S

UNION OF INDIA & ORS Respondent

SUBJECT MATTER: -To issue writ of Mandamus under Article 226 of Constitution of India

FACTS: - Petitioner 2 & 3 are parents of Petitioner 1 and had entered wrong names in the school records. The parents tried getting corrections done but the school did not accept. They also wrote detailed letter to C.B.S.E and filed affidavits seeking correction. Even after repeated contacts and letters to change the name, the concerned authorities have not made corrections. Thus, a writ petition has been filed.

OBSERVATION: -. Some summons was to be provided in previous hearing which were not duly served. Therefore, court has directed to re- serve summons to the parties to appear before the court.

CASE LAW- 15

IN THE COURT OF MS.REENA SINGH NAG, FAMILY COURT, TIS HAZARI
COURTS, DELHI.

H.M.A. PETITION NO.-135/2019

IN THE MATTER OF:-

GURMINDER KAUR Petitioner No.1

V/S

SANJAY SIKKA Petitioner No.2

SUBJECT MATTER: - Petition for Dissolution of Marriage by way of Mutual Consent u/s 13
(B) (1) of HMA, 1955.

FACTS: - The marriage between the Petitioner 1&2 was solemnized in accordance to Hindu Rites and Ceremonies. Both the Petitioners could not adjust with each other right from the very beginning. Both the Petitioners have reached to the conclusion that their marriage has irretrievably broken down. Both have agreed to obtain divorce from each other by way of Mutual Consent. So, both the parties approached the court for dissolving the marriage by the decree of divorce on the basis of Mutual Consent.

OBSERVATION: - Both the Petitioners appeared along with their lawyers. The Hon'ble Judge had a meeting with the Petitioners in her chamber and tried to reconcile the differences between them but the Petitioners were not willing to live with each other. Thereafter the Hon'ble court

perused the documents filed by the Petitioner and heard the arguments of both the lawyers and thereafter passed an order on First Motion on the Petition and gave freedom to approach the court after expiry of 6 months from the date of order passed on First Motion, if they still wish to go for divorce by Mutual Consent.

CASE LAW- 16

IN THE COURT OF MS.SURYA MALIK GROVER, CJ, DELH

SUIT NO.-316/2018

IN THE MATTER OF:-

ICICI BANK Plaintiff

V/S

MADAN RAWAT Defendant

SUBJECT MATTER:- Suit for the recovery of amount under Order XXXVII CPC, 1908.

FACTS: - Plaintiff disbursed the loan to Defendant. The loan was given against the security of the vehicle INNOVA/G2. Defendant had undertaken to make the payment against the EMI'S but majority of the EMI'S have got dishonored. So Plaintiff approached the court for recovery of loan amount.

OBSERVATION: - The summon issued to the Defendant is duly served. The Defendant has tendered his appearance within prescribed time. The Plaintiff has moved an application for issuance of summon judgment. The Defendant on the address provided by him adjudicate for service of summon of judgment. The matter was adjourned.

OBSERVATIONS- The petitioner, respondent no.2 & father were present in the court. The Respondent. 2 confirmed the allegations leveled by the court. However requested not to take any action against the father. However serious allegations are leveled against the father and uncle of respondent.2 & also against police. The court thus directed the police to take necessary protection & the safety of the petitioner.

CONCLUSION:

One of the biggest lessons I learnt that the practical world is very different from what we learnt in books a person has to work day and night to become successful not only from knowledge but also from how he uses it. Another thing which I learnt during the internship for saving time and valuing it. I then came to the conclusion that the time is not only what my watch reads but it is indeed a big fat money. One thing I observe if one is attentive and craving for knowledge there is a lot to do and learn from the cases but should also learnt from the surroundings like it is worth noticing that all interns and counsels a working way harder one thing, I can conclude from that is practice and experience is a big teacher in life. the reason I chose District Court for internship so that I can get more experience and more work to do internship I learnt about the basic legal problems faced by peoples they are a fantastic and humongous unit of our justice delivery system. through this internship I learnt many things like drafting legal notice drafting of plaint and many more I learn the entire format of proceeding that was taught by my sir that is written statement by replications, than additional pleas, final hearing which involves evidence of both the parties, date of arguments, judgement and final execution. the one important thing which I learnt from the internship after experiencing many things Law does not mean simply to solve cases for monetary value but also

moral values should be kept in mind this time I also learn the future of virtual earring there are many advantages of virtual court hearing as transfer and Judiciary system was your court hearing and also time saving and the parties can appear from anywhere anytime their presence in court will not require .

Yours faithfully:

AYUSH BEHL,

03090103817 (BA-LLB IXth Semester)



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SUMMER INTERNSHIP REPORT

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Submitted by:-

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ENROLLMENT NO. - 03390103817

COURSE - BA LLB

BATCH - 2017-2022



STUDENT INTERNSHIP DIARY

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(Affiliated to Guru Gobind Singh Indraprastha University, Delhi)

KAPASHERA, NEW DELHI

Session 2017...-2022.....

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Date: 16.08.2021

TO WHOMSOEVER IT MAY CONCERN

This is to certify that **MS.BHAVNA GAUR**, a student of **FAIRFIELD INSTITUTE OF LAW AND MANAGEMENT AND TECHNOLOGY, KAPASHERA** pursuing **BA.LLB HONS (5th Year)**, **Enrolment no. 03390103817**, has successfully completed her internship at my office for a period i.e. **from 1st July 2021 to 15th August 2021**.

During the course of her internship, she has become a valuable part of my office and has shown herself to be hardworking and dedicated. She had been entrusted with work involving research and preparation of case notes. She was assigned work relating to Civil, Criminal and Family Law. She has also assisted my team in the court proceedings of various matters. She has accompanied me and my team in The High Court of Delhi and District Courts of Delhi. She showed special interest in criminal law.

Ms. Bhavna Gaur is an intelligent and sincere person with great potential and willingness to work and learn. During her association with me, she has shown great commitment and dedication. She will prove to be an asset for any organization with which she will be associated.

R. Dudani

RAJU DUDANI

ADVOCATE

RAJU DUDANI

ADVOCATE

Ch. No. 144, Patiala House Courts
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Enrollment no. D-565/86.



FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

DECLARATION

I **Bhavna Gaur** student of 9th semester B.A.LL.B.(Hons), Enrollment no. 03390103817 hereby declare that this report as compiled by me under summer internship program (4 weeks) is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to **Fairfield Institute of Management & Technology** affiliated to **Guru Gobind Singh Indraprastha University, New Delhi** is a reliable document and is of bonafide nature.

Bhavna Gaur

9th Sem/ B.A.LL.B.(Hons)

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R. Dudani

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ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected sir, Advocate RAJU DUDANI, who has been my constant support, source of encouragement & inspiration and guided and helped me in successfully completing my 4 weeks summer internship.

Moreover, apart from court they gave me a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during the internship as well as at the time of drafting of this report.

OBJECTIVE

Internship is a process of education, to offer meaningful, career related work experience to students, while simultaneously providing an excellent source of highly motivated, career minded individuals for employers.

The internship program serves to:

1. Reinforce and strength the student's personal values and career objectives through an Improved understanding of themselves and the work environment.
2. Assist students in identifying and acquiring the skills needed to enter a chosen field.
3. Provide practical work experience to balance the student's theoretical training.
4. Allow students to meet and learn from professionals in the field and develop network of contacts.

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CASE 1

**IN THE COURT OF SH. ANKIT MITTAL,
SAKET COURT, NEW DELHI**

COURT NO. 011

P.S. NEW FRIENDS COLONY

IN THE MATTER OF:-

M/S ASAHI INDIA GLASS LTD. -Complainant

Versus

M/S GOLD GLASCO SALES PVT. LTD. - Accused persons

**COMPLAINT UNDER SECTION 138/141 OF THE NEGOTIABLE INSTRUMENTS
ACT, 1881 (AS AMENDED UPTO DATE)**

DATE OF HEARING: - 2nd July, 2021

FACTS

- 1.** That the Complainant Company is being represented through its Authorized Representative Shri Prakash Singh Bhandari, who has been duly Authorized vide Board Resolution dated 08.11.2017 and he has been authorized to sign, file, represent, act, appear, swear, depose, prosecute, verify, plead, amend, compromise, withdraw and do all acts incidental thereto in pursuing the above cited complaint case, on behalf of the complainant company, against the accused.
- 2.** That accused No. 2 & 4 are the Directors/ authorized signatories of the accused No. 1 Company. The accused no. 2 & 3, acting on behalf of accused no. 1 represented to the officials of the complainant company that the accused No. 1 is a Private Limited Company, duly incorporated under the Companies Act 1956, operating from the above said addresses. The above said accused no. 2 & 3 further represented to the officials of the complainant company that accused no. 1 company is involved in the business of trading & marketing of

glass material. The accused No. 1 acting through accused No. 2 & 3 became one of the customers of the complainant company.

- 3.** That pursuant to the order placed by the accused No. 2 to 3 on behalf of accused No. 1 Company at the aforementioned registered office of the complainant company at New Delhi, the complainant company supplied to the accused, the consignment of Architectural/ Float glass material, vide invoice bearing No. RFGD201516/3354, the said consignment was delivered to the accused to their entire satisfaction as per their specification.
- 4.** That on account of supply of the above cited consignment of Architectural/ Float Glass material a total amount of Rs.10,57,694.80 remained outstanding and payable by the accused no. 2 & 3, for and on behalf of accused No. 1 Company, in concert, consultation and connivance with each other, in discharge of their legally dischargeable liability/ debt, had issued and got delivered an A/c payee Cheque bearing No. 000956 dated 24.07.2020 for a sum of Rs. 8,97,394/-, drawn on Bank of India. The accused has duly acknowledged the confirmation of balance on the statement of account with the seal and signature of the accused.
- 5.** That upon the aforesaid Cheque being presented by the complainant through their banker, as per the instructions of the accused person, the aforesaid Cheque was returned back as dishonored with the remarks "ACCOUNT CLOSED" vide return memo dated 28.07.2020.
- 6.** That the accused, while having the abovementioned Cheque delivered at the office of the complainant company had assured the Authorized Representative of the Complainant Company that the entire amount of the afore-cited dishonored Cheque would be realized on its presentation for collection by the complainant company.
- 7.** That the Complainant Company was constrained to issue and serve the statutory Legal Demand Notice through speed post.
- 8.** That the envelopes containing the Legal Demand Notice were sent to accused persons at their office addresses which have been duly served upon the accused, as the same is evident from the internet postal tracking reports, however one envelope containing the notice has been back undelivered with remarks "Left".
- 9.** That the accused have allured the A.R. of the complainant with the misrepresentation of making the payment of supply within time, however, after receiving the above consignment of materials to their entire satisfaction, issued the Cheque in question, in discharge of their legally dischargeable liability but not arranged sufficient funds for its encashment, instead with an ulterior motive, got their bank account closed without any prior information to the complainant with a mala-fide intention to prevent the encashment of Cheque.
- 10.** That the above said Cheque would not have been returned back dishonored and unpaid, without the consent, active connivance and deliberate neglect of the accused persons, in the manner stated herein above, as such the accused persons are liable to be proceeded

against and punished accordingly as per the provisions of the Negotiable Instruments Act. The accused have committed the offence punishable under Section 138/141 of the Negotiable Instruments Act, 1881.

- 11.** That the Legal Demand Notice was duly served upon the accused through speed post and the statutory period of 15 days has already been expired since the accused have received the Legal Demand Notice and the accused have filed to make the due and outstanding payment till date.
- 12.** That the complainant company is maintaining its bank account with State Bank of India, which falls within the jurisdiction of P.S. New Friends Colony, New Delhi. The complainant company deposited above said Cheques in its bank account and the same bank of the complainant company returned the dishonored Cheque, Hence the court has the territorial jurisdiction to take cognizance, entertain, try and punish the accused.
- 13.** That the complaint has been filed within the statutory period of limitation as directed by Hon'ble Supreme Court and Hon'ble High Court of Delhi.
- 14.** That the Complainant Company has not filed any other complaint relating to the said cheques in question in any court of law except the present complaint.
- 15.** That stating without prejudice to the rights and contentions of the Complainant company that the accused persons are liable to be punished for the offence Under Section 138/141 of the N.I. Act, and it is submitted that the complainant company is also entitled to law to claim the amount of the aforesaid cheques by way of compensation as per the mandate of law and it is also submitted this Hon'ble Court may graciously be pleased to award such compensation in favor of the complainant company and against the accused persons.
- 16.** That the complainant company is filling the present complaint without prejudice to its rights to initiate all other appropriate proceedings as may be permissible under law.

Observation: On this day of hearing, due to absence of opposite party, the next date was given.

Next Date: 6th September, 2021

CASE 2

**IN THE COURT OF MS. NIDHI SINGH,
SAKET COURT, NEW DELHI**

COURT NO. 013

P.S. MALVIYA NAGAR

IN THE MATTER OF:-

M/S TOJO VIKAS INTERNATIONAL PVT. LTD.

-Complainant

Versus

EPTISA INDIA PVT. LTD.

- Accused persons

**COMPLAINT UNDER SECTION 138 R/W SECTION 142 OF THE NEGOTIABLE
INSTRUMENTS ACT, 1886 (AS AMENDED UP-TO-DATE).**

DATE OF HEARING: - 3rd. July, 2021

FACTS

- 1.** That the Complainant Company is being represented through its Director Mr. Apoorva Rishi, who has been duly Authorized vide Board Resolution dated 21.06.2021 and he has been duly authorized to sign, file, represent, act, appear, swear, depose, prosecute, verify, plead, amend, compromise, withdraw and do all acts incidental thereto in pursuing the above cited complaint case, on behalf of the complainant company, against the accused.
- 2.** That the Accused No. 1 Company, in August 2018 floated a tender for conducting various survey works etc. The Complainant Company was selected on merits to carry out the above said works, according to terms and conditions as specified in the tender and the complainant company consequently became one of the vendors of the Accused Company.

- 3.** That the Accused No. 1 Company, acting through the above said accused persons. Placed the work Orders, dated 16.10.2018, upon the complainant company.
- 4.** That in furtherance of all the work orders placed by Accused Company No.1 on 16.10.2018, the complainant company carried out the above survey works. Projects, etc. from time to time, as per the specifications, instructions and terms of the Work Orders, to the entire satisfaction of the Accused Company. On account of the survey works, projects etc. carried out by the complainant company, a total amount of Rs. 42, 34,093 became outstanding and payable by the Accused Company till December 2020.
- 5.** That on account of the work done against the above- mentioned work orders placed by the Accused Company, the complainant company after completion of the said survey work.
- 6.** That the Accused Company from time-to-time, through various employee/ representatives, has been constantly acknowledging through Email, the reports sent by the Complainant Company consequent to the work finished and finalized by the Complainant company, the invoices received by the accused company and their legally dischargeable liability/ debt to the Complainant Company.
- 7.** That the accused No. 2, 3, 4 & 5, acting for and on behalf of Accused No. 1 Company, in concert, consultation and connivance with each other, in discharge of their legally dischargeable debt, had issued and got delivered by post three A/c Payee Postdated Cheques, in the registered office of the Complainant company after the mandatory deduction of TDS.
- 8.** That it is pertinent to mention that while issuing the above said postdated Cheques the Accused Company had instructed the complainant company to issue a letter in the form of a Receipt above due outstanding amount.
- 9.** That upon the aforesaid cheques being presented by the complainant company through their banker i.e. Punjab National Bank, the aforesaid cheques were returned back as dishonored with the remarks “ Payment stopped by Drawer” vide three separate memos, all dated 04.06.2021.
- 10.** That the Complainant Company issued and got served, a statutory Legal Demand Notice dated 30.06.2021 upon all accused through Email and speed post as well.
- 11.** That the above said Accused persons and their representatives have allured the Authorized Representative and officials of the complainant Company, however, after completion of the said Survey works done by the Complainant Company, however, after completion of the said survey work, issued the postdated cheques in question, in discharge of their leally dischargeable liability, but have not arranged sufficient funds for their encashment, instead with an ulterior motive, got their bank to “Stop Payment” without any prior information to the complainant, with a mala-fide intention to prevent the encashment of the cheques.

- 12.** That the Legal Demand Notice has been dispatched and was duly served upon all accused through email and speed post. The statutory period of 15 days has already been expired since the accused have received the Legal Demand Notice and the accused have failed to make the due and outstanding payment till date, hence the present complaint. The Complaint is within the limitation period.
- 13.** That the Complainant Company has not filed any other complaint relating to the said cheques in question in my court of law except the present complaint.
- 14.** That stating without prejudice to the rights and contentions of the Complainant company that the accused persons are liable to be punished for the offence Under Section 138/141 of N.I. Act, and it is submitted that the complainant company is also entitled in law to claim the amount of the aforesaid cheques by way of compensation as per the mandate of law and it is also submitted that this Hon'ble Court may graciously be pleased to award such compensation in favor of the complainant company and against all the accused.
- 15.** That the complainant company is filling the present complaint without prejudice to its rights to initiate all other appropriate proceedings as may be permissible under law.

OBSERVATION: On this day of hearing, the opposite party was ready to compromise and both the counsels took another date for final settlement.

NEXT DATE: 22nd August, 2021

CASE 3

**IN THE COURT OF MS. ANJU BAJAJ
CHANDNA,
PATIAL HOUSE COURT, NEW DELHI**

COURT NO. 011

P.S. N.A.

IN THE MATTER OF:-

M/S ASAHI INDIA GLASS LTD -Complainant

Versus

M/S SOUTHERN AUTO PRODUCTS & ORS.

- Accused persons

**APPLICATION UNDER ORDER 6 RULE 17 READ WITH SECTION 151 CPC, ON
BEHALF OF PLAINTIFF SEEKING HON'BLE COURTS PERMISSSION TO AMEND
THE PLAINT ALONGWITH STATEMENT OF TRUTH AND THE CERTIFICATE
UNDER SECTION 658 OF THE INDIAN EVIDNCE ACT.**

DATE OF HEARING: - 5th July, 2021

FACTS

- 1.** That the above mentioned suit is pending adjudication before Hon'ble Court and the same is listed for consideration on 24.02.2020 i.e. the date of hearing.
- 2.** That the plaintiff has filed the present suit in accordance with the scheme and provisions of the Commercial Courts Act, 2015, however, the plaintiff company wishes to incorporate certain additional facts in consonance with the requirements of the above mentioned law, in the paragraph of the plaint, which are given herein below in bold

letters: “4. That the defendants being the traders of the glass material and the plaintiff company being the manufactures are traders of the above mentioned glass material, would fall in the ambit of section 2(1) (c) of the Commercial Courts Act, 2015 as the transactions between the plaintiff and the defendants are purely commercial in nature, being based on the documents in the form of invoices and goods receipts which clearly establish the commercial relationship of plaintiff and the defendants. It is submitted that defendant’s No. 1 through defendants No. 2 & 3 approached the plaintiff company at New Delhi for the purchase of float glass material from time to time and the consignments of float glass material were duly supplied to the defendants by the plaintiff company. The said consignments of glass material were duly received by the defendants to their entire satisfaction and according to their specifications and instructions.

3. That the plaintiff has incorporated the above details, with the intent to have a more comprehensive and elaborate detailing of the facts in the spirit and scheme of the Commercial Courts Act, 2015.
4. That the above said proposed amendment will not prejudice the interest of the defendants as the notice/ summons in the present case have not been issued upon the defendants till now, and the same will not in the present suit nor it will disturb the relief sought by the plaintiff. It is further submitted that the said proposed amendments will be conducive for the just decision of the present case in the interest of justice.
5. That the omission to mention the above- cited additional facts in the main suit as filled by the plaintiff, is owing to the bona-fide reason, since the procedure and other requirements of the Commercial courts Act, 2015, are still in the advance stage of implementation and due to the above mentioned reason, the plaintiff now wishes to seek the leave of the Hon’ble court to amend the suit so that the same may be read in harmony with the above mentioned law.

Observation: On this day of hearing, opposite party was ready to compromise and agreed to the final settlement of the case.

Next Date: 25th Nov, 2021

CASE 4

**IN THE COURT OF SH. BHANU PRATAP
SINGH,
SAKET COURT, NEW DELHI**

Court No. 607

P.S. NEW FRIENDS COLONY

IN THE MATTER OF:-

M/S ASAHI INDIA GLASS LTD

-Complainant

Versus

M/S SADHIKA CREATION GLASS PVT. LTD.

- Accused persons

**COMPLAINT UNDER SECTION 138 READ WITH SECTION 141 OF THE
NEGOTIABLE INSTRUMENT ACT , 1886 AS AMENDED UP-TO-DATE.**

DATE OF HEARING: - 10th July, 2021

FACTS

1. That the Complainant Company is being represented through its Authorized Representative Mr. Prakash Singh Bhandari, who has been duly Authorized vide Board Resolution dated 08.11.2017 and Mr. Prakash Singh Bhandari has been authorized to

sign, file, represent, act, appear, swear, depose, prosecute, verify, plead, amend, compromise, withdraw and do all acts incidental thereto in pursuing the above cited complaint case, on behalf of the complainant company, against the accused.

2. That the accused No. 2 to 4 has collectively done all the negotiations and discussion with the officials of the complainant company for the purpose of business with the complainant company and they had repeatedly assured the officials of the complainant company that the payments will be released to the complainant company promptly after the receipt of the glass material. The accused No. 2 to 4 acting on behalf of accused No.1 Company jointly and severally requested the complainant company and placed order for the supply of float glass manufactured by the complainant company.
3. That pursuant to the orders placed by accused No.2 to 4 on behalf of accused No.1 Company has been delivered the consignments with their entire satisfaction as per their specification.
4. That on account of supply of the above consignments of float glass, a total amount of Rs.21,22,203.48 became outstanding and payable by the accused to the complainant company, as on date.
5. That upon the aforesaid cheque being presented by the complainant through their banker i.e. State Bank of India. As per the instructions of the accused persons, the aforesaid cheque was returned act as dishonored with the remarks "Account Blocked".
6. That the accused while having the above mentioned cheque delivered at the office of the complainant company had assured the Authorized Representative of the complainant company that the entire amount of afore cited dishonored cheque would be realized on its presentation for collection by the complainant company.
7. That the Complainant Company had got a statutory Legal Demand Notice through speed post, have been dully served upon the accused persons as is evident from the internal postal tracking reports.
8. That the statutory period of 15 days has already been expired since the accused have received the Legal Demand Notice and the accused persons have failed to make the payments of dishonored cheque in question, till date.
9. That the complainant has been filed within the statutory period as directed by the Hon'ble Supreme Court and Hon'ble High Court of Delhi.

10. That the Complainant Company hasn't filed any other complaint relating to the said cheque in question in any court of law except the present complaint.
11. That stating without prejudice to the rights and contentions of the Complainant Company that the accused persons are liable to be punished for the offence Under Section 138/141 of the N.I. act, and it is submitted that the complainant company is also entitled in law to claim the amount of the afore said cheque by way of compensation as per the mandate of law and it is also submitted that this Hon'ble Court may graciously be pleased to award such compensation in favor of the complainant company and against the accused person.
12. That the complainant company is filling the present complaint without prejudice to its rights to initiate all other appropriate proceedings as may be permissible under law.

OBSERVATION: On this day of hearing, party of the accused agreed to compromise and mutual Settlement of the matter in the Mediation center.

NEXT DATE: 14th September, 2021

CASE 5

**IN THE COURT OF SHRI SANJEEV JAIN,
DISTRICT JUDGE (COMMERCIAL) COURT,
NEW DELHI**

COURT NO. 609

P.S. N.A.

IN THE MATTER OF:-

M/S ASAHI INDIA GLASS LTD

-Complainant

Versus

SH. RAJESH THAKKAR

- Accused persons

**REPLY ON BEHALF OF THE PLAINTIFF TO THE APPLICATION U/S 151 C.P.C.
READ WITH ORDER VIII RULE 1 FOR RECALLING OF THE ORDER DATED
13.10.2020, FILED BY THE PLAINTIFF.**

DATE OF HEARING: - 11th July, 2021

FACTS

REPLY PARAWISE ON MERITS.

- 1.** That the contents of para 1 of the application are matter of record, hence need no comment.
- 2.** That the contents of paras 2 and 3 of the application are also matter of record, hence need no comments, however, it is submitted that the defendants was duly served with the summons along with the copy of complete plaint on 24.01.2020 and the counsel for the defendants appeared before the Hon'ble predecessor Court. The Hon'ble Court was pleased to grant three weeks' time to the defendants for filling the written statement and the matter was

adjourned. Meanwhile owing to the reason of pandemic, lockdown was imposed on 24.03.2020. Therefore matter was adjourned for several dates. The Hon'ble Court was pleased to close the right of the defendants to file the written statement and was pleased to adjourn the matter for 11.11.2020 for recording plaintiff's evidence by way of affidavit. It is pertinent to mention that the defendants failed to appear or file the written statement for nine consecutive dates and a time period of more than 15 months.

- 3.** That the contents of para 4 of the application are also matter of record, hence need no comments, however, the order dated 24.03.2020 passed by the Hon'ble Apex Court of India are not helpful to the defendant, keeping in view the facts and circumstances of the present case as well as the judgment passed by the Hon'ble Apex Court in the case of Sagufa Ahmed & Ors. Versus Upper Assam Plywood Products Pvt, Ltd. & Ors, passed on 18.09.2020, whereas at paragraph 19 it is explicitly held, "... What was extended by the above order of this Court was only "the period of limitation" and not the period up to which delay can be condoned in exercise of discretion conferred by the statute..?"
- 4.** That the contents of para 4 are wrong, false, frivolous, hence denied, except those which are matter of record. It is vehemently denied that for the reason the lockdown was in place due covid-19 pandemic the defendant could not submit written statement within the time allowed by the Hon'ble Court and also could not attend the hearing of the Hon'ble Court personally or the counsel, as alleged. It is submitted that after the lockdown was lifted and the Court start functioning virtually and thereafter physically, the plaintiff continued to attend the matter, however, the defendants intentionally and willfully neither attended the matter nor filed the written statement, as such this Hon'ble Court correctly passed the order dated 13.10.2020, vide which right of the defendants to file the written statements was closed.
- 5.** That the contents of para 5 of the application are wrong, false, frivolous, hence denied in view of the submission made in reply to the preceding paragraph.
- 6.** That in reply to para 6 of the application it is submitted that the defendants is not entitled to the relief sought keeping in view the well settled proposition of law as detailed in the judgment mentioned above, passed by the Hon'ble Apex Court of India.
- 7.** That in reply to para 6 of the application it is submitted that the defendants is not entitled to the relief as sought by him, as such question of his paying the court could not arise.

8. Last para is prayer of the defendant and the same is wrong and denied in view of the submission made herein above. The defendant is not entitled to any relief as prayed for him in the para under reply and the application filed by the defendant deserves to be dismissed in favor of the plaintiff.

OBSERVATION: On this day of hearing, the reply (para-wise) of Defendant's application was submitted to the Hon'ble Court

NEXT DATE: 30th August, 2021

CASE 6

**IN THE COURT OF SH. PRAYANK NAYAK
PATIALA HOUSE COURT, NEW DELHI**

COURT NO. 08

P.S. VASANT KUNJ NORTH

IN THE MATTER OF:-

STATE

-Complainant

Versus

KAMAL NAIN RAI

- Accused persons

**APPLICATION ON BEHALF OF APPLICANT SH. KAMAL NAIN RAI FOR
EXEMPTION FROM PERSONAL APPEARANCE IN THE ABOVE – MENTIONED
CASE.**

DATE OF HEARING: - 15th July, 2021

FACTS

- 1.** That the above noted case is pending trial in this Hon'ble Court and fixed for arguments on charge today.
- 2.** That the applicant is a senior citizen of about 78 years of age and being civil engineering expert has a very crucial 135th meeting of the building and works committee to attend in IIT Delhi, owing to the said reason he is unable to attend today's hearing before this Hon'ble Court.
- 3.** That the undersigned counsel is present before the Hon'ble Court to represent the applicant and advance the arguments on Charge before the Hon'ble Court.

4. That the absence of the applicant before the Hon'ble Court is neither intentional nor deliberate but owing to the above cited reason. The applicant undertakes to appear before this Hon'ble Court as and when directed by this Hon'ble Court.

OBSERVATION: On this day of hearing, on behalf of our applicant, an application was submitted on this day of hearing to the Hon'ble Court.

NEXT DATE: 24th August, 2021

CASE 7

**IN THE COURT OF SH. LOVELEEN,
PATIALA HOUSE COURT, NEW DELHI**

COURT NO. 06

P.S. VASANT KUNJ

IN THE MATTER OF:-

STATE

-Complainant

Versus

SOURAV KHATTAR

- Accused persons

**FIRST APPLICATION UNDER SECTION 439 CR.P.C. ON BEHALF OF THE
APPLICANT/ ACCUSED FOR GRANT OF REGULAR BAIL.**

DATE OF HEARING: - 16th July, 2021

FACTS

- 1.** That the applicant/accused is 19 year old student, peaceful and law abiding citizen of India. The applicant/accused is pursuing his studies in Commerce.
- 2.** That the applicant/accused has been falsely implicated by the police. No date and time of alleged offence is mentioned in the case FIR.
- 3.** That due to some minor dispute the present FIR has been registered by the complainant in connivance with ulterior motive to falsely implicate the applicant/accused in a criminal case.
- 4.** That the present FIR was registered on 31.04.2021 and there is long and unexplained delay in alleged date of offence and reporting the matter to police. The entire incident is false and fabricated.

5. That after registration of FIR, the applicant has been and the investigation qua him is complete and the applicant is no more required by the police for further investigation.
6. That the applicant/accused is a student and the applicant is no more required by police for any purposes and further there is no chance of tempering with the evidence.
7. That the applicant is falsely implicated and no such incident has happened as alleged in the case FIR.
8. That all the allegations leveled by the complainant against the applicant/accused are baseless and the entire incident is false and fabricated.
9. That the applicant/accused is languishing in judicial custody and his custodial interrogation is no more required by the police.
10. That the allegations as leveled against the applicant, in the present FIR are false in nature, vague and the only motive of the complainant to harass the petitioner.
11. That the petitioner belongs to a respectful family and he is not involved in the offence as alleged.
12. That no useful purpose would be served by keeping the petitioner in judicial custody and it is highly desirable that the petitioner be saved from avoidable harassment.
13. That there is no likelihood of petitioner evading the process of law or fleeing from justice and he undertakes to remain available for investigation and for trial and further undertakes not to tamper with evidence.
14. That the petitioner is a law abiding , peace loving citizen having deep roots in the society and conditions as may be imposed upon him by this Hon'ble Court while granting him bail.

OBSERVATION: On this day of hearing, our counsel applied for bail of accused.

NEXT DATE: 14th August, 2021

CASE 8

**IN THE COURT OF SH. SAHIL KHURMI,
PATIALA HOUSE COURT, NEW DELHI**

COURT NO. 09

P.S. VASANT VIHAR

IN THE MATTER OF:-

M/S ASAHI INDIA GLASS LTD

-Complainant

Versus

JATIN AGARWAL

- Accused persons

**COMPLAINT UNDER SECTION 138 OF THE NEGOTIABLE INSTRUMENTS ACT<
1881 (AS AMENDED UPTO DATE)**

DATE OF HEARING: - 15th July, 2021

PRESENT: Sh. Rajdeep Singh, Ld. Proxy counsel for complainant.

Report of NBWs not received back. Let the same be awaited.

Let fresh NBWs be issued against the accused in compliance of order dated 04.03.2020 through SSP concerned AMUSI Industrial Area, Nadargang, Lucknow returnable on 18.02.2021.

SHO TILAK MARG is directed to depute a police official not below the rank of SI to execute the NBWs against the accused.

A Copy of this order be sent along with the NBWs to SHO Tilak Marg.

OBSERVATION: On this day of hearing, Non- Bailable Warrant was issued again as the Accused person haven't been into any of hearings and court proceedings.

NEXT DATE: 20th July, 2021

**IN THE COURT OF SH. NAROTTAM
KAUSHAL,
SAKET COURT, NEW DELHI**

COURT NO. 611

P.S. HAUZ KHAS

IN THE MATTER OF:-

SH. SANJAY JAIN

-Complainant

Versus

SH. SURENDRA SINGH

- Accused persons

**COMPLAINT UNDER SECTION 138 READ WITH SECTION 142 OF THE
NEGOTIABLE INSTRUMENT ACT, 1886 AS AMENDED UP-TO-DATE.**

DATE OF HEARING: - 18th July, 2021

FACTS

1. That the complainant is a law-abiding peace- loving citizen of India. The Complainant is engaged in business of selling books. The Complainant is in the said business for several years and has built a reputation for himself in the same business.
2. That the accused is also engaged in the business and acquaintance of complainant and his friend.
3. That accused approached the complainant in the month of April, 2012 and requested him to arrange for accused a friendly loan/financial assistance because accused were in requirement of financial need for expansion of accused business.

4. That on accused's persistent request and considering the friendly relations, the complainant arranged a friendly loan/ financial assistance of Rs. 5,50,000/- paid vide cheque dated 24/04/2012 drawn on Standard Chartered Bank from account of the complainant duly credited in accused account.
5. That it is further submitted that accused executed an on demand promissory note as well as receipt for the amount so paid to accused by the complainant and agreed to pay an interest at the rate of 12% per annum to the complainant on amount so received by accused till the time accused refund the amount to the complainant.
6. That thereafter accused paid interest to the complainant @12% per annum till 09/12/2019 in his account.
7. That the accused instructions and assurance the complainant presented the said cheque on 20/07/2020 for encashment in his bank account.
8. That accused promised & represented to the complainant that the said cheque shall be honored on its presentation and accused promised to maintain sufficient balance in accused's bank account for the encashment of the said cheque. However, accused deceived & cheated the complainant and the cheque has been dishonored on account of "Funds Insufficient". Thus the complainant could not realize the amount of the said cheque and the sum owedly accused remains unpaid.
9. That accused have been informed about the fate of said cheque and accused promised to pay the value of the dishonored cheque however, till date accused have failed and neglected to pay any amount in discharge of accused legally recoverable debt for the reasons best known to accused.
10. That now at present accused owes a sum of Rs. 5,50,000/- to the complainant towards principal sum, Accused further owe interest @12% p.a. on account of the said amount debt from 10.12.19 till its realization.
11. That accused have considerably failed to comply with the provisions of the law and had also failed to discharge accused liability. Accused have issued the cheque which is bad for value and thereafter had got the same dishonored intentionally and willfully.
12. That the Accused was thereafter served with a legal notice through Registered Post Informing about the dishonor of the Cheque. The Accused had no intention pay the outstanding amount since from the very beginning and had intentionally issued the aforesaid cheque to the Complainant knowing fully well that the said cheque shall be dishonored on their presentation. Thus, the Accused has fraudulently obtained loan from the complainant and in return has not paid the liability amount.
13. That the Hon'ble Court has the territorial jurisdiction to entertain the present complaint as the bank account of the Complainant is situated within the territorial jurisdiction of this Hon'ble Court.
14. That the present complaint is being filed well within the period of limitation.

OBSERVATION: On this day of hearing, Due to absence of opposite counsel, next date was taken.

NEXT DATE: 22nd July, 2021

CASE 10

**IN THE COURT OF SH. AVNEESH KUMAR,
SAKET COURT, NEW DELHI**

COURT NO. 613

P.S. MALVIYA NAGAR

IN THE MATTER OF:-

MOHAN RAO

-Complainant

Versus

SHIV KUMAR

- Accused persons

COMPLAINT UNDER SECTION 138 OF NEGOTIABLE INSTRUMENT ACT (AS AMENDED UP TO DATE).

DATE OF HEARING: - 19th July, 2021

FACTS

- 1.** That the Complainant is a law abiding citizen of India, having full faith in the process of administration of justice by the courts of law .The Complainant is residing at the address mentioned above along with his family members.
- 2.** That the Complainant is a businessman running his proprietorship concerns in the name and style of “M/s Balaji Store”. The Complainant has no business transaction with Accused and the present complaint case is related to sale/purchase transaction of property, as mentioned hereinafter.

3. That the Accused had approached the Complainant for sale-purchase of the plot No. 27, Harijan Basti, Village Dhulsiras New Delhi by declaring himself to the absolute lawful owner of the plot , namely Sh. Karambir Singh.
4. That the Complainant had paid an amount of Rs.27, 50,000/- to the Accused as earnest money at the time of execution of Agreement dated 17.05.2017.
5. That the parties had mutually agreed that the balance sale consideration amount Rs.7, 50,000/- shall be payable on or before 31.05,2017 for completion of the aforesaid sale-purchase transaction of the property.
6. That at the time of the execution of the aforesaid Agreement, the Accused had handed over the previous original document in respect of the Property , to the Complainant for the purpose of verification of the same.
7. That upon verification of the aforesaid documents provided by the Accused, the Complainant came to know that the aforesaid documents are false, fabricated and manufactured documents and the Accused is not the owner of the property.
8. That as per the above and instructions of the Accused, the Complainant presented the above said cheque before his banker i.e. Axis Bank Ltd. Branch Palam Village, New Delhi, the reason “Funds insufficient” vide cheque return memo dated 16.11.2017, which was received by the Complainant on 22.11.2017
9. That the Complainant was in utter dismay to know that no one side, the Accused had issued the above said cheque in discharge of his legal liability but on the other hand, the same was returned dishonored by his banker.
10. That the aforesaid legal notice was duly served upon the Accused, however, despite of the due service of the same, the Accused has not paid anything in discharge of his legal liability.
11. That the conduct of the Accused reveals that there is a malice on his part, as he was well aware of the fact that he had no rights, whatsoever, in the aforesaid property or any right to receive any amount towards earnest money on the basis of forged and fabricated documents.
12. That the case of action arose within the jurisdiction of this Hon’ble Court as the bank of the complainant , wherein the cheque in question was presented for encashment, is situated Court can take cognizance of the offence.

OBSERVATION: On this day of hearing, both the parties had argument regarding this case to continue further proceedings of the case.

NEXT DATE: 25th August, 2021

**IN THE COURT OF SH. DR. JAGMINDER
SINGH,
SAKET COURT, NEW DELHI**

COURT NO. 209

P.S. N.A.

IN THE MATTER OF:-

STATE

-Complainant

Versus

RAJPAL SINGH

- Accused persons

**FIRST APPLICATION UNDER SECTION 439 CR.P.C. FOR GRANT OF REGULAR
BAIL ON BEHALF OF APPLICANT.**

DATE OF HEARING: - 19th July, 2021

FACTS

1. That the applicant is young, peace loving citizen and permanent resident of India.
2. That the applicant was arrested by the police and was taken on police custody. Thereafter, the applicant/accused was produced before the Hon'ble Court and Hon'ble Court was pleased to send him to judicial custody and he is in J.C. since then.

3. That the applicant has revealed every fact which was in his knowledge.
4. That the applicant is no more required by police for further investigation. Even no allegation has been leveled against the applicant in FIR.
5. That the Investigation in present case is complete and the charge sheet has been filed and the applicant is no more required by the police for any purposes.
6. That the allegations as leveled against the applicant, in the present FIR are false in nature, vague and the only motive of the complainant to harass the petitioner.
7. That the petitioner belongs to a respectable family and he is not involved in the offence as alleged.
8. That no useful purpose would be served by keeping the petitioner in judicial custody and it is highly desirable that the petitioner be saved from avoidable harassment.
9. That there is no likelihood of the petitioner evading the process of law or fleeing from justice and he undertakes to remain available for investigation and for trial and further undertakes not to tamper with the evidence.
10. That the petitioner is a law abiding, peace loving citizen having deep roots in the society and conditions as may be imposed upon him by the Hon'ble Court while granting him bail.

OBSERVATION: On this day of hearing, our counsel applied for bail of accused.

NEXT DATE: 3rd August, 2021

CASE 12

**IN THE COURT OF SH. SANJAY GARG, L.D.,
PATIAL HOUSE COURT, NEW DELHI**

COURT NO. 609

P.S. VASANT KUNJ

IN THE MATTER OF:-

NEERAJ CHOPRA

-Complainant

Versus

STATE

- Accused persons

**BAIL APPLICATION UNDER SECTION 439 CR.P.C. ON BEHALF OF
APPLICANT NAMELY SURAJ FOR GRANT OF BAIL.**

DATE OF HEARING: - 22nd July, 2021

FACTS

1. That the applicant is young, peace loving citizen and permanent resident of India.
2. That the applicant was arrested by the police and was taken on police custody. Thereafter, the applicant/accused was produced before the Hon'ble Court and Hon'ble Court was pleased to send him to judicial custody and he is in J.C. since then.
3. That the applicant has revealed every fact which was in his knowledge.

4. That the applicant is no more required by police for further investigation. Even no allegation has been leveled against the applicant in FIR.
5. That the Investigation in present case is complete and the charge sheet has been filed and the applicant is no more required by the police for any purposes.
6. That the allegations as leveled against the applicant, in the present FIR are false in nature, vague and the only motive of the complainant to harass the petitioner.
7. That the petitioner belongs to a respectable family and he is not involved in the offence as alleged.
8. That no useful purpose would be served by keeping the petitioner in judicial custody and it is highly desirable that the petitioner be saved from avoidable harassment.
9. That there is no likelihood of the petitioner evading the process of law or fleeing from justice and he undertakes to remain available for investigation and for trial and further undertakes not to tamper with the evidence.
10. That the petitioner is a law abiding, peace loving citizen having deep roots in the society and conditions as may be imposed upon him by the Hon'ble Court while granting him bail.

OBSERVATION: On this day of hearing, our counsel applied for bail of accused.

NEXT DATE: 6th, August, 2021

CASE 13

**BEFORE THE HON'BLE HIGH COURT OF
DELHI AT NEW DELHI**

**EXTRAORDINARY ORIGINAL CIVIL WRIT
JURISDICTION**

COURT NO. 08

P.S. N.A.

IN THE MATTER OF:-

GAUTAM BASU

-Complainant

Versus

INDIAN COUNCIL OF MEDICAL RESEARCH- Accused persons

WRIT PETITION ON BEHALF OF THE PETITIONER UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR GRANT OF A WRIT OF CERTIORARI AND ANY OTHER SUITABLE WRIT, ORDER AND DIRECTORS, TO QUASH/READ DOWN THE CONSENT MANDATED IN TERMS OF NATIONAL GUIDELINES FOR ACCREDITATION, SUPERVISION AND REGULATION OF ART CLIICS IN INDIA 2005 ISSUED BY THE RESPONDENT WHICH IS A VOILATION OF ARTICLE 14 & 21 OF THE PETITIONER GUARANTEED UNDER THE CONSTITION OF INDIA.

DATE OF HEARING: - 23th July, 2021

APPLICATION FOR URGENT HEARING

To,

The Registrar,

Delhi High Court,

New Delhi

Sir,

Will you kindly treat the accompanying appeal as an urgent one in accordance with the High Court Rules and Orders.

The grounds of urgency are:

“URGENT RELIEF IS SOUGHT”

OBSERVATION: On this day of hearing, Application was submitted to the Hon’ble Court.

NEXT DATE: 26th August, 2021

**IN THE COURT OF SH. DR. JAGMINDER
SINGH,
SAKET COURT, NEW DELHI**

COURT NO. 309

P.S. MALVIYA NAGAR

IN THE MATTER OF:-

RAJIV KUMAR & OTHERS

-Complainant

Versus

MANOJ SAHU

- Accused persons

APPLICATION UNDER ORDER 39 RULE 1 & 2 READ WITH SECTION 151 CPC.

DATE OF HEARING: - 24^h July, 2021

FACTS

- 1.** That the plaintiffs have filed the accompanying suit for permanent and mandatory injunction against the Defendant no. 1, the contents of the same may kindly be read as part and parcel of this application as the same are not repeated herein for sake of brevity.
- 2.** That the plaintiffs and his family members were denied by the defendant no. to use the passage of 9 feet service lane which connects the back side of the house of the plaintiff to the main lane through the side of the house of the plaintiff to the main lane through the said service lane by raising unauthorized and illegal construction on it.

3. That defendant no.1 is continuing the illegal and unauthorized construction on the ground floor, first floor and second floor of their property by encroaching upon the passage and service lane, which is not only an violation of building by laws but also against the right of plaintiffs.
4. Therefore, being left with no other option the Plaintiffs by way of present suit is seeking ex-parte and interim injunction against the defendant no.1 restraining thereby the defendants to continue the illegal and unauthorized construction on 9 feet service lane.
5. That the plaintiffs have a good prima facie case in his favor and against the Defendant no.1.
6. That the balance of convenience is also in favor of the plaintiff and against the Defendants no.1.
7. That the plaintiff shall suffer an irreparable loss and injury which cannot be compensated in terms of money if the Defendant no.1 are restrained from installing the mobile tower in the suit property of the accompanying suit.

OBSERVATION: On this day of hearing, Due to absence of main council, next date was taken.

NEXT DATE: 30th August, 2021

CASE 15

**IN THE COURT OF DR. JAGMINDER SINGH,
SAKET COURT, NEW DELHI**

COURT NO. 209

P.S. HAUZ KHAS

IN THE MATTER OF:-

LEELA RAWAT

-Complainant

Versus

SULEHA BEGUM

- Accused persons

APPLICATION UNDER ORDER 39 RULE 1 & 2 READ WITH SECTION 151 CPC.

DATE OF HEARING: - 25th July, 2021

FACTS

1. That the plaintiff has filed the accompanying suit for permanent and mandatory injunction against the Defendants and the contents of the same may kindly be read as part and parcel of this application as the same are not repeated herein for the sake of brevity.
2. That the plaintiffs are the absolute owner of the suit property as detailed in the accompanying suit.
3. That the plaintiffs have a good prima facie case in her favor and against the Defendant.

4. That the plaintiffs shall suffer an irreparable loss and injury which cannot be compensated in terms of money. If the Defendant no.1-3 are not restrained then they can raise unauthorized and illegal construction, creating any third party interest over the ground floor/ vehicle parking area of the suit property and wrongfully interfering with the residential rights of the Plaintiffs, in the interest of justice.

OBSERVATION: On this day of hearing, The Opposite party provided Supply of sale deed and other documents to the council for further proceedings of this case.

NEXT DATE: 23rd September, 2021

CASE 16

**IN THE COURT OF SH. NEHA GOYAL,
PATIALA HOUSE COURT, NEW DELHI**

COURT NO. 303

P.S. VASANT KUNJ

IN THE MATTER OF:-

RANI

-Complainant

Versus

RAMAVTAR SINGH

- Accused persons

**FIRST MOTION PETITION UNDER SECTION 13 B(1) OF H.M.A HAS BEEN
DECIDED BY THE COURT OF SHRI B.R. KEDIA LD PJ FAMILY COURT DWARKA
VIDE ORDER AND JUDGMENT DATED 05.01.2019 IN PETITION BEARING H.M.A.
NO. 3444/2018.**

**SECOND MOTION PETITION FOR DISSOLUTION OF MARRIAGE BY A DECREE
OF DIVORCE BY MUTUAL CONSENT UNDER SECTION 13B (1) OF HINDU
MARRIAGE ACT, 1955 AS AMENDED UPTO DATE.**

DATE OF HEARING: - 26th July, 2021

FACTS

- 1.** That marriage between the petitioners was solemnized on 01.12.2007 according to Hindu Rites and Ceremonies at N. Delhi an affidavit duly attested is also filed.
- 2.** That after marriage both resides as a husband and wife at matrimonial house and no issues born out from the said wedlock.
- 3.** That due to some temperamental differences between the petitioners they could not live together happily and are residing separately since 10.12.2019.

4. That the petitioner no. 2 filed a divorce case and thereafter the present matter is settled amicably between the parties in counseling cell vide Settlement Deed dated 12.01.2012.
5. That after the settlement deed the parties have settled their disputes out of free will, with free consent and applied for dissolution of marriage mutually.
6. That now there is no possibility or probability of their living together as a husband and a wife.
7. That the present petition has not been presented in collusion.
8. That there has not been any unnecessary or improper delay in filing the present petition.
9. That there is no other legal ground as to why the relief sought for by the petitioner should be granted.
10. That the petitioner no. 1 is residing at Hauz khas, New Delhi and hence this Hon'ble Court has got the ordinary original civil jurisdiction to entertain and decide this petition.

OBSERVATION: On this day of hearing, both the parties agreed to dissolve the marriage by their mutual consent and live apart peacefully.

NEXT DATE: 30th July, 2021

CASE17

**IN THE COURT OF SH. HARGURVARINDER
SINGH JAGGI,
PATIALA HOUSE COURT, NEW DELHI**

COURT NO. 310

P.S. VASANT KUNJ NORTH

IN THE MATTER OF:-

ARJUN RANA

-Complainant

Versus

GEETA

- Accused persons

**SUIT FOR SPECIFIC PERFORMANCE OF CONTRACT PERMANENT AND
MANDATORY INJUNCTION.**

DATE OF HEARING: - 29th July, 2021

FACTS

- 1.** That the plaintiffs have filed the accompanying suit for permanent and mandatory injunction against the Defendant no. 1, the contents of the same may kindly be read as part and parcel of this application as the same are not repeated herein for sake of brevity.
- 2.** That the plaintiffs and his family members were denied by the defendant no. to use the passage of 9 feet service lane which connects the back side of the house of the plaintiff to the main lane through the side of the house of the plaintiff to the main lane through the said service lane by raising unauthorized and illegal construction on it.

- 3.** That defendant no.1 is continuing the illegal and unauthorized construction on the ground floor, first floor and second floor of their property by encroaching upon the passage and service lane, which is not only an violation of building by laws but also against the right of plaintiffs.
- 4.** That the defendant as also violated the above mentioned agreed terms and conditions of agreement and thereby the defendant has not signed and executed the necessary documents for transferring the ownership rights in favor of the plaintiff for the suit property belongings to the plaintiff which is already performed his part of obligations in the contract and nothing remains to be performed by him.
- 5.** That the plaintiffs have a good prima facie case in his favor and against the Defendant no.1.
- 6.** That the balance of convenience is also in favor of the plaintiff and against the Defendants no.1.

OBSERVATION: On this day of hearing, opposite party was ready to compromise and agreed to the final settlement of the case.

NEXT DATE: 1st August, 2021

CASE 18

**IN THE COURT OF SH. PRITAM SINGH,
SAKET COURT, NEW DELHI**

COURT NO. 303

P.S. MALVIYA NAGAR

IN THE MATTER OF:-

ARUN KUMAR

-Complainant

Versus

STATE

- Accused persons

**PETITION UNDER SECTION 438 CR.P.C. FOR GRANT OF ANTICIPATORY BAIL IN
THE CASE FIR NO. 58/2018 U/S 376/328/506 IPC TO THE PETITIONER/ACCUSED.**

DATE OF HEARING: - 30th July, 2021

FACTS

- 1.** That the applicant/accused is 19 year old student, peaceful and law abiding citizen of India. The applicant/accused is pursuing his studies in Commerce.
- 2.** That the applicant/accused has been falsely implicated by the police. No date and time of alleged offence is mentioned in the case FIR.
- 3.** That due to some minor dispute the present FIR has been registered by the complainant in connivance with ulterior motive to falsely implicate the applicant/accused in a criminal case.
- 4.** That the present FIR was registered on 31.04.2020 and there is long and unexplained delay in alleged date of offence and reporting the matter to police. The entire incident is false and fabricated.

5. That after registration of FIR, the applicant has been and the investigation qua him is complete and the applicant is no more required by the police for further investigation.
6. That the applicant/accused is a student and the applicant is no more required by police for any purposes and further there is no chance of tempering with the evidence.
7. That the applicant is falsely implicated and no such incident has happened as alleged in the case FIR.
8. That all the allegations leveled by the complainant against the applicant/accused are baseless and the entire incident is false and fabricated.
9. That the applicant/accused is languishing in judicial custody and his custodial interrogation is no more required by the police.
10. That the allegations as leveled against the applicant, in the present FIR are false in nature, vague and the only motive of the complainant to harass the petitioner.
11. That the petitioner belongs to a respectful family and he is not involved in the offence as alleged.
12. That no useful purpose would be served by keeping the petitioner in judicial custody and it is highly desirable that the petitioner be saved from avoidable harassment.
13. That there is no likelihood of petitioner evading the process of law or fleeing from justice and he undertakes to remain available for investigation and for trial and further undertakes not to tamper with evidence.
14. That the petitioner is a law abiding , peace loving citizen having deep roots in the society and conditions as may be imposed upon him by this Hon'ble Court while granting him bail.

OBSERVATION: On this day of hearing, the cross of the prosecution of evidence was done. The evidence included 2 mobile phones & a cold drink bottle.

NEXT DATE: 19th August, 2021

CASE 19

**IN THE COURT OF SH. PRITAM SINGH,
SAKET COURT, NEW DELHI**

Court No. 313

P.S. GREEN PARK

IN THE MATTER OF:-

STATE

-Complainant

Versus

DHARMENDER

- Accused persons

**SECOND APPLICATION U/S 439 CR. P. C. ON BEHALF OF THE
APPLICANT/ACCUSED FOR GRANT OF REGULAR BAIL.**

DATE OF HEARING: - 31st July, 2021

FACTS

- 1.** That the petitioner is peaceful and law abiding citizen of India.
- 2.** That the present FIR has been registered by the complainant in connivance with police to take revenge from the applicant.
- 3.** That no such incident has happened as alleged present case FIR.
- 4.** That after his arrest, the applicant was produced before this Hon'ble court and this Hon'ble Court was pleased to send him to judicial custody and he is in J.C. since then.
- 5.** That the complainant i.e. mother of child victim has given affidavits to the relatives of the accused mentioning that no such incident had ever happened and she is ready to make her

statement before this Hon'ble Court as she is not interested in continuing the present case any further.

6. That investigation in present case is complete and the applicant is no more required by police for any purposes.
7. That there is no chance of tempering with the witness at this stage,
8. That the applicant is falsely implicated and no such incident has happened as alleged in the case FIR.
9. That al the allegations leveled by the complainant against the accused are baseless.
10. That there is no likelihood of the petitioner evading the process of law or fleeing from justice and he undertakes to remain available for investigation and for trial and further undertakes not to tamper with the evidence.
11. That the petitioner is a law abiding , peace loving citizen having deep roots in the society and conditions as may be imposed upon him by this Hon'ble Court while granting him bail.

OBSERVATION: On this day of hearing, our counsel applied for Regular bail of applicant.

NEXT DATE: 02, August, 2021

CONCLUSION

Pursuing this summer training, I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included dimensions of criminal medico legal experts to civil corporate litigation. All of which was an over the top experience.

Such summer trainings help a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which the pre-requisite to our training was.

When it comes to observance of trials in the courts, it was one of the most essential parts of learning for an intern. Observance of trials and court proceedings help in understanding the very root of the law in India. Proceedings are the whole mechanism in to whose analysis is always advisable.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards

Sincerely,

BHAVNA GAUR

03390103817

BA.LLB. (Hon's)

9th Semester Sec. –A

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

तेजस्वि नावधीतमस्तु
ISO 9001:2015 & 14001:2015

Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

CONTACT DETAILS

EMAIL I.D

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.)

BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - CHINAB AHUJA

ENROLLMENT NO. - 03590103817

COURSE - BALLB 9th sem

BATCH - 2017-22



DECLARATION

This declaration is made regarding the internship report which has been prepared and drafted by **CHINAB AHUJA** student of 9th semester B.A.LLB (Hon's) hereby declare as this report as compiled by me under summer internship programme under **Adv. Shekhar Nanavaty**, Delhi High Court for a period of (8 weeks) is based on my own experiences and observation to the best of my knowledge and understanding in its duration and this report is a sincere attempt at compilation of the aforementioned work. Its submission is a partial fulfilment of the requirement for the award of Bachelor of Law [B.A. LL.B (Hons.)] degree. which is submitted therefore to **Fairfield Institute of Management & Technology affiliated to Guru Gobind Singh Indraprastha University , New Delhi** is a reliable document and is of bonafide nature.

Chinab Ahuja

Roll No -03590103817

B.A.LLB (Hon's)

Year-V, Semester- 9th

Fairfield Institute of Management & Technology

Guru Gobind Singh Indraprastha University

SHEKHAR NANVATY

(ADVOCATE)

Dated: 14th November,2021

ACKNOWLEDGEMENT

I would like to acknowledge and express my deep gratitude to all the persons who have been my constant support, source of encouragement and inspiration and have helped me in successfully compiling and completing this Summer Internship Report for time bound and submission.

I take profound sense of pride to convey my gratefulness towards my university- (Guru Gobind Singh Indraprastha University) and my Institution **Fairfield Institute of Management & Technology**, for providing me this great opportunity to such an enlightening internship.

I would like to place my warm gratitude towards (Adv. Shekhar Nanavaty) under whom, I completed my internship and I gained a detailed and useful experience for the purpose of Internship as well as for profession of advocacy in near future. This is to express gratitude towards a person who guided and motivated me throughout my internship period.

I am thankful to him for his invaluable teachings and advice given to me, for helping me in exploring and understanding the legal drafting preparation for cases and research methodology better

LIST OF ABBREVIATIONS IN CASE

❖ PLA	Permanent Lok Sabha
❖ Sec.	Sections
❖ CPC	Civil Procedure Code,1908
❖ S.C	Supreme Code
❖ NO.	Numbers
❖ U/S	Under Section
❖ IPC	Indian Penal Code
❖ CJM	Chief Judicial Magistrate
❖ SDO	Sub Divisional Officer

OBJECTIVE OF INTERNSHIP

Internship is a process of education, to offer meaningful, career related work experience to students, while simultaneously providing an excellent source of highly motivated, carrier minded individuals for employers.

- **Professional Experience** - Most students who graduate or pass out fresh from College do not have any valuable on-the-job experience to show on their resumes. Working as an intern provides a student with some valuable work experience.
- **Understanding of the field** - The fieldwork to be undertaken and the possible avenues the field of law holds for a student's future.
- **Increase in knowledge**- All the research work done on various different topics assigned helped expand the diversity and detail of my knowledge which is very important as a law student.
- **Developing useful skills**- (communication, writing and researching, etc.) and gaining valuable exposure.
- **Developing useful contacts** - networking with people in the same field, profession and area of interest.

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(CASE LAW- 1)

IN THE HIGH COURT OF JUDICATURE AT DELHI CRIMINAL
APPELLATE JURISDICTION
BENCH: S. P. SINGH

IN THE MATTER OF:

SIDDHARTH SABHARWAL (PETITIONER)

VERSUS

THE STATE (NCT OF DELHI)

SUBJECT MATTER: Complaint Filed Under Sections 498A, 323, 504, 506 AND 509 OF IPC.

DATE OF HEARING: 19/07/2019

BRIEF FACTS OF THE CASE:

Without prejudice to the aforesaid contentions learned counsel for complainant submits that, the Petitioner has physically assaulted the complainant and traumatised

her by physical, emotional and mental cruelty. The Petitioner on his 40th birthday as usual got drunk and abused and punched the complainant. As the complainant could not take this continuous physical, mental and emotional assault, lodged an NC with the Delhi Cantt. Police Station under Section 504 and 506 of Indian Penal Code on 28/03/2019.

In the year 2019 itself complainant filed another police complaint on 23rd May, 2019 placing on record how right from the beginning of her marriage she was traumatised by the accused and particularly how the Petitioner had committed various acts of cruelty on her. She narrated various incidents including how she was assaulted and physically abused by the Petitioner in the said complaint.

The complainant approached the police hoping that, the Petitioner would mend his ways and change his actions but the same was to no avail. As a result of the same, the complainant was compelled to register FIR bearing CR No. 70 of 2019 with the Delhi Cantt. Police Station on 19/06/2019 under section 498a, 323, 504, 506, 509 of IPC. In the said complaint, complainant again narrated the incidents of cruelty and harassments that are meted out to her and how whether drunk or not she was abused, assaulted and to worse and it resulted in all these complaints being filed.

OBSERVATION: I have come to understand Section 498a, 323, 504, 506 and 509 clearly and in which instances a complaint could be filed under such sections, and what all are the punishments associated with them. The court handles such cases with care and gives verdict in favour of the aggrieved person.

NEXT DATE OF HEARING: 05/08/2019

(CASE LAW - 2)

**IN THE HON'BLE COURT OF CHIEF METROPOLITAN MAGISTRATE,
SAKET COURTS, NEW DELHI.**

In the matter of:

Mr. VIJAY SHARMA

.....Complainant

Versus

M/s WINAXX IMPEX PVT. LTD. & OTHERS
Accused's

..... Respondents /

SUBJECT MATTER: Criminal complaint under Section 200 of the Code Of Criminal Procedure against the accused persons for summoning and punishing the accused persons under Section 406/419/420/120-b/34 of Indian Penal Code (45 of 1860).

DATE OF HEARING: 01/10/2015

BRIEF FACTS OF THE CASE:

1. The Accused No. 1 i.e. M/S WINAXX IMPEX PVT. LTD., non-govt. company and is registered at Registrar of Companies, Delhi. The Accused No. 2 i.e. Mr. Sandeep Anand, Accused No.3 i.e. Mr. Sanjeev Anand and Accused No.4 Mr. Rajeev Anand are the Directors of the Winaxx Impex Pvt. Ltd. who are acting on behalf of the company and they are jointly and severally responsible for the day to day affairs of the accused No.1 company.

-
2. That on 29.12.2012 the Complainant and the Accused's entered into an oral loan agreement for a loan of Rs. 5,50,000/- (Rupees Five Lacs Fifty Thousand Only) at a rate of interest of 2.5% per month for a period of Six Months payable every month i.e. Rs. 13,750 starting from 11th January 2013.
 3. The complainant being convinced by the representations and assurances made by the Accused persons, the Complainant paid Rs. 5, 50,000/- from Canara Bank on 29.12.12 as loan. The Principal Amount were duly collected and acknowledged by the Accused through receipt.
 4. The Complainant lost faith in the deal and asked for a full refund of money paid along with interest @2.5% per annum to be calculated from the date of payment till the date of the refund.
 5. That the Complainant were however shocked to learn that Accused's were now refusing to admit receipt of the full payment of INR 5,50,000/ towards the Oral Loan Agreement made by the Complainant.
 6. That the Complainant also visited the police station SHO EOW, South West Distt. On 05.10.16 and also apprised the police officers about the fraud conducted on the complainant and tried to register an FIR but no action has been taken by the Police authorities till dated and also that no FIR has been registered by the Police authorities, hence the present complaint to this Honb'le Court.

OBSERVATION

The complainant has been befooled by the respondent's as he did not fulfill his promise as per the agreement and denial the occurrence of the oral agreement.

(CASE LAW -3)

**IN THE COURT OF THE LD. SENIOR CIVIL JUDGE- NORTH WEST
DISTRICT, ROHINI COURTS COMPLEX, DELHI**

IN THE MATTER OF:

Mrs. Kavya Mittal Goyal

...Plaintiff

VERSUS

1. Strategic Retail Private Limited
2. Mr. Sandeep Kumar
3. Mr. Karan
4. Gaurav Agarwal

...Defendants

SUBJECT MATTER: SUIT FOR RECOVERY OF AMOUNT OF RS 4, 50, 000
(RUPEES FOUR LAKHS FIFTY THOUSAND) WITH PENDENTE LITE & FUTURE
INTEREST

BRIEF FACTS OF THE CASE:

1. That the defendant No. 4 namely Gaurav Agarwal was earlier a partner in M/s Ved Mittal and Associates, a chartered accountancy firm of plaintiff's father who is the principal partner in the said accountancy firm. The plaintiff asked the said Gaurav Agarwal on 21. 08. 2015 to invest by way of fixed deposit receipt in the Indian Overseas Bank, Pitampura branch B-155 Lok Vihar Pitampura New Delhi-110034 and obtain fixed deposit receipt from the bank and for the said purpose, the plaintiff had accordingly issued under her signature a cheque No. 028628 dated 21.08.2015 for a sum of Rs. 4, 50,000/- (Four Lakhs Fifty Thousand Only) drawn on Indian

Overseas Bank, Pitampura in favour of yourself i.e. the bank. The details on the cheques were written by the Defendant No.4.

2. That the said Defendant No.4 with active connivance of Sandeep Kumar (DIN No. 06656179), Director of Strategic Retail Private Limited and Karan (DIN No. 06656182) Director of Strategic Retail Private Limited for and behalf of themselves as well as on behalf of Strategic Retail Private Limited, a company registered under the provisions of the Companies Act, 1956, misappropriated the said cheque and usurped the same by making RTGS payment of the said amount to the Strategic Retail Private Limited i.e. which has no relation what so ever with the plaintiff or plaintiff's father. The cheque, when signed, was issued by the plaintiff as 'YOURSELF' for the purpose of making a fixed deposit, but the Defendant No.4 pursuant to the plaintiff signing the cheque added for 'RTGS Strategic Retail Private Limited'.
3. That it is to state here that the RTGS form with which the amount was fraudulently and illegally transferred to the account of the Defendant's company was also made to be signed by the plaintiff on a false pretext by the Defendant No.4, and the said form when signed was blank i.e. no name of the beneficiary or the amount or any other was mentioned and in fact all the said details are not even in the handwriting of the plaintiff and the RTGS form has been filled without any knowledge or consent of the plaintiff by the Defendant No.4 and the amount of Rs. 4, 50,000/- was illegally and fraudulently usurped by the defendants.

JUDGEMENT:

The court ordered the defendants to file a reply of the suit till the next date of hearing on 1.10.19

(CASE LAW- 4)

**IN THE DISTRICT COURT OF RENU BHATNAGAR ADJ,
SAKET COURT NEW DELHI**

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

RAVI GUPTA

....DEFENDANT

SUBJECT MATTER: COMPLAINT UNDER 354D, 376 506 of IPC and POSCO ACT

BRIEF FACTS OF THE CASE:

The complainant is a daughter of accused and alleged that his father has been committing rape on her from last 3 years but she was no able to speak as she is a special child. One day the complainant mother saw his husband and daughter both in a compromising situation then she got to know and filled a case on her behalf. The case has been referred from Delhi Women Commission.

JUDGEMENT:

Accused has been in the custody and all the charges has been framed. The court directed the police to prepare the charge-sheet and submit by 26.08 2019.

(CASE LAW- 5)

**IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURT, SOUTH WEST
DISTRICT, DWARKA COURTS COMPLEX, DELHI**

IN THE MATTER OF:

Mr. Ishaan Kakkar

...Petitioner

Versus

Mrs. Yogita Mirchandani and Anr.

...Respondents

SUBJECT MATTER: PETITION UNDER SECTION 13 (1) i and (1) (i-a) OF THE
HINDU MARRIAGE ACT 1955 (AS AMENDED UP-TO-DATE) SEEKING
DISSOLUTION OF MARRIAGE BY A DECREE OF DIVORCE R/W SECTION 7 OF
THE FAMILY COURTS ACT, 1984

BRIEF FACTS OF THE CASE:

The marriage between the petitioner and Respondent No. 1 wife was solemnised and celebrated on December 8, 2013 at DDA Park, Sector 4, (Near PNB Apartments), Dwarka, New Delhi, and the marriage between the parties to the present petition was duly consummated. Out of the wedlock between the parties, no issue has been born. The Respondent No. 1 has treated the petitioner and his family members with severe cruelty and humiliation and because the Respondent No. 1 wife had sexual relationship with her boss namely Captain Sanjay Kumar Gupta. The petitioner has submitted the tape recordings of his wife phone records with section 65b certificate attach to it as valid proof.

JUDGEMENT

The notice has been issued to the opposite parties to appear on 29.10.19.

NEXT DATE OF HEARING : 29/10/2019

(CASE LAW - 6)

**IN THE COURT OF THE LD. SENIOR CIVIL JUDGE- NORTH WEST
DISTRICT, ROHINI COURTS COMPLEX, DELHI**

IN THE MATTER OF:

ENABLE TECHNOLOGIES PVT LTD AND ANR.

THROUGH IT AUTHORITY REPRESENTATIVE

....PLAINTIFF

VERSUS

VETERANS INFRASTRUCTURE STRATEGIZERS PVT LTD

....DEFENDANT

SUBJECT MATTER: SUIT FOR RECOVERY OF MONEY OF RS 1200000

BRIEF FACTS OF THE CASE:

The plaintiff's company and defendant's company made a contract on 11.03.2013 that they will provide them with the raw material and the defendant company will pay Rs 12,00,000 in four instalments. The first instalments have been paid but 3 instalments have not been received. The plaintiff has given a legal notice regarding the same but they refused to pay the same.

JUDGEMENT

Court has directed the defendant company to clear the dues with additional interest of Rs 97000 by 23.04.19.

NEXT DATE OF HEARING: 23/04/2019

(CASE LAW - 7)

**IN THE DISTRICT COURT OF SH. RAMESH KUMAR, A.D.J., TIS HAZARI
COURTS, DELHI.**

IN THE MATTER OF:

Queen's Marry Public School

.....Plaintiff

VERSUS

Shweta Aggarwal

.....Defendants

SUBJECT MATTER: TEACHERS AGEING 50 YEARS SHOULD BE REMOVED

BRIEF FACTS OF THE CASE:

In this case as per the new rules of directorate of education the teachers ageing 50 years should be removed. The school following the guidelines did the same and clear all the dues of the teacher but defendant said that she has not been paid according to the 7th pay commission scheme. As a result she has to be paid more but school refuses to pay.

JUDGEMENT

The court has ordered the plaintiff to calculate the amount which she expects and defendant also to show all the receipts and amount which she has already being paid. Next date of hearing is 21.09.19

NEXT DATE OF HEARING: 21/09/2019

(CASE LAW - 8)

**IN THE COURT OF SH. LALIT KUMAR, LD. ADDITIONAL
DISTRICT JUDGE, SOUTH EAST, SAKET COURTS COMPLEX, DELHI**

IN THE MATTER OF:

M/s HARSH ENTERPRISES

...Plaintiff

Versus

ARMTECH (INDIA) LTD & ORS.

...Defendants

SUBJECT MATTER: SUIT FOR RECOVERY OF AMOUNT OF RS. 31,50,546
WITH PENDENTE LITE & FUTURE INTEREST

BRIEF FACTS OF THE CASE:

1. The plaintiff is a proprietorship firm engaged in the business of Iron & Steel, Steel tube supply, and trading. The defendants are engaged in the business of infrastructure development with in sectors like Industrial Plants & Highways, Civil Construction and MEP Contracting.
2. The defendants No.2 and 3, approached the plaintiff on behalf of defendant No. 1 company and represented to the plaintiff to be the persons responsible and officers in charge of the Company and looking after its day to day affairs, and apprised the plaintiff about their requirement of steel of various thicknesses and MS Channel and placed orders of the same on various dates for which invoices were also raised.

3. The defendants assured the plaintiff that payments will be made regularly and on timely basis. on 25.02.2013, defendants ordered for 8mm, 20mm, 25mm, and 32mm TMT (SAIL) steel of the quantities 2960 Kg, 1850 Kg, 8170 Kg, and 7060 Kg respectively and the same were delivered to the project site at Manyata Park, Hebbal, Bangalore as per the request of the defendants. despite repeated requests and reminders, and even on receipt of legal notices dated 04.11.2014 and 17.08.2015 for payment of Rs. 31, 50, 546 (Rs. 13, 59,550 as principal amount as per books of account of the plaintiff along with interest of Rs. 17, 90,996 as on 31.07.2015), defendants did not make the payment by giving some false and frivolous reason or another.

JUDGEMENT:

Next date of hearing is 05.09.19

NEXT DATE OF HEARING: 05/09/2019

(CASE LAW - 9)

**IN THE COURT OF JUSTICE G.S SISTANI
HIGH COURT OF DELHI**

IN THE MATTER OF:

Delhi Development Authority

...Appellant

Versus

DLF Ltd.

...Respondent

SUBJECT MATTER: Suit filed u/s section 151 of CPC

BRIEF FACTS OF THE CASE:

1. In 2014 it was held that DDA (Delhi development authority) files a suit against DLF ltd. for illegal construction on one of the sites of the DDA. The appellant issues various legal notices to the respondent about the illegal construction they were doing but the respondents replies by letting the appellant know that they have got the permission to complete the construction.

2. In May 2014 appellant investigates on its part about the permissions for such construction in non development zone and comes to know that the construction was not allowed upto such an extent, therefore the appellant again in June 2014 sends a legal notice along with its representative who informs the respondents about the clearances of certificates and NDZ.

-
3. Respondent denies to the legal notice by saying that they were having all the permissions for the construction from the government of Delhi.
 4. Appellant in July 2014 files a suit against the DLF ltd. U/s 151 CPC. The valuation of case is of Rs.900 crores. Respondent in his written statement said that all the claims put on them by the Appellant were null and wrong as no such illegal construction has been done on their part. Respondents were also able to show the court all the evidences and agreements which states that their construction was not illegal and fully authorised by the Delhi Government.
 5. Appellant was not able to proof its point and also fails to show the relevant evidences in the court which could make the respondent liable for the wrongful acts. It also came into knowledge that the appellant had done some of the demolishing activities in the respondent's property which lead to a lot of loss for the respondent
 6. Thus respondent claims Rs.900crores from the appellant for demolishing their structure.
 7. Both the parties referred to mediation and a settlement has been done among them as appellant accepts its mistakes and is ready for mediation, an agreement on 6/2/2015 has been done which is duly signed by the parties, their council and the mediators about the settlement amount for Rs. 675.81 crores which must be paid by the appellant. Mr. Arya, the director, signs for all the acts done by the appellant.

OBSERVATION:

Settlement of Rs. 675.81 crores paid by the appellant and the respondent agrees to receive the whole amount in full and final settlement for all the claims filed in respect of suit property.

(CASE LAW- 10)

**IN THE COURT OF REKHA DHAKKAR,
DEBT RECOVERY TRIBUNAL,
AT PATEL CHOWK, NEW DELHI**

IN THE MATTER OF:

Symphony Ltd. Plaintiff

Versus

Bajaj Plastic & Ors Defendant

SUBJECT MATTER: Suit u/s 22 of the Designs act, 2002

Application under order IX Rule 13 of the Civil Procedure Code 1908

BRIEF FACTS OF THE CASE:

1. The plaintiff is a public Ltd. Company listed at the National Stock exchange of India Ltd. And incorporated under the companies act, 1956
2. The defendants are illegally and without any permission or authority, manufacturing , selling and marketing air coolers, that are the unauthorised replicas and imitations of the registered designs of the models of the Plaintiff, namely STORM 70 and JUMBO, thereby committing piracy of the Plaintiff's registered designs and infringing on the rights of the designs of the Plaintiff as their own.
3. Defendant No.1 is manufacturing and selling air coolers that are unauthorised replicas and imitations of the Plaintiff's registered design of the models "Storm 70" thereby committing piracy of the Plaintiff's registered designs and infringing the right of the Plaintiff by passing off the design of the plaintiff as its own.

-
4. Plaintiff further submits that the defendants being fully aware of the excellent reputation and goodwill enjoyed by the plaintiff and their brand, have acted with mollified intent to unfairly benefit by passing off and marketing their products in the exact fraudulent imitation of design, shape and configuration as that of the plaintiff's registered product designs thereby, misleading and defrauding the consumer.

OBSERVATION:

The defendant after a no. of summons did not show up before the Tribunal and was declared to be ex-party. The defendant humbly submitted that the summons were delivered to him on the wrong address and therefore under order IX Rule 13 prayed to set aside the order of ex-party.

The defendant has humbly submitted the application under Order IX Rule 13 to set aside the order of ex-party.

I was able to learn about the laws of piracy and the designs act 2002, along with the provisions of order 9 of the Civil Procedure Code.

(CASE LAW 11)

**IN THE HIGH COURT OF DELHI OF JUSTICE PRADEEP NANDRAJOG
NEW DELHI**

IN THE MATTER OF :

RAKESH KUMAR & ORS.

..... Plaintiff

versus

STATE

..... Defendant

SUBJECT MATTER: Petition under section 65B of the Indian Evidence Act,1872

BRIEF FACTS OF THE CASE:

The end result of the journey undertaken by us is that the appeals filed by Sharda Jain and her brother Raj Kumar i.e. CrI.A.No.51/2007, criminal appeal filed by Roshan Singh i.e. CrI.A.No.139/2007 and criminal appeal filed by Rajinder i.e. CrI.A.No.144/2007 are dismissed. Criminal appeals filed by Pushpinder, Nirvikar, Rakesh Kumar, Sripal Singh Raghav and Satender Kumar i.e. CrI.A.No.19/2007, CrI.A.No.121/2007 and CrI.A.No.65/2007 are allowed. Pushpinder, Nirvikar, Rakesh Kumar, Sripal Singh Raghav and Satender Kumar are acquitted of the charges framed against them. Such of the accused who are in custody and whose appeals are allowed are directed to be set free unless required in custody in some other case. Such accused who have been acquitted and are on bail, we discharge their bail bonds and surety bonds.

OBSERVATION:

The court ordered another notice to the accused and specifically stated that if the accused is not present in the court on the next date and return the money appropriate action of arrest will be taken against the accused.

DATE OF HEARING : 27/08/2010

(CASE LAW 12)

**IN THE SUPREME COURT OF INDIA CIVIL APPELLATE
JURISDICTION**

BENCH: A.K. PATNAIK, SUDHANSHU JYOTI MUKOPADHYA

IN THE MATTER OF:

DHARAMVIR SINGH

.... APPELLANT

VERSUS

UNION OF INDIA & ORS.

....RESPONDENTS

SUBJECT MATTER: Whether the appellant is entitled for disability pension under 12
SCC 675, and Rule 7

BRIEF FACTS OF THE CASE:

1. The appellant was enrolled as Sepoy in the Corps of Signals of the Indian Army on 15th June, 1985. Having rendered about 9 years of service in Indian Army he was boarded out of the service with effect from 1st April, 1994 on the ground of 20% permanent disability as he was found suffering from Generalised seizure (Epilepsy). The Medical Board of Army opined that the "disability is not related to military service". On the basis of disability report, no disability pension was granted to him.
2. The appellant approached the High Court of Himachal Pradesh in Civil Writ Petition No.660 of 2004 seeking a direction to respondents to grant disability pension with effect from 1st April, 1994. Learned Single Judge by judgment dated 20th May, 2004 on observing that there was nothing on record to show that the appellant was suffering from any disease at the time of his initial recruitment in the Indian Army held that the disease would be deemed

to be attributable to or aggravated by the Army services. Therefore, in terms of Regulation 173 of Pension Regulations for the Army, 1961 the appellant is eligible for disability pension.

3. The Union of India challenged the decision of the learned Single Judge before the Division Bench of the High Court of Himachal Pradesh in LPA No.26 of 2004. On behalf of the Union of India it was contended that disease "generalised seizure" was constitutional in nature and the same has not been found by the Re-Survey Medical Board attributable or aggravated by military service.

OBSERVATION:

The impugned order is set aside and accordingly the appeal is allowed. The respondents are directed to pay the appellant the benefit in terms of the order passed by the learned Single Judge in accordance with law within three months if not yet paid, else they shall be liable to pay interest as per order passed by the learned Single Judge. No cost.

DATE OF HEARING: 08/04/2016

(CASE LAW 13)

**IN THE COURT OF MS. SHIVALI SHARMA
CHIEF METROPOLITAN MAGISTRATE: EAST
KARKARDOOMA COURT : DELHI**

IN THE MATTER OF:

NITIN KUMAR

...PETITIONER/APPLICANT

VERSUS

THE STATE (GOVT. OF NCT)

....RESPONDENT

SUBJECT MATTER: 2nd APPLICATION FOR BAIL UNDER SECTION 439 CR.P.C ON
BEHALF OF PETITIONER INTIN KUMAR IN CASE FIR NO.1391/2015 MEHRAULI U/S
376/506 OF I.P.C AND 4/6 OF POSCO ACT

BRIEF FACTS OF THE CASE:

1. The applicant was arrested by local police of Mehrauli on 11.08.2015 since then he is in judicial custody.
2. He is arrested on a false statement of Asma who is the complainant in the present FIR against the petitioner.
3. There was no material found by the investigation officer at any point and there is no material on record to prove that the allegations against the petitioner are to be true as there is no purpose for the petitioner to be in judicial custody.

-
4. The investigation is completed and the charge sheet has also been filled against the petitioner by the IO even though when there is material evidence found against the petitioner in the investigation then there is no such use to keep the petitioner behind the bars within the company of hardened criminals.
 5. The prosecution was presented a list of 18 witnesses out of which only one witness has been examined i.e. the complainant and the trial is fixed to be on the next date of hearing i.e. 5.09.2016.
 6. The statement of the complainant has already been recorded in the present case and the complainant has not deposed anything against the petitioner in any manner moreover the complainant has not even supported the arrest of the prosecution.
 7. It was admitted on behalf of the complainant that her date of birth is 01.01.1994 which is evident from her Aadhar card and which shows that she was 20 at the time of alleged offences and not a minor. The complainant also admitted that even after the birth of the child the complainant lived with the petitioner for a very long time with her sweet will and she had lodged the complaint against him only when the petitioner left her 2 ½ months ago and therefore the offence under section 376 of IPC is also not maid out against the petitioner.
 8. It was submitted before the court to kindly grant bail for the petitioner in the present case and also that the petitioner undertake to abide by all conditions imposed by the court while granting bail.

JUDGEMENT

The bail was granted till the next trial date for the petitioner i.e. Nitin Kumar.

(CASE LAW 14)

**IN THE COURT OF ARUN BHARADWAJ, SPECIAL JUDGE (PC ACT) : CBI-5,
PATIALA HOUSE COURT, NEW DELHI**

IN THE MATTER OF:

CBI

Plaintiff

Versus

SH R.S GARG

Defendant

SUBJECT MATTER: Delhi Municipal Corporation Act.

BRIEF FACTS OF THE CASE:

Ld. counsel for A-1 has heavily relied on the judgment titled as “**A K Ganju versus CBI, CRL.M.C. No.2384/2011 & CrI. M. A. No.8693/2011** dated 22.11.2013 passed by Hon'ble Delhi Court as well as judgment titled as “**Rita Handa v CBI, 2008 (105) DRJ 331** of Hon'ble Delhi Court. He has further argued that there is no evidence of conspiracy and A-1 had done duties as per DMC Act.

OBSERVATION:

My senior counsel have pointed out from Para no.16.48 of the chargesheet that specimen handwritings, signatures/initials of owners **Sh. R. S. Garg, Sh. Rajiv Dhiman** and two staff members and some builders were obtained which have been sent to CBI for comparison with original questioned documents and report is still awaited. Directions be sent to the laboratory to expedite the report.

ORDER/JUDGMENT: PENDING

NEXT DATE OF HEARING: 03/10/2019

(CASE LAW 15)

**IN THE COURT OF DR. VIJAY KUMAR DAHIYA, SPECIAL JUDGE
CBI (PC ACT), DWARKA COURTS, NEW DELHI**

IN THE MATTER OF:

STATE

..... COMPLAINANT

VERSUS

RITA

.....ACCUSED

SUBJECT MATTER: Application U/S 439 C.r.P.C. For Grant Of Regular Bail To
The Applicant/Accused Rita

BRIEF FACTS OF THE CASE:

FIR was lodged on 04.06.2019 at P.S. Dwarka North by one Rani Devi who works as a maid in societies and has 1 daughter aged about 16 years ,the complainant left for work at around 10:00 AM and her daughter was at home and returned at 1:00 PM from work. At about 4:00 PM her daughter left for a walk with her pet dog and did not return home.Complainant got worried and enquired about the her daughter with the neighbours but nobody had seen her on that day. The complainant in her FIR stated that she has an apprehension that somebody has kidnapped her daughter and

accordingly the FIR was lodged u/s 363 IPC. Upon investigation the daughter was found and the accused was arrested by the police and was booked u/s 365 IPC for kidnapping and wrongfully confining the daughter of the complainant. Later upon examination of the daughter of the complainant, section 6 of POCSO Act was also added.

OBSERVATIONS:

The bail of the accused was dismissed and the accused was sent for judicial custody for another 15 days.

NEXT DATE : 17/07/2019

(CASE LAW 16)

IN THE COURT OF SHRI A.K. GARG, LD. ASJ, DWARKA COURTS,

NEW DELHI

IN THE MATTER OF:

STATE

.....COMPLAINANT

VERSUS

KARTAR @MANJEET

.....ACCUSED

SUBJECT MATTER: U.S363/376 IPC AND 4 POCSO ACT

BRIEF FACTS OF THE CASE:

Complaint was lodged at P.S. Dwarka Sector-23 by the mother of the child victim, FIR stated that the victim was at the time of registration of the FIR of 16 years of age went missing from the workplace of the complainant. earlier also an FIR was lodged with P.S. Dwarka Sector-23 on 25.9.2018 in similar circumstances. On the basis of the complaint of the complainant at P.S. Dwarka Sector-23 was lodged u/s 363 IPC. That upon investigation by the police the accused was apprehended and was booked u/s 363 IPC for kidnapping the child victim. On 1.6.2019 bail application u/s 439 Cr.P.C. was put before the Ld. ASJ and the same was allowed by the Ld. ASJ in the facts and circumstances of the case on furnishing of bail bond of Rs.20,000/- along with a sound surety. On 22.06.2019 final report by the police was filed and it stated that offence u/s 376 IPC and 3 POCSO Act have also

been committed by the accused. Charges were framed against the accused u/s 363/376 IPC and 3 POCSO Act and it was further ordered for prosecution evidence.

OBSERVATION:

On 16.7.2019 the chief examination of PW-2 was conducted and was completed and signed by PW-2 in the presence of Ld. Public Prosecutor and the counsel for accused.

NEXT DATE : fixed for 21.07.2019

(CASE LAW 17)

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

MADHURI

.....PETITIONER

VERSUS

1. STATE (GOVT. OF NCT OF DELHI)

2. KAMLESH KUMAR

.....RESPONDENT

SUBJECT MATTER: APPLICATION FOR CANCELLATION OF BAIL OF
RESPONDENT NO.2

BRIEF FACTS OF THE CASE:

The petitioner filed an FIR registered at PS. Sagarpur, New Delhi against the respondent accusing him of raping her at her premises and when she raised an alarm the respondent took her to the Pooja room and promised to marry her after taking permission from his family. later the petitioner conceived a child whom she claimed was of the accused. The petitioner accused the respondent of getting her child forcibly aborted without her consent at Bharadwaj Hospital where she claimed the procedure was conducted in an improper manner and she developed complications later. when the petitioner when got seriously ill and was rushed to a hospital, she narrated her parents and the doctor. FIR was lodged on the basis of her statement.

bail application was filed at the Hon'ble High Court of Delhi seeking bail for the accused as the investigation was completed. That the Hon'ble High Court was pleased to observe that the petitioner and the victim are known to each other prior to their physical relationship, which had taken place at the victim's own house. Hon'ble High court was further pleased to observe that the abortion cannot be done without the consent of the victim. the respondent was released on bail and the Hon'ble High Court on his furnishing bail bond in the sum of Rs. 20,000/- with one surety with the condition that he shall not leave India without prior permission of the court and shall not tamper with the prosecution evidence and shall not make any telephonic call to the victim and also shall not visit the house of the victim. The complainant in the month of September filed an application for cancellation of bail of the respondent claiming that the respondent has threatened her and her mother through thugs and goons of dire consequences if she does not withdraw the complaint against the respondent and settle the matter.

OBSERVATIONS:

The counsel for respondent no. 2 sought time to file reply and was directed to file reply within 4 weeks from the date of hearing and also allowed the filing rejoinder if any within four weeks thereafter.

NEXT DATE : 28/05/19

(CASE LAW 18)

**IN THE COURT OF SH. MADHUR BAJAJ , DWARKA COURTS , NEW
DELHI**

IN THE MATTER OF :

DR. MADHUKAR BALA PETITIONER

VERSUS

PRITI & OTHERSRESPONDENT

SUBJECT MATTER: For Consideration On Charge.

BRIEF FACTS OF THE CASE:

Complainant is a qualified doctor running a clinic under a name 'BHAWNA CLINIC' in pnp. Accused no.1 gave birth to a female child on 17.5.19@ 10:50 a.m. they were discharged from the same day as both were healthy. But after reaching home accused 2 to 6 spread rumours that accused no 1 has given birth to a male child but the complainant has replaced the baby with the female child on this basis accused made a false report to the police . All the accused put pressure on the complainant by making false publication in newspapers.On investigation complainant was found innocent. DNA test was also conducted their also it found that the child is born out from the accused.. Complainant suffered a great harassment lost the reputation . accused also demanded Rs 5 lacs from the complainant to withdraw the complaint.

OBSERVATION :

Priti and others were liable and were charged for defamation.

NEXT DATE: 20.03.19

(CASE LAW 19)

**IN THE COURT OF SH. RAMNIVAS GARG, DISTRICT COURTS
DWARKA, NEW DELHI**

IN THE MATTER OF :-

STATE

.....COMPLAINANT

VERSUS

VINOD SHARMA

.....ACCUSED

SUBJECT MATTER: Complaint under section 498A of Indian Penal Code,1860.

BRIEF FACTS OF THE CASE:

That the marriage between the revisionist and respondent no. 1 was solemnised on 15/01/2019. They both lived together and out of their wedlock a minor child namely baby Prophi was born to them on 11/09/2019. During the period, the revisionist lived with the respondent, She committed all sorts of acts of cruelty, harassment, torture and humiliation. The F.I.R was lodged on 17/05/2019 in crime (women) cell. F.I.R no. as 73/19 was filed u/s 498A /406/34 by Pooja wife of the accused against the family also Pooja also filed a petition for divorce u/s 13(1)(a) of Hindu marriage Act, against the respondent. That the Pooja have put the false allegation on Vinod sharma and his family u/s 468A/406/34 as accused never done any cruelty act on Pooja, whereas she was careless and egoist person, she never took care of his parents and use to give answers in founding way. That the Pooja with filing the false F.I.R abuses the procedure and law as well wasted the time of court.

OBSERVATION:-

Matter was fixed before the hon'ble court on this day P.P was absent and Pooja was also not present in person, summon was issued for here on the next date.I have learned about the provision of section 498A & 34 ofIPC.

NEXT DATE OF HEARING: 15/10/2019

(CASE LAW 20)

**IN THE COURT OF SH. SUSHIL GARG, ADDITIONAL DISTRICT AND
SESSION JUDGE, DWARKA COURTS ,NEW DELHI**

IN THE MATTER OF:

VINOD

.....PETITIONER

VERSUS

MANJU

.....RESPONDENT

SUBJECT MATTER: U/s 13-B of Hindu Marriage Act , 1955

BRIEF FACTS OF THE CASE:

Marriage took place on 18/01/18. No child was born out of this Wedlock. For few months everything was smooth but after that both the parties started fighting with each other on trivial matters also. Soon they realised that they cannot live together because of clashes so they decided to live separately and on 21/06/2019 they got separated.

OBSERVATION:

On this Date the petitioner's statement was taken.

NEXT DATE OF HEARING: 04/11/19

(CONCLUSION)

Appeal “is the right of entering a superior court and invoking its aid and interposition to redress the error of the court below.” An appeal is one “in which the question is, whether the order of the court from which the appeal is brought was right on the materials which that court had before it”.¹ A right of appeal, where it exists, is a matter of substance and not of procedure, Of course, procedure is within the Court's power but where it pares down prejudicially the very right, carving the kernel out, it violates the provision creating the right. I believe, Appeal is a remedial right and if the remedy is reduced to a husk by procedural excess, the right became a casualty.

NAAC ACCREDITED



FAIRFIELD Institute of Management & Technology

Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

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ISO 9001:2015 & 14001:2015



SUMMER TRAINING REPORT 2021

<u>SUBMITTED BY</u>	DAKSH
<u>ENROLLMENT NO.</u>	03690103817
<u>INTERNSHIP PERIOD</u>	20 JULY – 31 AUGUST
<u>INTERNSHIP UNDER</u>	ADV. VINAY KUMAR SHARMA CH.NO.650, LAWYER'S CHAMBERS DWARKA COURTS, N. DELHI
<u>SEMESTER</u>	9

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VINAY K. SHARMA & ASSOCIATES

Advocates & Legal Consultants

DELHI HIGH COURT

Chamber No: 650, Lawyer's Chambers, Dwarka Courts Complex,
New Delhi -110075

Ref No. :

Date:01.09.2021

TO WHOMSOEVER IT MAY CONCERN

This is to certify that **MR.DAKSH TIKOO (EN.NO.03690103817)**, a student of **FAIRFIELD INSTITUTE OF MANAGEMENT & TECHNOLOGY** pursuing **BA. LLB (9TH SEMESTER)**, has successfully completed her internship at my office for a period i.e. **from 20TH JULY 2021 TO 31ST AUGUST 2021.**

During the course of his internship, he has become a valuable part of my office and has shown himself to be hardworking and dedicated. He had been entrusted with work involving research and preparation of case notes. He was assigned work relating to Civil, Criminal and Family Law. He has also assisted my team in the court proceedings of various matters. He showed special interest in criminal law.

Mr.Daksh Tikoo is an intelligent and sincere person with great potential and willingness to work and learn. During his association with me, he has shown great commitment and dedication. He will prove to be an asset for any organization with which he will be associated.


VINAY KUMAR SHARMA
ADVOCATE

DECLARATION

This report is the original work prepared by Daksh, a Student of Fairfield Institute of Management and Technology affiliated to Guru Gobind Singh Indraprastha University, Delhi, Semester-9th in partial fulfillment of requirement for internal assessment under the supervision of my supervisor.

Neither the said work, nor any part thereof has earlier been submitted to any University or institution for the award of any degree or diploma.

STUDENT'S NAME

DAKSH

ACKNOWLEDGEMENT

I have received help and encouragement from my parents and number of people on completing this report and would like to take this opportunity to thank them all.

I would like to express my sincere gratitude to my advocate, Adv VINAY KUMAR SHARMA for providing their individual guidance , comments and suggestions throughout the internship. I would specially thank Adv Vinay Kumar Sharma Sir for constantly motivating to me to work hard and made me learned about drafting. And also I would like to thanks all the associates under Adv Vinay Kumar Sharma Sir for help in research work and help in report making.

I wish to extend my sincere thanks to the librarians and the staff of our Law faculty for providing me with the opportunity to locate and prepare my Summer Training Report for the year 2021

OBJECTIVE

I had interned with Adv. Vinay Kumar Sharma where I had received first-hand experience of how criminal proceeding goes, how to draft application, complaint, and many other legal working. There are several objectives I want to work on throughout the semester in my internship that would benefit my future career path. The following is a list of skills, knowledge, and personal development that I plan on obtaining during my internship.

Writing How to write efficiently and effectively in a short time period. Learning to take notes using a short hand method. The proper manner in which to send professional memos Improve my general writing skills.

Listening Listen to what others have to say; do not be anxious to interrupt. Listen to the answers attorneys give me concerning their careers. Learn to pick up on cues that a person is not being honest with me.

Develop empathy towards others, even if it is hard to picture or understand an issue through their eyes. Look for good qualities in others, and really see their life conditions. **Communication** Learn to communicate effectively with a diverse group of people, and adapt myself to fit their style. Become an active member in the office, contributing to the work that needs to be accomplished.

Take the initiative to ask others if they need help, and take advantage of every opportunity to get involved. Take charge of work assigned to me, figure out what needs to be done without Step-by-step instructions. Don't be afraid to ask for help if I cannot figure something out. **Legal research** Learn the basics of legal research, its usefulness, and shortcuts of obtaining information in a relatively short amount of time. Learn what legal research is like in law school, and how to prepare for it.

Interviewing Techniques Gathering information from individuals such as the defendants, witnesses, victims, etc. Learn how to spot cues that people are being honest or are not being honest. How to get people to tell me what I need from them.

Debate Skills Learn how to make sound, strong arguments. Think fast on my feet with a rebuttal to an argument. **Logical Reasoning/Analytical Thought** Develop these skills further; change my thought process to see an issue from a different angle than before.

Sense of Humor Learn to develop a sense of humor in the workplace, especially in dealing with different types of people and cases. **Stress Management** Ways to effectively cope with the stress associated with this line of work, and the different techniques the people within the office employ to help them.

CASES OBSERVED

CASE-1

Date:20.07.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

ASHISH

...PETITIONER

VERSUS

THE STATE(N.C.T. OF DELHI)

...RESPONDENT

SUBJECT MATTER: FIRST APPLICATION UNDER SECTION 439 FOR GRANT OF REGULAR BAIL TO ACCUSED ASHISH IN CASE FIR No. 97/2021 REGISTERED AT P.S.-SAKET UNDER SECTION 376/313/506 IPC, 4/6/12 POCSO ACT & 67B IT ACT.

Brief about facts of the case:

It is alleged in the above FIR that the accused Ashish and the Complainant K have known each other since 2017 and in the beginning of 2018, relation was established between them for the first time on the pretext of marriage and that the Complainant was aged about 17 years at that time.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. A short date was given by the Hon'ble Court as the I.O. was absent due to medical reasons.

Previous Date:

Fresh bail application so no previous date.

Next Date:

02.09.2021

Current Status/Stage:

Bail application

CASE-2

DATE:22.07.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

AKASH

...PETITIONER

VERSUS

THE STATE(N.C.T. OF DELHI)

...RESPONDENT

SUBJECT MATTER: FIRST APPLICATION UNDER SECTION 438 FOR GRANT OF ANTICIPATORY BAIL TO ACCUSED AKASH IN CASE FIR No. 385/2021 REGISTERED AT P.S.-PALAM COLONY UNDER SECTION 308/323/342/34 IPC.

Brief about facts of the case:

It is alleged in the FIR, that on XX.XX.2021 brother of the Complainant namely D.K. was returning from barber shop and while returning he met Prince and Karim. D.K. told them that he wish to speak to the head of the local goons. On this, Prince and Karim gave beatings to him. D.K. sustained injuries. D.K. called up the police. It is further alleged that the head of the goons called the complainant to his shop and when he reached there he was assaulted by several persons.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. Status report to be filed by the I.O. on or before the next date of hearing.

Previous Date:

Fresh bail application so no previous date.

Next Date:

05.09.2021

Current Status/Stage:

Bail application

CASE-3

DATE:27.07.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

PRAVEEN KUMAR

...PETITIONER

VERSUS

STATE

...RESPONDENT

SUBJECT MATTER: APPLICATION UNDER SECTION 389 FOR SUSPENSION OF SENTENCE/ INTERIM BAIL ON BEHALF OF APPELLANT IN FIR NO. 445/2017, P.S. PALAM VILLAGE, DELHI.

Brief about facts of the case:

The appellant has filed the Appeal against the judgement dated 24.09.2018 and order of sentence dated 29.09.2018 in case FIR No. 445/2017, P.S. Palam Village, Delhi. The wife of the appellant is pregnant and the expected date of delivery of baby is 19.09.2021 and the wife of the appellant is not keeping well and there is no one to take care of her, hence this application seeking suspension of sentence/ interim bail.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. A short date is given by the Hon'ble Court for verification of medical documents.

Previous Date:

Fresh bail application so no previous date.

Next Date:

06.09.2021

Current Status/Stage:

Put up for consideration of interim bail.

CASE-4

DATE:29.07.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

GEETA

...PETITIONER

VERSUS

STATE(N.C.T. OF DELHI) & Ors.

...RESPONDENTS

SUBJECT MATTER: WRIT PETITION (HABEAS CORPUS) UNDER ARTICLE 226 OF CONSTITUTION OF INDIA.

Brief about facts of the case:

On 02.12.2020, minor daughter of the petitioner namely Pooja went missing from her home. Later, the minor daughter of the petitioner was found and the child was restored to the husband of the petitioner. The minor child again gone missing and there is apprehension that a resident of the neighborhood has taken her by alluring her. The matter was reported to the police but police refused to take complaint of the petitioner.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. Status report to be filed by the police before the next date of hearing.

Previous Date:

No previous date.

Next Date:

07.09.2021

Current Status/Stage:

Police to file Status report.

CASE-5

DATE:31.07.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

AMZAD

...PETITIONER

VERSUS

THE STATE(N.C.T. OF DELHI)

...RESPONDENT

SUBJECT MATTER: FIRST APPLICATION UNDER SECTION 439 FOR GRANT OF REGULAR BAIL TO ACCUSED AMZAD IN CASE FIR No. 0475/2021 REGISTERED AT P.S.-MUNDKA UNDER SECTION 376D/506 IPC & 6 POCSO ACT.

Brief about facts of the case:

It is alleged in the above FIR that the accused Amzad reached the house of the Complainant to to show his love for her where the Complainant scolded him thereafter the the accused established physical relations with the Complainant by pressing her mouth. The accused Amzad states in his defense that the Complainant and her family were the tenants and Amzad was the landlord. This current case was registered as the Complainant's family had not paid the rent in the past 6 months and this dispute resulted in this false and fabricated Complainant.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. There was an unexplained delay of 03 months when the FIR was lodged and no medical evidence was given in support of the statement of the victim. Bail granted to the Accused.

Previous Date:

Fresh bail application so no previous date.

Next Date: Application Disposed

Current Status/Stage:Application Disposed.

CASE-6

DATE:2.08.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

RAHUL

...PETITIONER

VERSUS

THE STATE(N.C.T. OF DELHI)

...RESPONDENT

SUBJECT MATTER: APPLICATION FOR PREPONEMENT / EARLY HEARING OF CRL. M. (BAIL) NO. 356/2021 (SUSPENSION OF SENTENCE) FILED IN CRL. A. 833 OF 2019 ON BEHALF OF PETITIONER NAMELY RAHUL IN CASE FIR NO. 275/2017 REGISTERED UNDER SECTION 377 IPC & 6 POCSO ACT AT P.S. KAPASHERA.

Brief about facts of the case:

An application under section 389 of Cr.P.C. for suspension of sentence (interim bail) was given a long date as the matter was adjourned en bloc and the condition of the parents of the applicant is getting worse while he is in custody while no one is there to care of them, hence this application.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex app. The Hon'ble court allowed the application for early hearing of the suspension of sentence (interim bail).

Previous Date:

Fresh application

Next Date:

Application Disposed.

Current Status/Stage:

Application Disposed.

Case-7

DATE:03.08.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

NARESH SHOKEEN

...PETITIONER

VERSUS

THE STATE(N.C.T. OF DELHI)

...RESPONDENT

SUBJECT MATTER: FIRST APPLICATION UNDER SECTION 438 FOR GRANT OF ANTICIPATORY BAIL TO ACCUSED NARESH SHOKEEN IN CASE FIR No. 585/2021 REGISTERED AT P.S.-MOHAN GARDEN UNDER SECTION 448/454/380/411 IPC.

Brief about facts of the case:

It is alleged in the FIR, that the complainant wanted to sell and she was approached by one Lalit who bought her house and gave cheques of Rs 20 Lacs alongwith 4 Lacs in cash and the sale deed was executed. It is further alleged that the Accused Lalit alongwith the Petitioner, Naresh threw stuff out which belonged to the Complainant as she did not give the possession as the Cheques of Rs 20 Lacs had bounced.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. The Hon'ble Court was pleased to allow the bail application as the Petitioner here neither had the possession of the property nor the cash money was returned to the Petitioner.

Previous Date:

Fresh bail application so no previous date.

Next Date:

Application Disposed

Current Status/Stage:

Application Disposed.

CASE-8

DATE:04.08.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

NARESH DAHIYA

...PETITIONER

VERSUS

STATE(N.C.T. OF DELHI) & ANR

...RESPONDENT

SUBJECT MATTER: PETITION UNDER SECTION 482 OF Cr.P.C. READ WITH ARTICLE 226/227 CONSTITUTION OF INDIA FOR QUASHING OF FIR NO. 93/2019 UNDER SECTION 323/341/354/509/34 IPC PS LODHI COLONY, DELHI AS THE PRESENT MATTER HAS BEEN AMICABLY SETTLED BETWEEN PETITIONERS AND RESPONDENT NO. 2.

Brief about facts of the case:

The Petitioners and Respondent No.2 are known to each other being friends and due to some misunderstanding the Complainant filed the present FIR against the Petitioners and on the same day a cross FIR was registered against the respondent No.2 and her family. The parties herein have been able to amicably resolve their entire dispute.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. The present FIR was quashed.

Previous Date:

Fresh petition so no previous date.

Next Date:

None. FIR quashed.

Current Status/Stage:

Disposed. FIR quashed.

CASE-9

DATE:05.09.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

SAHIL YADAV

...PETITIONER

VERSUS

STATE(N.C.T. OF DELHI) & ANR

...RESPONDENT

SUBJECT MATTER: PETITION UNDER SECTION 482 OF Cr.P.C. READ WITH ARTICLE 226/227 CONSTITUTION OF INDIA FOR QUASHING OF FIR NO. 92/2019 UNDER SECTION 451/323/341/354/509/34 IPC PS LODHI COLONY, DELHI AS THE PRESENT MATTER HAS BEEN AMICABLY SETTLED BETWEEN PETITIONERS AND RESPONDENT NO. 2.

Brief about facts of the case:

The Petitioners and Respondent No.2 are known to each other being friends and due to some misunderstanding the Complainant filed the present FIR against the Petitioners and on the same day a cross FIR was registered against the respondent No.2 and her family which has been quashed by the Hon'ble High Court. The parties herein have been able to amicably resolve their entire dispute.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. The present FIR was quashed.

Previous Date:

Fresh petition so no previous date.

Next Date:

None. FIR quashed.

Current Status/Stage:

Disposed. FIR quashed.

CASE-10

DATE:09.08.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

ACHIN PAL GUMBER

...PETITIONER

VERSUS

STATE(N.C.T. OF DELHI) & ANR

...RESPONDENT

SUBJECT MATTER: PETITION UNDER SECTION 482 OF Cr.P.C. READ WITH ARTICLE 226/227 CONSTITUTION OF INDIA FOR QUASHING OF FIR NO. 464/2019 UNDER SECTION 419/420/406/467/468/471 IPC PS DWARKA NORTH, DELHI.

Brief about facts of the case:

It is alleged in the FIR that the Complainant was duped by the Petitioner to buy a property and being a real estate agent he used his influence and misguided him to buy a property which was not sale and the Complainant lost money and filed a Complaint with the police relating to the same.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. Matter was adjourned as no one represented the Complainant.

Previous Date:

Fresh petition so no previous date.

Next Date:

08.10.2021

Current Status/Stage:

Appearance of Complainant.

CASE-11

DATE:10.08.21

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

PRAVEEN KUMAR

...PETITIONER

VERSUS

STATE

...RESPONDENT

SUBJECT MATTER: APPLICATION UNDER SECTION 389 FOR SUSPENSION OF SENTENCE/ INTERIM BAIL ON BEHALF OF APPELLANT IN FIR NO. 445/2017, P.S. PALAM VILLAGE, DELHI.

Brief about facts of the case:

The appellant has filed the Appeal against the judgement dated 24.09.2018 and order of sentence dated 29.09.2018 in case FIR No. 445/2017, P.S. Palam Village, Delhi. The wife of the appellant is pregnant and the expected date of delivery of baby is 19.09.2021 and the wife of the appellant is not keeping well and there is no one to take care of her, hence this application seeking suspension of sentence/ interim bail.

Observation:

The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. Interim bail granted for 8 weeks.

Previous Date:

29.07.21

Next Date:

None.

Current Status/Stage:

Interim bail granted.

CASE-12

DATE:11.08.21

IN THE COURT OF DISTRICT & SESSION JUDGE,
DWARKA COURTS, NEW DELHI

In The Matter of:

STATE OF DELHI

..... COMPLAINANT

Vs

JITENDER

..... ACCUSED

SUBJECT MATTER: FINAL ARGUMENT IN CASE FIR NO. 276/19 UNDER SECTION 376/384/506/328 IPC REGISTERED AT PS. UTTAM NAGAR, NEW DELHI

Brief about facts of the case:

It is alleged in the FIR, the Complainant met the accused near her tuition where the accused took some type of intoxicant in his hand and put the said intoxicant on a cloth, that thereafter the accused put the said cloth on the nose of the complainant due to which she instantly lost her consciousness. It is further alleged that after sometime around 4 P.M the complainant got back her consciousness and found herself lying on a bed with the accused without any clothes.

Observation:

The matter was taken up through video conferencing on . .2021. Part arguments were heard and the matter was adjourned.

Previous Date:

03.05.2021

Next Date:

27.10.2021

Current Status/Stage:

Final arguments.

CONCLUSION

The District Court in reality is different from the court generally shown in the Movies. In movies the job of lawyer is more similar to a detective which is a far cry from the reality. The job of a lawyer is only to assist a party in a suit regarding the proceedings and appear before Judge on his behalf. Every lawyer maintains a court diary, which proved handy and very useful as all the details of the case are entered in the diary with proper date and its petition number. It proves to be useful, as respective cases are recorded by the lawyer date wise and it saves time to think and search of the cases as per the present date. During my internship, I learned to maintain the lawyer's diary.

I learned how to take dates from the court from the registers. I myself has submitted an application of non-appearance on behalf of my Sir before the Hon'ble Judge. It was a learning experience as Juniors take one year for learning the court proceedings which I could learn during the period of internship. Though one month was not sufficient but it was enough to learn about the basis.

Basics can be learned only in trial court. I have learned the basics of drafting. I could get to know about Fast Track Court and Consumer Forum's which is an emerging concept. I really tried hard to learn. It was adventurous for me as everything was unpredictable. Every client comes with a new case, new situation, a new problem and which doesn't have any perfect answer. I also experienced the expressions and thoughts of the Hon'ble Judges. When they are in good mood, they will tell you how to do the things correctly but if not then they will scold you for the simple mistakes you have done. About advocates I experiences that it is not easy to work as an advocate, it requires a lot of dedication and hard work, only then you can achieve success, and most importantly social recognition.

This was a common practice among all advocates to never come on time and keep their clients waiting before the court. They also would never present W.S. (written statement) before the court on time, and also the witness on time, and then ask the court to issue a further date for next hearing. In the office I learned all the official work, Drafting of a PIL, DDR Report, and drafting Replies to written statement , Vakalatnama etc.

I also learned that it is very important to be always reading cases and new enactments, keep yourself always sound minded, and while dealing with a case read the facts of the case very carefully and try to find all the loopholes and then use them in your favour, also while cross questioning with the witness never allow him/her to be confident ask them twisted questions so that they become nervous and are not able to answer properly.

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

तेजस्वि नावधीतमस्तु
ISO 9001:2015 & 14001:2015

CONTACT DETAILS: 9810959253

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SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - DANISH CHAUHAN

ENROLLMENT NO. - 03790103817

COURSE - BA.LLB

BATCH - 2017-2022



STUDENT INTERNSHIP DIARY

5 YEARS BA-LLB (INTEGRATED) | BBA-LLB (INTEGRATED)

FIMT-SCHOOL OF LAW

NAAC ACCREDITED



तेजस्वि नावधीतमस्तु

ISO 9001:2015 & 14001:2015

FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY
(Affiliated to Guru Gobind Singh Indraprastha University, Delhi)

KAPASHERA, NEW DELHI

Session 2017 – 2022

NAME OF THE STUDENT : DANISH CHAUHAN

CLASS : BALLB SEMESTER 9TH SECTION. A ENRL. NO. 03790103817

RESIDENTIAL ADDRESS OF STUDENT: Shahdra, NEW DELHI

CONTACT NO- 9810959253

E MAIL I.D –Danish.chauhan15@gmail.com

NAME OF THE ADVOCATE/LEGAL FIRM: Legal Doctors

ADDRESS – Chamber 546, Patiala House Court

CONTACT NO- 9871436397

E MAIL I.D -

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LEGAL DOCTORS

Adv. Vaibhav Mishra

Advocate (D/143/2001)
CHAMBER NO.51
PATIALA HOUSE COURT
NEW DELHI-110001
9958519398

Dr. Aparna Sharma

Advocate (D/976/2015)
CHAMBER NO.546
PATIALA HOUSE COURT
NEW DELHI-110001
9871436397

GST1N - 07AAGFL1544C1ZQ

CERTIFICATE OF INTERNSHIP

This is to certify that **Mr. DANISH CHAUHAN**, S/O Shahnawaz having Enrollment No. 03790103817 student of B.A.LLB, 5th year, **Fairfield Institute of Management and Technology** pursued an internship under my guidance starting from **1st day of August 2021 till 31st August 2021**.

During his internship he visited different District Courts of Delhi and Delhi High Court and observed the Court proceedings diligently, which will surely stand as an advantage for his professional career. Further, he actively participated in discussion over legal matters and showed exemplary presence of mind in all court activities.

I feel that he possesses an incisive mind, complemented by his personal capabilities, which will enable him to achieve great heights in legal professional.

I wish him bright and prosperous future ahead.


30/08/21

Dr. Aparna Sharma
(Advocate) D/976/2015
Ch. No. - 546, Patiala House
Court, New Delhi - 110001
Ph : 9871436397, 7861992999

DECLARATION

I, DANISH CHAUHAN of 9th semester of BA-LLB (H) hereby declare that this report is compiled by me under 4 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to **Fairfield Institute Of Management & Technology** affiliated to **GGSIIP UNIVERSITY, New Delhi** is a reliable document and is of bonafide nature.

Signature –



Date - 22/11/2021

ACKNOWLEDGEMENT

First and foremost, I am expressing my thankfulness and praise to Almighty God for his guidance and blessing throughout my entire internship. I would also like to sincerely thank **DR. APARNA SHARMA & ADV. VAIBHAV MISHRA** for giving me this wonderful opportunity to undergo internship training.

My appreciation and gratitude is extended to Adv. Gaurav Parashar for his guidance, generosity to share their tremendous knowledge, for giving continuous motivation from the starting of the internship until the end of the training. Also my sincere gratitude to all the associates for their willingness to accept me into their family.

Also I would like to take this opportunity to thank Chairman, Principal and Directors of FIMT. I would like to extend my sincere gratitude to all the teachers of Law Faculty, FIMT for their guidance and support.

Last but not the least, I would like to thank my parents and colleagues for their comforting supports and guidance.

OBJECTIVE

The Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility

CASE LAW - 1

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

SITA

...PETITIONER

VERSUS

STATE (N.C.T. OF DELHI) & Ors.

...RESPONDENTS

SUBJECT MATTER: WRIT PETITION (HABEAS CORPUS) UNDER ARTICLE 226 OF CONSTITUTION OF INDIA.

Brief about facts of the case:

On 21.11.2020, minor daughter of the petitioner namely sunidhi went missing from her home. Later, the minor daughter of the petitioner was found and the child was restored to the husband of the petitioner. The minor child again gone missing and there is apprehension that a resident of the neighbourhood has taken her by alluring her. The matter was reported to the police but police refused to take complaint of the petitioner.

Observation: The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. Status report to be filed by the police before the next date of hearing.

Previous Date: No previous date.

Next Date of Hearing: 12.010.2021

Current Status/Stage: Police to file Status report.

CASE LAW – 2

IN THE COURT OF DISTRICT & SESSION JUDGE, DWARKA COURTS, NEW DELHI

In The Matter of:

STATE OF DELHI

..... COMPLAINANT

Vs

Vidhi Sharma

..... ACCUSED

SUBJECT MATTER: APPLICATION U/s 439 Cr.P.C. ON BEHALF OF APPLICANT/ACCUSED IN CASE FIR NO. 229/21 UNDER SECTION 376/323 IPC REGISTERED AT PS.PALAM VILLAGE, NEW DELHI FOR GRANT OF REGULAR BAIL.

Brief about facts of the case:

It is alleged in the FIR, the Complainant was called by the accused at a restaurant namely MY BAR there she had drinks with the accused and after that she became unconscious and got her consciousness back on next day and found herself in a hotel room without clothes with the accused lying next to her.

Observation: The matter was taken up through video conferencing on 25.06.2021. The Hon'ble court granted Regular bail to the accused and he was directed to produce surety bonds worth Rs 47,000/-.

Previous Date: Fresh bail application so no previous date.

Next Date of Hearing: Application Disposed

Current Status/Stage: Application Disposed.

CASE LAW – 3

IN THE COURT OF MANOJ KUMAR, METROPOLITAN MAGISTRATE,
PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

STATECOMPLAINANT

V

SHAHID AND OTHERS..... ACCUSED

Petition filed u/s 374/34 IPC

3/14 CLA

23/26 JJA

Police station – Saket

Facts – This case is against few accused who had deputed children below 16 years of age to commercial work, which is an offence in Juvenile Justice Act.

Observation – on 04.08.2021, Arguments regarding framing of charges against all the accused person heard and case is pending for orders on charge.

Next Date of Hearing – 19.11.2021

CASE LAW – 4

IN THE COURT OF SH. HARUN PRATAP LD, M.M SAKET DISTRICT COURT,
NEW DELHI

IN THE MATTER OF

STATEPetitioner

V.

RISHIRespondent

SUBJECT MATTER :-Application related the offence of section 420 & 120B of Indian Penal Code, 1860

BRIEF FACTS

- ❖ That the case was registered through F.I.R which was lodged on 23/05/2016 no. as 74/12 U/s 420, 120-B of IPC and sec. 66 of IT Act.
- ❖ According to the allegation of F.I.R when complainant was on inspection of refund states on BSP system, the complainant was surprised to know that dew refunds for a sum of Rs. 06, 58, 000/- for the financial years, 2012-2013, 2013-2014, 2014-2015 were issued to the accused Vicky through refund banker.
- ❖ It was further alleged that ID code/password of the complainant and additional CIT range 43, were fraudulently misused on 04/10/2015 where as neither the complainant nor the additional CIT attended the office that day.

PRESENT DAY :-

On the present day of 12/07/2021 all the 6 accused was present in the court and council from both the side was present. The matter was fixed for the arguments. The court have issued an order to the IT department to give the record of the refund status by all verification, And also said to submit the report up to 05/08/2014. The court also directed to all the accused to present on the next day of 05/12/2021

OBSERVATIONS:

I have come to know about the provision of the section 420 and 120B of IPC, and the attitude of the court while dealing with these matters.

Next Date of Hearing : 05/12/2021

CASE LAW – 5

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

RAMESH

...PETITIONER

VERSUS

STATE(N.C.T. OF DELHI) & ANR

...RESPONDENT

SUBJECT MATTER: PETITION UNDER SECTION 482 OF Cr.P.C. READ WITH ARTICLE 226/227 CONSTITUTION OF INDIA FOR QUASHING OF FIR NO. 92/2019 UNDER SECTION 451/323/341/354/509/34 IPC PS LODHI COLONY, DELHI AS THE PRESENT MATTER HAS BEEN AMICABLY SETTLED BETWEEN PETITIONERS AND RESPONDENT NO. 2.

Brief about facts of the case:

The Petitioners and Respondent No.2 are known to each other being friends and due to some misunderstanding the Complainant filed the present FIR against the Petitioners and on the same day a cross FIR was registered against the respondent No.2 and her family which has been quashed by the Hon'ble High Court. The parties herein have been able to amicably resolve their entire dispute.

Observation: The matter was taken up by the Hon'ble High Court and the arguments were heard through Cisco Webex App. The present FIR was quashed.

Previous Date: Fresh petition so no previous date.

Next Date of Hearing: None. FIR quashed.

Current Status/Stage: Disposed. FIR quashed.

CASE LAW – 6

IN THE COURT OF MS. ANU GROVER BALIGA, ADDITIONAL SESSIONS
JUDGE, SAKET COURT, NEW DELHI

IN THE MATTER OF:-

STATE COMPLAINANT

V

SURYA Raj..... ACCUSED

Petition filed u/s - 323, 328,342, 376D, 506, 509, 34, 376 IPC

Filed on 03.07.2021

Police station – Bhajanpura

Facts – Surya has girlfriend named Nishi who he met on Facebook. After chatting for a time period of 5-6 months, Nishi asked him to marry her to which sunny replied her with NO. Nishi asked him to meet her last at 19B, Mahipalpur his uncle's place which resulted in the arisen of fake allegations made against Sunny and his friend for raping Nishi.

Observation – We talked to Surya regarding this matter in which we get to know that sunny is an innocent person who was wrongly stuck in the plot built by Nishi.

Next Date of Hearing – 19.11.2021

CASE LAW – 7

**IN THE COURT OF Sh. SHIKHAR SHARMA, FAMILY COURT, DWARKA, NEW
DELHI**

IN THE MATTER OF:-

DHRUV COMPLAINANT

V

PREYANSHI SINGH ACCUSED

Petition filed u/s Special Marriage Act

Filed on 15.06.2021

Facts – Marriage of petitioner and respondent solemnized on 12.12.2019. Due to their conflict, Mukul filed the case against his wife Preeti under Special Marriage Act.

Observation – on 21.08.2021, reply filed by preeti counsel on an application of restoration of main case, not to put up final arguments on restoration arguments.

Next Date of Hearing – 12.11.2021

CASE LAW – 8

IN THE COURT OF SMT. PRACHI BHATT, M.M., ROHINI COURT, NEW DELHI

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

VEER DEV.....RESPONDENT

SUBJECT MATTER :- Case filed u/s 354 of INDIAN PENAL CODE 1860

BRIEF FACTS:

That the FIR was lodged on 07/04/2019 no. as 352/2004 u/s 354 of IPC against accused Rajbir Singh of 48 years. The FIR was lodged by Smt. Bhawna who lives in anand vihar, New Delhi. According to the FIR, accused knock the door of the victim at around 12:20 AM at night when victim was doing dinner with her family. When she opened the door, she saw Rajbir there. According to the allegation Rajbir start abusing her badly then at last he hit victim on her chest and then ran away. Rajbir was the family friend of the victim and she knows him well.

PRESENT DAY: On the present day the matter was fixed for the statement of accused, as provided in sec. 313 of the criminal procedure code, to enable the accused tp personally explain any circumstances appearing in the evidence against him.

The statement was recorded by the court as on 06/06/2019 and both the council was present along with accused in the court.

OBSERVATION: I have come to know about the various stages of criminal proceeding in the Indian court.

Next Date of Hearing- 18.12.2021

CASE LAW – 9

IN THE COURT OF MS. SWARNA KANTA SHARMA, FAMILY COURT, PATIALA **HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:

ANAMIKA REYCOMPLAINANT

V

VIVEK... ACCUSED

Petition filed u/s 12 of the Protection of Women from Domestic Violence Act 2005

Facts – Marriage between Vivek and Anamika was solemnized on 19.04.2007 at Bulandshahar (UP). After their wedding, parties stayed in Bulandshahar. She found the behaviour of her in laws rather peculiar and disrespectful towards her, her mother in law did not speak properly to her and kept yelling at her. By June 2007, the complainant anamika had already conceived her baby. No one was available for the assistance including her husband because of which she had to do every physical activity herself. Vivek never tried to call and inquire about the Well Being of the complainant. He always avoided her, due to the immense amount of stress, her health deteriorated. Due to above reasons, she was compelled to take medical leave from her job and move to Delhi with her parents.

Observation – Father i.e. Vivek filed a case for the custody of this son from his wife, but apparently this matter is got settled. Now both the parties will file mutual divorce and they will withdraw each and every case against each other, settlement done by money.

Next Date of Hearing – 16.10.2021

CASE LAW – 10

IN THE COURT OF DISTRICT & SESSION JUDGE,

DWARKA COURTS, NEW DELHI

In The Matter of:

STATE OF DELHI

..... COMPLAINANT

Vs

NIKHIL

..... ACCUSED

SUBJECT MATTER: APPLICATION U/S 439 C.r.P.C. FOR GRANT OF REGULAR BAIL TO THE APPLICANT/ACCUSED IN CASE FIR NO. 101/21 UNDER SECTION 363/365 IPC 6 POCSO ACT REGISTERED AT PS. DABRI, NEW DELHI

Brief about facts of the case:

It is alleged in the FIR, the Complainant met the accused near her tuition where the accused took some type of intoxicant in his hand and put the said intoxicant on a cloth, that thereafter the accused put the said cloth on the nose of the complainant due to which she instantly lost her consciousness. It is further alleged that after sometime around 4 P.M the complainant got back her consciousness and found herself lying on a bed with the accused without any clothes.

Observation: The matter was taken up through video conferencing on . .2021. Part arguments were heard and the matter was adjourned.

Previous Date: 08.04.2021

Next Date of Hearing: 22.11.2021

Current Status/Stage: Final arguments.

CASE LAW – 11

**IN THE COURT OF MS. ANU GROVER BALIGA, ADDITIONAL SESSIONS
JUDGE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

STATE COMPLAINANT

V

SUNNY AND SUMIT ACCUSED

Petition filed u/s - 323, 328, 509, 34, 376 IPC

Filed on 02.04.2018

Police station – RAMESH NAGAR

Facts – Sunny has girlfriend named Nishi who he met on Facebook. After chatting for a time period of 5-6 months, Nishi asked him to marry her to which sunny replied her with NO. Nishi asked him to meet her last at 19B, Mahipalpur his uncle's place which resulted in the arisen of fake allegations made against Sunny and his friend for raping Nishi.

Observation – We talked to Sunny and Sumit regarding this matter in which we get to know that sunny is an innocent person who was wrongly stuck in the plot built by Nishi.

Next Date of Hearing – 13.12.2021

CASE LAW – 12

IN THE COURT OF SH. ANIL JAIN. LD ASJ, SAKET DISTRICT COURT, NEW DELHI.

IN THE MATTER OF:-

STATEPetitioner

V.

SHYAM RAORespondent

SUBJECT MATTER:-Case regarding the section 304A of Indian Penal Code 1860

BRIEF FACTS

- ❖ That the Kanhayalal Nanda was an independent contractor who has hired by the Ansal Builders to build the property building for them.
- ❖ That the 4 floors of the building was ready and work was going on 5th floor of the building, the project was started from year 2003 and was going on well but on 05/04/2004 an accident occurred and one worker named Avdesh Sharma died due to the negligence of the contractor.
- ❖ That the worker was then taken to the Metha nursing home but it was declared that “died before admission”. The worker is of 25 years, so now the disputes have arisen.
- ❖ That the FIR was lodged as no. 131/04 and case was CrL/607/1/11 U/s 288 and 304A of Indian Penal Code.

- ❖ That the accused was then, arrested and after two month he was released on bail, but have to report in court on every date.

- ❖ That the compensation of Rs. 1, 00, 000/- was also provided by the accused to the brother of victim.

PRESENT DAY:-

The matter was pending for hearing before the Hon'ble court as on 9/07/2021. On this day the matter notice was for the pro evidence but witness not arrives from the part of complainant. So now date have fixed for 11/12/2021

OBSERVATION:-

I have learn about the provision of sec. 304A and about the evidence, how to present it. Furthermore I have come to know about the provision of compensation.

Next Date of Hearing: 11/12/2021

CASE LAW – 13

IN THE COURT OF DHARMENDER SINGH, METROPOLITAN MEGISTRATE,
PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

SUMIT SINGHCOMPLAINANT

V

RAKSHIT BATRA ACCUSED

Petition filed u/s 138 NI Act

Facts – Rakshhit (illiterate kind of) has given blank cheques to one of his known for new car loan in good faith, but the guy used those cheque to Mr. Sumit for encashment but the cheque was dishonoured and Sumit filed a case against rakshit.

Observation – we were for accused Raju. On 14.08.2021, We filed an application u/s 145(2) for seeking an opportunity to show or prove our defence

Next Date of Hearing – 15.11.2021

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included promote the work in different ways. All of which was an over the top experience.

Such summer trainings help a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was the pre-requisite to our training

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards

Yours Faithfully

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

तेजस्वि नावधीतमस्तु
ISO 9001:2015 & 14001:2015

Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT

SCHOOL OF LAW

Submitted by:-

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ENROLLMENT NO. - 03990103817
COURSE - BALLB
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Ref.....

Dated...15/11/2021

TO WHOMSOEVER IT MAY CONCERN

This is to certify that **MR. DEEPESH PARASHAR** S/o- SH. NAND KISHORE PARASHAR, 5th year student of **FAIRFILED INSTITUTE OF MANAGEMENT AND TECHNOLOGY, KAPASERA**, Enrolment no- **03990103817** pursuing BA.LL.B. (5 Years) joined our office in Saket Courts, New Delhi and worked as an intern from **7th FEB 2021 TO 31ST MARCH 2021.**

During this period, I found MR. DEEPESH PARASHAR professional-career oriented with theoretical and practical knowledge of legal issues. He has performed his duties towards drafting of various *Bail Applications, Criminal Appeals and Revisions, Various Petitions* and has regularly joined Video-Conferencing of Hon'ble High Courts and District Courts, and has gained exposure vis-à-vis challenges of issues pertaining to legal field.

Moreover, his conduct during our association was found exemplary. He has been found sincere, reliable, sociable and open to take challenges with respect to various socio-legal issues along with vast field of legal knowledge.

I wish his all the best in his future career endeavors.

RAJPAL KASANA
Advocate
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RAJPAL KASANA
Advocate

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to **Advocate Rajpal Kasana**, who have been my constant support. Throughout my internship period he has been a great source of inspiration to me, and still continues to be so. Working under him was not only a great opportunity but educational as well. He have guided and helped me in successfully completing my Summer Internship.

Moreover, apart from court he gave me a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to express my sincere gratitude to our **Director Dr. B.R SAINI** for initiating this internship project for students of 5th year. We students who previously had just theoretical knowledge of the procedures, through this project were exposed to the practical aspects of the laws we studied in the classroom. I hereby thank him for this opportunity that he provided us for practical exposure of the subjects. I would also like to reiterate my thanks to **Adv. Palak Munjal**, for being my mentor in this endeavour.

I would also thank my parents for supporting me dearly throughout this period of internship & for adjusting their already busy schedule to suit mine & making it as much comfortable for me as they could possibly do. I also pay my sincere regards to office staff of **Rajpal Kasana & Associates** for always being helpful & supportive to me as an intern in order to facilitate the efficient completion of tasks assigned.

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OBJECTIVE

Clinical education programs for law students have been of great advantage to them. The objective of such programs is to provide an understanding of the human, social and policy contexts of law and legal practice. This objective is met through the Legal Internship. Internships fulfill an important component of both academic and practical education in law. The integration of professional experience into the learning process is highly effective in developing the understanding of law in action, as you are able to observe and perceive the relevance and application of theory to practice. Consequently, the program is not simply 'work experience' but a significant educational experience.

In a workplace setting one will be exposed to the reality of the practice of law in all its dimensions –

- The integration of different areas of law, policy issues;
- The application and development of skills to the analysis and resolution of client concerns;
- Ethical responses to situations which arise unexpectedly and spontaneously;
- Issues of professional responsibility including responsibility to clients and case management;
- The operations of the government and court system in the legal process.

These subjects provide the theoretical knowledge and ethical framework necessary for you to appreciate the operation of the 'law in action'.

CASES OBSERVED

CASE NO. – 1

**IN THE COURT OF SHRI ASHWANI KUMAR MEHTA, ADJ
SESSIONS COURT, GURUGRAM**

DOH: 02/08/2021

U/s: 420/166/167/384/405/467/468/471/120B IPC

7/8/10/12/13/15 PC Act

F.I.R.: 32/18

P.S.: Palam Vihar, Gurugram

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

BABULAL

....DEFENDANT

Complaint U/S: 420/166/167/384/405/467/468/471/120B IPC AND

7/8/10/12/13/15 PC Act

BRIEF FACTS: The accused is a government servant and has allegedly taken Rs.10,000. The accused took this amount to perform an authorized task in an unauthorized manner. For some reason the accused could not perform the task in accordance with the instructions of the complainant and hence the complainant has filed the current suit.

OBSERVATION: The PW was examined by the defence counsel.

NEXT DATE OF HEARING :- 17/08/2021

PURPOSE- On next date of hearing case will further proceed for

consideration of charge and PW will be further examined as the examination of the PW on the previous date could not be concluded.

CASE NO. – 2

IN THE COURT OF Ms. RAJ RANI, ADJ (fast track court for rape cases)

SESSIONS COURT, GURUGRAM

DOH: 03/08/2021

U/s: 6 and 12 of the POCSO Act

F.I.R.: 12/2019

P.S.: Sector-14, Gurugram

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

NITESH

....DEFENDANT

Complaint U/S: 6 and 12 of the POCSO Act

BRIEF FACTS: The Prosecutrix in the present case is about 17 years old and the accused is her distant cousin. On the day of the incident the Prosecutrix was attending a wedding at the house of the accused. The accused allegedly took the Prosecutrix to his room on the pretext of having a friendly conversation with her. The accused then gave her a soft drink which made the Prosecutrix a little dizzy at first and then completely unconscious.

After the incident when the Prosecutrix came to her senses, she realised what had happened but remained silent as she claims that the accused had clicked pictures of her and was blackmailing her. The Prosecutrix also claims that he used to threaten her regularly over phone calls. They also met a few times a week and during one of such meetings, the brother of the Prosecutrix saw them and informed her parents. When the parents started questioning her, she got scared, slit her wrist and ran away with the accused to Haridwar where they were caught by the police. When their parents came to the police station, The

Prosecutrix told them everything truthfully and hence the complaint was filed.

OBSERVATION: The Prosecutrix was cross examined by the defence counsel and evidence in contradiction to her complaint were presented in the court.

NEXT DATE OF HEARING :- 22/08/2021

PURPOSE:- Further cross examination of the Prosecutrix.

CASE NO. – 3

**IN THE COURT OF SHRI ANIL KUMAR BHISHNOI, ADJ
SESSIONS COURT, GURUGRAM**

DOH: 03/08/2021

U/s: 370/370A/372 read with 34/506 IPC

F.I.R.: 42/18

P.S.: Sector 51, Gurugram

IN THE MATTER OF:

STATE

....PETITIONER

VERSUS

SAGAR JAIN

....DEFENDANT

Complaint U/S: 370/370A/372 read with 34/506 IPC

BRIEF FACTS: The complainant in this matter is an NGO working to prevent the exploitation of minors employed as domestic help. The defendant is a married man who lives in Gurugram with his wife and twin children. The defendants were unable to take care of the twin babies on their own and hence they contacted an agency to get a domestic help in order to get assistance.

The agency sent a girl to the house of the defendants within 15 days and also provided her documents stating that she is over 18 years of age (which was false). One day the girl was alone in the house and was lying on the floor unconscious. A neighbour saw her through an open window and tried calling her, when she did not respond, the neighbour called the police. She had a few injuries on her head and her elbow. The accused and his wife were both arrested and were charged under the above mentioned sections. The accused claims that the girl had a health condition due to which she gets fits and becomes unconscious.

OBSERVATION: The counsels were arguing on the definition of the word 'exploitation' and on the fact that the agency is at fault as they falsely presented the girl to be an adult.

NEXT DATE OF HEARING :- 03/08/2021

PURPOSE- On next date of hearing case will further proceed for consideration of charge and PW will be examined.

CASE NO. – 4

IN THE COURT OF SHRI RAJ KUMAR JAIN, ADJ, ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT,
GURUGRAM

DOH: 03/08/2021
U/s: 13 of HMA

IN THE MATTER OF:

RUCHIB

....PETITIONER

VERSUS

MEENAKSHI

....DEFENDANT

Petition U/S: 13 of the Hindu Marriage Act, 1965

BRIEF FACTS: The Hindu Marriage was solemnized between petitioner and respondent according to Hindu rites ceremonies on 23/04/2012 at Gurugram. The marriage was duly consummated and both petitioner and respondent were cohabitated as husband and wife in matrimonial house and no child was born from the wedlock. After marriage the behaviour of respondent was good but after sometime the behaviour of respondent towards petitioner and his family was changed, she started quarrelling with petitioner and also disrespected petitioner and his family and she used to go to her parental home without informing to her husband and used to remain there for many days, every time petitioner used to take her back from her parental house but the attitude of respondent remains same and the petitioner remains silent in order to save his relationship in the month of May 2013, the uncles of respondent approach the petitioner and said to the petitioner “Ladkialagrehnachaitihai.” To save his matrimonial life, the petitioner started living separately from his parents but the

behaviour of respondent was not changed. Ultimately on 17-06-2015, the respondent left the house of petitioner after taking the valuable goods and gold jewellery and clothes without the consent of the petitioner.

Petitioner made calls and made all possible ways to bring her back but all in vain.

OBSERVATION: On the date of hearing, notice was issued to the respondent.

NEXT DATE OF HEARING: 20/08/2021

PURPOSE: Next date for hearing is fixed for appearance of respondent.

CASE NO. – 5

IN THE COURT OF Ms. RAJ RANI, ADJ (fast track court for rape cases)

SESSIONS COURT, GURUGRAM

DOH: 04/08/2021

U/s: 376/506/328 IPC

F.I.R.: 85/6/7/18

P.S.: Sector-51, Gurugram

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

MANGESH

....DEFENDANT

Complaint U/S: 376/506/328 IPC

BRIEF FACTS: The Prosecutrix is 20 years old, she was at a restaurant with a few friends on the night of the incident. At 11:00 pm when they were leaving the restaurant, the Prosecutrix decided to stay at her friend's place for the night to which her parents agreed as they were family friends. All of them were a little drunk and reached the house of the accused as he was the father of Prosecutrix's friend. After they all went to sleep, the accused came inside the Prosecutrix's room and had forceful intercourse with her.

OBSERVATION: PW-1 was examined and the evidence provided by him by way of affidavit was taken on record.

NEXT DATE OF HEARING :- 18/09/2021

PURPOSE:- Examination of PW-2

CASE NO. -6

IN THE COURT OF SHRI RAJ KUMAR JAIN, ADJ, ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT,
GURUGRAM

DOH: 04/08/2021

U/s: 498A IPC

F.I.R.: 71/8/9/18

P.S.: Sector-14, Gurugram

IN THE MATTER OF :-

STATE

...COMPLAINANT

VERSUS

VINOD SHARMA

...DEFENDANT

Subject Matter:- Complaint under section 498A of Indian Penal Code,1860.

BRIEF FACTS:

- That the marriage between the revisionist and respondent no.1 was solemnized on 15/02/2014. They both lived together and out of their wedlock a minor child namely baby Prophi was born to them on 11/07/2015. During the period, the revisionist lived with the respondent no. 1. She committed all sorts of acts of cruelty, harassment, torture and humiliation.
- That the F.I.R was lodged on 17/05/2018 in crime (women) cell. F.I.R no. as 73/10 was filed u/s 498A /406/34 by Pooja wife of the accused against the family also.
- That Pooja also filed a petition for divorce u/s 13(1)(a) of Hindu Marriage Act, against the revisionist on 24/08/2019.

- That Pooja has put the false allegation on Vinod Sharma and his family u/s 468A/406/34 as accused never done any cruelty act on Pooja, whereas she was careless and egoist person, she never took care of his parents and use to give answers in founding way.
- That the pooja with filing the false F.I.R abuses the procedure and law as well wasted the time of court.
- That on 05/07/2015, the anticipatory bail was also file in the of Dwarka court which was also there in accepted by the court.

OBSERVATION:-

On 04/07/2020 that matter was fixed before the Hon'ble court for hearing on this day P.P. was on a leave and Pooja was also not present in person, summon was issued for here on the next date.

NEXT DATE OF HEARING: 18/09/2021

PURPOSE: The defendant has been given last and final opportunity to file replication to the complaint.

CASE NO. – 7

IN THE COURT OF Ms. RAJ RANI, ADJ (fast track court for rape cases)

SESSIONS COURT, GURUGRAM

DOH: 05/08/2021

U/s: 354D IPC

F.I.R.: 19/2019

P.S.: Sukhrali, Gurugram

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

AJAY KR. GUPTA

....ACCUSED

Complaint U/S: 354D IPC

BRIEF FACTS:

The accused is an astrologer and the complainant is a dentist. The accused has his office in the same area as that of the complainant's clinic. One day the complainant came to the office of the accused in order to consult him as she was facing a crisis in her personal life. Their official appointments turned into more personal ones as they started going out for movies, shopping etc.

After a while they had a serious argument and the complainant started threatening the accused with a false case as she was habitual of filing false cases against a person to blackmail them. She was already in the middle of more than 4 litigations. The accused was then framed under section-354-D IPC and the substantial question of law which lies here is whether the case is maintainable in the court of law under the said section even though there was a pre existing relation between the accused and the complainant.

OBSERVATION: The Prosecutrix was cross examined by the defence counsel and evidence in contradiction to her complaint were presented in the

court.

NEXT DATE OF HEARING :- 23/09/2021

PURPOSE:- Further cross examination of the Prosecutrix.

CASE NO. – 8

**IN THE COURT OF Mr. BALWANT RAI BANSAL, ADJ
DWARKA COURT, NEW DELHI**

DOH: 09/08/2021

IN THE MATTER OF:

RAJ KR. BHARTI

....COMPLAINANT

VERSUS

BINDU PRAJAPATI & ORS.

....DEFENDANT

Suit for possession

BRIEF FACTS:

The defendant no. 2 Mrs. Neelam Sharma had entered into an agreement with defendant no. 1 on 09/08/2010 for developing and construction of her property bearing no. RZF 99/11 situated at gali no. 41A, Sadh Nagar Part-II, Palam Colony, New Delhi wherein it was agreed upon between defendant no. 1 and 2 that defendant no. 1 shall construct 8 flats admeasuring 77.25 sq. yards of each flat, 5 shops and a one BHK flat on the ground floor/stilt floor out of which 5 flats bearing no. U1, F1, S1, T1 and T2 shall be in the possession of defendant no. 2 while flats no. U2, F2, and S2 out of 8 flats will be in the possession of defendant no. 2 along with three reserved car parking. Apart from 5 flats the defendant no. 2 would also have 5 shops, a 1 BHK flat and car parkings on the ground/stilt floor. It was further agreed upon that before construction of the said building, the defendant no. 2 shall execute sale deeds in favour of defendant no. 1 in respect of flat nos. U2, F2 and S2. It was further agreed upon that the defendant no. 1 shall complete the building as per map and time schedule as mentioned in the agreement dated 09/08/2010. If the defendant no. 1 will not complete the building in time and according to the map, the defendant no. 2 will have full right to cancel the above mentioned sale deeds and the defendant no. 1 will have no objection for the same.

On the basis of aforesaid sale deeds the defendant no. 1 has sold the suit property i.e. flat no. S2 with one car parking situated on the second floor of the building to plaintiff as mentioned in the plaint. It is pertinent to mention here that the building bearing no. RZF 99/11 situated at gali no. 41A, Sadh Nagar Part-II, Palam Colony, New Delhi was sealed by the building department, Najafgarh zone, MCD on 28/02/2011 and partial demolition action was taken against the unauthorized construction of the building when the building was at an initial stage. On the basis of the sale deed executed by defendant no. 2 in favour of defendant no. 1 before construction of the building the defendant no. 1 had sold the suit property to plaintiff on 22/07/2011 as stated in the plaint though the defendant no. 2 had no knowledge of the same.

OBSERVATION: The defendant no. 2 requested for permission to amend his written statement and the court granted the same as there was a change in the list of issues due to new facts coming to light.

NEXT DATE OF HEARING :- 22/09/2021

PURPOSE:- Matter set for examination of D2W1.

CASE NO. – 9

IN THE COURT OF MS. UPASANA SATIJA, LD. METROPOLITAN

MAGISTRATE, DWARKA COURT, NEW DELHI

CRIMINAL COMPLAINT NO. 8270 OF 2019

DOH: 09/08/2021

U/s: 138 R/w 142 of the NI Act

IN THE MATTER OF:

MS. ANITA DEVI

...COMPLAINANT

VERSUS

B.N. JAGADISH KUMAR

...ACCUSED

COMPLAINT UNDER SECTION 138 R/W SECTION 142 OF THE
NEGOTIABLE INSTRUMENTS ACT, 1886 AS AMENDED UP TO
DATE.

BRIEF FACTS:

- That the accused is known to the complainant for last many years and having friendly relation with the complainant and approached to the complainant for a friendly loan of Rs. 7,00,000/- (SEVEN LACS ONLY). As the complainant and accused were having good relation

with each other, the complainant paid a sum of Rs. 7,00,000/- in cash to the accused as a friendly loan.

- That the accused in discharge of his liability issued cheque bearing No. 212552 dated 24.10.2018 for Rs. 7,00,000/- drawn on AXIS BANK BANGALORE and promised the complainant to present the said cheque with his bankers and same would be honoured/cleared by his banker and he also assured the complainant that he will make necessary arrangement of funds in his bank account to honour above said cheque.
- That as per instructions the complainant deposited the abovesaid cheque with his banker syndicate bank najafgarh, New Delhi and same were returned with the reason “DRAWER SIGNATURE DIFFER” on 30.12.2018.
- That the complainant contacted the accused for the payment of the aforesaid amount and issue of new cheques and was assured that the same will be delivered to him within a week but the accused failed to do so and did not respond to further communications by the complainant.
- That thereafter the complainant got a legal notice dated 20.1.2019 sent on 22.1.2019 through his advocate which was duly served upon the accused under the provision of N.I Act and thereby demanded the payment for the aforesaid cheques.

- That despite the awareness and service of the said statutory notice dated 20.2.2019 the accused failed to meet with his admitted liability or to make the payment covered under the above noted cheque within the statutory period as prescribed under the law. As a matter of fact the accused had not paid the cheque bearing no. 212552 dated 24.10.2018 for Rs. 7, 00,000/- drawn on AXIS BANK BANGALORE to the complainant till date. As such the accused has, therefore rendered liable to be prosecuted under the provisions of N.I Act for the offence committed by them.
- That knowing fully well that the accused did not have the credit balance in bank account and issued a cheque for payment to the complainant in discharge of his legal liability and have thereby committed an offence punishable under the amended provisions of Negotiable Instruments Act.
- That the cheque in the subject of complaint was delivered to complainant was delivered to the complainant at his address and the complainant operates and works from gain from his said address.
- That in support of allegations in his complaint, the complainant filed his evidence by way of an affidavit and placed on record the following documents: (i) Cheque bearing no. 212552 dated 24.10.2018 for a sum of Rs.7,00,000/- drawn on Axis Bank Bangalore issued in favour of the complainant by the accused (ii) Cheque return memos dated 30.12.2018

issued by Syndicate Bank Najafgarh where the aforesaid cheque was presented for encashment reflecting the fact that the said cheque were dishonoured for the reason “Drawer Signature Differ” (iii) Legal Notice dated 20.1.2019 addressed to the accused on behalf of the complainant demanding the payment of cheque amount within fifteen days from the receipt of said notice (iv) Postal receipts reflecting the fact that the aforesaid legal notice was dispatched to the accused at both his addresses available with the complainant vide registered post on 22.1.2019 (v) Acknowledgment card with respect to delivery of the legal notice sent at one of the addresses of the accused.

OBSERVATIONS:

The matter on 09.07.2020 was fixed for pre-summoning evidence is further fixed again for pre-summoning evidence for 21.09.2020. The complainant was present in person with his counsel.

NEXT DATE OF HEARING :- 21/09/2021.

PURPOSE:- Pre-summoning evidence.

CASE NO. – 10

**IN THE COURT OF MS.UPASANA SATIJA, LD. METROPOLITIAN
MAGISTRATE, DWARKA COURTS, NEW DELHI**

COMPLAINT CASE NO. 4993725 OF 2016

DOH: 10/08/2021

P.S.: NAJAFGARH

U/s: 138 R/w 142 of the NI Act

IN THE MATTER OF:

AMIT NATH

...COMPLAINANT

VERSUS

SATISH VATS

...ACCUSED

**COMPLAINT UNDER SECTION 138 R/W SECTION 142 OF THE
NEGOTIABLE INSTRUMENTS ACT, 1886 AS AMENDED UP TO
DATE.**

BRIEF FACTS:

- The present complaint has been filed under Section 138 of the Negotiable Instruments Act, 1881.
- That in 2006, the complainant was working with Aditya Birla Group and came in contact with accused as the accused was a vendor in the

above said company and was supplying commercial vehicles to the said company.

- That in February, 2012, the accused approached the complainant and requested a loan of Rs.30,00,000/from the complainant and assured to repay the same within five months and stated that he will receive considerable amount upon sale of his father's land and also represented to be the owner of several movable and immovable properties.
- That Consequent to said representations and keeping in mind the past conduct, the complainant advanced Rs.27, 30,000/ to the accused.
- That the complainant advanced the amount in the following manner:
Rs.3,50,000/- through cheque on 16.04.2012, Rs.9,50,000 through cash on 20.04.2012, Rs.3,00,000/- through cash on 20.04.2012, Rs.1,00,000/- through cheque on 02.05.2012, Rs.1,70,000/- through cash on 22.05.2012, Rs.8,60,000/- through cash on 31.05.2012.
- That the accused assured to repay the said amount by October, 2012 and upon being contacted further assured repayment in November, 2012.
- That on 01.11.2012, the accused in discharge of aforesaid liability issued two post-dated cheques bearing no.538287 dated 05.11.2012 and 538289 dated 11.01.2013 for a sum of Rs.5, 65,000/- and Rs.21, 65,000/- respectively both drawn on HDFC Bank Ltd., Najafgarh, New Delhi and upon request of the accused, the complainant presented both

the cheques on 11.01.2013 for encashment but the same were dishonoured vide separate return memo(s) dated 14.01.2013 for reasons 'Funds Insufficient'.

- That the complainant allegedly then served legal notice dated 30.01.2013 on the accused demanding the cheque amount and in spite of service of said notice, the accused failed to make the payment of cheque amount and hence, committed an offence under Section 138, Negotiable Instruments Act.
- That in support of allegations in his complaint, the complainant filed his evidence by way of an affidavit and placed on record the following documents: (i) 2 Cheques bearing no. 538287 dated 05.11.2012 and 538289 dated 11.01.2013 for a sum of Rs.5,65,000/and Rs.21,65,000/respectively both drawn on HDFC Bank Ltd., Najafgarh, New Delhi issued in favour of the complainant by the accused (ii) Cheque return memos dated 14.01.2013 issued by State Bank of Travancore where the aforesaid cheques were presented for encashment reflecting the fact that the said cheques were dishonoured for the reason "Funds Insufficient" (iii) Legal Notice dated 30.01.2013 addressed to the accused on behalf of the complainant demanding the payment of cheque amount within fifteen days from the receipt of said notice (iv) Postal receipts reflecting the fact that the aforesaid legal notice was dispatched to the accused at both his addresses available with the

complainant vide registered post on 30.01.2013 (v) Acknowledgment card with respect to delivery of the legal notice sent at one of the addresses of the accused.

- That upon consideration of the complaint and documents annexed therewith and upon examination of the complainant, the cognizance of offence under Section 138 Negotiable Instruments Act, 1881 was taken and process was issued against the accused. Accused was produced before this court and was admitted to bail and upon joint request of the parties, the matter was referred to Mediation Centre and the same was settled for an amount of Rs.21, 50,000/.
- That however, since the accused failed to make the payment, the matter proceeded further on merits.
- That notice under Section 251 Cr.P.C. was framed against the accused to which, he pleaded not guilty and claimed trial. The accused admitted his signatures on both the cheques but denied filling remaining particulars of the cheque bearing no.538289.
- That the defence disclosed by the accused at this stage was that the complainant purchased some property and made payment through accused. The value of property was Rs.35, 00,000/- and payment of Rs.18, 00,000/- was made through accused from 20.04.2012 to 02.05.2012. The complainant gave Rs.1, 00,000/- in cash on 22.05.2012 and Rs.70, 000/- in cash in May, 2012 to the accused.

Further the complainant issued cheques dated 20.04.2012, 20.04.2012, 16.04.2012, 02.05.2012 for an amount of Rs.9,50,000/, Rs.3,00,000/, Rs.3,50,000/ & Rs.1,00,000/- respectively.

- That the accused encashed all the cheques and made cash payment to one Vikash Chauhan on behalf of complainant. The complainant also paid Rs.10,00,000/- and Rs.9,50,000/- to the said Vikas Chauhan through RTGS on 25.04.2012. The complainant then sold the above said property in September, 2012 without getting the documents transferred in his name and therefore the said Vikas Chauhan returned Rs.12,35,000/- to the complainant. Accused deposited cash of Rs.4,00,000/- in loan account of complainant with State Bank of Travancore, Dwarka and made payment of Rs.2,00,000/- through RTGS to the complainant on 18.05.2012 and Rs.1,00,000/- in cash on 12.04.2014.
- That the complainant again purchased a plot at Bahadurgarh from one Sunil Dahiya for Rs.30,00,000/- in October, 2012 and made payment of only Rs.11,50,000/- to him and then refused to purchase the property. The above payment of Rs.11,50,000/- was made by the accused to the said Sunil Dahiya on behalf of complainant and since the agreement was with the complainant, Sunil Dahiya did not return Rs.11,50,000/- to the accused. Towards the above payment, the accused issued first cheque of Rs.5,65,000/in favour of the complainant. Since the accused was not having sufficient funds, the said cheque was dishonoured. The

accused then issued another cheque for Rs.5, 50,000/drawn on Axis Bank which was also dishonoured. The accused then gave another cheque bearing no.538289 as blank signed as security and three other blank signed cheques. The complainant has misused the said cheques and another blank signed cheque drawn on HDFC Bank for sum of Rs.10, 00,000/.

- That the accused denied the receipt of demand notice dated 30.01.2013.

OBSERVATIONS:

The matter was listed for judgment on 04.07.2020 and reserved the order for 07.08.2020. The Ld. Trial court was pleased to convict the accused for dishonour of cheque no. 538287 vide order dated 07.08.2020 under section 138 of Negotiable Instruments Act, 1881 and sentenced the accused to simple imprisonment for a period of 3 months and directed to pay a compensation of Rs. 11,30,000/- under section 357(3) Cr.P.C.

Further the accused was acquitted against cheque no. 538289.

NEXT DATE OF HEARING :- Nil.

PURPOSE:- Nil.

CASE NO. – 11

**IN THE COURT OF SHRI NIKHIL CHOPRA , ADJ, SOUTH
DISTRICT, SAKET COURTS, NEW DELHI
EXECUTION PETITION NO. 547 OF 2020**

DOH: 12/08/2021

IN THE MATTER OF:

SMT. NIRMALA DEVI

(SINCE DECEASED)

THROUGH HER LEGAL HEIRS

...DECREE HOLDER

VERSUS

SH. GOPAL KRISHAN DUA AND ORS.

(SINCE DECEASED)

THROUGH THEIR LEGAL HEIRS

...JUDGEMENT DEBTORS

- That the Plaintiff/Decree Holder late Smt. Nirmala Devi had filed a suit bearing no. 1120/1993 for possession and manse profits of the property bearing no. 36-A, Block no. 80, Malviya Nagar, New Delhi-110017. On 20.05.1970 which was decreed on 05.01.1996. The certified copy of judgement and decree dated 05.01.1996 is annexed herewith as Annexure-A and site plan of the suit premises is annexed as Annexure-B.
- That the defendant no. 1 and 2 i.e. Judgement Debtors preferred an appeal against the judgement and decree dated 05.01.1996 in the Hon'ble High Court of Delhi bearing appeal no. RFA 264/1996. During the pendency of appeal, Plaintiff/Decree Holder Smt. Nirmala Devi had died on 17.09.2002 and her legal heirs namely Sh. Subhash Chand Dua (son), Mrs. Geeta Rani and Mrs. Kavita Rani (Daughters) were brought on record vide order dated 04.08.2003. The present appeal was dismissed with the directions that the appellants shall pay Rs. 50,000 as cost and occupation charges at the rate of Rs. 5,000 per month till the date the Judgement Debtor vacate the premises in question. The judgement debtors were further directed to vacate the suit premises and hand over the possession to the LRs of the Decree Holder within 1 month from the date of order i.e. 02.04.2009. The certified copy of judgement and order of the Hon'ble High Court of Delhi by which the

appeal of the appellant/ Judgement debtors was dismissed is annexed herewith as Annexure-C.

- That the Judgement Debtors i.e. defendant no. 2 filed a SLP (civil) bearing no. 20448/2009 against the order of the Hon'ble High Court of Delhi in the Hon'ble Supreme Court which was also dismissed vide order dated 31.08.2009. The certified copy of order dated 31.08.2009.
- That Sh. Subhash ChanderDua, one of the Legal heirs of the Decree Holder tried to get vacated the suit premises amicably which is now in the possession of legal heirs of Judgement Debtor no. 1 Late Sh. Gopal Krishan Dua. The legal heirs of the Judgement Debtor agreed to vacate the suit premises. Unfortunately, Sh. Subhash ChanderDua also died on 12.08.2016. Thereafter the Legal heirs of the Judgement Debtor did not honour their words. In these circumstances, therefore execution petition could not be filed as early as possible after attaining the finality of Judgement and Decree dated 05.01.1996.

OBSERVATIONS:

The dasti orders were issued to all the Judgement Debtors and their heirs and the matter was fixed for the next date of hearing for their appearances.

NEXT DATE OF HEARING : 16/09/2021

PURPOSE: Appearance of all the judgement debtors.

CASE NO. – 12

IN THE HIGH COURT OF DELHI AT NEW DELHI
R.C.Rev. NO. 131 of 2019

DOH: 16/08/2021

IN THE MATTER OF:

Smt. Maya Devi
W/o Late Shri Laxman DassKanojia
R/o 137, Hari Nagar, Ashram
New Delhi – 110014
And Others

...Petitioner

Versus

Smt. Sushila Devi
W/o Late Shri Rama Kant
R/o 137, Hari Nagar,
New Delhi – 110014

...Respondent

REVISION PETITION UNDER SECTION 25-B(8) OF DELHI RENT CONTROL ACT, 1958 AGAINST ORDER DATED 22.05.2019 WHEREBY HON'BLE COURT OF MS. MONIKA SAROHA, SR. CIVIL JUDGE-CUM RENT CONTROLLER, SOUTH-EAST, SAKET COURTS, NEW DELHI HAS DISMISSED THE APPLICATION FILED BY THE PETITIONERS/TENANTS FOR GRANT OF LEAVE TO DEFEND THE PETITION NO.E-91/2018 UNDER SECTION 14(1)(E) READ WITH SECTION 25-B OF THE DELHI RENT CONTROL ACT, 1958 AS AMENDED UPTO DATE.

BRIEF FACTS

That the Respondent has filed a petition under section 14(1)(e) read with section 25B of the Delhi Rent Control Act against the petitioners on the ground that the property bearing no. 137, Hari Nagar, Ashram, New Delhi admeasuring 224 sq. yards is the ancestral property which was inherited by the father-in-law of the petitioner namely late Shri Santosh Narayan from his mother Late Smt. Bhagwati Devi by virtue of registered Will deed dated 17.03.1975 which is bounded as under East:- Passage 5 ft. wide West:- Passage 5 ft. wide North:- Quarters of PanditDhano Ram and property of SanatanDharam Brahma Charya Ashram South:- House of

Pandit Shri Dhano Ram.

That after the death of Late Shri Santosh Narayan, his two daughters namely Smt. Rekha Rani and Smt. Mamta Rani had relinquished their 2/3rd share of the property bearing no. 137, Hari Nagar, Ashram, New Delhi – 110014, therefore, Shri Hari Bhushan became the owner of of the aforesaid property. Smt. Rekha Rani and Smt. Mamta Rani both daughters of Late Shri Santosh Narayan had relinquished their 2/3rd shares in favour of their brother Shri Hari Bhushan S/o Late Shri Santosh Narayan by way of registered relinquishment deed dated 03.05.2011 which was registered in the office of sub registrar-V New Delhi on 06.05.2011. The relinquishment deed dated 03.05.2011 was neither challenged by the legal heirs of Late Shri Rama Kant nor Chandra Shekhar during his lifetime or after his death by his legal heirs. Therefore, Shri Hari Bhushan became absolute owner of property bearing no. 137 admeasuring 224 sq. yards Hari Nagar, Ashram, New Delhi – 110014. Though the respondent in her petition had wrongly stated that after the death of late Shri Santosh Narayan, the husband of the respondent, Shri Rama Kant S/o Late Shri Santosh Narayan inherited the said property from his father. Shri Rama Kant expired on 08.11.2009, after his death his wife i.e. respondent became the owner of premises in question by registered relinquishment deed dated 03.11.2016. the said property admeasuring 220 sq. yards was already partitioned and a portion admeasuring 72 sq. yards which includes the premises in question has fallen in the share of the respondent herein.

OBSERVATIONS:

Although the matter was fixed for miscellaneous arguments, it could not be taken up as the Ld. P.O. was on leave.

NEXT DATE OF HEARING : 17/09/2021.

PURPOSE: Matter set for miscellaneous arguments.

CASE NO. – 13

IN THE COURT OF Ms. RAJ RANI, ADJ (fast track court for rape cases)

SESSIONS COURT, GURUGRAM

DOH: 16/09/2021

U/s: 377 IPC

F.I.R.: 127/2019

P.S.: Sector-51, Gurugram

IN THE MATTER OF:

STATE

...COMPLAINANT

VERSUS

SAHIL

...ACCUSED

BRIEF FACTS

- That the accused and the complainant were office colleagues who worked with an MNC in Gurgaon. They used to commute together in the metro to work.
- That on the day of the incident i.e. 22/12/2019 the accused asked the complainant if he will accompany him to a party to which the complainant agreed.
- That after the office hours they left together for the party which was nearby. In the party both of them got drunk and as a result of this the complainant got a bit dizzy, so the accused offered to take him to his house as lived nearby.
- That at the house of the accused the complainant fall asleep and when he woke up the next morning he felt a very unfamiliar pain in his lower portion of the body.
- That he left the house of the accused and went to see a doctor where he found out that someone had carnal intercourse with him.
- That he suspected that it was the accused only who could have done it and he filed an FIR immediately.

OBSERVATIONS: The bail application of the accused was rejected.

NEXT DATE OF HEARING : 31/08/2021

PURPOSE: Matter set for miscellaneous arguments.

CASE NO. – 14

**IN THE COURT OF SHRI RAJ KUMAR JAIN, ADJ, ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT,
GURUGRAM**

**DOH: 17/08/2021
U/s: 13 of HMA**

IN THE MATTER OF:

PRACHI

...PETITIONER

VERSUS

VISHESH

....RESPONDENT

Petition U/S: 13 of the Hindu Marriage Act, 1965

BRIEF FACTS

- That the marriage of the parties was solemnised as per Hindu rites and rituals on 18/02/2016. The couple was married for 2 years and both of them were working.
- That on 04/05/2019 the respondent did not come home and the petitioner got worried and this led to an argument the next day. The same thing happened a few more times in the course of the next few weeks which made the petitioner suspicious.
- That the petitioner decided to follow the respondent and finds out that the respondent was spending time with another woman.
- That upon confrontation after a heated argument, the respondent admits that he was cheating upon the petitioner.
- That both of them were unable to continue the marriage and decided to dissolve it but when the division of assets was supposed to take place

the respondent refused to give anything to the petitioner stating that they have signed a pre nuptial agreement.

- That the petitioner stated that it was specifically mentioned in the agreement that if one of them commits cheating on the other, then such act will result in breach of the agreement making the defaulter party liable to liquidate the amount of the agreement.

OBSERVATIONS: The petitioner gave evidence by way of evidence along with supporting documents.

NEXT DATE OF HEARING : 31/08/2021

PURPOSE: Matter set for further petitioner evidence..

CASE NO. – 15

**IN THE COURT OF MS. MANIKA, MM, SOUTH DISTRICT, SAKET
COURTS, NEW DELHI**

DOH: 18/08/2021
U/s: 376, 507, 509 IPC
F.I.R.: 989/2019
P.S.: Hauz Khas

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

SUNIL &ors.

....ACCUSED

Complaint u/s 376, 507, 509 IPC

BRIEF FACTS

- That the prosecutrix on 09/09/2019 went to her friend's place to meet him and they had a few drinks. Her friend got a call from the accused persons as they wanted to meet him but he refused and told them that he was with the prosecutrix.
- That after drinking the prosecutrix's friend fall asleep. The door bell rang and the prosecutrix answered. The prosecutrix was a little drunk herself. The accused persons forcefully entered the house and tried to misbehave with the prosecutrix.
- That when the prosecutrix objected the accused persons forced themselves on her turn by turn and left her there.
- That on the very next morning the accused filed an FIR in the Hauz Khas Police Station.

NEXT DATE OF HEARING : 10/10/2021

PURPOSE: Matter set for miscellaneous arguments.

CASE NO. – 16

IN THE COURT OF MS. ARCHANA BENIWAL, MM, SOUTH
DISTRICT, SAKET COURTS, NEW DELHI

DOH: 22/08/2021

U/s: 354,375,376, 509 IPC

F.I.R.:989/2019

P.S.: Lajpat Nagar

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

HARSHIT

....ACCUSED

Complaint u/s 354, 375, 376, 509 IPC

BRIEF FACTS

- That the prosecutrix was in a relationship with the accused since 2 months. On 26/06/2016 she invited a few friends to her house along with the accused.
- That after a few hours people started leaving and the accused was the only person left.
- That the accused demanded intercourse from the prosecutrix to which she refused as she was menstruating at that time.
- That the accused still tried to convince her but she bluntly refused and then the accused got enraged and forced himself upon her.

OBSERVATIONS:The matter was listed for judgment and reserved the order for 27/07/2020. The Ld. Trial court was pleased to convict the accused for rape, outraging the modesty of a woman with criminal force u/s 354, 375, 376,

509 IPCand sentenced the accused rigorous imprisonment of 7 years.

NEXT DATE OF HEARING : Nil.

PURPOSE: Nil.

CASE NO. – 17

**IN THE COURT OF Ms. NEHA PALIWAL,MM
DWARKA COURTS , NEW DELHI**

DOH: 23/08/2021

U/s: 323/341/452/354/506/509/420/468/471/120-B/34

F.I.R.: 36/13

P.S.: DWARKA SECTOR 10

IN THE MATTER OF:

SH. SATISH KUMAR

...PETITIONER

VERSUS

SMT. RISHALI DEVI

...DEFENDANT

Acussed No.- 1 Smt. Rishali Devi (Mother)

Acussed No.- 2 Rajveer (Brother)

Acussed No.- 3 Nephew

Acussed No. - 4 Devender (Brother)

Acussed No.- 5 Real sister of complainant

Complainant U/S: 323/341/452/354/506/509/420/468/471/120-B/34 of

Indian Penal Code

BRIEF FACTS:

Complaint is permanent resident of 4/45, ground floor, Khichripur, Delhi.

Complainant is residing on the ground floor with his family. Due to some misunderstanding between the accused and the complainant , a suit for mandatory and permanent injunction was filed before Civil Judge of Dwarka and the same was compromised between them before mediation centre, Dwarka on the condition that none of the accused will interfere in the possession of the complainant. Case was withdrawn by both the parties after

order of mediation centre.

Both the parties started living together but after sometimes accused no.- 1-5 started quarrelling with complainant and his wife. All the accused started trespassing in house of complainant illegally and forcefully and also threatens them to dispose of the property , also they threaten them by saying that if they fail to leave the possession of property, they would kill them, and also made forged documents regarding property .

Accused on the daily basis visit the place of complainant and used to abuse the complainant and his wife also beat them. When complainant went to Police Station for complaint, police official refuse to file complaint by saying that “ this is your family matter.”

After regular collusion, when complainant again made the complaint, police official refuse to file complaint because they had took bribe from accused person and tell them (complainant) we will not file your complaint. Because accused and their association are very rich and influential person and knew some police official too, so police official always refuse to register complaint against them.

Now , complainant and his family are living under the terror of accused.

OBSERVATION: On date of hearing i.e. 02/07/2016 , Copy of charge sheet received.

NEXT DATE OF HEARING :- 03/09/2021

PURPOSE- On next date of hearing case will further proceed for consideration of charge.

CASE NO.- 18

**IN THE COURT OF HON'BLE PRINCIPAL JUDGE OF FAMILY
COURT**

VISHWAS GARG, DWARKA COURTS, DELHI.

DOH: 24/08/2021

IN THE MATTER OF:

SH. SONU BREJMOHAN

....PETITIONER

VERSUS

SMT. HIMANI

....RESPONDENT

**Petition filed under section 9 of Hindu Marriage Act, 1995 for Restitution
of conjugal rights.**

BRIEF FACTS:

The Hindu Marriage was solemnized between petitioner and respondent according to Hindu rites ceremonies on 23/04/2012 at Ghaziabad. The marriage was duly consummated and both petitioner and respondent were cohabitated as husband and wife in matrimonial house and no child was born from the wedlock. After marriage the behaviour of respondent was good but after sometime the behaviour of respondent towards petitioner and his family was changed she started quarrelling with petitioner and also disrespected petitioner and his family and she used to go to her parental home without informing to her husband and used to remain there for many days, every time petitioner used to take her back from her parental house but the attitude of respondent remains same and the petitioner remains silent in order to save his relationship in the month of May 2013, the uncles of respondent approach the

petitioner and said to the petitioner “Ladkialagrehnachahtihai.” To save his matrimonial life, the petitioner started living separately from his parents but the behaviour of respondent was not changed. Ultimately on 17-06-2019, the respondent left the house of petitioner after taking the valuable goods and gold jewellery and clothes without the consent of the petitioner.

Petitioner made calls and made all possible ways to bring her back but all in vain.

OBSERVATION: On the date of hearing, notice was issued to the respondent.

NEXT DATE OF HEARING: 20/09/2021

PURPOSE: Next date for hearing is fixed for appearance of respondent.

CASE NO.- 19

IN THE COURT OF Ms. NEHA PALIWAL,MM
DWARKA COURTS , NEW DELHI

DOH: 25/08/2021

U/s:359, 361, 363 IPC

F.I.R.: 546/2018

P.S.: DWARKA SECTOR 12

IN THE MATTER OF:

STATE

...PETITIONER

VERSUS

RATTAN

...RESPONDENT

**Petition filed under section 9 of Hindu Marriage Act, 1995 for Restitution
of conjugal rights.**

BRIEF FACTS:

- That the victim is a 7 year old boy and the accused was a known person to the family of the minor. The accused was the gardener in the house of the boy's family.
- That due to some reason the accused got fired and was humiliated by the parents of the boy and took upon himself to take revenge from them.
- That the accused was aware of the whereabouts of the child and one evening when the boy was returning from the park, he was intercepted by the kidnapper, knowing the guy the kid did not flinch as he recognised him and was friendly towards him . Taking advantage of this fact the kidnapper offered the child a candy which was drugged and took him to an empty construction site and kept him there in ropes.

- That realising that he was the prime suspect he made an anonymous call to the family asking for ransom of Rs. 50 Lakhs and was caught later as the security guard of the site called the police.

OBSERVATION: On the date of hearing, the bail application of the accused was dismissed.

NEXT DATE OF HEARING: 20/08/2021

PURPOSE: Next date for hearing is fixed for examination chief of the parents.

CASE NO.- 20

IN THE COURT OF Ms. NEHA PALIWAL,MM
DWARKA COURTS , NEW DELHI

DOH: 26/08/2021

U/s:320, 322, 325, 326A, 326B, 354DIPC

F.I.R.: 546/2019

P.S.: DWARKA SECTOR 06

IN THE MATTER OF:

STATE

...PETITIONER

VERSUS

ARVIND

...RESPONDENT

Complaint U/s: 354-D,320, 322, 325, 326A, 326B IPC

BRIEF FACTS:

- That the accused is a middle aged man whereas the prosecutrix is a college going girl aged about 20 years. The accused used to stalk the prosecutrix while she used to commute to her college.
- That one fine day the accused saw her with a male friend and was furious. He asked the prosecutrix to stay away from boys to which she bluntly refused.
- That on 11/07/2019 the accused along with his friend while riding a bike came outside the college of the prosecutrix and threw acid on her face.

OBSERVATION: On the date of hearing, the bail application of the accused was heard and was deferred.

NEXT DATE OF HEARING: 25/09/2021

PURPOSE: Next date for hearing is fixed for argument on the bail application.

CASE NO. – 21

IN THE COURT OF SHRI RAJ KUMAR JAIN, ADJ, ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT,
GURUGRAM

DOH: 29/08/2021
U/s: 13 of HMA

IN THE MATTER OF:

AASHNA

...PETITIONER

VERSUS

ANURAG

...DEFENDANT

Petition U/S: 13 of the Hindu Marriage Act, 1965

BRIEF FACTS

- That the Hindu Marriage was solemnized between petitioner and respondent according to Hindu rites ceremonies on 23/04/2018 at Gurugram. The petitioner had a project for which she had to stay in a different city for a few days and there were some network issues in that place.
- That the petitioner and the respondent grew apart as they could not talk to each other. One day the respondent saw the petitioner's social media handle where she posted a picture with a male colleague which made the respondent furious and upon her return for a week the respondent got in a huge fight with the petitioner.
- That during the fight the accused raised his hand upon the petitioner and accused her of being an ill charactered lady.
- That the petitioner has thus filed the present petition.

OBSERVATION: On the date of hearing, notice was issued to the respondent.

NEXT DATE OF HEARING: 28/09/2021

PURPOSE: Next date for hearing is fixed for appearance of respondent.

CASE NO. – 22

IN THE COURT OF SHRI HARUN PRATAP, MM, SOUTH EAST
DISTRICT, SAKET COURTS, NEW DELHI

DOH: 31/08/2021
U/s:302,303,340,350,351,352,364
F.I.R.: 36/2016
P.S.:Jaitpur

Complaint U/s: 302,303,340,350,351,352,364

IN THE MATTER OF:

STATE

...COMPLAINANT

VERSUS

IQBAL

...ACCUSED

Complaint U/s: 302,303,340,350,351,352,364

BRIEF FACTS

- That the deceased a 20 year boy met the accused person through a dating app. They decided to meet for coffee and this continued for over a month.
- That on the day of the incident that is 21/05/2018, they met again at a café and later went to the house of the accused where there was a conflict between the two. The argument got heated and the suspect attacked the deceased with a cricket bat in a total fit of rage.
- That the deceased did not die after the blow but was severely injured. The suspect got frightened and kept him in his house for the next 3 days and kept blackmailing him that if he does not agree to his terms he will tell his family and his friends about his sexual preferences. The

deceased kept arguing that he will reveal the suspect true motive when he gets out.

- That on the 4th day the suspect killed the deceased with a house knife and disposed the body in pieces in sever.

OBSERVATION: On this date of hearing the P.P. examined the medical expert.

NEXT DATE OF HEARING: 09/09/2021

PURPOSE: For examination of the victim's friend.

CONCLUSION

This internship I did in the Chamber of, **Advocate Rajpal Kasana**. I interned for a period of 56 Days which was quite a learning and new experience as I got to witness the practical application of laws which I studied in my books only.

The Internship gave me the ocean of opportunities to have practical exposure of the professional field of law it enables me to observe the legal environment of courts, professional life of an advocate and other important aspects of law.

After doing this Internship I gained the knowledge in some important fields of law. Firstly, the real legal practice is different from the theoretical version of law which we study. Secondly without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law.

Thirdly, what we study is the body, but what we have learned from this internship is the mechanism of this body. For a law student internship plays a very extensive role as it makes a student familiar to legal atmosphere and helps him learn tactics of a good lawyer from early age.

My senior used to assign me some quality of work which I was capable of doing and understanding. So, my work was confirmed to tasks like finding cases, some research work, interacting with clients, organizing the files and documents, maintaining the books, accompanying clerk to various sections. Attending case hearings, doing research work on various legal topics.

I was also given the opportunity to sit during discussions with clients as well as the opportunity to prepare case briefs after conference with the clients.

My regular task was to maintain the masses of files that lie in my office and to check if their documents are complete and in order. It made my senior's work easy as everything was organized and in place. It also used to make me aware which cases are currently going on and which are oncoming dates.

With Warm Regards

Yours Faithfully,

DEEPESH PARASHAR

03990103817

B.A.LL.B.(Hons.)

9th semester

FAIRFIELD Institute of Management & Technology

Affiliated to GGS IP University , an 'A' Grade College by DHE, Govt. of NCT DELHI ,
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(SCHOOL OF LAW)



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ISO 9001:2008 & 14001:2004
NAAC ACCREDITED

SUMMER INTERNSHIP REPORT

B.A. LLB (HONS.)

SUBMITTED BY:

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ENROLLMENT NO.: 04290103817

COURSE: B.A. LLB.

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FIMT- SCHOOL OF LAW



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SESSION 2020-21

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TO WHOM SO EVER IT MAY CONCERN

This is to certify that **Mr. Dhruv Sharma** S/o Sh. Prem Kumar Sharma student of BA.LLB (H). 08TH Semester (**Enrollment no. 04290103817**) , FairField Institute of Management & Technology has successfully completed his internship of 30 days i.e. 03rd August 2021 to 3rd September 2021.

During this period he assisted me in research work and legal drafting even legal consulting also . He is hardworking , sincere, possessing a good legal aptitude & bears a good moral character. I wish him success for his future.

Dated:- 04/09/2021 Place:- New Delhi	 SHAURYA VERMA Advocate
	SHAURYA VERMA Enrl.No. D/2966/2014, Advocate Ch. No. 583, Lawyer's Chamber Block Saket Courts Complex, New Delhi-110017 Mob:- 8368634225, 9953776557 Email:- adv.shaurya15@gmail.com

DECLARATION

I DHRUV SHARMA OF 8TH SEMESTER BA.LLB (H), I hereby declare that this report as compiled by me under summer internship program (4 weeks) is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to **FAIRFIELD INSTITUTE OF MANAGEMENT & TECHNOLOGY** affiliated to **GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY, NEW DELHI** is a reliable document and is of bona fide nature



SIGNATURE-

DATE-04-09-2021

SHAURYA VERMA
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ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected sir, **ADVOCATE SHAURYA VERMA** who has been my constant support, source of encouragement & inspiration and guided and helped me in successfully completing my 4 weeks summer internship.



SIGNATURE-

DATE- 04-09-2021

Moreover, apart from court they give a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during the internship as well as the time of drafting of this report.

OBJECTIVE

The Legal Internship Program is not designed to teach us how to be good lawyers, it takes more than study at University to do that. The objective of the training programme is to get exposure to the law in operation in contexts where we come to perceive aspects of law which cannot be learned from reading or hearing about it. Also, it allows us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimensions of legal principles.

Legal internship enables us to relate the different areas of legal practice to the importance of developing the skills of legal research, communication, drafting, practice management and problem solving.

Lastly, it helps us to observe and reflect upon the values, ethical standards and conduct of the legal profession in practice and to develop our own attitudes of professional responsibility.

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CASE 1

**IN THE SH. RANJIT SINGH,
PRESIDING OFFICER,
DEBT RECOVERY APPELLATE TRIBUNAL, NEW DELHI**

IN THE MATTER OF:-

**CORPORATION BANK
V.
N.K. MEDALLION CO. LTD.**

SUBJECT MATTER:- Application challenging order of Ld. DRT dated 17.7.2021

BRIEF FACTS:-

1. Petitioner Company is a registered company under Companies Act.
2. Corporation bank is nationalized bank which has an open general license from the RBI to import bullion (gold).
3. Petition filed by one of the directors of Petitioner Company.
4. Petitioner Company for repayment of gold loan entered into another agreement being the bullion agreement with the bank.
5. However, instead of replying to the notice, the respondent bank, malafide, chose to send notice dated 22/5/2018 u/s 13(2) & (3) of SARFESAI Act.
6. Meanwhile Petitioner Company has filed arbitration application in High Court of Delhi.
7. Petitioner Company filed an application before the Ld. DRAT challenging order dated 17.7.2021.

PRESENT DAY:-

Presently date is fixed for 28/7/2021 DRAT.

OBSERVATION:-

I have come to know about the provisions under SARFESAI Act and much about its aspects of debt recovery.

NDOH:- 28/7/2021

CASE 2

IN THE COURT OF JUSTICE MANMOHAN SINGH HIGH COURT OF DELHI

IN THE MATTER OF:-

TATPAL JAGGI

V.

UNION OF INDIA

SUBJECT MATTER:- Writ petition filed against the respondents for arbitrary selection of RKPP(Rashtriya Khel Protsahan Puruskar)

BRIEF FACTS:-

1. Respondents bestowed Rashtriya Khel Protsahan Puruskar to R.5 (N. Ramachandran) for the year 2011.
2. The award was given in the “individual” category.
3. R.5 was Patron of SRFI, President of TNSRA, Vice-President of SDAT, Treasure of the Indian Olympic Association, member of Executive committee of SAI from 1998-2005.
4. Application of R.5 was based on awards on 2 national academies in Chennai, one for squash and the other for Triathlon and a state center at Salem. Selection committee had itself rejected the National Triathlon Academy, State center at Salem. Committee also rejected the claim that Squash Center at Chennai had any national Character.

PRESENT DAY:-

The judgement is on reserve as of now.

OBSERVATION:-

I have learnt about the provisions under Article 32 of the Indian Constitution and also the process of perusal and scanning of documents.

CASE 3
IN THE COURT OF SH. BHARAT PARASHAR,
SPECIAL JUDGE (PC ACT), CBI-07
PATIALA HOUSE COURT, NEW DELHI

IN THE MATTER OF:-

C.B.I

V.

M/S JHARKHAND ISPAT PVT. LTD. & ORS.

SUBJECT MATTER:- summons to the prosecution witnesses.

BRIEF FACTS:-

- That the FIR no. 219 2013 E 0002 was lodged by CBI on 8/3/2013
- It was alleged that allocation of north Dhadhu coal block was discussed by screening committee in its 27th and 30th meetings and M/S Jharkhand Ispat Pvt. Ltd. Was allocated north Dhadhu coal block for its sponge iron plant at Hesla, district Hazaribagh, Jharkhand for purported existing production capacity of 96,000 MTPA of sponge iron and proposed capacity of 4,32,000 MTPA and 35 MW of captive power plant. Sh. R.C Rungta, Director had submitted the application and Sh. R.S. Rungta made the presentation before the screening committee as chairman of the company. While submitting the application on 23/02/2004 company had claimed to have acquired 32 acres of land whereas as time of submitting the agenda form and making presentation before the screening committee on 1/3/2005, it claimed to have acquired 779 acres of land.

PRESENT DAY:-

Final report u/s 173 C.r.P.C. was submitted on 12/11/2019 before the Hon'ble court of Special judge, Patiala house court, New Delhi. Presently, the case is pending trial before the Ld. Trial court and 11 PWs have since been examined. Now the matter is adjourned for 10/8/2020 to 14/8/2020 and five PWs have been summoned.

OBSERVATIONS:-

I have come to know about court's power to summon prosecution witnesses.

NDOH:- 14/8/2021

CASE 4

IN THE COURT OF SH. BHARAT PARASHAR,
SPECIAL JUDGE (PC ACT), CBI-07
PATIALA HOUSE COURT, NEW DELHI

IN THE MATTER OF:-

CBI

V.

MANOJ KUMAR JAYASWAL & Ors. (M/S AMR Iron & Steel Pvt. Ltd.)

SUBJECT MATTER:- Case filed u/s 120-B/ 4209 IPC & Section 9 of PC Act

BRIEF FACTS:-

- The instant case was registered on 3/9/2012 against M/s AMR Iron & Steel Pvt. Ltd and its directors and others, respectively on the basis of findings of preliminary Enquiry No. 2192012E 0002 dated 1/6/2012 initiated by CBI on the reference of Central Vigilance Commission for alleged corruption in the matter of allocation of coal blocks to the private companies during period 2006-09.
- it was alleged in the FIR that M/S AMR Iron Steel Pvt Ltd. In order to embellish its claim for allocation of coal block, fraudulently claimed that it was proposed SPV of Lokmat group and ILFS and claimed combined net worth of “proposed promoters” (Lokmat Group and ILFS Group) of Rs. 1821.64 in the presentation before the screening committee on 7.12.2007, and also signed the feedback form as director of M/S AMR Iron Steel Pvt Ltd.

PRESENT DAY:-

The case was fixed for orders on the closure report filed by C.B.I *qua* three public servants. The Ld. Spl. judge was pleased to pronounce order on the closure report and took cognizance against three accused persons namely L.S. Janoti, H.C. Gupta (the then secretary coal MOC) & Santosh Bagrodia (the then Minister of State MOC) and summoned them for 18.8.2020 for appearance before the Hon’ble Court.

OBSERVATION:-

I have come to know about the apposite provisions regarding appearance of the accused.

NDOH:- 18.8.2021

CASE 5

**IN THE COURT OF SH. BHARAT PARASHAR,
SPECIAL JUDGE (PC ACT), CBI-07
PATIALA HOUSE COURT, NEW DELHI**

IN THE MATTER OF:-

CBI

V.

M/S Rathi Steel and power Ltd. And ors.

SUBJECT MATTER – Examination of prosecution witnesses.

BRIEF FACTS -

- **FIR No. RC 219 2013 E 0002, dated 8/3/2013.**
- It was alleged that M/S Rathi steel and power Ltd. Had misrepresented in the feedback form for Kesla North block submitted by company during presentation before the screening committee on 7/2/08. In this feedback form it was claimed that they have already acquired 250 acres for Phase I and II and 400 acres for phase III under acquisition whereas as on date of presentation before screening committee of feedback form i.e., 7/2/08, company was having possession of about 164.68 acres of land out of the said 250 acres and 400 acres as claimed by company in the said feedback form, thereby misrepresenting the fact about area pf land in its possession. Due to wilful concealment and deception, the company projected an advanced stage of preparedness, which according to the extent guidelines, was a factor to be taken into account by the screening committee while making its recommendations. Thus, M/S Rathi Steel & power ltd. had wilfully misrepresented the facts in the feedback form before the screening committee in order to obtain wrongful gain/undue benefit in the allocation of Kesla North Block. Ministry of steel had recommended for allocation of Kesla North Block in favour of M/S Rathi Udyog Ltd. Under category VI. It was also alleged that some other eligible companies such as M/s Action Ispat & power Ltd., M/S AML steel & Power Ltd. Etc. which were recommended by ministry of steel under category II(a), implying better preparedness and better placed on most of other factors to be considered by Screening Committee were not recommended by 36th Screening committee in favour of M/S Rathi Udyog Ltd. The letter of allocation vide no. 38011/2/2007-CA-1 for Kesla North Coal Block was issued to M/S Rathi Udyog Ltd. On 5/8/2008 for captive mining of coal for their 0.75 MTPA Sponge iron Plant at Sambalpur, Orissa.

PRESENT DAY:-

Prosecution witnesses are being examined. So 12 PWs have been examined. Last Dates were 3/8/2020 to 7/8/2020

OBSERVATIONS:-

I observed the mechanism put in by the prosecution for cross examination.

NDOH:- 7/8/2020

CASE 6

**IN THE COURT OF SH. BHARAT PARASHAR,
SPECIAL JUDGE (PC ACT), CBI-07
PATIALA HOUSE COURT, NEW DELHI**

IN THE MATTER OF:

CBI

V.

M/S Pushp Steel and Mining Pvt. Ltd.

SUBJECT MATTER:-Supply of documents.

BRIEF FACTS :-

- It was alleged that Sh. Atul Jain, Director of M/S Pushp Steel and Mining Pvt. Ltd. , vide application dated 23rd Oct, 2005 applied for allocation of coal block for proposed sponge iron End use project at district durg, Chhatisgarh. The 34th screening committee conducted meetings and concluded its deliberations on 22/9/2006 and recommended the allocation of Brahmpuri coal block to M/S pushp Steel and Mining Pvt. Ltd. Despite the fact that neither state govt. of Madhya Pradesh, coal block bearing state nor Ministry of Steel recommended Brahmpuri coal block in favour of M/S Pushp steel and mining Pvt. Ltd. The company was initially declared as not eligible by the ministry of steel.
- The ministry of steel re-examined the eligibility criteria of the company on the directions of PMO and found the company eligible for allocation of Brahmpuri coal block but also confirmed that there were two more applicants in a higher category than that of M/S Pushp steel & Mining Pvt. Ltd.

That prior to the approval of recommendations of the 34th screening committee by the prime minister as Minister of coal, ministry of coal inter alia had informed the PMO that M/S pushp Steels and Mining Pvt. Ltd. had already got mining lease for iron ore whereas the company has not been granted any mining lease for iron ore.

PRESENT DAY:-

Final report u/s 173 C.r.P.C. was submitted on 20/5/2021 before the Hon'ble court of special judge CBI, Patiala House Court, New Delhi. The Hon'ble Court was pleased to take cognizance on 6/7/2019 and issued summons to the accused persons for their appearance on 3/8/2021. IO

has supplied the copies of documents to thee accused persons and the matter has been adjourned for 26/8/2021 for scrutiny.

OBSERVATION:-

I analysed the supply of documents by the prosecution to the defence.

NDOH:- 26/8/2021

CASE 7

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF:-

CBI

v.

Chotu Ram Hooda

SUBJECT MATTER:- Arguments on charge

BRIEF FACTS:-

- The FIR no. 89/96 was lodged after complaint was registered by the state transport authority with the CBI.
- In the present case, the accused allegedly entered into a conspiracy with each other and obtained SC/ST bus permit (Road transport permit) from STA (State Transport Authority) on allegedly on the basis of forged documents.

PRESENT DAY:-

At present the case has been adjourned till 29/10/2021 for arguments on charge.

OBSERVATION:-

I have come to know the mechanism of charging the accused.

NDOH:- 29/10/2021

CASE 8

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF:-

CBI

V.

Gagan Shukla

SUBJECT MATTER:- Arguments on cognizance.

BRIEF FACTS

- The present case is a bank fraud case where accused allegedly cheated Canara Bank (complainant) by the tune of Rs. 83 Crores and obtained the loan on the basis of forged documents.
- The case was initiated on the complaint of canara bank under FIR No. BD1/2/14.

PRESENT DAY:-

On the present day of 25/07/2021 arguments on cognizance by the prosecution promulgated. The case is adjourned till 5/10/2021 for arguments on cognizance by the defence.

OBSERVATIONS:-

I have come to know about the provision of the section 420 and 120B of IPC, and the attitude of the court while dealing with these matters.

NDOH:- 5/10/2021

CASE 9

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF:-

CBI

V.

Sanjeev Dixit

SUBJECT MATTER:-complaint u/s 470 of Indian Penal Code.

BRIEF FACTS:-

- The present case is a bank fraud case where accused allegedly cheated Punjab and Sind Bank to the tune of Rs. 28 Crores.
- Accused allegedly obtained the loan on the basis of false and frivolous documents.
- Said case was initiated on the complaint of the sufferer bank. FIR No. 6/13 BS & FC(Bank Security and Fraud Cell)

PRESENT DAY:-

On the present day court directed the next date for the case to be 1/07/2021 on point of charge.

OBSERVATION:-

I have come to know about arguments on charge and the proceedings leading to it.

NDOH:- 1/07/2021

CASE 10

**IN THE COURT OF SMT. VEENA RANI ,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF

CBI

v.

Kapil Walia & ors.

SUBJECT MATTER:- Arguments on the point of cognizance.

BRIEF FACTS:-

- In the present case, the accused, Kapil Walia & his company allegedly supplied inferior quality of water pipes to DJB (Delhi Jal Board) obtained the tender on the basis of false documents etc.
- Complaint registered by DJB , FIR No.- 14/11

PRESENT DAY:-

On 26/7/2020 the matter was fixed before the Hon'ble court for hearing on this day. Hon'ble court fixed the matter for 16/8/2020

OBSERVATION:-

I have learned and analysed with due diligence the provisions relating to cheating u/s 420 IPC (Indian penal code).

NDOH:- 16/8/2021

CASE 11

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF

CBI

V.

Shekhar Verma

SUBJECT MATTER:- Application relating to 379 of Indian Penal Code,1860 and IT Act,2000

BRIEF FACTS:-

- 1st case registered under IT ACT, 2000. FIR No.- 10E/02
- In the Present case accused dishonestly obtained soft code of the complainant company M/S Geometric Pvt. Ltd tried to sell the same in the open market.
- A trap was laid down by CBI on the complaint & the accused was caught red handed containing the soft code of the complainant.
- The case was thus registered u/s 379 IPC and IT Act,2000.

PRESENT DAY:-

On the present day IO presently posted as IG(Inspector General) was examined and cross examined. Court summoned PW23 for the next date 9/8/2020

OBSERVATION:-

I discovered and tried to analyze the art of cross examination.

NEXT DATE OF HEARING:- 9/8/2020

CASE 12

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF

CBI

V.

Captain I.B. Uppal

SUBJECT MATTER:- Concluding final arguments by both the parties to case

BRIEF FACTS:-

- The present case was registered u/s 25 Arms Act and u/s 3 of Arms Act.
- In the present case during the investigation at the residence of accused, unlicensed weapons were recovered by CBI from possession of accused.
- Order /Judgement will be pronounced on 28/8/2021

PRESENT DAY:-

Present day concluded with the final arguments and the court was adjourned till 28/8/2021 for pronouncement of judgement.

OBSERVATION:-

Though I haven't gone through the whole trial but appearances on various dates at the last stage of trial made me realize the graveness of keeping illegal arms and the conclusion mechanism of a trial.

NDOH:- 28/8/2021

CASE 13

CASE LAW 15

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF:-

CBI

V.

Vinod Kumar Aggarwal

SUBJECT MATTER: - Consideration of application filed by CBI u/s 311A Cr.P.C

BRIEF FACTS:-

- Present case is a CGHS (Corporative Group Housing Society) which was highlighted in 2005 in the present case.
- Accused person allegedly forged the signatures of bonafide members of the corporative society on resignation letters proceeding registers etc. and introduced new members by charging hefty premiums.
- Further these accused persons on the basis of forged & frivolous documents secured DDA plot on subsidized rate on the said society.

PRESENT DAY:-

On the present day arguments on charge were concluded and matter was adjourned till 31/9/2021 for consideration on application filed by CBI u/s 311A Cr.P.C. (Specimen signature of accused with permission of court).

OBSERVATION:-

I have come to know about specimen signature of the accused with the permission of the court.

NDOH:- 31/9/2021

CASE 14

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF:-

CBI

Vs.

Uma Sethi

SUBJECT MATTER:- Final Argument

BRIEF FACTS:-

- The present case is a bank fraud case where the accused allegedly Uma Sethi attained loan of Rs. 9 lacs from Punjab and Sind Bank on the basis of forged property documents which was mortgaged by the accused to the said bank when the loan was not enforced by the concerned bank that the collateral security in question was not actually in existence.
- Many bank officials were allegedly involved in the said case.

PRESENT DAY:-

On the present day evidence is concluded and next date i.e., 3/10/2021 is proceeded for final arguments.

OBSERVATION:-

I got to know about the conclusion of evidence and the stage to appear in next.

NDOH:- 3/10/2021

CASE 15

**IN THE COURT OF SH. BHARAT PARASHAR,
SPECIAL JUDGE (PC ACT), CBI-07
PATIALA HOUSE COURT, NEW DELHI**

IN THE MATTER OF:-

CBI

Vs.

Harish Chandra Prasad & ors.

SUBJECT MATTER:- Supply of documents by prosecution u/s 207 Cr.P.C.

BRIEF FACTS:-

- Case was registered pursuant to PE 2(E)/2012 dated 1/6/2012, on the basis of reference of CVC (Central Vigilance Commission).
- During the year 2006-2009 M/S NPPL and its promoters entered into a criminal conspiracy with each other and unknown officials of MOC and other unknown and got allocated coal blocks (Rampia and Dip Side Rampia) by misrepresentation and concealing facts in the application form in order to qualify and obtain wrongful gain.
- Networth of Applicant Company and its Group Companies was an important factor to determine the financial strength of the applicant to judge its capacity to success implement to protect and develop its block.
- M/s NPPL in order to embellish its claim for allocation of coal block, fraudulently claimed in its application form that it was supported by M/s Globeler Singapore Pvt. Ltd. M/s NavaBharat Ventures Ltd.
- Subsequently in its feedback form submitted by M/s NPPL and during its presentation before Screening committee, company claimed net worth of 30/7/2012 of Navabharat ventures Ltd. and 1,05,740 Crores of M/s Suez Energy inventory Pvt. Ltd. without any legal basis.
- Official of MOC did not scrutinize the documents of M/s NPPL and this facilitated the company.

PRESENT DAY:-

The case was fixed for appearance of accused persons. All the accused persons appeared before the Ld. Spl. Judge. All the accused persons were admitted to bail despite opposition by the prosecution. copy of E- challan and copies of documents were supplied to all the accused persons. Matter adjourned to 9/10/2021 for scrutiny of documents

OBSERVATIONS:-

I have come to know about the provisions of CrPC u/s 207 for Supply of documents.

NDOH:- 9/10/2021

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included dimensions of criminal medico legal experts to civil corporate litigation. All of which was an over the top experience.

Such summer trainings help a law student to be reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was pre-requisite to our training.

When it comes to observance of trials in the courts, it was one of the most essential parts of learning for an intern. Observance of trials and court proceedings help in understanding the very root of the law in India. Proceedings are the whole mechanism in toto whose analysis is always advisable.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

Yours Faithfully,

DHRUV SHARMA

04290103817

B.A. LLB. (Hons.)

8th semester

FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

(AFFILIATED TO GGSIPU)



SUMMER TRAINING REPORT

SUBMITTED BY-

NAME : DIKSHA BARROT

COURSE/SEMESTER : BA.LLB/ 9TH

SECTION : A

ENROLL NO. : 04390103817

**JITENDER SINGH PUNDIR
ADVOCATE
DELHI HIGH COURT**

M- 9212679967

Chamber No. : 605, Lawyers Chambers, District Courts, Dwarka, New Delhi-75
Chamber No. : 511, Western Wing Tis Hazari Courts, Delhi-110045.
Email: - Jitendersingh.advocate@gmail.com

Ref. No. _____

Dated. _____

TO WHOMSOEVER IT MAY CONCERN

CERTIFICATE OF COMPLETION OF INTERNSHIP

This is to certify that Ms. Diksha Barrot, student of B.A.-L.L.B. (Session 2017-2022) 5th year (9th Semester), Enrolment No. 04390103817 of Fairfield Institute Of Management and Technology, Kapashera, New Delhi, has completed 1 month's Internship under my supervision, at Dwarka District Courts, Sector-10, New Delhi from 01/07/2021 to 31/07/2021. I have given her research work and she has made legal drafts in her internship during this covid-19 pandemic while staying at home.

She worked diligently with dedication and discipline. She has strong communication skills and legal aptitude.

I wish her good luck and best wishes for her academics and professional career.



Jitender Singh Pundir,
Advocate.

JITENDER SINGH PUNDIR
En. No. D482-A/1998, ADVOCATE
Ch. No. 605, Litigator's Chamber Block,
Dwarka Courts Complex, Sec-10, New Delhi-75
Mob. - 9212679967
Email - jitender.singh.advocate@gmail.com

DECLARATION

I do hereby declare that the report is compiled by me on the basis of “Summer Training Programme” on my own experiences and knowledge to the best of my understanding which is submitted to Fairfield Institute of Management and Technology affiliated to Guru Gobind Singh Indraprastha University, Delhi.

Signature :

Date :

ACKNOWLEDGEMENT

First and foremost, I am expressing my thankfulness and praise to Almighty God for his guidance and blessing throughout my entire internship. I would also like to sincerely thank **ADV.JITENDER PUNDIR** for giving me this wonderful opportunity to undergo internship training.

My appreciation and gratitude is extended to Adv. JITENDER PUNDIR for his guidance, generosity to share their tremendous knowledge, for giving continuous motivation from the starting of the internship until the end of the training. Also my sincere gratitude to all the associates for their willing to accept me into their family.

Also I would like to take this opportunity to thank Chairman, Principal and Directors of FIMT. I would like to extend my sincere gratitude to all the teachers of Law Faculty, FIMT for their guidance and support. Last but not the least, I would like to thank my parents and colleagues for their comforting supports and guidance.

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OBJECTIVE

The objective behind this internship was to gain knowledge and working of various legal institutions and court proceedings. It was immense pleasure while working with several advocates, learning and interacting with clients in order to get much exposure in law field. We realize that much exposure is needed in this field, as the proceedings are of great importance. The internships are very much essential as it helps in self learning and enhancing one's knowledge. As far as I have seen lower courts are the best in providing proper understanding of legal proceedings. More the exposure, more the understanding is the prime objective behind this internship.

CASE LAW-1

IN THE HONBLE COURT OF SH. AJAY KUMAR JAIN, LD
ADDITIONAL SESSIONS JUDGE, PATIALA HOUSE
COURTS, NEW DELHI

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

ASADULLAH & MAUSSA.....ACCUSED

Petition Filed U/S 21/29 OF NDPS ACT

14 OF FOREIGN ACT

468 OF IPC

Filed on – 09/01/2019

Facts – In this case, on 08.01.2019 Nirbhaya Rana was present in office special cell, Saket. A secret informer came to office and informed him that an Afghan National who is accused named Asadullah who deals in narcotics drugs would come at near bus stop, near Malviya Nagar metro station to deliver heroin to a African person. Then Sh. Attar Singh ACP authorised SI Nirbhaya Rana to constitute a raiding party under the supervision of Insp. Ishwar singh. SI Nirbhaya Rana and caught the 2 accused with the total heroin of 6 kilogram. Both accused brought in the custody for the HEROIN (Narcotics drug) u/s 21 NDPS Act.

NDOH – 27.08.2021

CASE LAW – 2

**IN THE COURT OF MS. SWARNA KANTA SHARMA,
FAMILY COURT, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:

PALLAVI GUPTA.....COMPLAINANT

V

VIKAS MOHAN.....ACCUSED

Petition filed u/s 12 of the Protection of Women from Domestic Violence Act 2005

Facts – Marriage between Vikas and Pallavi was solemnized on 19.04.2007 at Bulandshahar (UP). After their wedding, parties stayed in Bulandshahar. She found the behaviour of her in laws rather peculiar and disrespectful towards her, her mother in law did not speak properly to her and kept yelling at her. By June 2007, the complainant Pallavi had already conceived her baby. No one was available for the assistance including her husband because of which she had to do every physical activity herself. Vikas never tried to call and inquire about the Well Being of the complainant. He always avoided her, due to the immense amount of stress, her health deteriorated. Due to above reasons, she was compelled to take medical leave from her job and move to Delhi with her parents.

Observation – Father i.e. Vikas filed a case for the custody of this son from his wife, but apparently this matter is got settled. Now both the parties will file mutual divorce and they will withdraw each and every case against each other, settlement done by money.

NDOH – 20.09.2021

CASE LAW 3

**IN THE COURT OF SH. P.K. JAIN, ADDITIONAL SESSIONS JUDGE,
PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

ASHOK KUMAR.....ACCUSED

Petition filed u/s 308 IPC

Filed on 24.04.2019

Facts – Shiv who lived in sec 23 Dwarka with his parents, a student of Amity University, Noida. Shiv is going to home from college after giving the 2nd semester exam with his friend Rohit from the AUDI Car with the help of navigator. Because of high traffic navigator takes the car to the location of Vasant Gaon near 6 pm. There was a Nano car coming behind the shiv's car giving horn repeatedly. Rohit who was driving stopped the car and Nano hit the shiv's car AUDI from the side. Four boys came from the Nano car and started beating the Rohit and Shiv. Accused also take the amount of Rs. 5000, ATM Syndicate Bank, Aadhar Card and ran away.

Observation – Argument on an application of bail heard, accused is alleged to have involved in an road rage case u/s 308 IPC, two co-accused are already absconding, and one of them is BC (Bad Character) of the area. Driving licence of the present applicant is not available to show that, he has having valid permission to play an vehicle on road, it is early to grant bail, in these circumstances bail application is dismissed.

NDOH – 22.07.2021

CASE LAW – 4

**IN THE COURT OF MS. SWARNA KANTA SHARMA,
FAMILY COURT, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

DEEPIKA.....COMPLAINANT

V

ABHISHEK.....ACCUSED

Petition filed u/s 308 IPC

Filed on 06.07.2019

Facts – The above matter was filed by wife to take divorce from her husband on the ground of cruelty and ignorance attitude of husband towards his wife i.e. Deepika.

Observation – The said matter was settled via mediation and petitioner is ready to withdraw this case, but she is pregnant and come to court. So another date is required to withdraw the present case.

NDOH – 26.08.2021

CASE LAW – 5

**IN THE COURT OF MANOJ KUMAR, METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

NAIM UR REHMAAN AND OTHERS.....ACCUSED

Petition filed u/s 374/34 IPC

3/14 CLA

23/26 JJA

Police station – R.K. Puram

Facts – This case is against few accused who had deputed children below 16 years of age to commercial work, which is an offence in Juvenile Justice Act.

Observation – on 08.07.2021, Arguments regarding framing of charges against all the accused person heard and case is pending for orders on charge.

NDOH – 13.09.2021

CASE LAW – 6

**IN THE COURT OF ANKITA LAL, METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

UDAY SINGH.....ACCUSED

Petition filed u/s 378 IPC

Filed on 29.07.2013

Police station – Vasant Kunj North

Facts – In this case it is alleged that accused Uday was in a company, which is working for BSES, and Accused today in connivance with other two did theft of cables (big electrical wires).

Observation – On 09.07.2021 one public witness was examined by the state, but his examination on chief could not be completed for want of case property (it means that the theft cables or the car In which accused person took the cables, should be shown to the witness before the court to identify that this is the same cable or whatever the case property was involved).

NDOH is 4.09.2021 for want of case property and further examination in chief and cross by defence counsel.

CASE LAW – 7

**IN THE COURT OF VASUNDHRA CHI, METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

SHEKHAR.....ACCUSED

Petition filed u/s 354b IPC

Police station – R.K. Puram

Facts – Allegations in this case are that accused Shekhar in the influence of liquor misbehaved to the complainant and molest her.

Observations – On 27.07.2021, the witness/complainant has not present to give her testimony before the Ld Court and after a long wait,ailable warrants are issued against the complainant.

NDOH – 21.10.2021

CASE LAW – 8

**IN THE COURT OF DHARMENDER SINGH,
METROPOLITAN MEGISTRATE, PATIALA HOUSE
COURTS, NEW DELHI**

IN THE MATTER OF:-

DALVIR SINGH BATRA.....COMPLAINANT

V

RAJU BATRA.....ACCUSED

Petition filed u/s 138 NI Act

Facts – Raju (illiterate kind of) has given blank cheques to one of his known for new car loan in good faith, but the guy used those cheque to Mr Dalvir for encashment but the cheque was dishonoured and Dalvir filed a case against raju.

Observation – we were for accused Raju. On 18.07.2021, We filed an application u/s 145(2) for seeking an opportunity to show or prove our defence.

NDOH – 22.08.2021

CASE LAW – 9

IN THE COURT OF Sh. SUMEET ANAND,
METROPOLITAN MEGISTRATE, PATIALA HOUSE
COURTS, NEW DELHI

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

SONIA RAO..... ACCUSED

Petition filed u/s 279/338 IPC

Filed on 02.04.2019

Police station – Vasant Vihar

Facts – This is a case of road accident, Sonia accused hit her car with another car, nobody got injured, only car was damaged.

Observation – One witness who was present at the time of arrest of the accused Sonia got examined and cross examined as well.

NDOH – 22.09.2021

CASE LAW – 10

**IN THE COURT OF Sh ANIL ANTIL ADDITIONAL
SESSIONS JUDGE, PATIALA HOUSE COURTS, NEW
DELHI**

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

SANJEEV MADAN.....ACCUSED

Petition filed U/S 498A, 406 IPC

Filed on 05.10.2018

Police station – R.K. Puram

Facts - It is an appeal preferred by the state against an order of acquittal of both the accused Sanjeev and Rajeev Madan.

Observation – Matter was fixed for appearance of both the accused

NDOH – 23.08.2021

CASE LAW – 11

**IN THE COURT OF PRAGATI, METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

NEERAJ.....ACCUSED

Petition filed u/s 457/380/411/34/17A IPC

Filed on 17.09.2018

Police station – Cannaught Place

Facts – The applicant/accused is a peace loving and law abiding citizen of India. That the accused was arrested by the police officials of P.S. Cannaught Place for the theft in dwelling house and he was produced before the Hon'ble court and he was sent to J.C. till date.

Observation – Bail application was dismissed dated 25.05.2021

NDOH – 03.03.2021

CASE LAW – 12

**IN THE COURT OF MS. SWARNA KANTA SHARMA,
FAMILY COURT, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

DEEPAKSHI SHARMA.....COMPLAINANT

V

VAIBHAV KUMAR GHAI.....ACCUSED

Petition filed u/s 13 1(ia) HMA 1955

Facts – Marriage of the petitioner and the respondent was solemnized on 27.05.2017. Both family met to each other through matrimonial site in which respondent has given his personal profile about himself which was totally fake and wrong. After solemnization of marriage, when the petition reached the house, respondent including his parents started threatening and restricted the petitioner to talk to her parents. These cruelties of the respondent and his parents continued and the petitioner tolerated everything for the sake of her married life.

NDOH – 06.08.2021

CASE LAW – 13

**IN THE COURT OF MS. AMBIKA SINGH, METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

SORAJ SINGH.....ACCUSED

Petition filed u/s 279/304A IPC

Filed on 02.06.2017

Police station – Chanakyapuri

Facts – In this case driving licence was involved. Application is made for release of driving licence no. U.P. 1219790001047 valid upto 11.03.2018 as allegations of section 179 and 304A of IPC made against soraj singh.

Observation – That the said licence has expired on 11.03,2018, applicant want to renew the same as he undertake to produce the said licence after renewal.

NDOH – 16.07.2021

CASE LAW – 14

IN THE COURT OF MS. ANU GROVER BALIGA,
ADDITIONAL SESSIONS JUDGE, PATIALA HOUSE
COURTS, NEW DELHI

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

SUNNY AND SUMIT.....ACCUSED

Petition filed u/s - 323, 328,342, 376D, 506, 509, 34, 376 IPC

Filed on 02.04.2018

Police station – Vasant Kunj North

Facts – Sunny has girlfriend named Nishi who he met on Facebook. After chatting for a time period of 5-6 months, Nishi asked him to marry her to which sunny replied her with NO. Nishi asked him to meet her last at 19B, Mahipalpur his uncle’s place which resulted in the arisen of fake allegations made against Sunny and his friend for raping Nishi.

Observation – We talked to Sunny and Sumit regarding this matter in which we get to know that sunny is an innocent person who was wrongly stuck in the plot built by Nishi.

NDOH – 08.11.2021

CASE LAW – 15

**IN THE COURT OF Sh. PITAMBER DUTT, FAMILY COURT,
DWARKA, NEW DELHI**

IN THE MATTER OF:-

MUKUL.....COMPLAINANT

V

PREETI BHATIA.....ACCUSED

Petition filed u/s Special Marriage Act

Filed on 16.03.2019

Facts – Marriage of petitioner and respondent solemnized on 12.12.2018. Due to their conflict, Mukul filed the case against his wife Preeti under Special Marriage Act.

Observation – on 20.07.2021 reply filed by preeti counsel on an application of restoration of main case, not to put up final arguments on restoration arguments.

NDOH – 16.09.2021

CONCLUSION

This internship had been excellent and rewarding experience. I would like to pine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the outside world one cannot understand the analytical and positive application of law and jurisprudence and the actual functions and structure of law.

I was surprised to see how the loopholes were being bought out by the advocated and often leave an impression in the minds of interns and develops the practice of deriving loopholes in the simplest way. Leaders often say one learns discipline within a court room. It brings the best in oneself. This exposure was very vital as one learns the proceedings of the court. I would like to conclude with a vote of thanks and gratefulness for reading this report thoroughly and also for giving me this wonderful opportunity to grow my vision in this field.

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

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ISO 9001:2015 & 14001:2015

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - DRISHTI KAINTH
ENROLLMENT NO. - 04490103817
COURSE - B.A.LLB
BATCH - 2017-2022



Narender Bhandari
Advocate, Delhi High Court

Office: 40, Hanuman Lane, Connaught Place, New Delhi-110001
Chamber No. 53, Civil Side, Tis Hazari Courts, Delhi-110054
Mobile: 9313362890

TO WHOMSOEVER IT MAY CONCERN

This is to certify that **Ms DRISHTI KAINTH**, student of **FIMT** Institute, GGSIPU, **Enroll no 04490103817** pursuing BA/LLB, has undergone his internship under my supervision and guidance for a period of **31 days commencing from 01.07.2021 to 31.07.2021**

During her internship, she has researched upon various issues pertaining to law, analyzing briefs, creating notes related to various aspects of civil and criminal as well as drafting of cases. She also attended Court hearings in various District Courts and High Court of Delhi.

I have found her as a hardworking, competent, motivated, duty bound and responsible person.



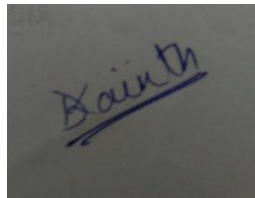
(NARENDER BHANDARI)
ADVOCATE

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(M) 9313362890

DECLARATION

I, DRISHTI KAINTH OF 9th semester of BA-LLB (H) hereby declare that this report is compiled by me under 4 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to Fairfield Institute Of Management & Technology affiliated to GGSIP UNIVERSITY, New Delhi is a reliable document and is of bonafide nature.

Signature –

A square image showing a handwritten signature in blue ink. The signature appears to be 'Drishti Kainth' written in a cursive style, with a horizontal line underneath the name.

Date- 23/11/2021

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to the respected Mentor Narender Bhandari where I undertook & completed my 4 weeks internship for virtual court hearing and Research work who has been my constant support, source of encouragement , inspiration ,guided and helped me in successfully completing my Summer Internship.

Moreover, apart from the Court they give me a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting this report.

OBJECTIVE

The Legal Internship Program is not designed to teach us how to be good lawyers (or how to be lawyers at all). It takes more than studying at the University to do that. The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to the importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of the legal profession in practice and to develop our own attitude of professional responsibility.

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CASE LAW 1

IN THE COURT OF MS. SWARNA KANTA SHARMA, FAMILY COURT, PATIALA
HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

SHIVANI

.....COMPLAINANT

VERSUS

SURAJ

.....ACCUSED

Petition filed under section 308 IPC

Filed on 06.01.2020

BRIEF FACTS:

The above matter was filed by the wife to get a divorce from her husband on the grounds of cruelty and ignorance of the husband towards his wife.

Observation – The judge asked parties to come in person in court on the next date. Put up for the next date of hearing.

NEXT DATE OF HEARING– 26/02/2022.

CASE LAW 2

IN THE COURT OF SH. BHARAT CHUGH MM, TIS HAZARI COURT, DELHI

IN THE MATTER OF:

NISHU KUMARI & OTH

..... COMPLAINANT

VERSUS

NAGENDER AGGARWAL & OTH

.....ACCUSED

COMPLAINT UNDER SECTION 200 Cr. P.C FOR REGISTRATION OF CASE U/S 406/420/
120-B IPC

BRIEF FACTS:

The complainant No.2 has received a loan of rupees five lakh on the interest from accused for a period of five to six months against his car, which was mortgaged with the accused No. 1, the complainant No.2 also issued one security cheque to the accused No. 1 in bank . The said agreement came to an end as the complainant No.2 returned the loan amount to the accused No.1 and took the delivery of the vehicle from accused No.1. However the accused No. 1 did not return the cheque and sought some time for the return the same. Since the relation between the complainant on the one hand and the accused No.1 were cordial as such the complainant did not doubt about the integrity of the accused No.1. Later on the intention of the accused No.1 become mala fide and instead of returning the aforesaid cheque the accused No.1 started extending threats to the complainants in collusion and in connivance with the accused No.2 and 3 on various dates through call.

OBSERVATION - The Court directed to file the detailed affidavit by the Complainant.

NEXT DATE OF HEARING - The next date of hearing is on dated 16/12/2022.

CASE LAW 3

IN THE COURT OF MS. COLETTE RASHMI KUJUR CJ, TIS HAZARI COURT, DELHI.

IN THE MATTER OF;

INDERPAL SINGH

.....PLAINTIFF

VERSUS

HITACHI SOLUTION PVT. LTD.

.....RESPONDENT

Complaint filed for deficiency of Service (unprecedented)

BRIEF FACTS:-

In 2019, Inderpal Singh the Complainant bought a Hitachi AC which stopped working before the lapse of two years. The complainant complained about it many times and every time the personnel paid a visit at the complainant's home the personnel from the Accused company charged the complainant although the AC was under warranty for 7 years. Finally it was found that the fault is with the compressor and the complainant was told to pay Rs. 7000 to get it done. The complainant thus approached this hon'ble forum.

OBSERVATION - On this date of hearing the complainant was to submit the Written Submission.

NEXT DATE OF HEARING -Next Date of hearing is fixed on 10/01/2022.

CASE LAW 4

IN THE COURT OF Sh. SUMEET ANAND, METROPOLITAN MAGISTRATE,
TIS HAZARI COURTS, NEW DELHI

IN THE MATTER OF:-

STATECOMPLAINANT

VERSUS

SONIA RAO ACCUSED

Petition filed under section 279 and 338 IPC

Filed on 02.04.2019

Police station – Vasant Vihar

BRIEF FACTS:

This is a case of a road accident, Sonia accused of hitting her car with another car, nobody got injured, only the car was damaged.

Observation – One witness who was present at the time of arrest of the accused Sonia got examined and cross examined as well. On 23.08.21 during virtual court hearing due to absence of opposite counsel matter was fixed for R.A

Next Date of Hearing – 22.12.2021.

CASE LAW 5

IN THE COURT OF MS. SWARNA KANTA SHARMA, FAMILY COURT, PATIALA
HOUSE COURTS, NEW DELHI

IN THE MATTER OF:

PALLAVI GUPTA

.....COMPLAINT

VERSUS

VIKAS MOHAN

.....ACCUSED

Petition filed u/s 12 of the Protection of Women from Domestic Violence Act 2005

BRIEF FACTS:

Marriage between Vikas and Pallavi was solemnized on 19.04.2009 at Bulandshahar (UP). After their wedding, parties stayed in Bulandshahar. She found the behaviour of her in-laws rather peculiar and disrespectful towards her, her mother in law did not speak properly to her and kept yelling at her. By June 2009, the complainant Pallavi had already conceived her baby. No one was available for the assistance including her husband because of which she had to do every physical activity herself. Vikas never tried to call and inquire about the Well Being of the complainant. He always avoided her, due to the immense amount of stress, her health deteriorated. Due to the above reasons, she was compelled to take medical leave from her job and move to Delhi with her parents.

Observation – Father i.e. Vikas filed a case for the custody of his son from his wife, but apparently this matter is settled. Now both the parties will file mutual divorce and they will withdraw each and every case against each other, settlement done by money. Due to covid-19 , courts doing virtual hearings , in family court cases only the spouses are allowed to attend the hearing.

Next Date of Hearing: 05.03.2022

CASE LAW 6

IN THE COURT OF MR.AJAY DAHIYA, METROPOLITAN COURT, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:-

STATE

.....COMPLAINANT

VERSUS

UDAY SINGH

.....ACCUSED

Petition filed u/s 378 IPC

Filed on 29.07.2019

Police station – Vasant Kunj North

BRIEF FACTS :

In this case it is alleged that accused Uday was in a company, which is working for BSES, and Accused today in connivance with other two did theft of cables (big electrical wires).

Observation – On 24.05.20 one public witness was examined by the state through video conference in front of judge but his examination in chief could not be completed for want of case property (it means that the theft cables or the car in which accused person took the cables, should be shown to the witness before the court to identify that this is the same cable or whatever the case property was involved). Thus the matter is put up for the next date where it can be identified by the witness .

NEXT DATE OF HEARING - 04.11.2021

CASE LAW - 7

IN THE COURT OF SHRI SC. MALIK MM TIS HAZARI COURT, DELHI

IN THE MATTER OF:

HAM RAJ

.....COMPLAINANT

VERSUS

HARBAJAN SINGH & OTHER

.....ACCUSED

COMPLAINT UNDER SECTION 138 OF NEGOTIABLE INSTRUMENTS ACT.

BRIEF FACTS:

That the complainant has been carrying on business of sale and purchase of the machines and other allied business under the name and style of classic company outdoor solutions Pvt, Ltd at New Delhi. The accused person approached the complainant office and respected themselves to be builder, the complainant booked a flat with the accused person at their project vide cheque. The complainant cancelled the above said booking at the project of the accused person due to some unavoidable circumstances, the accused person against their liability arising out of cancellation of booking by complaint in their project. Cheque bearing of Rs. 270000/- drawn in favour of the complainant with their specific promise that the same would be enacted on its presentation on its due date. As per the assurance and promise of the accused person, the complainant presented the said cheque for clearance however the same was returned with remarks "Account Blocked". Finding no alternative, the complainant got issued a legal demand notice through advocate under speed post, which was duly served upon the accused. However, despite the service of the said notice, the accused has failed to pay the dishonoured cheque amount within stipulated period. Thus the accused has cheated the complainant of having issued the cheque without having sufficient funds in his account.

OBSERVATION- The court summoned the bank of the accused as a witness, to verify the dishonoured cheque of the accused.

NEXT DATE OF HEARING - The bank of the accused will produce the relevant document before the court on 19/11/2021.

CASE LAW - 8

IN THE COURT OF MS. SHAMA GUPTA: CIVIL JUDGE TIS HAZARI COURT, DELHI

IN THE MATTER OF :

M/S. ICICI BANK LIMITED,

THROUGH ITS AUTHORIZED REPRESENTATIVE:

SH. MOHIT GROVER

.....PLAINTIFF

VERSUS

JAWAHAR LAL

.....DEFENDANT

SUIT FOR RECOVERY UNDER PROVISION OF ORDER XXXVII OF CPC, 1908 ,
PRINCIPAL INTEREST AND OTHER CHARGES AND DUES

BRIEF FACTS:

Defendant has applied for a car loan with the plaintiff bank. As per the request of the defendant, a loan was sanctioned in the name of the defendant and the loan amount was distributed to the dealer namely Vipul Motors Pvt. Ltd. The defendant has executed Agreement for vehicle loan and Hypothecation. After availing the said loan facility, the defendant failed to adhere to the financial discipline and failed to repay the loan and as per the books of accounts maintained by the plaintiff. The defendant is duly served with the summons for settlement of issues. But the defendant has failed to appear and contest the suit filed by the plaintiff. Consequently, the defendant was proceeded ex parte.

OBSERVATION - Put up for the next date.

NEXT DATE OF HEARING - 28/12/2021.

CASE LAW 9

IN THE HON'BLE COURT OF SH. AJAY KUMAR JAIN, LD ADDITIONAL SESSIONS
JUDGE, PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

STATE

.....COMPLAINANT

VERSUS

ASADULLAH & MAUSSA

.....ACCUSED

Petition Filed U/S 21/29 OF NDPS ACT

14 OF FOREIGN ACT

468 OF IPC

Filed on – 09/01/2020

BRIEF FACTS:

In this case, on 08.01.2020 Nirbhaya Rana was present in the office special cell, Saket. A secret informer came to office and informed him that an Afghan National who is accused named Asadullah who deals in narcotics drugs would come at a bus stop, near Malviya Nagar metro station to deliver heroin to an African person. Then Sh. Attar Singh ACP authorised SI Nirbhaya Rana to constitute a raiding party under the supervision of Insp. Ishwar Singh. SI Nirbhaya Rana and caught the 2 accused with the total heroin of 6 kilogram. Both accused were brought in the custody for the HEROIN (Narcotics drug) u/s 21 NDPS Act.

Next Date of Hearing: 24.12.2021

CASE LAW 10

IN THE COURT OF MS. MANIKA, MM TIS HAZARI COURT, DELHI

IN THE MATTER OF:

RENU YADAV

.....PLAINTIFF

VERSUS

ARUN YADAV

.....DEFENDANT

An application U/S-7(1) Guardianship and wards Act.,1860

BRIEF FACTS:

A marriage was solemnized between the plaintiff i.e. Renu Yadav and Arun Yadav were defendants. The parties had a male child. The child is currently residing with his father Sh. Arun yadav .The husband has caused utmost, mental and physical cruelty upon his wife.He used to make abusive remarks to the petitioner and her parents. Petitioner always took care of the child and devoted her time for the upliftment of the child. There was no other female member in the family to take care of the child as the mother of the defendant reside at Haridwar. He never look after the child as he mostly remained out of the house for business purpose. On one day, petitioner was not allowed to go to her parents house. After much convincing, she was allowed to go but she was not allowed to take the child with her. Plaintiff applied for custody of the child U/S 7(1) of the Guardianship and wards act 1860 on the undertaking to take necessary steps for the all round development of the child.

OBSERVATION - The matter was adjourned for the next date.

NEXT DATE OF HEARING - 28.01.2022

CASE LAW 11

IN THE COURT OF SH. MADHUR BAJAJ, TIS HAZARI COURT, DELHI

IN THE MATTER OF:

RITUCOMPLAINANT

VERSUS

GAGANACCUSED

FILED under section 125 of Criminal Procedure Code

BRIEF FACTS:

ON 16.11.2017 both the parties got married. They remained happy for a few months but after that the relation between both the parties got worse. The accused started beating the complainant even on petty issues. Then on 26.06.2019 the complainant moved to the women's cell because of family pressure both the parties compromised and the accused promised that he will not beat the complainant. On 02.08.19 parents and brother of the accused gave beating to the complainant after this the accused refused to keep the complainant and then the complainant filed a case under Section 125 of the Criminal Procedure Code for maintenance.

OBSERVATION - Put up for the next date.

NEXT DATE OF HEARING - 08.04.2022

CASE LAW 12

IN THE DISTRICT CONSUMER DISPUTE REDRESSAL FORUM

IN THE MATTER OF:

KUMAR PREM

.....PLAINTIFF

VERSUS

THE MANAGER M/s BALAJI LOGISTICS ETC

.....DEFENDANT

BRIEF FACTS:

Plaintiff was running the business of bales and on a daily basis. He has to send the goods to different parts of the country. One day the plaintiff appointed Balaji logistics service for the delivery of the goods. The goods were to be delivered in Delhi to one person but it was not delivered to him and was delivered to some other person. When the complainant got the information about this he contacted the courier service and no satisfactory answer was given to him after so many attempts. Then sent a letter to the company's registered office where he was not heard so he finally filed a case in the consumer court.

NEXT DATE OF HEARING - The next date of hearing is on 07.02.2022.

CASE LAW 13

IN THE CONSUMER REDRESSAL FORUM, NEW DELHI

IN THE MATTER OF:

REENA	VERSUS COMPLAINANT
RAJESH ELECTRONICS	DEFENDANT

BRIEF FACTS:

The Complainant Reena , bought a Videocon Washing Machine from Rajesh Electronic, the Defendant on 31-1-2019. Firstly, the machine was not delivered to the Complainant's home. Then after calling many times , the defendant delivered the washing machine. But it was found that the washing machine was old. The washing machine was faded and plastic was also broken from the sides. It looks like it was a used product. The Complainant complained with the seller many times but he didn't attend the calls and after visiting the store he refused to change the product nor return the money. Retained for complainant. The complainant thus approached this hon'ble forum.

OBSERVATION - On this date of hearing the complainant was to submit the Written Submission.

NEXT DATE OF HEARING- Next date of hearing is on 11.11.2020.

CASE LAW 14

IN THE COURT OF Sh. PITAMBER DUTT, FAMILY COURT, DWARKA, NEW DELHI

IN THE MATTER OF:

MUKULCOMPLAINANT

VERSUS

PREETI BHATIAACCUSED

Petition filed u/s Special Marriage Act

Filed on 16.09.2019

BRIEF FACTS:

Marriage of petitioner and respondent solemnized on 12.12.2018. Due to their conflict, Mukul filed the case against his wife Preeti under the Special Marriage Act.

Observation – on 15.07.2021, reply filed by preeti counsel on an application of restoration of the main case, not to put up final arguments on restoration arguments.

Next Date of Hearing – 16.12.2021

CASE LAW 15

IN THE COURT OF MS. SWARNA KANTA SHARMA, FAMILY COURT, PATIALA
HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

DEEPIKACOMPLAINANT

VERSUS

NISHANTACCUSED

Petition filed u/s 308 IPC

Filed on 06.01.2020

BRIEF FACTS:

The above matter was filed by wife to take divorce from her husband on the ground of cruelty and ignorance attitude of husband towards his wife i.e. Deepika.

Observation – The said matter was settled via mediation and the petitioner is ready to withdraw this case.

Next Date of Hearing: 28.01.2022

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included dimensions of criminal medico legal experts to civil corporate litigation. All of which was an over the top experience.

Such summer training helps a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was the prerequisite to our training. When it comes to observance of trials in the courts, it was one of the most essential parts of learning for an intern. Observance of trials and court proceedings help in understanding the very root of the law in India. Proceedings are the whole mechanism in toto whose analysis is always advisable.

With a vote of thanks and gratitude for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards,

Yours Faithfully

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

तेजस्वि नावधीतमस्तु
ISO 9001:2015 & 14001:2015

Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

CONTACT DETAILS

EMAIL I.D

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

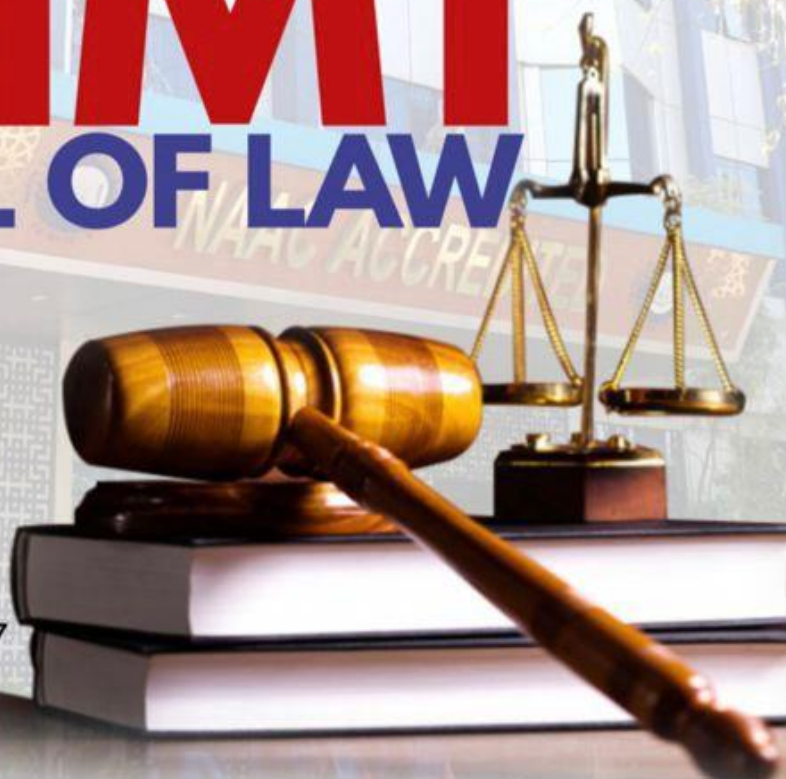
Submitted by:-

NAME - Gagan Aggarwal

ENROLLMENT NO. 04590103817

COURSE - Ba Lib

BATCH - 2017-2022





STUDENT INTERNSHIP DIARY

5 YEARS BA-LLB (INTEGRATED) | BBA-LLB (INTEGRATED)

FIMT-SCHOOL OF LAW

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तेजस्वि नावधीतमस्तु

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FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

(Affiliated to Guru Gobind Singh Indraprastha University, Delhi)

KAPASHERA, NEW DELHI

Session 2017....-2022.....

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SANJIV SHARMA & ASSOCIATES

Advocates & Legal Consultants
DELHI HIGH COURT & SUPREME COURT OF INDIA

Ref. No.

Date:- 08.11.2021

TO WHOMSOEVER IT MAY CONCERN

This is to certify that Mr. GAGAN AGGARWAL, S/o Sh. Rakesh Aggarwal, R/o House No. D-541, 1/B, Sangam Viah, New Delhi-110062, a student of B.A. LL.B. IXth Sem., (Five years course), Batch 2017-2022, at Fairfield Institute of Management and Technology, (Affiliated to GGSIP University), Kapasehra, Delhi, has successfully completed his internship w.e.f. 06.09.2021 to 25.10.2021, in my office under my supervision.

During the internship, he worked on various Civil and Criminal case analysis and drafts.

He is a very sincere, dedicated and hard working boy.

I wish him all the success in his life and career.


SANJIV SHARMA
Advocate
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Page 1 of 1

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DECLARATION

I *Gagan Aggarwal* of 9th semester of BA-LLB(H) here by declare that this report is compiled by me under 4weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to **Fairfield Institute Of Management & Technology** affiliated to **GGSIUNIVERSITY, New Delhi** is are liable document and is of bonafide nature.

Signature-Gagan Aggarwal

Date– 26th November 2021

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected Mentor Mr. Sanjiv Sharma **where I undertook & completed my 4 weeks internship for Content Writing or Research work** who has been my constant support, source of encouragement , inspiration ,guided and helped me in successfully completing my Summer Internship.

Moreover, apart from Court they give me a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting of this report.

OBJECTIVE

The Legal Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to:

Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

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Case No. 1

L.C. Golaknath & Ors. Vs. State of Punjab
(1967 AIR 1643, 1967 SCR (2) 762)

Division Bench: Subba Rao, K.N. Wanchoo, M. Hidayatullah, J.C. Shah, S.M. Sikri, R.S. Bachawat, V. Ramaswami, J.M. Shelat, Vihishtha Bhargava, G.K. Mitter & C.A Vaidiyalingam

Provision Applied: Article 19(f),(g), Article 14, Article 32, Article 13(2)

Facts: The facts of the case were that the family of one William Golak Nath had over 500 acres of property in Punjab. Acting under Punjab Security and Land Tenures Act, 1953 which was placed in 9th Schedule by the 17th Constitutional Amendment Act, 1964 the state government intimated to petitioner that he can now only possess 30 acres of land & rest will be treated as surplus. Aggrieved by this intimation of the state government petitioner filed a writ petition u/a 32 of Indian constitution and pleaded the violation of his FR's mentioned U/A 19(1)(f) i.e. Right to Hold & acquire property, 19(1)(f) Right to practice any profession & 14 (Equality before Law & Equal protection of laws

Issues Raised:

1. Whether Amendment is a law under the meaning of Article 13(2).
2. Whether Fundamental Rights can be Amended or not.

Contentions by Petitioner:

- The petitioner argued that the constitution of India was drafted by the constituent assembly and it is of permanent nature. No one can change or can try to bring change in the constitution of India.
- They argued that the word "amendment" in question only implies a change in accordance with the basic structure but not altogether a new idea.
- Further, the petitioner contended that the fundamental rights enshrined under part III of the constitution cannot be taken away by the parliament. They are the essential and integral part of the

constitution without which constitution is like a body without a soul.

- The petitioner also argued that Article 368 of our constitution only defines the procedure for amending the constitution. It does not give the power to the parliament to amend the constitution.
- The last thing on which the petitioner argued before the court was that Article 13(3)(a) in its definition of “law” covers all types of law i.e. statutory and constitutional etc. And by virtue of Article 13(2), which says that the state cannot make any law which takes away the rights mentioned under Part 3, any constitutional amendment which takes away the Fundamental rights will be unconstitutional and invalid.

Contentions by Respondent :

- The respondent contended before the court that constitutional amendment is a result of the exercise of its sovereign power. This exercise of sovereign power is different from the legislative power which parliament exercises to make the laws.
- Our constitution makers never wanted our constitution to be rigid in its nature. They always wanted that our constitution to be flexible in its nature.
- The object of the amendment is to change the laws of the country as it deems fit for the society. They argued that if there won't be any provision for amendment then, it would make constitution a rigid and non-flexible one.
- They further argued that there is no such thing of basic structure and non-basic structure.
- All the provisions are equal and of equal importance. There is no hierarchy in the constitutional provisions.

Judgement:

In this case, at that time the supreme court had the largest bench ever. The ratio of the judgement was 6:5.

The majority opinion of Golak Nath case doubt that if the parliament has power to amend laws which are against the Fundamental Rights, a time can come when all fundamental rights adopted by our constituent assembly will be changed through amendments.

The majority said that the parliament has no right to amend the fundamental rights. These are fundamental rights are kept beyond the reach of parliamentary legislation. Therefore, to save the democracy from an autocratic actions of the parliament the majority held that

parliament cannot amend the fundamental rights enshrined under Part III of the Constitution of India. The majority said that fundamental rights are the same as natural rights. These rights are important for the growth and development of a human being.

Case No. 2

TIPS INDUSTRIES LIMITED VS WYNK MUSIC LIMITED & ANR

on 7th May,2019

IN ITS COMMERCIAL DIVISION

NOTICE OF MOTION (L) NO. 197 OF 2018

IN

COMMERCIAL IP SUIT (L) NO. 113 OF 2018

AND

NOTICE OF MOTION (L) NO. 198 OF 2018

IN

COMMERCIAL IP SUIT (L) NO. 114 OF 2018

DIVISION BENCH: S.J. KATHAWALLA

Provision Applied: Section 31-D, Section 52(1)

Facts:

Tips Limited Industries is the owner of over 25000 sound recordings and whereas Wynk Music is owned by Bharti Airtel which provides an Over The Top service making it available on the internet through which, the subscriber, upon payment of a subscription fee, can listen to many sounds recording and an audio-visual recordings including Tips industries repertoire Wynk had license from the Tips industries (a written license agreement) dated August 22,2014 and expired on August 31, 2016 for a sum of Rs. 1.31 Crore per year. However on a condition that written agreement would be executed by them and on failing which they would stop using the music of tips, they extended their agreement to October 31,2016. Tips industries demanded a minimum guarantee for a sum of Rs. 4.5 crores for 2 year which is rejected by the Wynk.

After Negotiation broke down, Tips Industries requested Wynk to deactivate its Repertoire from their platform, which was not complied with by Wynk.

Thereafter, Tips Industries issue a cease notice to Wynk on 17th November 2017, In reply, Wynk invoked a Section 31-D of Copyright Act,1957, they claimed that wynk is a broadcasting organization which is entitled to statutory license under the said section to communicate the work to public by way of broadcasting of Tips industries musical work and recordings. Consequently on 29 January, 2018 , Tips Industries filed two suits against Wynk i.e. (i) Infringement of Copyright disputing Wynk's right to avail statutory license provided for by Section

31-D (ii) Permanent Injunction against restraining them from communicate to public. Tips sounds and sound recordings and to give tips songs on commercial rental/ sale by way of providing download feature.

Issue Raised :

(i) Whether the defendants are infringing upon the Plaintiff's copyright within the Plaintiff's repertoire as provided for Section 14(1) (e) of the Act.

(ii) Whether the Storage of sound recordings upon the Defendant customers devices can be considered transient or incidental to the services provided by the Defendant's , as provided in Section 52 (1) (a)(b) of the Act.

(iii) Whether the Defendant can invoke section 31-D of the Act to exercise a statutory license in respect of their download or purchase business.

(iv) Whether Rule 29 of the Copyright Rules,2013 and the third proviso are invalid.

Petitioner's Contentions:

- i. Tips industries claims to be the owner of 25000 sound recordings.
- ii. On October 31, 2016 Tips industries asked for a minimum guarantee for a sum of Rs. 4.5 crore which was rejected by the Wynk.
- iii. Plaintiff issued a cease notice on 17th November 2017 to remove the Plaintiff's repertoire from their Wynk Platform.

Defendant's Contentions:

- i. Wynk invoked a Section 31-D of the Copyright Act, 1957 claiming themselves to be a broadcasting organization
- ii. Wynk argued that allowing the user to retain a electronic copy of sound recording for personal use or enjoyment on the Wynk application constitutes "fair dealing" and does not amount to copyright infringement of Tips industries under section 52(1) (a) (i) of the copyright Act.

Observation:

The internet broadcasting organizations cannot enjoy the benefits of a statutory license under section 31-D. The intention of the Legislature while enacting the Copyright (Amendment) Act, 2012, was to restrict the grant of statutory license under section 31-D to radio and television broadcasting organizations. Therefore, the Court considered it necessary to grant reliefs in favour of Tips industries in terms of the permanent injunction claimed by it.

Held:

Insofar as the download and purchase feature of Wynk's activities are concerned, the same amount to infringement of Tips' rights provided under Section 14(1)(e)(ii) of the Copyright Act; insofar as the on-demand streaming services are concerned, the same amount to infringement of Tips' rights provided in Section 14(1)(e)(iii) of the Copyright Act; and the provisions of Section 31-D of the Act are not applicable to internet broadcasting.

The Court considered it necessary to grant reliefs in favour of Tips industries in terms of the permanent injunction claimed by it as mentioned above. The present notice of motion were therefore allowed.[Tips Industries Ltd. v. Wynk Music Ltd., Notice of Motion (L) No. 197 of 2018 in Commercial Suit IP (L) No. 114 of 2018, decided on 23-04-2019]

In view of a Supreme Court decision, Justice Kathawalla observed for the present, the Appellate Board lacks jurisdiction to fix rate of royalty for internet broadcasting.

Bearing these observations in mind, the Court also held that a September 2016 Government Memorandum stating that internet broadcasting would also be covered by Section 31D appeared contrary to the Copyright Act. Justice Kathawalla therefore declined to accept that the memorandum was binding on the Court. He held,

The Court, therefore, granted an interim injunction in favour of Tips.

Joseph Shine V Union Of India
Writ Petition (Criminal) no. 194 of 2017

Bench Division: Justice D.Y. Chandrachud, Deepak Misra, Justice A.M. Khanwilkar, Justice R.F. Nariman and Justice Indu Malhotra

Facts : In October 2017, Joseph Shine, a non-resident of Kerala, had filed a PIL under Article 32 of the Constitution of India. The petitioner had challenged the constitutionality of the offence of adultery under Section 497 of Indian Penal Code read with Section 198(2) of the Criminal Procedure Code.

Section 497 of the Indian Penal Code: Adultery.—Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an abettor.”

Section 198(2) of Criminal Procedure Code: “For the purposes of subsection (1), no person other than the husband of the woman shall be deemed to be aggrieved by any offence punishable under section 497 or section 498 of the said Code: Provided that in the absence of the husband, some person who had care of the woman on his behalf at the time when such offence was committed may, with the leave of the Court, make a complaint on his behalf.”

Adultery was punishable with a maximum imprisonment of 5 years.

Issue Raised:

1. Whether Section 497 of the Indian Penal Code, is unconstitutional being unjust, illegal, arbitrary and violative of fundamental rights?
2. Whether Section 198(2) of the Criminal Procedure Code, is unconstitutional being unjust, illegal and violative of fundamental rights?

Petitioner's Contention:

1. The past background when Section 497 IPC was framed, is no longer relevant for today's society.
2. Section 497 IPC and Section 198 (2) CrPC is arbitrary and also a violative of Article 14 of the Constitution Of India as it offends the

requirement of equality and it discriminates on the basis of marriage status.

3. Section 497 criminalizes adultery based on a classification that made on gender alone.
4. Under Section 497, only the male person is punishable for the offence of adultery. The woman, is not punishable, even as an 'abettor'.
5. Under Section 497 of the Indian Penal Code, if the adulterous relationship between a man and a married woman, takes place with the consent and connivance of her husband, it would not constitute the offence of adultery.

Respondent's Contention :

1. Since Sec 497 of the Indian Penal Code was a special provision for the benefit of women, it is saved by Article 15(3) of the Constitution of India which is an enabling provision providing for protective discrimination.
2. Any act which outrages the morality of society should be punished as crime.
3. "Family" is the main unit in the society, if the same thing is disturbed it would cause the stability and progress.
4. Adultery also affects the growth of children.
5. Adultery violates the sanctity of marriage , right of spouse and breaks the unit of Family and affects the growth of children as well as society.

Judgement :

The Court struck down Section 497 of Indian Penal Code as an unconstitutional being violative of Article 14, 15 and 21 of the Constitution Of India and held that Section 198(2) of CrPC shall be unconstitutional to the extend that it is applicable to Section 497 Indian Penal Code.

The court also observed that the Section 497 IPC law is based on "Societal Presumption".

The court also declared that the Husband cannot be the master of his wife, and mainly highlight that the women cannot be the property of his husband or father, they should have equal status in the society.

The court also observed that the "crime" is committed against the whole society whereas adultery is a private issue, adultery does not fit in the

category of crime , so it should not be considered as an criminal offence.

The autonomy of an individual person to make his/her choices of life with respect to his/her sexuality is the most important choice of life and the same should be protected from public censure through criminal sanction.

Section 497 of Indian Penal Code is a pre-constitutional law which was enacted in 1860. There would be no presumption of constitutionality in a pre-constitutional law (like Section 497) framed by a foreign legislature.

The 156th report of the Law Commission of India, recommended to introduce an amendment “to incorporate the concept of equality between gender in marriage “ i.e. the offence of adultery.

Is Rape Limited to only Female? If no, is there any need of amendment to include men's Rape as an offence in IPC?

What is Rape?

Rape is a kind of "sexual assault" which usually include sexual intercourse and other types of sexual penetrations which is carried out against a woman without her consent. This Act can be done by use of physical force, coercion or against a person who is unable to give a valid consent to the person example a person who is not in his conscious or is below the legal age of giving consent.

Section 375 of IPC: Rape.—A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions:—

(Firstly)— Against her will.

(Secondly) —Without her consent.

(Thirdly)— With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt.

(Fourthly) —With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

(Fifthly)— With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

(Sixthly) — With or without her consent, when she is under sixteen years of age.

Is Rape Limited to female only?

No, Rape is not limited to female only, but to all humans, all genders.

According to Section 375 of IPC, rape is something which only a man can do to a woman, but there is no room for the male victims. Although child survivors of both the genders are covered in Protection of Children from Sexual Offences Act, 2012, but the present rape laws

leave the large number of male victims, who cannot come forward because of the lack of laws in our country.

Why the “rape of male victims” has given a word “sodomy” ?

According to Indian Laws man cannot be raped at all, they can only be “sodomised” which is covered in Section 377 of IPC.

The definition of rape is limited to only “ the penetration of vagina by a man” , woman cannot be punished for rape , they can only be punished for sexual assault or forcefully unnatural sex under S.377 IPC.

So according to this definition a male cannot be legally rape and even socially many people believe that a man cannot be raped by woman. But yet, a rape is essentially just a non consensual sex.

There was a case once where a man was sexually harassed by his boss and when he went to human resources department to complain about his boss, what the officials told him was to “enjoy it”.

Here, what I’m trying to tell you is that in our country people believes that a man cannot be raped.

This will be very familiar to many women --- they are often told that verbal harassment should be taken as compliment , and they should “enjoy it”, however women are not pleased by such behaviour or men , so we should not expect men to be either to please such behaviour. Men themselves are hesitate to report being raped for fear of being judged by a society with iron-clad notions about masculinity. “Aren’t you a man? Why didn’t you hit back? Were you enjoying it,” are some of the questions survivors are often asked, “pushing them further into a closet by their own kind,”

Maneka Gandhi, minister of women and child development, is reportedly to amend the Protection of Children from Sexual Offences (POSCO) law in response to the petition on Change.org. But there is , yet no dialogue about the rape of adult man by another man or woman.

I didn’t expect a response so soon, because we don’t recognise male or even transgender victims in our rape laws and even we don’t have any data on male rape in India.

Rape by women or Rape of Men

In present time, If a man files a complaint against a woman for committing any offence like sexual harassment, voyeurism , stalking or outraging the modesty , the woman will get free without suffering any punishment by our laws as our Indian Penal Code believes that this offence can only be done by male genders.

In this time we are thinking about Protection of woman from sexual violence and number of laws have enacted for their protection , but what about the protection of male genders? How can we protect their dignity and how can we protect the male gender from the attack of sexual violence ? Even our Indian Penal Code defines the offence Rape as an offence which can only be done by male gender against the female but in my views rape is something which is a sex without consent irrespective of their gender.

Rape is not amount to penetration of penis into the vagina but inserting anything or applying mouth also constitutes rape. These acts can also be done by the female gender to the male without his consent which also must be criminalized.

Conclusion :

It is very important to note that rape is a gender-neutral crime.

Finally, when I spent my time for researching about making a rape a gender-neutral crime, in this I am not claiming that women and men both the genders suffer rape in equal ratio and I am not even claiming that men and women do commit the rape in equal numbers.

However, the view that rape narrative as exclusively that of a man violating a women does an injustice to those people who own a rape stories does not fit the typical mould that is easier for us to understand. As these survivors of rape have finally found the courage to share their stories with us, legislating on such as itself a criminal act.

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CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included dimensions of criminal medico legal experts to civil corporate litigation. All of which was an over the top experience.

Such summer trainings help a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was the pre-requisite to our training.

When it comes to observance of trials in the courts, it was one of the most essential parts of learning for an intern. Observance of trials and court proceedings help in understanding the very root of the law in India. Proceedings are the whole mechanism into to whose analysis is always advisable.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind

SUMMER INTERNSHIP REPORT

B.A.LLB(HONS) 9TH SEMESTER

2017-2022



**FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY,
KAPASHERA, NEW DELHI-110037**

**AFFILIATED TO GGSIPU
INTERNSHIP REPORT SUBMISSION IN FULFILLMENT
OF THE REQUIREMENT OF B.A.LLB (HONS) DEGREE**

**Under The Supervision of: -
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**Submitted by: -
GARIMA TYAGI
B.A.LLB (H) 9TH Sem
Enroll. No.- 04690103817
Five Year Int.Course**

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DATED: 20/11/2021

TO WHOMSOEVER IT MAY CONCERN

This is to certify that Ms. Garima Tyagi D/o Sh. Gaurav Tyagi student of BA L.L.B at Fairfield Institute of Management & Technology (F.I.M.T) Kapashera, New Delhi having college Enrollment no. 04690103817, has completed her internship during the period of 07/01/21 to 31/08/2021 under my guidance.

During the period, she took intensive interest in the court Work as well as office work-involving number of litigations. She participated in the client meetings, which took place at my office and she also did valuable research work in law as well as in facts during the lockdown period.

I must place on record my deep appreciation of the efforts made by her in continually striving to learn from this exposure and experience. She reflected keen sense of interest in the law as well as the facts and reflected deep sense of sincerity and commitment.


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DECLARATION

I **GARIMA TYAGI** of **9TH** semester **BA. LLB (Hons.)** hereby declare that this report as compiled by me under the guidance and supervision of **SH. R.K.LAMBA**, Advocate under summer internship program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to Fairfield Institute Of Management & Technology affiliated to Guru Gobind Singh Indraprastha University, New Delhi is a reliable document and is of bona fide nature.

NEW DELHI

DATED: 25.11.2021

GARIMA TYAGI

ENROL NO. : 04690103817

ACKNOWLEDGEMENT

I express my gratitude and deep sense of indebtedness University- Guru Gobind Singh Indraprastha University, New Delhi and my Institute–Fairfield School of Law for providing me with this opportunity to undergo legal training before entering into the profession.

I would like to thank and express my deep gratitude to Sh. R.K.Lamba, Advocate, who has been my constant support, source of encouragement and inspiration, guided and helped me in successfully completing internship. Moreover, apart from court they gave me a chance to get practical exposure by attending various conferences, meetings and briefing.

GARIMA TYAGI

OBJECTIVE

The main objective of this internship was to learn procedures of the courts, observe proceedings at court, attending proceeding at tribunals and learn procedures followed there and observe proceeding in tribunals and attending proceedings in commissions and learning procedures there. Also learning filing procedures in courts and preparation of petition to be filed in courts. Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation on the practical dimension of legal principle. It enables us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting etc.

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PART-A
CASE NO. 1

**IN THE COURT OF THE PITAMBAR DUTT, JUDGE, FAMILY COURT,
DWARKA COURTS, NEW DELHI**

IN THE MATTER OF:

POOJAPETITIONER

VERSUS

LALITRESPONDENT

SUBJECT MATTER: Complaint U/S – 323,342,506 IPC

BRIEF FACTS:

Marriage between the complainant and the defendant was solemnized on 15th Nov. 2008. After few years of marriage disputes started arising between the couple.

Accused was a defaulter as he took loan but never repaid it. He then thrown her out of the house and tried to snatch his child. After few days everything was settled but then the accused took the complainant to the Ganga Ghat and there he then tried to kill the complainant by drowning her into the Ganga river the somehow she managed to rescue herself and escape to nearby district Ambala from district Sanoli.

The accused somehow managed to find her and tried to kill her. The accused also tried to snatch the complainant's child from her and the complainant is been hiding since then.

OBSERVATION:

The court sent the accused to the custody and issued a notice to the Women commission and the police officer of the area.

NEXT DATE OF HEARING: 10/04/2021

CASE NO. 2
IN THE COURT OF SANTOSH KUMAR SINGH, ASJ
DWARKA COURTS, DELHI

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

NADEEM

... ACCUSED

SUBJECT MATTER: Complaint U/S148/149/325/506 IPC

BRIEF FACTS:

Accused gave beatings from the dandas to the complainant in order to take revenge from the complainant because of the petty dispute. There were total 2 accused when they were inspected 2 dandas were found one was of 2 feet 28 cm and another was one of 2 feet 16 cm.

OBSERVATION:

The court sent the accused to the imprisonment for 3 years.

CASE NO. 3
IN THE COURT OF SH. VIJAY KUMAR DAHIYA, LD.ASJ,
DWARKA COURTS, NEW DELHI

IN THE MATTER OF :

SUSHILA

... COMPLAINANT

VERSUS.

VIJAY & OTHERS

...ACCUSED

SUBJECT MATTER :FILED U/S 498A, 406, 506 of IPC

BRIEF FACTS:

In this case one of the accused was the husband of the complainant. There were some issues related to the property the accused Sanjay gave the property to his brother in law which was located on the national highway without taking any money from him. Whenever the Complainant demanded money for the daily expenses she was refused. Moreover, she was many times harassed and tortured for the demand of dowry several beatings were also caused to the complainant.

OBSERVATION:

The court in this hearing took the statement of the complainant.

NEXT DATE OF HEARING - 24/04/2021

CASE NO. 4
IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURTS,
DWARKA COURTS, NEW DELHI

IN THE MATTER OF:

RITU

...COMPLAINANT

VERSUS.

GAGAN

...ACCUSED

SUBJECT MATTER: FILED u/s -125 of CRPC

BRIEF FACTS:

ON 16/11/2016 both the parties got married. They remained happy for few months but after that the relation between both the parties got worst. The accused started beating the complainant even on petty issues. Then on 26/06/2017 the complainant moved to the women cell because of family pressure both the parties compromised and the accused promised that he will no beat the complainant. On 02/08/17 parents and brother of the accused gave beating s to the complainant after this the accused refused to keep the complainant

OBSERVATION –

Order for interim maintenance of Rs. 10,000 P.M

NEXT DATE OF HEARING: 24/05/2021

CASE NO. 5
IN THE COURT OF THE PITAMBAR DUTT, JUDGE, FAMILY COURT,
DWARKA COURTS, NEW DELHI

IN THE MATTER OF:

VINOD..... PETITIONER

VERSUS

MANJU..... RESPONDENT

SUBJECT MATTER: FILED U/S 13-B of HMA

BRIEF FACTS:

Marriage took place on 18/06/16. No child was born out of this wedlock. For few months everything went good but after that both the parties started fighting with each other on trivial matters also. Soon they realized that they cannot live together because of clashes so they decided to live separately and on 21/01/2017 they got separated.

OBSERVATION-

The petitioner's statement was taken.

NEXT DATE -24/05/2021- 2ND MOTION STATEMENT

CASE NO. 6
IN THE COURT OF MR. PRINCIPAL JUDGE JUDGE, FAMILY COURTS,
DWARKA COURTS, NEW DELHI

IN THE MATTER OF:

REENAPETITIONER

VERSUS.

RAJESH..... RESPONDENT

SUBJECT MATTER: FILED U/S 125 Cr.P.C

BRIEF FACTS:

Marriage between Complainant and Respondent took place on 10/02/2015. At first the accused kept the complainant with a proper care and fulfilled all the complaint's demand but after few years fight started between both the parties even on a petty issue later the respondent started beating the complainant without any reason and finally the respondent thrown the complainant out of her matrimonial house with three wear clothes.

OBSERVATION:

The court passed an order that alimony of Rs 4000 p.m was allowed to complainant.

CASE NO. 7
IN THE COURT OF SH. VIJAY KUMAR DAHIYA, Ld. ASJ,
DWARKA COURTS, NEW DELHI

IN THE MATTER OF:

STATECOMPLAINANT

VERSUS.

ANKUR & OrsACCUSED

SUBJECT MATTER: Complaint U/S – 332, 353, 307, 120B, 349 of IPC

BRIEF FACTS:

In this case the complainant was the Sarpanch of the village Barana. It was decided by the villagers that the land of the Thakur mandir will be in in possession of Sarpanch and he will act as a care taker of that Land. The accused forced the complainant to transfer the land of Thakur Mandir in their name but the complainant refused to do so. Because of this the accused lost his temper and on 19/05/2017 the accused along with his friends entered the house of Complainant and started open fire which caused injuries to the complainant

CASE NO. 8

IN THE COURT Mrs. ARTI SINGH, CHIEF JUDICIAL MAGISTRATE, PANIPAT

IN THE MATTER OF:

STATE.....COMPLAINANT

VERSUS

RISHIPAL.....ACCUSED

SUBJECT MATTER: FILED U/S 420/467/468/471/120B IPC

BRIEF FACTS:

Complainant married accused on 04/03/1995 at Panipat. Three children were born out of the said wedlock .Relation became worst between them disputes started arising on petty matters complainant then filed a case against the Accused Under section 498 a and 406 of Indian Penal Code. The other accused showed fake death certificate and fake receipts of the funeral house in order to get escaped from paying compensation and facing trial.

OBSERVATION-

The statements of the complainant was recorded I observed the technique of asking the question from the witness.

NEXT DATE OF HEARING – 16.7.2021 PWS

CASE NO.9
IN THE COURT OF SH. A.K SINGH PANWAR
DISTRICT AND SESSION JUDGE, PANIPAT

IN THE MATTER OF:-

SUNITA.....COMPLAINANT

VERSUS

DINESH.....ACCUSED

SUBJECT MATTER :- Complaint filed u/s 279, 337, 338 of Indian Penal Code, 1870

BRIEF FACTS:-

One day, Complaint Sunita was coming from the Insaar Bajar market, Panipat along with her sister in law Anita. When they reached near S D Modern school they saw a motorcycle coming from the opposite side. Driver was riding the motorcycle very rashly and negligently. Without giving a chance to escape the motorcycle collided with the complainant and her sister in law thereby, causing serious injuries to both. Complainant got injuries in her Right leg and Right hand and other body parts. Complainant got fainted and the accused escaped from the sight. Complainant was taken to the Jindal hospital. Nearby police was informed and they took the statement of the complainant and her sister in law in hospital. She remained there for almost one week along with her sister in law.

OBSERVATION –

On this date of hearing the public prosecutor took the statement of the complainant\

NEXT DATE OF HEARING: 03/07/2021 for PW

CASE NO. 10
IN THE COURT OF MS. RICHA PARIHAR, MM
KARKARDOMA COURTS, DELHI

U/S 354/341/509 IPC
F.I.R.: 109/19
P.S.: KALYAN PURI

IN THE MATTER OF

STATECOMPLAINANT

VERSUS

PARAMJEETACCUSED

SUBJECT MATTER: - Complaint U/S: 354/341/509 IPC

BRIEF FACTS:-

Complainant And Joginder Kaur Are Residing With Her Sister Nanki Kaur. When Joginder Kaur Went Outside To Call Her Son Sumit, At That Time Accused Paramjeet, Manjeet And Hemant Came There And Started Abusing Her And Asked Her About Vinod. When She Refused To Tell About Vinod, Manjeet Hold Her And Hemant And Paramjeet Tore Her Clothes And When Her Sister Nanki Came To Save Her, All The Three Accused Ran Away From There. Nanki Made A Call At Number 100 And Police Came On The Spot. The Police Then Recorded The Statement Of The Complainant And Took The Accused Person To The Police Station For The Further Questioning.

OBSERVATION –

The statement of the complainant took the accused person to the P.S for further enquiry. 30

NEXT DATE OF HEARING: - 26/06/2021

CASE NO.11
IN THE COURT OF DISTRICT AND SESSION JUDGE,
TIS HAZARI COURTS, DELHI
CIVIL SUIT No. 198 Of 2018

IN THE MATTER OF:

POONAM PAL..... PLAINTIFF

VERSUS.

RAMESH PALDEFENDANT

SUB: SUIT FOR RECOVERY BY THE PLAINTIFFS

(UNDER ORDER XXXVII OF THE CODE OF CIVIL PROCEDURE 1908)

BRIEF FACTS:

1. That the plaintiff was approached by defendant(s) and offered to purchase a property. That the defendant further proposed that the plaintiff purchase the property jointly with defendant(s), wherein plaintiff had to pay 50% of the total amount. That the plaintiff agreed and paid the 25% of total amount.
2. That the defendant further demanded for more money without reciprocating his obligations that is the construction of the property as per the agreement between plaintiffs and defendants. That the plaintiff agreed and paid 60% out of the total amount as and when demanded.
3. That on the disclosure of this shocking fact set back however, defendant also revealed that he already registered the FIR and the defendant started avoiding and ignoring the plaintiff in several occasions.

4. That it is clear from the abovementioned facts that the defendant failed to perform his obligation of constructing a house, therefore, plaintiff is entitled to receive the amount paid by them in addition to other compensation and all the relieves as the court thinks fit.

OBSERVATION –

In this case I observed that how the argument on evidences is done and in this court I observe that, how advocates argue on the evidences and how the judge hears all the arguments of both the parties.

NEXT DATE OF HEARING – 05/07/2021

CASE NO.12
IN THE COURT OF SUMEDH KUMAR SETHI, CHIEF METROPOLITAN
MAGISTRATE, DWARKA COURT, DELHI

IN THE MATTER OF:-

SH. HARENDRA SINGH COMPLAINANT

VERSUS

MAX HOSPITAL ACCUSED

SUB: COMPLAINT U/S 200/304A IPC.

BRIEF FACTS:

Complainant got cashless medical insurance policy from Max Bupa Company of Rs. 17 lach for himself & his wife. Complainant's wife got accidental burn injuries at the native place. She was immediately admitted to nearby Sakshan hospital for treatment but the said hospital referred the complainant's wife to higher hospital at dehradun. Then she was admitted in Max hospital which was covered under the policy & also deposited cashless medical card issued by Max Bupa Company. Complainant's wife got died. On 23/7/17 complainant conducted last rituals of his wife. Complainant given a complaint to DIG Saharanpur & SHO Sadar Bazar, Saharanpur for medical negligence by doctors of Max hospital Dehradun & other complaint in Delhi against BLK hospital.

OBSERVATIONS:

In this case Max hospital Dehradun refused that their hospital is not covered under any medi-claim policy. On the other hand BLK hospital tried to show before the hon'ble court that it was due to gross negligence on the part of Max hospital that the wife of the complainant died & there was no hope of saving her.

NEXT DATE OF HEARING - 24/09/2021

CASE NO.13
IN THE COURT OF Mrs. NIYAY BINDU, SENIOR CIVIL JUDGE,
DWARKA COURTS, NEW DELHI

IN THE MATTER OF:-

NAND LAL PLANTIFF

VERSUS

MADAN LAL..... DEFENDANT

SUB: SUIT FOR RECOVERY OF PROPERTY

BRIEF FACTS:

The defendant no. 2 is the real brother of plaintiff & defendant no. 1 is the wife of defendant no. 2. That defendants are in unauthorized use & occupation of one room stated on the ground floor on the suit property since 2005, when defendant no. 1 has illegally entered into the said property after creating a lot of scene & picking up quarrels. The defendant no.2 was indulged in various criminal activities & because of this the parents of plaintiff didn't allow him to live with them & severed all their relations with him & disinherited him by way of publication in newspaper. Defendant no. 2 was specifically warned not to live in the suit property & was asked to live in the house at the native village.

The defendant no. 2 is quarrelsome lady & has filed previously dowry case against plaintiff & his family members..The plaintiff has also lodged complaint with the local police & legal notice was also issued to the defendant. However, the defendants have failed to vacate the suit premises. 20

OBSERVATION:-

In this case plaintiff tried to prove before the Hon'ble court that he is the sole owner of the suit property and defendants got no interest in the suit property on the other hand defendants pleaded before the court of law that they are entitled to the possession.

Plaintiff pleaded for the damages or mense profit.

NEXT DATE OF HEARING:- 27/03/2021, as the trial court is not present to decide the case therefore the said question of possession is set to be decided on 12/07/2021.

CASE NO.14
IN THE COURT OF SH. M.K. GUPTA ADDITIONAL SESSIONS JUDGE,
SPECIAL FAST TRACK, ROHINI COURT

SESSION COURT-7/12/19

IN THE MATTER OF:-

STATE PETITIONER

VERSUS

DEVI PRASAD RESPONDENT

SUB: COMPLAINT U/S 363/366/376 IPC.

BRIEF FACTS:

The complainant told that he suspects that one boy Devi Prasad who used to live in his neighborhood had enticed away the victim. The complainant by coming to the police station informed that Devi Prasad after taking prosecutrix is present in the village itself on which ASI reached at village Gaja Khera. From there prosecutrix & Devi Prasad were apprehended from the house of Devi Prasad. On interrogation accused disclosed that prosecutrix was living with her sister. After the marriage accused and prosecutrix was living as husband & wife & had also established physical relations. Prosecutrix was forcefully taken away. She was forced to sign on marriage certificate by Devi Prasad who raped her after. Prosecutrix is now pregnant with the child of accused and accused kept her 5 months locked up in a room. Accused Devi Prasad was arrested & a case u/s- 363/366/376 I.P.C. was made out. 18

OBSERVATIONS:

ORDER AS ON 26/AUGUST/2019:-In this case the petitioner himself accepted that he was in love with the victim and wanted to make her his own. He also accepted before the court that he induced the victim to go with him.

The medical examination clearly depicted that the hymen of the victim was ruptured. Devi Prasad was found guilty & convicted u/s- 363/366/376 I.P.C.

FINAL ORDER:-Convicted.

PRESENT STATUS OF THE CASE: Devi Prasad is undergoing imprisonment.

CASE NO.15
IN THE COURT OF MRS. MEDHA ARYA, SENIOR CIVIL JUDGE,
DWARKA COURTS, DELHI
CIVIL SUIT No. 285/18

IN THE MATTER OF:-

1 . SMT. OMWATI

2 . SH. KISHANLAL

3. BHOLA SHANKARPLANTIFFS

VERSUS

SH. RAJPAL..... DEFENDANT

SUB: SUIT FOR PERMANENT INJUCTION

BRIEF FACTS:

The plaintiff no.1 entered into a settlement with his sons vide which it was agreed as to how the above mentioned suit property is to be divided between plaintiff no 2 & 3 and defendant. It was also agreed as to what each son would give to plaintiff no. 1 in case they said son construct the house on their share of the land which has fallen to their share. After the division of above said suit property had taken place, when plaintiff no. 2&3 were in the process of raising construction on their respective plots. The defendants and his associates started quarreling with all the plaintiffs, so much so that the defendant and his associates gave beatings to plaintiff and a stab wound was also caused to baildar Munish. That it is further submitted that the plaintiff no.2 &3 are in direct need of a house to live in an accordingly when they tried to raise construction on 10

their respective plots, the defendant strongly oppose the construction activity and also indulged in physical violence. The cause of action is in the above said came across on 22/09/18 as granted above when defendant prevented the construction activity.

OBSERVATIONS:

In the present matter, one of the parties was absent.

NEXT DATE OF HEARING : 24/04/2021 11

CASE NO. 16
IN THE COURT OF MRS. TARUNPREET KAUR, CMM,
DWARKA COURTS, DELHI.
COMPLAINT CASE No. 291/19

IN THE MATTER OF :-

VILLAGE COOPERATIVE SOCIETY..... COMPLAINANT

VERSUS

RANJEET SINGH ACCUSED

SUB: COMPLAINT UNDER SECTION 138/139/142 OF NEGOTIABLE INSTRUMENTS ACT.

BRIEF FACTS

The accused issued two cheques discharged its aforesaid liability for the amount Rs.30000/- and Rs. 36000/- dated 03/12/2019, both drawn on central bank. The above mentioned cheques were present by the complainant at the Canara Bank and the same were returned unpaid, the returned memos of the bank SBI, dated 04/10/2019 revealed that the reason for the non-payment was stop payment instruction issued by the accused to its bank Central Bank. After receipt of said bounced cheques my aforesaid client contacted the accused and asked the accused to pay the payment, but the accused showed their financial hardship and ultimately refused to make the payment.

Thereafter, the complainant also sent a legal notice to the accused through speed post, and the service of the legal notice, accused neither sent any reply nor paid a single penny to the complainant till the date. The act of issuing the aforesaid cheque by the accused being bounded

is fraudulent and further the accused intentionally and deliberately want to deceive the complainant as such the complainant got a case against the accused U/S 420/138 of N.I. Act.

OBSERVATION:

The matter got adjourn to the next date since the opposite counsel was not present.

NEXT DATE OF HEARING: 20/04/2021 was given for the payment of settled amount. 13

CASE NO.17
IN THE COURT SH. R.K. SINGH, MM,
SAKET COURTS, DELHI
COMPLAINT CASE No. 301/19

IN THE MATTER OF :-

OM PRAKASHCOMPLAINANT

VERSUS

SMT. KAUSHALACCUSED

SUB: COMPLAINT UNDER SECTION 138/139/142 OF NEGOTIABLE INSTRUMENTS ACT.

BRIEF FACTS

The accused issued two cheques discharged its aforesaid liability for the amount Rs.20000/- and Rs. 26000/- dated 03/10/2019, both drawn on Punjab National Bank. The above mentioned cheques were present by the complainant at the State Bank Of India and the same were returned unpaid, the returned memos of the bank SBI, dated 04/10/2019 revealed that the reason for the non-payment was stop payment instruction issued by the accused to its bank PNB. After receipt of said bounced cheques my aforesaid client contacted the accused and asked the accused to pay the payment, but the accused showed their financial hardship and ultimately refused to make the payment. Thereafter, the complainant also sent a legal notice to the accused through speed post, and the service of the legal notice, accused neither sent any reply nor paid a single penny to the complainant till the date 14

OBSERVATION:

The matter got adjourn to the next date since the opposite counsel was not present.

NEXT DATE OF HEARING: 12/03/2021 was given for the payment of settled amount. 15

CASE NO. 18
IN THE COURT OF MRS. ARCHNA BENIWAL, CMM
KARKARDOOMA COURTS, DELHI

FIR No. 337/2019
U/S 342/355/384/392/397/34/IPC.

IN THE MATTER OF:

STATECOMPLAINANT

VERSUS

VIKAS PANCHAL @ BABU..... ACCUSED

SUB: 1ST APPLICATION FOR GRANT OF BAIL U/S 437 Cr. P.C. ON BEHALF OF THE ACCUSED.

BRIEF FACTS:

The applicant is not even named in FIR and he has been falsely implicated on the forged disclosure statement of the co-accused. The applicant has been falsely implicated by the police in connivance of complainant as a matter of fact there is money dispute between the co-accused Faizal and complainant to make pressure had lodged the present FIR on false and frivolous grounds. Nothing has been recovered from the possessions of the applicant and in anything shown the same is planted by the police. The investigation of the case had already been completed and the applicant is in judicial custody and he is not required for any purpose by the police. 16

OBSERVATIONS:

In the present matter, the court has granted bail to the accused.

NEXT DATE OF HEARING : 23/03/2021

CASE NO.19
IN THE COURT OF MRS. RICHA GUSSAIN SOLANKI, CMM,
DWARKA COURTS, DELHI

IN THE MATTER OF :

STATE PETITIONER

VERSUS

ASHOK DEFENDENT

**SUB: 1ST APPLICATION UNDER SECTION 439 Cr. P.C FOR GRANT OF BAIL, ON
BEHALF OF THE APPLICANT/ACCUSED NAMED ABOVE.**

BRIEF FACTS:

The applicant is doing the work of tailor in the same locality. The complainant has falsely implicated the applicant on the present case just to extort money from him. The complainant and the accused person living as his wife and their marriage was solemnized in a simple manner in the native place of the complainant at Jhansi, U.P. and in the said marriage, all the relatives of the complainant was very much present there, so the question of committing alleged heinous crime by the accused with the complainant, does not arise. The applicant has not committed any alleged offence as mentioned in the FIR.

OBSERVATIONS:

In the present matter the court has granted bail to the accused.

NEXT DATE OF HEARING : 21/05/2021

CASE NO. 20
IN THE COURT OF MS. PRIYANKA TRIPATHY, MM,
DWARKA COURTS, DELHI.
COMPLAINT CASE No. 268/19

IN THE MATTER OF :-

VIVEKANAND PRATHISTHAN PARISHADCOMPLAINANT

VERSUS

M/S VALIANT MEDIA PVT. LTDACCUSED

SUB: COMPLAINT UNDER SECTION 138/139/142 OF NEGOTIABLE INSTRUMENTS ACT.

BRIEF FACTS:

Under the contract it was agreed that the complainant would provide training regarding online help consultation through Indian system of medicine like Yoga. It was agreed that the accused shall bear the electricity charges for the above mentioned four rooms. The accused failed to pay the electricity charges regularly, the accused issued two cheques discharged its aforesaid liability for the amount Rs.20000/- and Rs. 26000/- dated 03/10/2019, both drawn on Punjab National Bank. The above mentioned cheques were present by the complainant at the State Bank Of India and the same were returned unpaid, the returned memos of the bank SBI, dated 04/10/2019 revealed that the reason for the non-payment was stop payment instruction issued by the accused to its bank PNB. After receipt of said bounced cheques my aforesaid client contacted the accused and asked the accused to pay the payment, but the accused showed their financial hardship and 8

ultimately refused to make the payment. Thereafter, the complainant also sent a legal notice to the accused through speed post, and the service of the legal notice, accused neither sent any reply nor paid a single penny to the complainant till the date. The act of issuing the aforesaid cheque by the accused being bounded is fraudulent and further the accused intentionally and deliberately want to deceive the complainant as such the complainant got a case against the accused U/S 420/138 of N.I. Act.

OBSERVATION:

The present matter stands settle after the Mediation

NEXT DATE OF HEARING: 29/05/2021 was given for the payment of settled amount.

Part – B
Research Work

Research No. 1

Assault or criminal force to women with intent to outrage her modesty OBJECTIVE

The objective of doing the research is to know more about the assault or criminal force to women with intent to outrage her modesty. Also develop further understanding of the theories and concept of assault or criminal force to women with intent to outrage her modesty.

REGULAR INTERNSHIP WORK EXPERIENCE

The assault or criminal force to women with intent to outrage her modesty has been asked by the advocate to all interns and tell us to make a short talk on your thoughts.

INTRODUCTION

The research paper contains the ingredients of the assault or criminal force to women with intent to outrage her modesty as well as the case law related to the assault or criminal force to women with intent to outrage her modesty. And also include Assault or criminal force to women with intent to outrage her modesty and its essential.

MAIN CONTENT

The word 'Modesty' has not been defined anywhere in the code. The dictionary meaning of the word 'Modesty' is a state of being free from undue familiarities. 'Outrage' means an act of extreme violence and cruelty. Usually the courts go by the popular meaning.

Section 354, IPC deals with the offence of molestation i.e. assault to woman with intent to outrage her modesty. This section aims to protect women against any sort of indecent or filthy behavior by others which is derogatory to her modesty. This offence is not just against the individual but also against the society and public morality. Therefore, if any person uses criminal

fore upon a woman with an intention to outrage the modesty of a woman, he is deemed to be punished with an imprisonment of not less than one year which may extend upto five years with fine.

It is not specifically defined under IPC that what constitutes an outrage to woman's modesty. However, the court has interpreted it in various cases. According to the Supreme Court, modesty is an attribute associated with female human beings as a class. Modesty is said to be outraged by such an act of offender which shocks and recognizes as an insult to female decency and dignity. For example, slapping a woman on her butt, asking her for sexual favours, disrobing her etc.

Essential Ingredients of Section 354

The following are the essential of the offence under Section 354, IPC-

1. The person who has been a victim of assault must be a woman
2. The accused must have used criminal force on her
3. An intention to outrage the modesty of a woman must be there.

Relevant case laws

Case: *Rupan Deol Bajaj v. K.P.S. Gill*

Facts: The petitioner was an IAS Officer and accused was DGP, Punjab. The petitioner was invited to a party where the accused was also present. The accused asked the petitioner to come and sit next to him and when she went to sit, he pulled the chair closer to him and the petitioner was surprised by this act and she pulled her chair back to original place and again he pulled the chair closed to him. The petitioner asked him to leave but he again asked petitioner to accompany him in a commanding voice. She got apprehended and frightened and immediately pulled her chair back and turned to get out. At this point, the accused slapped the butt of the petitioner in the presence of all the guests which was very embarrassing for her. She filed an FIR against him.

Judgment: The High Court quashed the FIR and held that the act was covered under Section 95, IPC.

The Supreme Court disagreed with the High Court and held that quashing FIR is illegal and Section 95, IPC is not at all applicable. The court further added that when an offence relates to the modesty of women, it could not be trivial under any circumstance. Therefore, the accused was held liable under Section 354, IPC.

Case: *Raju Pandurang Mahale v. State of Maharashtra*

Facts: The accused brought the victim to the house of co-accused on a false pretext. They confined her in the house and brought liquor which she was forced to drink. The victim was then disrobed and her nude photographs were taken.

Judgment: The Supreme Court held that the accused was guilty under Section 354, IPC as their acts were affront on the normal sense of feminine decency.

Case: *State of Punjab v. Major Singh*

Facts: In this case, the accused had caused injuries to the vagina of a seven and a half months old child by fingering.

Judgment: It was held that the accused was liable for outraging the modesty of the child under Section 354, IPC. The court further added that the essence of a woman's modesty is her sex. Young-old, intelligent or imbecile, awake or sleeping; women possesses a modesty capable of being outraged.

OBSERVATION

That the assault or criminal force to women with intent to outrage her modesty In the wake of increasing crime against women, there is a need for laws that deal with offences against women. The marital offences against women includes bigamy, adultery. The one that is most common offence is cruelty.

CONCLUSION

After doing the research work I came to know about the concept of the assault or criminal force to women with intent to outrage her modesty. The essence of women's modesty is her sex. The word modesty is an attribute associated with female human being which reflects a particular

class. It is a virtue which is attached to a female on account of her sex. The word 'modesty' is not to be interpreted with reference to a particular victim of an act but rather it is to be interpreted as an attribute associated with female human beings of a class. Section 354 deals with the cases of criminal force and assault to women with the intention of outraging the modesty of women.

Research No. 2
Causing death by negligence

OBJECTIVE

The objective of doing the research is to know more about the causing death by negligence. It is an offence or punishment of causing death by negligence.

REGULAR INTERNSHIP WORK EXPERIENCE

The offence of causing death by negligence has been recorded under section 304A of the I.P.C, 1860. In the regular internship I did a research work related to the causing death by negligence. In our chamber there is a discussion also done on a causing death by negligence.

INTRODUCTION

The research paper contains the ingredients of the causing death by negligence as well as the case law related to the causing death by negligence and also describes about the elements and punishments of the causing death by negligence.

MAIN CONTENT

The Section 304A of the Indian Penal Code talks about causing death by negligence or rash act. This Section mentions that if a person causes the death of another person by doing a negligent or rash act which does not amount to culpable homicide shall be punished with imprisonment for a term of a maximum of two years, or with fine, or with both.

For understanding the whole concept given in Section 304A we need to understand the term negligent act. It became important to have proper knowledge regarding this term. In the legal field 'negligence' can be defined as an act or omission that causes damages to the property of another person. Here in this Section of the Indian Penal Code the term rash or negligent act can be defined as an act that is the immediate cause of death. There is a difference between these terms (rash and negligent) also. By 'rash act' we mean any act which is done restlessly. By the

term 'negligent act' we mean a breach of duty due to omission to do something, which a reasonable man will do.

There are four basic elements that a person has to fulfill in order to do a negligent act. These elements are as follows:

- **Duty:** For committing a negligent act, there must be some duty on the part of the defendant. Here it is important to understand whether the defendant has taken legal duty of care towards the plaintiff.
- **Breach of Duty:** After fulfilling the first criteria the plaintiff must prove that the defendant has breached the legal duty imposed on him/her. It talks about the breach of duty on the part of the defendant which he/ she is expected to do as he/ she has some legal duty towards the plaintiff.
- **The action of causing something:** It means that the damage caused to the plaintiff is due to the act of the defendant. Here the defendant may do an act which is not expected from him/her or the defendant may be negligent in not doing an act which was expected from him/ her.
- **Damages:** At last what matters is, there must be some damage/injury that is caused to the plaintiff and this damages should be the direct consequence of the defendant's act.

To apply section 304A it becomes very important to show that there is no intention on the part of the defendant to commit a crime. For understanding the 'rash act' one should understand that it is an act which is done hastily and is opposed to any intentional act. A rash act is done without any deliberation or with caution. It depends on the level/degree of recklessness.

Cherubin Gregory v. State of Bihar, 1964

The definition of the rash or negligent act can be understood by the famous case of *Cherubin Gregory v. State of Bihar*. In this case, the Supreme Court stated the difference between the rash or negligent act. Here, in this case, the appellant was charged under Section 304A of IPC for causing the death of a woman who stayed near the house of the appellant. Here the deceased was using the latrine/ toilet of the accused for about a week. The accused gave the oral warnings related to it to the deceased but the deceased continue to use the latrine of the accused. As he

(accused) finds his oral warnings to be insufficient so he put a naked copper wire carrying electricity on the passage leading to the latrine. On the day of the occurrence of the incident, the woman went to the latrine of the appellant and there she touched the fixed wire and she died because of this. There were several issues raised in this case. Here the Court held that the mere fact that the person entering is a trespasser does not entitle the owner of the land to inflict personal injury upon the trespasser. The same principle also applies to the fact that the owner inflicted the injury by indirect ways of doing something. The owner should know that it may cause a serious injury to the trespasser.

Here the Apex Court also held that in this case, the appellant would be liable for his rash act (as the act was considered to be reckless) and the accused was held liable under Section 304A of the Indian Penal Code.

As mentioned earlier that the Section 304A of the Indian Penal Code applies in cases where there is nothing to do with the intention of a person to cause the death of another person. Here there is no role of knowledge of the person that if the act is committed it will lead to the death of a person. The elements under Section 304A makes death by negligence outside the range of Sections 299 and Sections 300 of IPC. It can be clearly understand that the two basic elements of Section 304A are negligence and rashness. This Section allows the criminality of a matter in spite of the absence of mens rea. It is important to remember that in such cases there can be no motive or intention of a person still due to his/ her negligence or rashness the person may cause the death of another person.

Let's take another example to understand the concept that the intention of a person does not matter under Section 304A of the IPC. For instance, if a building is built by a corporation that is busy in the business of construction. After all the inspection this building gets the Building Use certificate and all the safety measures related to electricity and fire were taken by the Corporation. Here if any fire breaks out due to an electrical short circuit. And due to this, the people living in that building starts to jump outside the building in order to save their lives and there is negligence on the part of the corporation. Here if any person dies after falling from the building then the corporation would be liable for its negligent act under Section 304A of IPC although there is no intention or knowledge on the part of the corporation about the same.

Sarabjeet Singh And Ors. v. State of Uttar Pradesh, 1983

In the very famous case of *Sarabjeet Singh And Ors. v. State of Uttar Pradesh*, the intention of a person during the commission of a crime was questioned. Here the major question raised by the counsel of the accused was related to the intention of the person during committing a death of a person. In this case, the Appellant Sarabjeet Singh and 17 other peoples were put on a trial for having committed the crime of murder of infant Radhey Shyam. Here the accused (Sarabjeet Singh) lifted the child and thrown him on the ground and later it was founded that this resulted in the death of the child. It was found that there was no intention on the part of the accused towards the infant. It was also found that Sarabjeet has no grievances towards Radhey Shyam and therefore it was held that there is a lack of intention in this case. Now the next question which was put forward was about the knowledge of the wrong. Here, in this case, the accused may not have intended to kill the infant but he had all the knowledge that if the child is thrown from such height then the child will die ultimately. So the Court held the accused liable under Section 299 as all the conditions under this section get fulfilled. Now the counsel from the appellant side argued that this is the case of death by negligence and must come under Section 304A of the IPC. He argued that this is because this case includes the rash act of the appellant but as there is knowledge about the crime on the part of the accused so the court held that this case can't come under Section 304A of IPC rather it will be covered by the second part of Section 304(it talks about knowledge of the person during committing any crime).

OBSERVATION

That the causing death by negligence has certain loopholes related to Section 304A which need to be covered by bringing certain changes. Here through our article, we can easily find that Section 304A cannot be effectively applied in cases related to medical negligence. There it needs certain reforms for its effective usage. Also, the punishment prescribed under Section 304A is also found to be insufficient.

CONCLUSION

After doing the research work I came to know about the concept of the causing death by negligence. I also came to know about the concept of causing death by negligence about there

essential elements and punishments also know about the positive side of Section 304A of IPC is it helps to distinguish a crime where the defendant/ accused has no intention or has no knowledge about the crime.

Research No. 3
Permanent injunction

OBJECTIVE

The objective of doing the research is to know more about the permanent injunction. Also develop further understanding of the theories and concept of permanent injunction.

REGULAR INTERNSHIP WORK EXPERIENCE

The permanent injunction has been asked by the advocate to all interns and also gives us work to research on the permanent injection and its processor.

INTRODUCTION

The research paper contains the ingredients of the permanent injunction as well as the case law related to the permanent injunction. Permanent injunction is a type of injunction which is granted by a court at the end of a lawsuit. A permanent injunction order requires a party to do or refrain from a particular act. Usually, certain factors are considered by courts when granting permanent.

MAIN CONTENT

Permanent injunction is a type of injunction which is granted by a court at the end of a lawsuit. A permanent injunction order requires a party to do or refrain from a particular act.

Usually, certain factors are considered by courts when granting permanent injunction, they are:

1. If the legal remedy is inadequate;
2. If property right is at issue;
3. If enforcing the decree would be feasible;
4. If the hardships balance in plaintiff's favor; and
5. If all defenses have been overcome.

As is clear from Section 37 (2) of Specific Relief Act, 1963 (hereinafter referred to as the Act), a permanent injunction (which is also known as perpetual injunction) can only be granted by the decree made at the hearing and upon the merit of the suit. The defendant is thereby perpetually enjoined from the assertion of a right or from the commission of an - act which would be contrary to the right of the plaintiff. Section 38 of the Act further provides the circumstances where the permanent (perpetual) injunction may be granted in favour of the plaintiff to prevent the breach of an obligation existing in his favour, whether expressly or by implication. In contractual matters when such obligation arises, the Court has to seek guidance by the rules and provisions contained in Chapter II of the Act dealing with specific performance of contracts. Sub- Section (3) of Section 38 in clauses (a), (b), (c) and (d) further illustrates the circumstances where a perpetual injunction may be granted by the Court. The mandatory injunctions are contemplated under Section 39 of the Act where it is necessary to prevent the breach of an obligation and the erring party may be compelled to perform certain acts. Section 40 provides for granting damages in lieu of or in addition to injunction. Section 41 provides circumstances where the injunction should be refused. Section 42 provides for grant of injunction to perform a negative agreement. It was made clear at the beginning that the Law of Injunction is vast and expansive jurisdiction and It forcefully illustrates the power of equity in spite of the fetters of codification to march with the times and adjust the beneficial remedies to altered social conditions and the progressive needs of the humanity. The first Specific Relief Act was codified in the year 1877 which was replaced by the Specific Relief Act of 1963 (Act No.47 of 1963). In spite of the codification the law of injunction continued to expand and it fulfilled the needs of the society in different shapes - and forms. The codification of the law has never proved a fetter. In this context, a Civil Court should never have any hesitation in granting injunction to new circumstances and situations. Our society is a progressive society, our country is a developing country and with the growth of the industry one may be called upon to administer law of injunction to various kinds of new situations which were wholly unknown to this field earlier. The essential test should, however, remain equity. In this context the views expressed by the Courts and Jurists may be gainfully quoted here :

"It is the duty of a Court of Equity," said Lord Cot ten hem in Taylor v. Selmon, (and the same is true of all Courts and institutions), "to adopt its practice and course of proceedings, as far as possible, to the existing state of society and to apply its jurisdiction to all those new cases which

from the progress daily made in the affairs of men must continually arise and not from too strict an adherence to forms and rules established under very different circumstances decline to administer justice and to enforce rights for which there is no other remedy."

Similarly, the view expressed by the great jurist Shri Banerjee in Tagore Law Lectures as far back as in 1906 may be remembered by us as a good guide even today in this field of law.

Banerjee said: 'Since an obligation includes every duty enforceable by law this form of specific relief, it would appear, is applicable to all cases where one person can enforce a duty against another, or to use the correlative term, where one person is vested with a right which empowers him to constrain the other to adopt a particular line of conduct, or to do or abstain from doing a particular act. This right may or may not arise out of a contract, and the remedy of injunction, by which preventive relief is granted by a Court, may be held to be available throughout the whole range of the law, But the jurisdiction is carefully defined in part III, Specific Relief Act, and to some extent circumscribed. It still remains, however, a vast and expansive jurisdiction, and forcibly illustrates the power of equity, in spite of the fetters of codification, to march with the times and adjust the beneficial remedies to altered social conditions and the progressive needs of humanity.'

Mr. H.C. Joyce also in his Law of Injunctions has expressed identical views. He says, 'As a remedy for preventing wrongs and preserving rights, the injunction has been regarded as more flexible and adjustable to circumstances than any other process known to law. The correctness of the estimate is seen in the readiness with which injunctions yield to the convenience of the parties, the ease with which damages are substituted in their place when justice and public interest so require, the facility with which a preventive and a mandatory injunction are made to co-operate so that by single exercise of equitable power an injury is both restrained and repaired, and the facility with which injunctive relief can be applied to new conditions and adjusted to the changing emergencies of modern enterprise. In this connection it may be declared that as writ of injunction may be said to be a process capable of more modification than any other in the law, it is so malleable that it may be moulded to suit the various circumstances and occasions presented to a Court of Equity. It is an instrument in its hands capable of various applications for the purpose of dispensing complete justice between the parties. It may be special, preliminary, temporary or permanent, in short it is adopted, and is used by Courts of Equity, as a process for preventing

wrong between, and preserving the rights of parties in controversy between them...so, where, too, if a party cannot at once comply with an injunction without being put to great expense or grievous annoyance, the Court may order that the injunction do not commence until after a certain stated period. Injunction should not be denied on the ground of its novelty in application, if the exigencies of the situation required it and if it does not militate against statutory provision. The Courts should act according to justice, equity and good conscience, when there is no specific rule applicable to the circumstance of the case."

Once the aforesaid basics of this equity jurisdiction become clear, there may not be any difficulty in its application to various situations - One may be called upon to grant injunction in various kinds of disputes which may be commercial non- commercial, marital, non-marital, encroachment over civil rights etc. The list of these situations cannot be given here. A civil dispute calling for a preventive relief may come before one in any shape and then one may be guided by principles of equity, justice and good conscience in granting relief. The hesitation should not be there when equitable consideration demand and justify it.

OBSERVATION

That the permanent injunction has Power under order 39 rule 2A should exercise with great caution and responsibility in entertaining applications under order 39 rule 2A from person who was not entitled to file application and accepting interpretation of the said order which does not flow from order and creating liability where non existence.

CONCLUSION

After doing the research work I came to know about the concept of the permanent injunction. The tests applicable to permanent and interlocutory injunctions outlined above reflect the equitable nature of these remedies: they are general and flexible, and the specific facts of each case play a very important role in their application. Given the importance of injunctions in civil litigation, and the fact that the need for an injunction may require swift action, it is important for lawyers to understand the basics of injunctions, and to be ready to apply the relevant tests to their cases when necessary.

CONCLUSION

In the end I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one can't understand the analytical and positive application of law & jurisprudence & the actual function & structure of law. What we study is the body, but what we have learnt from this internship is the mechanism of this body.

I was surprise to see how the simplest of laws were applicable in the most difficult of situations & how loopholes leave so much scope for evolution & improvisation today in this field.

With a vote of thanks and gratefulness for reading this report thoroughly & for giving me this wonderful opportunity to grow my vision in this field, I conclude this report with a great lot in my mind.

FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

(AFFILIATED TO GGSIPU)



SUMMER TRAINING REPORT

SUBMITTED BY-

NAME : GUNJAN KAUSHIK

COURSE/SEMESTER:BALLB/9th

SECTION : A

ENROLL NO. : 04890103817



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TO WHOMSOEVER IT MAY CONCERN

THIS IS TO CERTIFY THAT Ms. Gunjan Kaushik, student of FIMT Institute, GGSIPU, Enroll No.:04890103817 pursuing B.A./L.L.B (IX Semester), has undergone her internship under my supervision and guidance for a period of 30 days commencing from 01.07.2021 to 31.07.2021

During her internship, she has researched upon various issues pertaining to law, analyzing briefs, creating notes related to various aspects of civil and criminal as well as drafting of cases. She also attended Court hearings in various District Courts and High Court of Delhi

I have found her as a hardworking, competent, motivated, duty bound and responsible.

Prashant Sharma
Advocate

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DECLARATION

I do hereby declare that the report is compiled by me on the basis of “Summer Training Programme” on my own experiences and knowledge to the best of my understanding which is submitted to Fairfield Institute of Management and Technology affiliated to Guru Gobind Singh Indraprastha University, Delhi.

Signature :

Date :22.11.2021

ACKNOWLEDGEMENT

First and foremost, I am expressing my thankfulness and praise to Almighty God for his guidance and blessing throughout my entire internship. I would also like to sincerely thank **ADV. PRASHANT SHARMA** for giving me this wonderful opportunity to undergo internship training.

My appreciation and gratitude is extended to **ADV. PRASHANT SHARMA** for his guidance, generosity to share their tremendous knowledge, for giving continuous motivation from the starting of the internship until the end of the training. Also my sincere gratitude to all the associates for their willing to accept me into their family.

Also I would like to take this opportunity to thank Chairman, Principal and Directors of FIMT. I would like to extend my sincere gratitude to all the teachers of Law Faculty, FIMT for Their guidance and support.

Last but not the least, I would like to thank my parents and colleagues for their comforting supports and guidance.

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OBJECTIVE

The objective behind this internship was to gain knowledge and working of various legal institutions and court proceedings. It was immense pleasure while working with several advocates, learning and interacting with clients in order to get much exposure in law field. We realize that much exposure is needed in this field, as the proceedings are of great importance. The internships are very much essential as it helps in self learning and enhancing one's knowledge. As far as I have seen lower courts are the best in providing proper understanding of legal proceedings. More the exposure, more the understanding is the prime objective behind this internship.

CASE LAW-1

IN THE COURT OF MS. SUNAINA SHARMA, JUDGE, MACT, DELHI

IN THE MATTER OF:-

BISHAMBAR DAYAL....COMPLAINANT

VS.

SURENDER....ACCUSED

Date of Hearing: 04/07/2021

SUBJECT MATTER: COMPLAINT UNDER SECTION 138 AND SECTION 141 OF NEGOTIABLE INSTRUMENT ACT, 1881 AS AMENDED UPTO DATE

CASE FACTS:

In this case, the complainant is a teacher in MCD School, Delhi and the accused is running a business of Jeans. That the complainant advanced a friendly loan of Rs. 5 lakhs on 16.09.2019 only on the conditions when the accused issue a Cheque against the friendly loan amount as security to the complaint and the accused agreed to issue the Cheque as security against the friendly loan amount. In order to get loan, the accused issued a postdated Cheque, 51/3, Bijwashaan 110061 in the month of October, 2019 stating that on the presentation of this Cheque, it shall be honored. The said Cheque was dishonoured for the reasons and remarks as "Funds Insufficient" when presented by the complainant for encashment. It is also pertinent to mention here that whoever commits an offence u/s 138 of N.I. Act, he/she shall be punished with an imprisonment for a period of 2 years and has to pay double of the Cheque amount.

OBSERVATION:

On hearing of this case, I observed that the Accused was present without the bail bond. So, The Hon'ble Magistrate extended his term of Judicial Custody. Next Date is fixed for the Arguments of Charge.

Next Date of Hearing: 20/10/2021

CASE LAW 2

IN THE COURT OF SH. LOKESH KUMAR SHARMA LD ASJ' SAKET DISTRICT COURT, NEW DELHI

IN THE MATTER OF

SH. HEMANT KUMAR... COMPLAINANT

VERSUS

SMT.SARITA

...PETITIONER NO 2

Date of Hearing: 07/07/2021

SUBJECT MATTER: PETITION FOR DISSOLUTION OF MARRIAGE BY A DECREE OF DIVORCE BY MUTUAL CONSENT U/S 13B (1) OF HINDU MARRIAGE ACT 1955 AS AMENDED UPTO DATE

CASE FACTS:

In this case, the marriage of the Petitioner No. 1 was solemnized with Petitioner No. 2 on 28/01/2011 in accordance of Hindu Rites and Ceremonies, Delhi. From this wedlock, one male child was born namely Lowell Rawat was born on 28/12/2013. The child was in the care and custody of Petitioner No. 1 and he is taking all care of child. That party to the petition could not live together as temperamental disputes and differences arose between the petitioners and they decided to live separately from each other since January 2018 and their marriage has been broken down irrevocably and there are no chances of their in future. That accordingly pursuant to mutual settlement between the petitioners and both parties are agreed to divorce mutually. The mutual consent has not been obtained by Fraud, Force or Undue influence.

OBSERVATION:

Today Matter is listed for Second motion of the divorce. Both the parties were present and the Hon'ble Judge give three months of decree of judicial separation.

Next Date of Hearing: 29/10/2021

CASE LAW-3

**IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE,
DELHI**

IN THE MATTER OF:

RANBIR SINGH

....COMPLAINANT

VERSUS

RAJBAIA

....ACCUSED

Date of Hearing: 08/07/2021

SUBJECT MATTER: SUIT FOR RECOVERY U/O XXXVII RULE 1 AND 2 C.P.C. ONBEHALF OF PLAINTIFF OF RS. 6,00,000/- (RUPEES SIX LAKH) ALONGWITH PENDENTILITE AND FUTURE INTEREST AND COST OF THE SUIT.

CASE FACTS:

In this case, the complainant and the Accused is well known to each other and having good relations and due to some financial need in the end of month of January, 2017 the accused approached the complainant for an amount of Rs. 6,00,000/- (Six Lakhs). That on the repeated requests and demands of the accused, the Complainant has given her a friendly loan of Rs. 6,00,000/- (Six Lakhs). That after the completion of Six months, the Complainant requested the Accused to return the amount of Rs. 6,00,000/- (Six Lakhs) and in discharge of it, the Accused issued a Cheque bearing No. 051921 dated 20.06.2017 drawn on Union Bank Of India, MangolPuri Branch, Delhi stating that on the presentation of this Cheque, it shall behonored. The said Cheque was dishonored for the reasons and remarks as “Funds Insufficient” when presented by the complainant for encashment. That the Plaintiff approached so many times the Defendant to return her money but she did not made the payment. Then, the Plaintiff filed a suit u/o XXXVII Rule 1 and 2 of Code of Civil Procedure.

OBSERVATION:

Today mater is listed for Argument on Application u/s XXXVII RULE 3, C.P.C. Arguments were heard and Hon’ble judge pass a decree of Rs. 6,00,000/- (Six Lakhs) + 9% interest calculated at the time of filing the suit in favour of Petitioner. The decision is final and the case is closed.

CASE LAW-4

IN THE COURT OF SH. ANIL JAIN. LD ASJ, SAKET DISTRICT COURT, NEW DELHI.

IN THE MATTER OF:-

STATE

V.

KANHAYA LAL NANDA

SUBJECT MATTER:-Case regarding the section 304A of Indian Penal Code 1860

BRIEF FACTS

- ❖ That the Kanhayalal Nanda was an independent contractor who has hired by the ansal builders to build the property building for them.
- ❖ That the 4 floors of the building was ready and work was going on 5th floor of the building, the project was started from year 2013 and was going on well but on 05/04/2014 an accident occur and one worker name as Avdesh Sharma died to the negligence of the contractor.
- ❖ That the worker was then taken to the Metha nursing home but it was declare that “died before admission”. The worker is of 25 years, so now the disputes have arisen.
- ❖ That the FIR was lodged as no. 131/04 and case was CrL/607/1/11 U/s 288 and 304A of Indian Penal Code.
- ❖ That the accused was then, arrested and after two month he was released on bail, but have to report in court on every date.
- ❖ That the compensation of Rs. 1, 00, 000/- was also provided by the accused to the brother of victim.

PRESENT DAY:-The matter was pending for hearing before the Hon'ble court as on 9/07/2021. On this day the matter notice was for the pro evidence but witness not arrives from the part of complainant. So now date have fixed for 11/11/2021

OBSERVATION:-

I have learn about the provision of sec. 304A and about the evidence, how to present it. Furthermore I have come to know about the provision of compensation.

NEXT DATE OF HEARING:- 11/11/2021

CASE LAW-5

**IN THE COURT OF SMT. VASUNDHRA AZAD, LD. M.M. SAKET DISTRICT
COURT , NEW DELHI**

IN THE MATTER OF:-

STATE

V.

VIKRAM

SUBJECT MATTER :-Case filed u/s 354 of INDIAN PENAL CODE 1860

BRIEF FACTS:-

- ❖ That the FIR was lodged on 27/06/2016 no. as 352/2004 u/s 354 of IPC against accused vikram of 48 years.
- ❖ The FIR was lodged by Smt. Bhawna who lives in anandvihar, New Delhi. According to the FIR, accused knock the door of the victim at around 12:20 AM at night when victim was doing dinner with her family. When she opened the door, she saw vikram there.
- ❖ According to the allegation vikram start abusing her badly then at last he hit victim on her chest and then ran away.
- ❖ vikram was the family friend of the victim and she knows him well.
- ❖ **PRESENT DAY:-**

On the present day the matter was fixed for the statement of accused, as provided in sec. 313 of the criminal procedure code, to enable the accused to personally explain any circumstances appearing in the evidence against him.

The statement was recorded by the court as on 09/07/2021 and both the council was present along with accused in the court.

OBSERVATION:-I have come to know about the various stages of criminal proceeding in the Indian court.

NDOH - 27/12/2021

CASE LAW 6

IN THE COURT OF MS. NITI PUTEA LD. M.M, SAKET DISTRICT

COURT, NEW DELHI

IN THE MATTER OF :-

STATE

V.

RANJEET SHAHA

SUBJECT MATTER–Application for bail under section 437 Code of Criminal Procedure.

BRIEF FACTS -

- ❖ That the FIR was lodged on 20/04/2014 no. as 231/14 U/s 420 of INDIAN PENAL CODE. According to the allegation of F.I.R Mr. Suresh Goyal cheated the victim ashok by selling him the artificial jewelers by saying it to be the original of 24 karat of near by looking.
- ❖ When ashok came to know about that fact he asks ranjeet to return his money back, but he ignores him and she also not responded to the calls of the ashok. it was estimated that cheating was done near by of Rs. 5, 00, 000/-.
- ❖ Then after trying all the ways for the recovering of the money, they failed. after all this incident ranjeet lodged F.I.R next day the accused was arrested.

PRESENT DAY:-

The accused council filed the application for bail on 10/06/2021, under the provision of 437 of CrPC.

Arguments between P.P. and the defence council arose for the pleading of the bail. at last court granted the bail to the accused by doing F.D. of 1 lakh by the 2 sureties. Next date was fixed for 2/06/2021.

OBSERVATIONS:-I have come to know about the provision of section 437 of CrPC regarding the bail before filling charge sheet.

CASE LAW 7

**IN THE COURT OF SH. HARUN PRATAP LD, M.M SAKET DISTRICT COURT,
NEW DELHI**

IN THE MATTER OF

STATE

V.

Vicky

SUBJECT MATTER :-Application related the offence of section 420 & 120B of Indian Penal Code, 1860

BRIEF FACTS

- ❖ That the case was registered through F.I.R which was lodged on 23/05/2016 no. as 74/12 U/s 420, 120-B of IPC and sec. 66 of IT Act.
- ❖ According to the allegation of F.I.R when complainant was on inspection of refund states on BSP system, the complainant was surprised to know that dew refunds for a sum of Rs. 06, 58, 000/- for the financial years, 2012-2013, 2013-2014, 2014-2015 were issued to the accused Vicky through refund banker.
- ❖ It was further alleged that ID code/password of the complainant and additional CIT range 43, were fraudently misused on 04/10/2015 where as neither the complainant nor the additional CIT attended the office that day.

PRESENT DAY :-On the present day of 12/07/2021 all the 6 accused was present in the court and council from both the side was present. The matter was fixed for the arguments. The court have issued an order to the IT department to give the record of the refund status by all verification, And also said to submit the report up to 05/08/2018. The court also directed to all the accused to present on the next day of 05/08/2021

OBSERVATIONS:-I have come to know about the provision of the section 420 and 120B of IPC, and the attitude of the court while dealing with these matters.

NDOH:- 05/08/2021

CASE LAW 8

**IN THE COURT OF SH. VAIBHAV MEHTA, METROPOLITAN
MAGISTRATE, SAKET DISTRICT COURT, NEW DELHI**

IN THE MATTER OF STATE

V.

VedPrakashGautam

That the Pooja also filed a petition for divorce u/s 13(1)(a) of Hindu marriage Act, against the revisionist on 24/08/2010.

That the Pooja have put the false allegation on VedPrakash Gautama

- ❖ and his family u/s 468A/406/34 as accused never done any cruelty act on Pooja, whereas she was careless and egoist person, she never took care of his parents and use to give answers in founding way.

That the Pooja also filed a petition for divorce u/s 13(1)(a) of Hindu marriage Act, against the revisionist on 24/08/2014.

That the Pooja have put the false allegation on VedPrakash Gautama

- ❖ and his family u/s 468A/406/34 as accused never done any cruelty act on Pooja, whereas she was careless and egoist person, she never took care of his parents and use to give answers in founding way.
- ❖ That the pooja with filing the false F.I.R abuses the procedure and law as well wasted the time of court.
- ❖ That on 05/07/2015, the anticipatory bail was also file in the court of Sh. neerajkumargupta, Ld. ASJ, dwarka court which was also there in accepted by the court.

PRESENT DAY:-

on 15/07/2021 that matter was fixed before the Hon'ble court for hearing on this day P.P was absent and Pooja was also not present in person, summon was issued for here on the next date of 15/11/2021.

OBSERVATION:-

I have learned about the provision of section 498A &34 of IPC.

NDOH:- 15/011/2021

CASE LAW-09

IN THE COURT OF SH. PANKAJ GUPTA LD, M.M. SAKET DISTRICT COURT, NEW DELHI

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

KRISHNA KUMAR

....ACCUSED

F.I.R. No: 463/08

U/S: 279/338 IPC

P.S: MEHRAULI

Date of Hearing: 20/07/2021

SUBJECT MATTER: APPLCATION FOR RELEASE OF THE VEHICLE BEARINGNO. DL-8CW-4226(SWIFT DEZIRE) ON BEHALF OF APPLICANT/RIGHTFUL OWNER ON SUPERDARI

CASE FACTS:

In this Case, the applicant is the proprietor of the M/s R.K Enterprises through its proprietor Sh. Sanjeev Singh, S/o RadheyShyam, R-125, Parmanand colony, Delhi, which is seized and impounded by the police of P.S. Narela in the above said case. The said vehicle is no more required by the police officials for the purpose of investigation or else. The applicant is ready to furnish the superdaginama to the satisfaction of this Hon'ble Court. The applicant is ready to abide all the terms and conditions imposed by this Hon'ble court. The applicant will produce the same vehicle and when directed by this H o n ' b l e C o u r t .

OBSERVATION:

On hearing of this case, Hon'ble judge decided to release the vehicle of the applicant on superdari. So the case stands disposed.

CASE LAW-10

IN THE COURT OF CHIEFMETROPOLITAN MAGISTRATE, SAKET DISTRICT COURT, NEW DELHI

Complaint Case No. 9175/2016

IN THE MATTER OF:

MONIKA

....COMPLAINANT

VERSUS

DEEPAK & OTHERS

....ACCUSED

Date of Hearing: 23/07/2021

SUBJECT MATTER: APPLICATION UNDER SECTION 12 OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005 (43 OF 2005)

CASE FACTS:

In this case, the marriage was solemnized between the complainant and the respondent no. 1 on 17.06.2016. The marriage of the Petitioner with the Respondent was solemnized in the normal and decent manner and lots of dowry articles including cash, other gifts, cloths and gold ornaments etc. were given to the Respondents in the marriage by the Petitioner Family members. The Petitioner has always performed her all matrimonial duties, as devoted wife, but the Petitioner was treated with utmost cruelties by the Respondents causing great harm to the body and life of the Petitioner and endangering the health, safety and wellbeing of the Petitioner physically and mentally at her matrimonial house. Respondent and his in laws also asked the Petitioner to brought money from her father house to fulfill their needs. That it is not possible for

the Petitioner to live with her in laws who always used to cruel her. That the Petitioner not feeling safe so she had to leave hishouse and is also at present in the depression state of mind as a result of violence meted upon her.

OBSERVATION:

Today matter is listed for Service of Respondent No. 3 &5. Judge is on leave today, so matter is listed for the same on 05/11/2021

Next Date of Hearing: 05/11/2021

CASE LAW-11

**IN THE COURT OF SH AJAY KUMAR JAIN, LD ASJ, PATIALA HOUSE COURT,
NEW DELHI**

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

ASADULLAH & MAUSSA.....ACCUSED

Petition Filed U/S 21/29 OF NDPS ACT

14 OF FOREIGN ACT

468 OF IPC

Filed on – 09/01/2021

Facts – In this case, on 08.01.2021 NirbhayaRana was present in office special cell, Saket. A secret informer came to office and informed him that an Afghan National who is accused named Asadullah who deals in narcotics drugs would come at near bus stop, near Malviya Nagar metro station to deliver heroin to a African person. Then Sh. Attar Singh ACP authorised SI NirbhayaRana to constitute a raiding party under the supervision of Insp. Ishwarsingh. SI NirbhayaRana and caught the 2 accused with the total heroin of 6 kilogram. Both accused brought in the custody for the HEROIN (Narcotics drug) u/s 21 NDPS Act.

NDOH – 27.08.2021

CASE LAW – 12

**IN THE COURT OF MS. SWARNA KANTA SHARMA, FAMILY COURT, N. DELHI
IN THE MATTER OF:**

PALLAVI GUPTA.....COMPLAINANT

V

VIKAS MOHAN.....ACCUSED

Petition filed u/s 12 of the Protection of Women from Domestic Violence Act 2005

Facts – Marriage between Vikas and Pallavi was solemnized on 19.04.20010 at Bulandshahar (UP). After their wedding, parties stayed in Bulandshahar. She found the behaviour of her in laws rather peculiar and disrespectful towards her, her mother in law did not speak properly to her and kept yelling at her. By June 2010, the complainant Pallavi had already conceived her baby. No one was available for the assistance including her husband because of which she had to do every physical activity herself. Vikas never tried to call and inquire about the Well Being of the complainant. He always avoid her, due to the immense amount of stress, her health deteriorated. Due to above reasons, she was compelled to take medical leave from her job and move to Delhi with her parents.

Observation – Father i.e. Vikas filed a case for the custody of this son from his wife, but apparently this matter is got settled. Now both the parties will file mutual divorce and they will withdraw each and every case against each other, settlement done by money.

NDOH – 20.09.2021

CASE LAW 13

IN THE COURT OF SH. P.K. JAIN, ASJ, N. DELHI

IN THE MATTER OF:-

STATE.....COMPLAINANT

V

ASHOK KUMAR.....ACCUSED

Petition filed u/s 308 IPC

Filed on 24.04.2021

Facts – Shiv who lived in sec 23 Dwarka with his parents, a student of Amity University, Noida. Shiv is going to home from college after giving the 2nd semester exam with his friend Rohit from the AUDI Car with the help of navigator. Because of high traffic navigator takes the car to the location of Vasant Gaon near 6 pm. There was a Nano car coming behind the shiv's car giving horn repeatedly. Rohit who was driving stopped the car and Nano hit the shiv's car AUDI from the side. Four boys came from the Nano car and started beating the Rohit and Shiv. Accused also take the amount of Rs. 5000, ATM Syndicate Bank, Aadhar Card and ran away.

Observation – Argument on an application of bail heard, accused is alleged to have involved in an road rage case u/s 308 IPC, two co-accused are already absconding, and one of them is BC (Bad Character) of the area. Driving licence of the present applicant is not available to show that, he has having valid permission to play an vehicle on road, it is early to grant bail, in these circumstances bail application is dismissed.

NDOH – 22.07.2021

CASE LAW - 14

IN THE COURT OF MS. SWARNA KANTA SHARMA, FAMILY COURT, N. DELHI

IN THE MATTER OF:-

DEEPIKA.....COMPLAINANT

V

ABHISHEK.....ACCUSED

Petition filed u/s 308 IPC

Filed on 16.07.2021

Facts – The above matter was filed by wife to take divorce from her husband on the ground of cruelty and ignorance attitude of husband towards his wife i.e. Deepika.

Observation – The said matter was settled via mediation and petitioner is ready to withdraw this case, but she is pregnant and come to court. So another date is required to withdraw the present case.

NDOH – 26.08.21

CASE LAW – 15

IN THE COURT OF MANOJ KUMAR, M.M., N. DELHI

IN THE MATTER:-

STATE.....COMPLAINANT

V

NAIM UR REHMAAN AND OTHERS.....ACCUSED

Petition filed u/s 374/34 IPC

3/14 CLA

23/26 JJA

Police station – AMBEDKAR NAGAR

Facts – This case is against few accused who had deputed children below 16 years of age to commercial work, which is an offence in JJ Act.

Observation – on 18.07.2021, Arguments regarding framing of charges against all the accused person heard and case is pending for orders on charge.

NDOH – 13.09.2021

CONCLUSION

This internship had been excellent and rewarding experience. I would like to pine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the outside world one cannot understand the analytical and positive application of law and jurisprudence and the actual functions and structure of law.

I was surprised to see how the loopholes were being bought out by the advocated and often leave an impression in the minds of interns and develops the practice of deriving loopholes in the simplest way. Leaders often say one learns discipline within a court room. It brings the best in oneself. This exposure was very vital as one learns the proceedings of the court.

I would like to conclude with a vote of thanks and gratefulness for reading this report thoroughly and also for giving me this wonderful opportunity to grow my vision in this field.

STUDENT INTERNSHIP DIARY

FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY, Kapashera, New Delhi, Delhi - 110037



Session 2017-22

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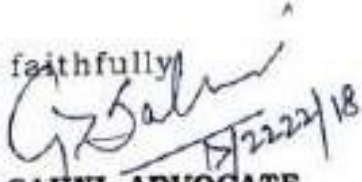
TO WHOMSOEVER IT MAY CONCERN

Date: 20-08-2021

This letter certifies that Mr. Harsh Sahni (5th Year), Enrollment No. 04990103817 Pursuing BA LLB at FAIRFIELD INSTITUTE OF MANAGEMENT & TECHNOLOGY NEW DELHI (GGSIPU NEW DELHI) has completed his online internship at GAGAN SAHNI Law Office, Vikaspuri (Delhi) from 20th July 2021 to 20th Aug 2021. She has provided us extensive hours of Research work and drafting work (civil cases).

He was found to be sincere, hardworking and punctual. We wish him all the success in his future endeavors.

You're faithfully


GAGAN SAHNI, ADVOCATE
(GAGAN SAHNI & Associates)

GS Associates & Consultant
Adv. Gagan Sahni
A-67, Vikas Puri, New Delhi-18

DECLARATION

I harsh sahani of 9th semester B.A.LL.B. hereby declare that this report as compiled by me under my summer internship programme is based on my own experiences and observations to the best of my knowledge and understanding in its duration the same which is submitted therefore to

FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY, SCHOOL OF LAW affiliated to GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY is reliable document and is of bona fide nature.

Signature : harsh sahani

Date : 23/11/2021

ACKNOWLEDGEMENT

The internship opportunity I had was a great chance of learning and professional development. Therefore, I consider myself as very lucky as I was provided with an opportunity to be part of it. I am so grateful for having chance to meet so many wonderful people and professionals who led me through this internship period.

I express my deepest thanks to the teachers of my institute FIMT for taking part in useful decisions and giving necessary advices and guidance to make me understand the advantages of internship. I choose this moment to acknowledge the contribution gratefully.

I perceive as this opportunity as a big milestone in my career development, and I will continue to work on the improvement, in order to attain desired career objectives.

Signature: harsh sahani

Date: 23/11/2021

OBJECTIVE

The legal Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that.

The objectives are to:

1. Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.
2. Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

3. Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

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CASE LAW 8

IN THE COURT OF SH. YASHWANT KUMAR, PRINCIPLE JUDGE FAMILY COURT,
TIS HAZARI COURT, NEW DELHI

IN THE MATTER OF:

MS. SHALU GUPTA

....PLAINTIFF

VERSUS

MR. YOGESH GOYAL

....DEFENDENT

U/S 3(b) (ii) WITH SECTION 20 OF HINDU ADOPTION AND MAINTENANCE ACT

DATE OF HEARING: 20.07.2021

Brief Facts:

This case is for the maintenance of wife. The facts of this case are that the husband and wife are not living together from a long time and they are also not divorced and they too have a daughter and the wife is also receiving maintenance from the husband on monthly basis and then the wife alone spends money on the marriage of their daughter and the husband does not contribute for the marriage of her. She asked for his contribution on their daughter marriage but he simply refused to do so. So the suit is filed against husband for giving maintenance or money to wife as a contribution to their daughter's marriage.

OBSERVATIONS:

When I appeared in the court room, the judge summoned the defendant to appear in the court & also to file the reply to the notice.

NEXT DATE OF HEARING: 01/09/2021

CASE LAW 9

IN THE COURT OF MS. SADHIKA JAIN, CJ,
KARKARDOOMA DISTRICT COURT, NEW DELHI

IN THE MATTER OF:

HIMANSHU SINGH

....APPLICANT

VERSUS

P. K. WESLEY

....RESPONDENT

SUIT U/S 498A IPC AGAINST THE ACCUSED

DATE OF HEARING: 22.07.2021

Brief Facts:

This case is related to the recovery of the damages cause by leaking of water through the pipe in the roof.

Appellant is dwelling on first floor and defendant lives on 2nd floor.

The damage is caused during the repairing done by the defendant.

The applicant demanded Rs 2,00,000/- as a payment for damages caused during the repairing work.

OBSERVATIONS:

When I appeared in the court room the council presented the photographs of the damaged area as a evidence.

NEXT DATE OF HEARING: 07/9/2021

CASE LAW 3

IN THE COURT OF MS. BHAVNA KALIA, ACMM & MM, MAHILA COURT, SAKET
DISTRICT COURT, NEW DELHI

IN THE MATTER OF:

SUMAN

...PLAINTIFF

VERSUS

STATE AND ORS.

...DEFENDENT

APPLICATION UNDER SECTION 439(2) CRPC

DATE OF HEARING: 20.07.2021

Brief Facts:

We are for the complainant (Suman). She was married to Narender kumar on 16/01/2013. An application under section 439(2) crpc was moved for seeking cancellation of the anticipatory bail granted by the hon'ble court of Sh. Praveen Kumar LD. ASJ, Dwarka Court, New Delhi to respondent No.2 (Narender Kumar) and respondent No. 6 (Mamta) sister-in-law, in FIR NO. 262/2015 U/S 498A,M 406, 313, 34 IPC, registered with the police station DABRI, Delhi on behalf of applicat/complainant Suman.

OBSERVATIONS:

Today the matter was- application for bail cancellation. The matter was before the mediation centre and it was agreed by SH. NARENDER KUMAR that he shall pay a sum of Rs. 11,50,000 to the complainant/ wife Ms. Suman, towards full and final settlement of all her claims regarding dowry, stridhan, permanent alimony and maintenance (past, present, future), which the complainant/ wife has agreed to accept as such.

NEXT DATE OF HEARING : 26/08/2021

CASE LAW 4

IN THE COURT OF MS. CHARU AGGARWAL, CMM,
TIS HAZARI COURTS, DELHI

IN THE MATTER OF :

HARI SHANKAR

....APPLICANT

VERSUS

DELHI DEVELOPMENT AUTHORITY

....RESPONDENT

SUIT FOR MANDATORY INJUNCTION AND DECLARATION.

DATE OF HEARING: 21.07.2021

Brief Facts:

The facts of this case are that the plaintiff is the absolute owner of the property herein referred as a suit property and the said property was allotted to him by the Delhi Development Authority.

On the several occasions the plaintiff had visited their office for mutation of the said property but they did not replied for the same. So they filed a suit for the protection of their rights and redressal of their grievances by way of mandatory injunction.

OBSERVATIONS:

When I appeared in the court room the Judge was on the half day leave & the next date of hearing was given by the reader.

NEXT DATE OF HEARING: 22.08.2021

Summer Training Report

Page 11

CASE LAW 5

IN THE COURT OF Ms. SAMEETA GARG, ASI,
TIS HAZARI COURTS, DELHI

STATE

....APPLICANT

VERSUS

GURMEET SINGH

....RESPONDENT

APPLICATION FOR ANTICIPATORY BAIL

DATE OF HEARING: 23.07.2021

Brief Facts:

This is an application for anticipatory bail. The facts of the case are that applicant is the husband of the complainant. It is jointly stated that there is a possibility of settlement. Joint request has been made to refer the matter to mediation center. Tis Hazari Court for the said purpose. Considering the nature of dispute, both the parties are directed to appear before Ld. Incharge mediation Centre on **06.08.18 at 02:00 pm**

OBSERVATIONS:

On the day of hearing of the case the notice was sent to both the parties for appearing in the court on **06.08.18 at 02:00 pm** and no further proceedings were conducted.

NEXT DATE OF HEARING : 21/08/2021

CASE LAW 6

IN THE COURT OF Ms. KAVERI BAWEJA, ADJ,
TIS HAZARI COURT, NEW DELHI

Neena Thakur

...Petitioner

VERSUS

Gurmesh Thakur and ors
...Respondent

SUIT FOR POSSESSION AND PERMANENT INJUNCTION OF PROPERTY

DATE OF HEARING : 22.07.2021

Brief Facts:

The plaintiff Neena is a landlord in this case and the defendant is her tenant. A proper rent agreement is signed between the parties for the shop , it is pertinent to note here that the defendant is the brother of the plaintiff and has his own shop adjacent to the rented shop. Initially the defendant was giving the rent to the plaintiff timely but since last few months the defendant had failed to pay the rent to the plaintiff. Even on the consistent demand by the plaintiff the defendant did not pay the rent but instead made false promises. The plainmtiff has filed the suit gainst the defendant for obtaining the shop.

OBSERVATIONS:

We were from the side of the plaintiff. The case was put up for miscellaneous arguments; the counsel for the defendant has argued that the defendant is not in possession of the suit property but of the other half. MCD who is the fourth defendant in this case has argued the in

the property is not amenable for partition. The court ordered the defendant to file the written statement within 30 days. Next date of hearing is for consideration and settlement.

NEXT DATE OF HEARING : 25/08/2021

CASE LAW 7

IN THE COURT OF Ms. VANADANA, M.M. MAHILA COURT,
ROHINI COURTS, DELHI

Preeti

...Petitioner

VERSUS

Krishan Kumar
...Respondent

PETITION UNDER SECTION 12 OF DOMESTIC VIOLENCE ACT

DATE OF HEARING: 24.07.2021

Brief Facts:

The petitioner Preeti got married to the respondent Krishan Kumar who along with his relatives made unlawful dowry demands from the petitioner and her family failing which, resulted in the torture on various occasions which included beating , locking up in a room for days, denying the food to the petitioner. The petitioner in order to save her marriage resultantly kept mum and avoided lodging any complain against them. On 05/04/2016 the respondent again made a dowry demand after which on 30/12/2016 petitioner lodged a complaint in Delhi Women Commission at I.T.O. , New Delhi but the women commission itself referred the case to DLSA Rohini court to file the case under Domestic Violence Act.

OBSERVATIONS:

We appeared from the side of the petitioner. The counsel for the petitioner presented the case before the court for consideration. The Hon'ble court considered the case with a further order for PF and RC (process fee and registered copy) for DIR.

NEXT DATE OF HEARING : 24/09/2021

:

CASE LAW 8

IN THE COURT OF Sh. A.K. PATHAK, CIVIL JUDGE ,
SAKET COURT , NEW DELHI

Raj Rani Batolar

...Complainant

VERSUS

Joy Whig

...Respondent

CHARGED UNDER SECTION 138 OF NEGOTIABLE INSTRUMENT ACT

DATE OF HEARING :
25.07.2021

Brief Facts:

Accused person is a tenant in respect of premises. The rent of the same premises was 7500/- per month excluding electricity and water charges. Accused seldom used to pay the and after a lot of denying and delay issued a cheque that got bounced. The complainant later send a legal notice through his counsel vide registered post which was duly received by the accused person. The accused has received the notice and has failed to comply with it, accused neither replied nor paid the cheque amount.

:

OBSERVATIONS: We were from the side of the plaintiff. In compliance with the order of the court the bank official has arrived along with the certified copies of the account opening forms of the defendant. The court has considered the same.

NEXT DATE OF HEARING : 05/09/2021

:

CASE LAW 9

IN THE COURT OF Sh. A.K. AGARWAL, CJ,
TIS HAZARI COURTS, DELHI

Bhupinder Kaurplaintiff

VERSUS

Sarabjit Singh Kahaidefendant

DATE OF HEARING :
09.08.2021

Brief Facts:

That the defendant is a citizen of Australia and overseas citizen of India who bought a property in Tilak Nagar, Delhi on 23.02.2007 from the plaintiff who is the ex-wife of the defendant as she has already got ex-parte divorce on 12.10.2000; for a total sale consideration of Rs. 1,50,000/- and allowed her to reside in it. On 01.04.2015, the defendant asked for vacation of the suit property, the plaintiff made an oral agreement to pay rent for the suit property @ 10,000 per month which she didn't pay afterwards. That thereafter, the plaintiff with dishonest intention and ulterior motive to grab the suit property filed a false and frivolous suit for declaration & permanent injunction which is pending.

OBSERVATIONS:

We appeared from the side of the defendant. Since an application for combining of the case with another case between the parties is pending before the ADJ , the plaintiff has filed the application and the same is for adjudication. Since the date of application which is pending for

∴
adjudication before the ADJ is of 10/08/2018 the present court has extended the date in that respect.

NEXT DATE OF HEARING : 10/09/2021

:

CASE LAW 10

IN THE COURT OF MS. RACHNA TIWARI LAKHANPAL,
ROHINI COURTS, NEW DELHI

Deepti

...complainant

VERSUS

Deepak Malhotra

...respondent

UNDER SECTION 12 OF THE DOMESTIC VIOLENCE ACT

DATE OF HEARING : 12.08.2021

Brief Facts:

The complainant got married to the respondent on 11.10.2000. After the marriage, the parties enjoyed their married life for the last 13 years but suddenly on 08.04.2013, the petitioner along with her two children (also taking along with her other valuables) left the company of the respondent. Since the inception of marriage the intention of the plaintiff was to gallop the property of the respondent's parents by hook or by crook. After the said departure the respondent created the entire false and fabricated cases i.e. the complaint under Section 12 of D.V. Act and a forged FIR

:

OBSERVATIONS:

we were from the side of the respondent Deepak Malhotra. The Learned presiding officer was on leave. Exemption application of Deepak was filed as he was not able to come on the fixed date due to bad health.

NEXT DATE OF HEARING : 08/10/2021

CASE LAW 11

IN THE COURT OF SHRI SUDHIR KUMAR JAIN, PRINCIPAL JUDGE,
FAMILY COURT, KARKARDUMA COURTS, NEW DELHI

IN THE MATTER OF:

Mohini

...Petitioner

VERSUS

Neetu

...Respondent

PETITION UNDER SECTION 13(1) OF HINDU MARRIAGE ACT, 1955 AS AMENDED
UPTO DATE FOR DIVORCE BY WAY OF MUTUAL CONSENT.

DATE OF HEARING : 28.07.2021

Brief Facts:

The petitioner was married to respondent as per Hindu, Rites, Customs and Ceremonies on 17th July, 2010 at Delhi. Both the petitioner and the respondent want to end their marriage by mutual consent because of the temperamental differences between the two. Both the parties have settled their issues among them and they further assert that no litigations would further be done in this matter. That there is one girl born to them who will remain with the petitioner and this issue of guardianship is settled by mutual consent.

OBSERVATIONS:

We were from the side of the petitioner who is Mohini . The counsel for the respondent was not present. On the request made by the respondent the Hon'ble court adjourned the hearing of the case by 20 minutes. Both the counsels along with the petitioner and the respondent were present after the lapse of 20 minutes. The respective statements were recorded bearing both the petitioners sign & thumb impression, Aadhar identification, and their respective photographs. The first motion of divorce was completed as there was no legal impediment in the said case. The second motion to be on consecutive date of case.

NEXT DATE OF HEARING : 15/09/2021

IN THE MATTER OF:

CASE LAW 12

IN THE COURT OF Ms. SUGANDHA AGGARWAL , ADJ,
TIS HAZARI COURT,NEW DELHI

Sarabjit Singh Kahai

...Complainant

VERSUS

Bhupender Kaur

...Respondent

SUIT FOR POSSESSION, PERMANENT AND MANDATORY
INJUNCTION ALONGWITH ARREARS OF RENT, DAMAGES AND MESNE PROFITS

DATE OF HEARING : 16.08.2021

Brief Facts:

That the defendant is a citizen of Australia and overseas citizen of India who bought a property in Tilak Nagar, Delhi on 23.02.2007 from the plaintiff who is the ex-wife of the defendant as she has already got ex-parte divorce on 12.10.2000; for a total sale consideration of Rs. 1,50,000/- and allowed her to reside in it. On 01.04.2015, the defendant asked for vacation of the suit property, the plaintiff made an oral agreement to pay rent for the suit property @ 10,000 per month which she didn't pay afterwards. That thereafter, the plaintiff with dishonest intention and ulterior motive to grab the suit property filed a false and frivolous suit for declaration & permanent injunction which is pending.

OBSERVATIONS:

We appeared from the side of the plaintiff. Both the plaintiff and the defendant were present. The counsel for the plaintiff argued for calling the sub registrar as a witness for proving the authenticity of the annexed sale deed which is in favour of the plaintiff duly signed by the defendant.

NEXT DATE OF HEARING : 30/08/2021

IN THE MATTER OF:

CASE LAW 13

IN THE COURT OF Ms. MAHIMA RAI, CIVIL JUDGE,
TIS HAZARI COURT, NEW DELHI.

Seema Saxena

...Petitioner

VERSUS

Raju @ Anthony

...Respondent

EVICITION AND POSSESSION OF RENTED PROPERTY

DATE OF HEARING:
06.08.2021

Brief Facts:

The plaintiff has filed the case for eviction and possession on the non payment of rent by the respondent; Tenant Raju. The respondent contends that the rent agreement has been made without his consent and that the rent has been increased from Rs. 2500 per month to Rs. 15,000 per month and on that basis the plaintiff claims eviction. The rent agreement as per the face of it has cuttings and seems to be edited afterwards which the plaintiff denies. The tenant has deposited the rent on a regular basis along with additional charges of electricity and water bills.

OBSERVATIONS:

we were from the side of the defendant. The court had ordered in the favour of the plaintiff on the previous date as the evidence of the defendant was not sufficient to prove that the plaintiff has forged the signature of the defendant on rent agreement. The defendant had alleged that the renewal of the rent agreement was an increase of 10% of the rent but the plaintiff had made cutting on the original rent agreement which had been provided as an evidence in the court. The court after considering both the sides ordered for execution.

NEXT DATE OF HEARING : 04/10/2021

IN THE MATTER OF:

CASE LAW 14

IN THE COURT OF ANIL KUMAR SISODIA , ADJ,
TIS HAZARI COURT,NEW DELHI

Shashank & ors

...Petitioner

VERSUS

The Commissioner NDMC & ors

...Respondent

SUIT FOR POSSESSION AND PERMANENT INJUNCTION OF PROPERTY

DATE OF HEARING :
19.08.2021

Brief Facts:

The plaintiff was allotted Tehbazari Site in Delhi where he was running the said Tehbazari for the last 25-28 years having a juice corner there. During the Commonwealth games, the defendants shifted the said Tehbazaris of plaintiff to Gandhi Vihar, Delhi but no place was allotted in return inspite of the fact that the defendants duly accepted the rent. Again in 2015 the plaintiff was unable to have Tehbazari at Royal Banquet Hall, though the defendants are accepting rent regularly. The plaintiff is in possession of the said Tehbazari and is running his juice corner which is the only source of his income and livelihood.

IN THE MATTER OF:

OBSERVATIONS:

We appeared from the side of plaintiff . On previous date the Hon'ble court had ordered for PF and RC for calling the MCD . No one was present on behalf of the defendant . In compliance with the order dated the MCD appeared on notice and further the Hon'ble court ordered MCD to file their written submissions.

NEXT DATE OF HEARING : 10/09/2021

IN THE MATTER OF:

CASE LAW 15

IN THE COURT OF Ms. KAWERI BAWEJA, ADJ,
TIS HAZARI COURTS, NEW DELHI

Chaman Lal Sehgal & others

.....plaintiff

VERSUS

Prem Prakash Sehgal

.....defendant

SUIT FOR POSSESSION AND PERMANENT INJUNCTION

DATE OF HEARING :20.08.2021

Brief facts:

Chaman Lal Sehgal (deceased) in this case is the plaintiff along with his sons and daughters and this suit is filed for partition, permanent injunction and possession. The defendant claims the entire property on behalf of a will made by the mother (deceased) of the plaintiffs and defendant and wife of Chaman Lal. The plaintiffs allege that will made by their mother who died a few days after the will was signed and formulated was made under coercion and fraud. The defendant is enjoying the property in question since the death of their mother.

OBSERVATIONS:

We were from the side of the plaintiff; application was filed for summoning the sub-registrar who is a witness in this case as mentioned in the list of witnesses given on behalf of the plaintiff. Under rule XVI RULE 1 of civil procedure code. The file is taken up for summoning the sub-registrar and the notice is issued (Dasti summon) to the defendants through counsel.

NEXT DATE OF HEARING : 07/09/2021

CASE LAW 16

IN THE COURT OF Ms. REENA SINGH NAG, PRINCIPAL JUDGE, FAMILY COURT,
TIS HAZARI COURTS, NEW DELHI

IN THE MATTER OF:

Shikha Sain Plaintiff

VERSUS

Rohit Kumar Barolia ...defendant

MAINTENANCE PETITION UNDER SECTION 125 OF CrPC

DATE OF HEARING : 09.08.2021

Brief facts:

That the petitioner was married with the respondent on 19.10.2008 and has a girl child born out of wedlock. The defendant used to make heavy dowry demands and was addicted to vices like drugs and alcohol. On 25/26-09-2009, the plaintiff and her new born child was thrown out of her matrimonial home and she began to live at her fathers but after few months conciled with the defendant and lived in 1room apartment before going back to matrimonial home on 31-03-2012. Again she was thrown out from the house with her daughter. The defendant holds gainful position at M/s NaviSite India Pvt. Ltd.

OBSERVATIONS:

We appeared from the side of the petitioner. The case was put up for arguments on the application filed by the petitioner claiming that the defendants has given false averments in the affidavit. The respondent and the counsel for the respondent were not present

NEXT DATE OF HEARING : 18/09/2021

CASE LAW 17

IN THE COURT OF JUSTICE VALMIKI J MEHTA,
DELHI HIGH COURT, DELHI

IN THE MATTER OF:

Raju @ Anthony

...Appellant

VERSUS

Seema Saxena

.Respondent

APPEAL AGAINST THE IMPUGNED ORDER IN CIVIL SUIT NO. 520/2011 TITLED AS SEEMA SAXENA VS. RAJU @ ANTHONY PASSED BY MS. KADAMBARI AWASTHI, CIVIL JUDGE, TIS HAZARI COURT, DELHI WHEREBY DISMISSED THE APPLICATION OF THE APPELLANT U/S 151 CPC

DATE OF HEARING :
24.07.2021

Brief Facts:

That the non appellant has filed suit, suit for possession and recovery of mesne profit/damages with consequential relief of injunction against the appellant. On 01.10.2015 on one hand, the non appellant has filed an application for withdrawal of the rent deposited by the appellant and on other hand on the same date itself has filed another application U/s 151 CPC for striking off the defense of the appellant lamented therein that the appellant did not pay the rent from 01.09.2014 till 01.10.2015. The trial court has ordered whereby the application of the defendant has been denied and evidence has not been reopened.

OBSERVATIONS:

Appeal under section 100 CPC was argued at length by the counsel for the appellant but as no substantial question of law arose the appeal was dismissed by the Hon'ble court. Counsel of the appellant did not press the appeal and agreed that the appeal may be disposed off.

NEXT DATE OF HEARING : 06/10/2021

CASE LAW 18

IN THE COURT OF Ms. POONAM SINGH BAMBA, PRINCIPAL JUDGE FAMILY
COURT, ROHINI COURTS, DELHI

IN THE MATTER OF:

Preeti
...Petitioner

VERSUS

Krishan Kumar
...Respondent

PETITION FOR MAINTENANCE UNDER SECTION 125 CrPC

DATE OF HEARING : 13.08.2021

Brief Facts:

The petitioner Preeti got married to the respondent Krishan Kumar who along with his relatives made unlawful dowry demands from the petitioner and her family failing which resulted in the torture. On 05/04/2016 respondent again asked for dowry of Rs.5lakhs and a property in Delhi. On 30/12/2016 petitioner lodged a complaint in Delhi Women Commission at I.T.O. , New Delhi. The respondent earns a handsome amount of approx. 1Lakh-1,10,000/- per month and on the other hand the plaintiff is a housewife with no means of income.

OBSERVATIONS:

we were from the side of the plaintiff and the case was put up for consideration. It was prayed by the plaintiff to grant maintenance of rupees 50,000 per month by the defendant, as the plaintiff does not have a source of income. The Hon'ble court considered the fresh filed case and ordered for Process Fee (PF) and Registered Copy (RC) to be given to the defendant.

NEXT DATE OF HEARING : 11/10/2021

CASE LAW 19

IN THE COURT OF MS. REENA SINGH NAG, ADDL., PRINCIPLE JUDGE,
FAMILY COURT, TIS HAZARI COURT, NEW DELHI

IN THE MATTER OF:

MEENAKSHI

...Petitioner

VERSUS

MANIK GUGLANI

...Respondent

SUIT UNDER SECTION 498A

DATE OF HEARING : 29.07.2021

Brief Facts:

Case under section 498 A IPC, the case is for divorce on the ground of cruelty that wife was been mentally tortured for unable to give birth to a baby by her mother –in – law and husband.

They threw out her on 15/07/2016 and said never to return matrimonial home..

OBSERVATIONS:

I observed that the judge ordered them to go for counselling & try to reconcile again there matrimony.

NEXT DATE OF HEARING : 17/09/2021

CASE LAW 20

IN THE COURT OF SH. SUSHIL KUMAR,
TIS HAZARI COURT, NEW DELHI

IN THE MATTER OF:

STATE
...Petitioner

VERSUS

RAJKUMAR..... Respondent

APPLICATION FILED UNDER SECTION 279/337 OF INDIAN PENAL CODE

DATE OF HEARING :
17.08.2021

Brief Facts:

This case is related with an accident of one of the brother of a vegetable seller by the truck. The facts of this case are that there were two brothers who used to run vegetable stall (rehdi) and both the brothers used to work on the same stall and one fine day one of the brother went to purchase vegetables from nearby market and the other was on the stall and then one Mercedes car of white colour with number DL 3CBF4411 hit the brother who went to purchase vegetables. So, the petition was filed against the car driver.

OBSERVATIONS:

When I appeared in the court room for hearing of the case then no further proceeding of the case was done. Only next date was given for the statement of the accused.

NEXT DATE OF HEARING : 27/10/2021

CONCLUSION

In the end, I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure of the real world, one cannot understand the analytical and positive application of law. What we study is the body, but we have learned from this internship is the mechanism of this body.

I was surprised to see how the simplest of the laws were applicable in most difficult situations, how loopholes leave so much scope for evolution and improvisation today in this field. I also observed that law is everything but constant with same soul as that of human.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow my vision in this field. I conclude this report with a great lot in my mind

SUMMER TRAINING PROJECT

A SUMMER TRAINING PROJECT SUBMITTED IN PARTIAL
FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE
OF BA LLB (HONS.)

TO

FIMT SCHOOL OF LAW

NAAC ACCREDITED



तेजस्वि नावधीतमस्तु
ISO 9001:2015 & 14001:2015

Fairfield Institute of Management and Technology

&

School Of Law

G.G.S. Indraprastha University, Dwarka

New Delhi

Submitted By:
Ms. Heena Sharma
9TH Semester, BA LLB
Roll Number: 05090103817

Certificate

R.K. LAMBA & ASSOCIATES (ADVOCATES & LEGAL CONSULTANTS)

R.K LAMBA
(ADVOCATE)
ENRL. NO. D/2133/2004

CHAMBER NO. 833
LAWYER'S CHAMBER BLOCK
DWARKA DISTRICT COURT
NEW DELHI - 110075
PHONE NO: 9899328383
E-MAIL: rklamba65@gmail.com

This is to certify that **Ms. Heena Sharma** D/o Mr. Satpal Singh enrollment no. **05090103817** a 5th year student of B.A.L.L.B (Hons.) from Fairfield Institute of Management and Technology, kapashera, New Delhi affiliated to GGSIPU has worked under my tutelage as an intern from **AUGUST to NOVEMBER 2021**.

During this period, She took intensive interest in the court work as well as office work-involving a number of litigations. She participated in the client meetings, which took place at my chamber and She also did valuable research work in law as well as in facts.

I must place on record my deep appreciation of the efforts made by her in continually striving to learn from this exposure and experience. She reflected a keen sense of interest in the law as well as the facts and reflected a deep sense of sincerity and commitment.

I sincerely wish her the best in all her future and hope in attaining a law degree, she would maintain the high standard and moral dignity of her noble and esteemed profession.



(Signature)

ADVOCATE R.K LAMBA



DECLARATION

I **Heena Sharma** of 9th semester of B.A.LLB (H) hereby declare that this report is compiled by me under 4 weeks of summer Internship program and is based on my own experience and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to **Fairfield Institute of Management & Technology** affiliated to **GGS IP UNIVERSITY, NEW DELHI** is a reliable document and is of bonafide nature.

DATE: 20-11-2021

SIGNATURE:

A handwritten signature in blue ink, appearing to read 'Heena Sharma', is written over a faint, circular watermark or stamp.

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected Mentor Mr. R.K Lamba Sir where I undertook & completed my 4 weeks internship for content writing or Research work who has been my constant support, source of encouragement, inspiration, guided and helped me in successfully completing my Summer Internship.

Moreover, apart from court they give me a chance to get practical exposure by attending various conference, seminars with various advocates.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting of this report.

OBJECTIVE

The legal Internship Program is not designed to teach us how to be a good lawyer or how to be a lawyer, it takes more than study at the university to do that. The objective is to: Expose us to the law in operation in the context where we will come to perceive aspects of the law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at university may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of the legal research, communication, drafting, practice management and problem solving; and

Enables us to observe and reflect upon the values, ethical standards and conduct of the legal profession in practice and to develop our own attitude of professional responsibilities.

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CASE:1

**IN THE COURT OF HON'BLE COURT OF SENIOR CIVIL JUDGE NORTH
DISTRICT, ROHINI COURTS, DELHI**

IN THE MATTER OF:

SMT. PRAKASHI DEVI

.....APPLICANT/ACCUSED

VERSUS

SH. BADLE SINGH & ORS..... **RESPONDENT**

Subject Matter: Suit for Permanent injunction alongwith affidavit. Application under order XXXIX Rule 1&2 read with section 151 CPC

Brief about the case: Case was filed for the permanent injunction on a property by a sister against her brothers.

Observation: In this matter I learned how to get an order implemented further and how hearing works in a permanent injunction case. Also I noted all the important dates of the case as I mentioned below and also learned how to handle a client in the same matter.

Filing Date: Application was filed on 06 March, 2021 for the implementation.

Next Date of Hearing: 20 January, 2022

Current Stage: Misc. cases/ Purpose

CASE:2

IN THE COURT OF DISTT. & SESSION JUDGE, ROHINI COURT, DELHI

IN THE MATTER OF:

NEERAJ

.....APPLICANT/ACCUSE

VERSUS

THE STATE **RESPONDENT**

Subject Matter: This FIR was filled under 120-B a bail application was filled under 439 CR.P.C

Brief about the case: Bail application was filed under section 438 CR.P.C on behalf of the accused NEERAJ with a prayer for interim relief.

Observation: In this matter I learned how to file a bail application in a district court and also learn what points should be highlighted for seeking a bail in a criminal matter.

Filing Date: Bail application was filled on 16 May 2020 by the accused. And was headed on 17 May 2020.

Current Stage: Bail was not granted to the accused neeraj.

Next Date of Hearing: 20.12.21

CASE 3:

IN THE COURT OF DISTRICT JUDGE, NORTH EAST DELHI

IN THE MATTER OF:

Dr. R.K. DESWAL AND ANR

.....PETITIONER

VERSUS

DR.TARANG BHATIA.....RESPONDENTS

**EVICITION SUIT FOR RECOVERY OF POSSESSION AND RECOVERY OF
ARREARS OF RENT ALONGWITH DAMAGES MESNE PROFITS**

BRIEF FACTS OF THE CASE:

1. Plaintiff filed a suit for decree of ejection, recovery of arrears of rent and damages / mesne profits stating therein that the plaintiff purchased the property No. RZD33, Part of Khasra No. 6/3/2, Village Palam, Palam Colony, now known as Dwarka Puri, Gali No.2, Mahavir Enclave, New Delhi by executing agreement to sell, GPA, SPA, Will, affidavit etc as defendant was in need of money.
2. It is further averred that oral settlement took place for sale of property with mother of the defendant and defendant could not arrange accommodation to shift, therefore, plaintiff agreed to create tenancy of premises in favour of the defendant, therefore, defendant was inducted tenant vide written agreement dated 08.02.2005 in respect of same property. Defendant was to remain tenant for two years and therefore, tenancy came to end by efflux of time, but defendants did not vacate the premises despite repeated request and even not paid rent after expiry of two years.

3. It is further averred that the plaintiff terminated the tenancy vide notice dated 12.01.2011 sent through his advocate was served upon the defendants in ordinary course but the defendant did not reply the same. Defendant is in arrears of rent has not paid rent for long period but plaintiff is claiming arrears of rent for past three years i.e. 01.02.2015 to 31.01.2017 and a sum of Rs. 2,16,000/ are recoverable on account of arrears of rent. Hence, the present suit filed by the plaintiff

OBSERVATION: This was my first case so I observed the procedure of the court.

DATE OF NEXT HEARING: 08.11.2021

CASE 4:

**IN THE COURT OF CIVIL JUDGE, SAKET COURTS, SOUTH DISTRICT, NEW
DELHI**

IN THE MATTER OF:

AXIS BANK

.....PETITIONER

VERSUS

VARSHA.....RESPONDENTS

**SUIT FOR RECOVERY OF RS. 8,54,567.00/- ALONG WITH PENDENTE LITE AND
FUTURE INTEREST**

BRIEF FACTS OF THE CASE:

1. Respondent approached the plaintiff bank for Housing Loan Facility to purchase under construction Flat vide loan application form dated 17/01/2015.

2. Subsequently the said request of respondents was considered by the Applicant Bank and Sanction the facility vide CSI dated 29/01/2015 vide tune of Rs. 14.00 Lakhs.
3. The respondents agreed to repay the aforesaid loan amount along with floating rate of interest, i.e., 10 % p.a. and in case of default additional 4%p.a. shall be recovered separately.
4. In view of various defaults committed by the respondents in payment of principal, interest and other monies due under loan agreements, the plaintiff became entitled to recall the entire amounts.
5. The plaintiff called upon the defendants to pay the due amount via Demand notice dated 9/03/2020 to which defendants neither raised objection nor liquidated the amount.

OBSERVATION: I came to know about Bankers Books of Evidence Act.

DATE OF NEXT HEARING: 29.11.2021

CASE 5:

**IN THE COURT OF DISTRICT AND SESSION JUDGE, SAKET DISTRICT COURT,
NEW DELHI**

IN THE MATTER OF:

SHELAISH

.....PETITIONER

VERSUS

AMRITRESPONDENTS

APPLICATION UNDER ORDER 47 OF THE CODE OF CIVIL PROCEDURE, 1908

BRIEF FACTS OF THE CASE:

1. Present suit has been filed for recovery of Rs.2,50,00,000 under Order 47 CPC. Summons of the suit were sent to the defendants.
2. Plaintiff was a partnership firm and the defendant being proprietorship firm are engaged in the business of construction work. The defendant had awarded various assignments of civil works to the plaintiff as its subcontractor.
3. The plaintiff executed the work for the defendant with respect to the contract awarded by the defendant under various heads for a total sum of Rs. 50,20,675/.
4. The defendant released a sum of Rs. 40,34,038/ and is still liable to pay a sum of Rs. 1,50,000/ in the form of a principal amount.
5. Plaintiff requested awarded interest @15% per annum on the said amount from the date of filing of the suit till the date of decree.

OBSERVATION: I read the case and came to know about dismissal of cases and Order 47 of CPC.

DATE OF FINAL ORDER: 16.06.2020

FINAL ORDER: The suit is dismissed as withdrawn against the defendant no.2.

CASE 6:

IN THE COURT OF DISTRICT JUDGE, NORTH EAST DELHI

IN THE MATTER OF :

Sh. Sumit Aggarwal

.....COMPLAINANT

VERSUS

Sh. Nem Chand Aggarwal

.....RESPONDENT

Subject Matter: Application was filed under Order XXXIX Rule 1 & 2 read with Section 151 of C.P.C For EX- PARTE AD- INTERIM INJUNCTION

Brief about the case: Application was filed for the partition & permanent injunction for order given for the suit filed by the plaintiff.

Observation: In this matter I learned how to get an order implemented when an order is recited by a judge and is not implemented.

Filing Date: Application was filed on 17July 2021 for the implementation.

Next date: 24 September 2021

Current Stage: Next date has been given for argument on the application filled.

CASE 7:

**IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE, SAKET COURT
COMPLEX, NEW DELHI**

IN THE MATTER OF:

SAKSHI APPARELS

.....COMPLAINANT

VERSUS

MAY SIX APPARELS

.....ACCUSED

**COMPLAINT UNDER SECTION 138 R/W 142 OF THE NEGOTIABLE
INSTRUMENTS (AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT,
2002**

BRIEF FACTS OF THE CASE:

1. The complainant is engaged in the business of manufacturing ladies garments and is running its business in the name of "SAKSHI Apparels".
2. Accused No.1 is a Private Limited Company and accused no.2 to 8 are Directors of accused no.1. Thus accused no. 2 &3 are jointly and severally liable for the day to day affairs of accused no.1.
3. Accused no.2 &3 approached the complainant to sought services to place order of 7000 pieces of ladies leggings in 2 different styles. The total cost of leggings are amount of Rs. 7,98,948/-. The accused again placed order for supply of 10000 pieces of different sportswear, the total cost of which amounted to Rs. 7,36,000/-. Hence, the total cost of Rs. 19,54,848/- is due against the accused.
4. During the course of business transaction, the accused managed to gain trust and confidence of the complainant and as such the complainant delivered the material to the accused persons on credit due to their mutual understanding.
5. As per the act and conduct of the accused, it is evident that the accused has no funds to honor the payment of cheques provided by the accused.
6. The accused time and again assured that the cheques were good for payments and shall be uncashed upon presentation but the aforesaid cheques meted the same fate of dishonor.
7. The accused has committed an offence under section 138 of NI Act and u/s 406 of Indian Penal Code and is liable to be tried.

OBSERVATION: I came to know about the provisions of Negotiable Instrument Act.

NEXT DATE: 10.11.2021

CASE 8:

**IN THE HON'BLE COURT OF CHIEF METROPOLITAN MAGISTRATE ,
DWARKA COURTS, NEW DELHI**

IN THE MATTER OF:

SHRI SANJEEV

.....COMPLAINANT

VERSUS

SHRI PANKAJ

.....ACCUSED

**COMPLAINT ON BEHALF OF COMPLAINANT UNDER SECTION 138 READ
WITH SECTION 142 OF THE NEGOTIABLE INSTRUMENT ACT, 1881**

FACTS OF THE CASE:

Accused presented a lucrative proposal for purchasing an agriculture land. The accused & his associates lured the complainant to invest in purchasing of land. The accused & his associates shown false agreement & copies of notifications published by Ministry of Urban Development and approved map of 1 acre scheme by MCD. The accused had lured the complainant to invest ₹2,50,00,000/- & offered him 40% profit. After knowing that the accused was cheated on him complainant filed a FIR against accused. Accused requested him to resolve the dispute between them & he will refund his money. Accused gave cheque to complainant but cheque was dishonoured & return unpaid with remark Insufficient Funds. When complainant found that the accused was failed to pay the amount he having no option and filed case against accused.

OBSERVATION: In this matter I observed that the complainant demands from the Hon'ble court to give order to pay complete amount and punishment of accused and his associates.

NEXT DATE OF HEARING: 14.11.2021

CASE 9:

**IN THE COURT OF MS. SHIVANI CHAUHAN, CHIEF METROPOLITAN
MAGISTRATE, DWARKA COURT, NEW DELHI**

IN THE MATTER OF:

JYOTI..... COMPLAINANT

VERSUS

SURESH KUMAR SEJWAL

.....RESPONDENT

**APPLICATION UNDER SECTION 12 OF DOMESTIC VIOLENCE ACT, 2005 (43
OF 2005) FOR THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE**

FACT OF THE CASE

- On 08.03.2018 the complainant got married with the respondent. That in the marriage a substantial amount of approx. Rs. 55-60 lakhs was spent by the parents of the complainant in the said marriage.
- The parents of the complainant also gave a fixed deposit of Rs.11 lakh in the name of complainant. Respondents always pressure the complainant to break the FD of rs.11 lakh and convert the same in the name of respondent.
- Respondent asked the complainant to give them her atm card and got broke the FD which was given by the complainant's father. Complainant refused to break the FD then complainant was mercilessly beaten by the respondent. The harassment by the respondents increased day by day.
- Respondent also confined the complainant in her bedroom and did not provide any meal for two days in fact complainant is eighth month pregnant.

OBSERVATION: When I was reading the case file I noticed that now the complainant did not want to save her matrimonial life. Respondent side also doesn't want to accept the complainant. But the complainant demands maintenance for herself and for her child. Complainant is eighth month pregnant, she needs rest but she attends all the hearings and demands justice for her in this condition.

NEXT DATE OF HEARING: 3 November 2021

CASE 10:

**IN THE COURT OF SHRI DHARMENDRA SINGH, METROPOLITAN
MAGISTRATE, ROHINI COURTS, DELHI**

COMPLAINT CASE NO-178/12

IN THE MATTER OF:

CHARANJEET SINGH

...COMPLAINANT

VERSUS

YOGENDER

...ACCUSED

Date Of Hearing - 11/10/21

THE BRIEF FACTS OF THE ABOVE CASE ARE AS FOLLOWS:

In this case, we are representing the complainant. Charanjeet Singh s/o of Shri Mahaveer Singh resident of Pitampura, Delhi. The complainant and accused happened to be the friend of each other whereby the complainant had given a heavy amount to the accused by mode of cash as well as payment by cheque.

However, the accused failed to fulfill his promises and had not returned the money which was paid to him by the complainant and for the same amount, the complainant sent a legal notice to the accused under section 138 of Negotiable Instrument Act.

Now, a settlement was arrived between the parties at the meditation centre whereby the accused agreed to pay the amount of Rs.4, 00,000/- (Four lakhs) to the complainant in installments and since the accused had withheld the legitimate dues of the complainant he was liable to pay interest at the rate of 18% per annum from the date of issuance of the aforesaid cheque.

OBSERVATIONS

The accused did not come to the court on the present day of hearing for making payment and in consequence of that the court has imposed a cost of Rs.2000/-(Two thousand) on accused. Further, the case is now adjourned for 07-10-21 for making the balance payment as well as the amount of the cost.

Next Date Of Hearing - 07.10.21

Case: 11

IN THE COURT OF Ms. GURMOHINA KAUR, METROPOLITAN MAGISTRATE

SAKET COURTS, DELHI

COMPLAINT CASE NO-96/14

IN THE MATTER OF:

BANK OF INDIA

...COMPLAINANT

VERSUS

NIRANKAR SINGH

... ACCUSED

Date Of Hearing - 12/11/21

THE BRIEF FACTS OF THE ABOVE CASE ARE AS FOLLOWS:

In this case, we are for the complainant Bank and the accused happened to be an account holder of the complainant, Bank Of India.

Primarily, the complainant bank has granted a loan of Rs.4,00,000/- (One Lakh) to the accused person Nirankar Singh son of Shri Omkar Singh , resident of Janakpuri , Delhi on certain fulfillment of legal formalities in which that the accused had made a promise that he will sell out his gold(asset) and mortgaged the same. Towards the clearance of the said liability of loan, the accused had issued two cheques for the sum of Rs.2, 00,000/- on 11-4-2019 and 15-4-2019 respectively.

The complainant bank presented the said cheques on various occasions but the same were returned by the paying bank with financial reasons “funds insufficient”.

Thus, the complainant sent a legal notice to the accused under section 138 of NIA i.e. Negotiable Instrument Act and has filed the complainant in the court. On the present day of hearing, it was prayed that either the aforesaid sum should be paid to the plaintiff bank or the mortgaged asset would be disposed of so as to recover the loan that was granted by the plaintiff, the Bank of India.

OBSERVATIONS

Now, the present matter is fixed for pre-summoning evidence of the complainant bank for the Next Date of Hearing is 06/09/19.

Case 12

IN THE COURT OF SH.GAUTAM MANAN,

LD.M.M, DWARKA COURTS, NEW DELHI

IN THE MATTER OF:

STATE

...COMPLAINANT

VERSUS

BHUPENDER TYAGI

...ACCUSED

BRIEF FACTS OF THE CASE:

1. A complaint was filed against Bhupender Tyagi, owner of Delhi Institute of Management and Engineering Studies, Dwarka Mor.
2. That the victim/complainant sent the resume on his WhatsApp number for applying for the post of 'academic counsellor' in his office.
3. That thereafter the accused started talking to complainant on WhatsApp and came to meet at Unity One Janakpuri West District Centre for the first time and took her to a hotel in Pearls Residency, Dwarka, Sector-7 on 25th Aug, 2018 where they had sexual intercourse after that he stopped talking and ignoring the victim.
4. That thereafter victim alleged that she had a relationship with a guy named Bhupender but he refused to marry her.

COURT OBSERVATION:

The matter was fixed for prosecution evidence but not conducted as the presiding officer was on leave. The next date of hearing was given by the reader of the court.

STATUS: PENDING

Next Date of Hearing 25.02.2022

Case 13

IN THE COURT OF SHRI D.S PUNIA, PRINCIPAL JUDGE

FAMILY COURTS, TIS HAZARI COURTS, DELHI

COMPLAINT CASE NO-354/12

IN THE MATTER OF:

SANGEETA

...PETITIONER

VERSUS

SANJEEV

....RESPONDENT

Date Of Hearing - 15/11/21

THE BRIEF FACTS OF THE ABOVE CASE ARE AS FOLLOWS:

It is a case for maintenance under section 125 of CR.PC filed by the petitioner against the respondent whereby she is demanding the maintenance at the rate of Rs.7000/- per month. We are for petitioner Sangeeta in this suit. The matrimonial knot was tied between the petitioner Sangeeta and her husband Sanjeev s/o Rajiv Kumar resident of Tagore Garden who is respondent in the present matter. At the same time the marriage was also consummated between the husband and the wife but after sometime conflicts had started between the two. As a result of which the wife on the grounds of cruelty has filed a divorce petition and at the same time demanding maintenance as she has no other source of income.

So, it is respectfully prayed before the court to provide the maintenance to the petitioner on a monthly basis so that she could spend her life without stress.

OBSERVATIONS

Now, the case is fixed for the petitioner's evidence before the learned judge for the next date i.e. 16/09/21.

Case: 14

IN THE COURT OF SHRI AASHISH GUPTA, CIVIL JUDGE

KARKARDOOMA COURTS, DELHI

CIVIL SUIT NO-435/14

IN THE MATTER OF:

BANK OF INDIA

...PLAINTIFF

VERSUS

SHILPI GUPTA

...DEFENDANT

Date Of hearing - 11/11/21

SUIT FOR RECOVERY

THE BRIEF FACTS OF THE ABOVE CASE ARE AS FOLLOWS:

In the above case, we are for the plaintiff. It was a loan of Rs.2, 45,372/-(Two lakhs forty five thousand three hundred and seventy two) that was granted to enable the defendant namely Ms.Shilpi Gupta D/O Shri Bharat Gupta to pursue SAP Academy course in Human Capital Management from Siemens, Gurgaon. This loan would be deposited only after the completion of the course that is six months after as per the guidelines and rules provided by the bank for her.

However, the defendant Ms.Shilpi Gupta failed to deposit the monthly installment of Rs.6, 618/- (Six thousand and six hundred and eighteen) dated from 30-03-15. Despite several notices given to her, she did not answer to either of the notices. Therefore, the present or current suit for recovery of money is filed by the plaintiff bank. Now, it is most respectfully prayed before the Honourable Court to pass a decree in interest of justice.

OBSERVATIONS

The court has fixed the present suit for report of service & has given the next date i.e. 22/08/19.

Case:15

IN THE COURT OF JUSTICE V.K. SHALLI.

IN THE MATTER OF:-

DR. BALDEV RAJ ANAND AND ANR.

...PLAINTIFF

VERSUS

DEWAN CHAND AND ORS.

...DEFENDANT

THE BRIEF FACTS OF THE ABOVE CASE ARE AS FOLLOWS:

1. Late Shri Tej Ram along with his family migrated to India from West Pakistan after partition of the country and settled in Delhi.
2. He illegally occupied government premises for his residence in Nai Basti, Paharganj, New Delhi and also started his jewelry business.
3. From the income of the said business, Late Shri Tej Ram purchased a plot of land bearing No.28, road No.1, Punjabi Bagh, New Delhi, measuring 2222.22 Sq. Yards in the year 1963.
4. The initial purchase money in the sum of Rs.7500/- was shown to be paid through Dewan Chand (Defendant no.2) S/o Late Shri Tej Ram although the cheque for the said amount was drawn up from the funds of the aforesaid business.
5. Dewan Chand claimed ownership over the property to the extent of 50% to himself after the death of his father.
6. Smt. Mayawati, wife of late Shri Tej ram executed a will bequeathing all her movable and immovable properties in favour of the appellat. Baldev Raj Anand and Defendant No.7 Ramesh Anand in whose favour as per her allegation in the written statement, she had already relinquished her interest in the suit property.

OBSERVATION:-

Cross-Examination of witnesses was held.

Next Date of Hearing: 01/11/21

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included dimensions of criminal medico legal experts to civil corporate litigation. All of which was an over-the-top experience.

Such summer training helps a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was the prerequisite to our training.

When it comes to observance of trials in the courts, it was one of the most essential parts of learning for an intern. Observance of trials and court proceedings help in understanding the very root of the law in India. Proceedings are the whole mechanism into which analysis is always advisable.

With a vote of thanks and gratitude for reading this report thoroughly and forgiving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards

Yours Faithfully

FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY



SUMMER INTERNSHIP REPORT

SUBMITTED BY:-

JAISMIN TANWAR

05290103817

B.A. LLB.(HONS.)

SESSION 2017-2022

CONTACT NUMBER- 8527669009

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DECLARATION

I am JAISMIN TANWAR of 9th SEMESTER B.A. LLB.(HONS) hereby declare that this report as compiled by me under Summer Internship Program (4 weeks) is based on my own experience and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY affiliated to GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY , NEW DELHI is a reliable document and is bona fide in nature.

JAISMIN TANWAR

B.A. LLB. (HONS)

05290103817

INTERNSHIP CERTIFICATE

R.S.A

R.S. TYAGI&Associates

ADVOCATES & SOLICITORS

309, Lawyer's Chamber Block, Dwarka Court Complex, New Delhi-110075
MOB:-8810686569

TO WHOMSOEVER IT MAY CONCERN

CERTIFICATE OF INTERNSHIP

Internship done after completion of semester 9th in District Courts

This is to certify that M.s Jaismin tanwar D/o Sh.Satbir Singh Tanwar pursuing B.A.L.L.B 5th year from I.P University of Delhi at FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY, KAPASHERA, NEW DELHI interned under me from 01.06.2021 to 01.08.2021.

Remarks about the intern during the period of internship:

She has done various works related to criminal and civil law etc. in District Courts, Dwarka, New Delhi. She has given various opinions on various cases and was involved in drafting sincerely.

I found her to be very hard working, enthusiastic and full of potential.

I wish her success and bright future in her life.

Dated: 04.09.2021 Signature and Seal of the Advocate

R.S. TYAGI
E.No.D/384/79. Advocate
Ch. No. 309, Lawyer's Chamber
Distt. Court, Dwarka, Sec.-10
New Delhi-110075
Mobile: 8810686569.

R.S. TYAGI
(Advocate)
(Mob-8810686569)



ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected sir, R.S Tyagi sir, who has been a constant support , source of encouragement and inspiration and guided and helped me in successfully completing my summer internship.

JAISMIN TANWAR

BA.LLB. SEM-9

05290103817

OBJECTIVE

The main objective behind this Summer Training Report is to write about the cases and experience which I got from my internship.

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CASES

CASE NO.- 1

Court Name

In the court of Sh. Gurvinder Pal Singh Ld. ASJ, Dwarka Courts, Delhi.

In the matter of (parties name)

PETITIONER Vs RESPONDENT

State VsNasim @ Satte.

PETITION FILED UNDER SECTION

Case FIR No. 304/15 U/s 307/186/353/482/506/34 IPC & 25/27/54/59 Arms Act, PS-Chhawla, South-West District, Delhi.

DATE OF HEARING-01/07/2021.

FACTS OF THE CASE- briefly stated facts of the case are that in this case on 22/05/19 on receipt of PCR call at PS-Chhawla for further necessary action. The said PCR call was entrusted to SI-Satbir Singh. Then SI Satbir Singh along with Ct. reached a German colony near Khaira and it was learned that two boys in a car No. HR-26 AP-8560 showed country made pistols to a rickshaw puller and went towards Khaira village. Thereupon SI Satbir with his team and beat staff chased the said vehicle and the vehicle was overpowered by a police party. Accused Chhotu and Satte had fired upon a police party to manage escape but they could not succeed and were apprehended by the police team. One country-made pistol with 2 live cartridges was recovered from the possession of accused persons. In this regard SI Satbir Singh prepared a Tahrir and got registered a case vide FIR No. 304/15 U/s 307/186/353/482/506/34 IPC & 25/27/54/59 Arms Act, PS-Chhawla, South-West District,

Delhi. Investigation of the case was carried out by Inspector Mahesh Kumar. Later on after completion of investigation the Charge sheet against accused Sattu and PIR against CCL Shyam Singh was filed before the concerned court and Juvenile Justice Board for judicial verdict. The aforesaid case was fixed today for PE.

Your observation- today in the present case PWs Inspector Mahesh Kumar 2nd IO of the case, SI Satbir Singh complainant/1st IO and Ct. Jagbir was summoned. But due to the absence of a council of accused formal witnesses (who brought the Rojnamcha for dated 22/05/19 regarding departure of beat staff for patrolling in their beat areas) Ct. Jagbir was examined in chief and nil opportunity of cross examination was given. Other witnesses were discharged unexamined. Rojnamcha (OS&R).

Next date of hearing – 11/10/2021.

CASE NO.-2

Court Name

In the court of Ms. Ekta Gauba Ld. ACMM/NW, Rohini Courts, Delhi.

In the matter of (parties name)

PETITIONER

Vs RESPONDENT

State VsHitender Kumar.

PETITION FILED UNDER SECTION

Case FIR No. 492/18 dated 17/09/18 U/s 302/201/506 IPC, PS-Begumpur, Rohini District, Delhi.

DATE OF HEARING-12/07/2021.

FACTS OF THE CASE- briefly stated facts of the case are that in this case accused Hitender Kumar S/o Sombir Singh R/o Arjun Park, Najafgarh Delhi had murdered his father in law by strangulation with the help of Gamchcha (thick towel) at sector 20, Rohini New Delhi. In the absence of any eye witness above said case was registered on the DD entry. Later on investigation was conducted and during the course of investigation Post Mortem report of deceased was procured from the Dr. Baba Saheb Ambedkar Hospital, Rohini Delhi. During the further course of investigation statements of witnesses were recorded by the IO/Inspector Satbir Singh. After completion of investigation of the case, Charge sheet U/s 302/201/506 IPC was filed against the accused Hitender Kumar for judicial verdict. The aforesaid case was fixed for committal of the case to the court of sessions for trial.

Your observation- today in the present case accused Hitender Kumar was not produced from the judicial lookup of court. Hence in absence of the accused the case could not be committed to the court of sessions. Thus orders for issue of production warrant of accused Hitender Kumar were passed. Matter was reformed on 03/08/19.

Next date of hearing – 03/08/2021.

CASE LAW-3

Court Name

In the court of Sh. Saurabh Pratap Singh Laler Ld. ASJ (Pilot Court), Tis Hazari Courts, Delhi.

In the matter of (parties name)

PETITIONER

Vs RESPONDENT

State VsAmit Kumar & Ors.

PETITION FILED UNDER SECTION

Case FIR No. 265/17 U/s 364/302/201/120-B/34 IPC, PS-Ranhola, Outer District, Delhi.

DATE OF HEARING-23/07/2021.

FACTS OF THE CASE- briefly stated facts of the case are that in this case accused persons namely (1) Amit Kumar (2) Ravi Kumar (3) Rohit Dahiya & (4) JCL Ashish all R/o VPO-Bakkarwala, Delhi kidnapped their friend Chirag on 02/05/19. On the same day in the evening they murdered Chirag in Bawana canal, Delhi. On the complaint of Smt. Sunita Devi, mother of Chirag made a report to PS-Ranhola regarding the disappearance of his son Chirag aged 16 years. Hence prima facie a case U/s 363 IPC was registered against unknown persons. Later on, the dead body of Chirag was recovered. After investigation of the case Charge sheet U/s 364/302/201/120-B/34 IPC was filed against the accused (1) Amit Kumar (2) Ravi Kumar (3) Rohit Dahiya & (4) PIR against JCL Ashish. The aforesaid case was fixed for PE.

Your observation- today in the present case PWs Sh. BD Israr Nodal officer of Idea mobile service provider and Sh. Chamkesh, manager of RK residency Haridwar, Utrakhand was examined in chief and cross examined. Nodal officers proved the ownership (CAF) CDR and location/cell Ids of mobile phones used by accused Amit Kumar and deceased Chirag. Manager of RK residency produced the original record for the stay of accused persons in his hotel on 03/05/2019 (OS&R).

Previous DATE- 03/06/21

Next date of hearing – 09/08/2021.

CASE NO. 4

IN THE COURT OF MS. TAMANNA SINGH COURT, DWARKA ,
NEW DELHI

IN THE MATTER OF:

STATEPETITIONER NO.1

VERSUS

SUMIT SHARMAPETITIONER NO.2

SUBJECT MATTER: APPLICATION FOR CANCELLATION OF NBWS
AND RESTORATION OF PREVIOUS SURETY ON BEHALF OF THE
APPLICANT/ACCUSED.

Date of hearing: 09/07/2021

BRIEF FACTS:

1. The above mentioned case is pending before this, Hon'ble Court and the same is fixed for today .
2. That the applicant/accused could not appear before this Hon'ble Court on today as he is working as a driver and had gone to Mumbai for delivery of some goods and during coming back to Delhi, in the morning today his vehicle broken down in the way and he also could not manage to inform his counsel and reached before this Hon'ble Court 1.00 p.m., and as such due his non-appearance, this Hon'ble

Court was pleased to issue NBWs against him.

3. That non-appearance of the applicant/accused before this Hon'ble Court on today was neither intentional nor deliberate but due to the above mentioned reasons.

4. That the applicant/accused undertakes to be more careful in further. RELIEF SOUGHT:

It is, therefore, most humbly prayed before this Hon'ble Court to kindly be pleased to cancel the non-bailable warrants issued against applicant/Accused.

Case no. 5

In the court of Sh. Sonu Agnihotri Ld. ASJ, Dwarka Courts, Delhi.

In the matter of (parties name)

A) PETITIONER

B) Vs RESPONDENT

State VsJitender @ Jitu & Ors.

PETITION FILED UNDER SECTION

Case FIR No. 631/14 U/s 364-A/394/397/34 IPC, PS-Chhawla, South West District, Delhi.

DATE OF HEARING-04/07/2021.

FACTS OF THE CASE- briefly stated facts of the case are that in this case accused persons namely (1) Jitender @ Jitu (2) Sanjeev @ Sanju (3) Rahul all R/o village Jatola District Palwal Hr. (4) Vinod Kumar & (5) Sunny both R/o Village Dinpur, Najafgarh Delhi kidnapped their friend Pradeep Kumar S/o Rohtash R/o VPO-Paprawat Najafgarh, Delhi on 13/11/14. They took the victim to Palwal Hr. and early hours of 14/11/14 they made a phone call to father of Pradeep for Rs. 3 Crores in as ransom money. Rohtash submitted a written complaint to SHO/ Chhawla and the above said was registered and investigation was taken up accordingly. During the course of investigation the victim was recovered and all accused persons were arrested. After investigation of the case Charge sheet U/s 364-A/394/397/34 IPC was filed against the accused (1) Jitender @ Jitu (2) Sanjeev @ Sanju (3) Rahul (4) Vinod Kumar & (5) Sunny. The aforesaid case was fixed for PE.

Your observation- today in the present case PWs Dr. Suresh Ahlawat of CivilHospital Palwal Hr. and MHC(M)/PS-Chhawla were summoned for evidence. The IO of the case informed the Hon'ble Court that PW Dr. Suresh Ahlawat had left the job from hospital hence his process could not be served. Now hospital records have been summoned through MS of Civil

Hospital Palwal Hr. for Next date of hearing. MHC(M)/PS-Chhawla was examined in chief and cross examined he also produced the case property of scase in the court.

Next date of hearing – 27/08/2021.

Case no. - 6

In the court of Ms. Raj Rani Ld. ASJ/NW, Rohini Courts, Delhi.

In the matter of (parties name)

PETITIONER

Vs RESPONDENT

State VsBrijesh Kumar & Anr.

PETITION FILED UNDER SECTION

Case FIR No. 646/17 U/s 364/302/201/120-B/34 IPC, PS-Begampur, Rohini District, Delhi.

DATE OF HEARING-05/07/2021.

FACTS OF THE CASE- briefly stated facts of the case are that in this case accused persons namely (1) Brijesh Kumar R/o village Karala-Mazri, Delhi and (2) Shyam Singh @ Mota R/o Rama Vihar, Delhi kidnapped their friend Gurpreet Singh R/o Rama Vihar, Delhi on the pretext of returning money. Accused persons took the victim to Nainital and murdered him and destroyed the evidences. Body of the victim was cremated as an unidentified dead body. Later on relatives of deceased made search for Gurpreet Singh and they came to know the truth and murder of Gurpreet Singh. On the basis of photographs and other belongings the deceased was identified as Gurpreet Singh. Later on Smt. Gurmeet Kaur filed a complaint in this regard and the above said case was registered. After completion of investigation of the case, Charge sheet U/s 364/302/201/120-B/506/34 IPC was filed against the accused (1) Brijesh Kumar (2) Shyam Singh @ Mota. Later on the identity of the deceased was established on the basis of a DNA test of the parents. The aforesaid case was fixed for PE.

Your observation- today in the present case PW/complainant Smt. Gurmeet Kaur, mother of the deceased was summoned for deposition. During her testimony the complainant proved her version made in complaint and statements U/s 161 Cr.P.C. Statement of the complainant was recorded in chief but her cross examination could not be completed due to old age and ill health. Hence case was adjourned for further cross examination of the complainant.

Next date of hearing – 08/09/2021.

Case no.- 7

Court Name

In the court of Sh. Gurvinder Pal Singh Ld. ASJ/SW, Dwarka Courts, Delhi.

In the matter of (parties name)

PETITIONER

Vs RESPONDENT

State VsArjun.

PETITION FILED UNDER SECTION

Case FIR No. 390/16 U/s 304-B/498-A/34 IPC, PS-Chhawla, South-West District, Delhi.

DATE OF HEARING-06/07/2021.

FACTS OF THE CASE- briefly stated facts of the case are that in this case accused Arjun got married with deceased Ms. Shashi on 19/04/15 as per Hindu rites. Parents of Ms. Shashi spent a lot of expenses as per their capacity and gave gifts to the groom's side. But on the other hand accused/husband Arjun started torturing victim for dowry. Victim could not face the adverse circumstances and ultimately she committed suicide by hanging on 16/09/16. Suicide of a married woman was within 7 years of marriage. Hence the statement of the parents of the deceased was recorded by SDM. Further proceedings U/s 176 Cr.P.C. was carried out and the above said case was registered. During the course of investigation, accused Arjun was arrested and sent to JC. After completion of investigation of the case Charge sheet U/s 304-B/498-A/34 IPC was filed against the accused persons. The aforesaid case was fixed for PE.

Your observation- today in the present case PWs Smt. Sunita, Smt. Anita and Smt. All are neighbors of the victim. All the PWs stated that as and when Shashi used to visit her parents house. Her husband or in-laws come with her to keep a watch on her. Those further stated that the victim made a complaint against her husband for ill treatment and demand of dowry. All PWs were examined in chief and cross examination was completed. Matter was adjourned for remaining PE for 5/10/19.

Next date of hearing – 05/10/2021.

Case no. 8

Court Name

In the court of Ms. Neelam Singh, Ld. ASJ/SW, Dwarka Courts, Delhi.

In the matter of (parties name)

PETITIONER

Vs RESPONDENT

State VsMadan @ Moni.

PETITION FILED UNDER SECTION

Case FIR No. 247/15 U/s 392/397 IPC, PS-Chhawla, South-West District, Delhi.

DATE OF HEARING-08/07/2021.

FACTS OF THE CASE- briefly stated facts of the case are that in this case on 02/05/15 a PCR call was received at PS-Chhawla stating that 2/3 Boys had robbed my 2.5 Lacs rupees and gold chain on gun point. Thereafter IO/SI Satbir Singh along with staff reached at spot i.e. village Nanakheri, Delhi and recorded the statement of complainant Jaibir S/o Dharambir R/o VPO-Nanakheri, Delhi. Jaibir stated that Madan @ Moni of village Nanakheri with his friends robbed him and fled away from the spot. In this regard the above said was registered and an investigation was taken up accordingly. During the investigation of the case after a marathon effort, the accused was arrested and sent to judicial custody. After completion of investigation of the case, Charge sheet U/s 392/397 IPC was filed against the accused for judicial verdict. Today the aforementioned case was fixed for PE.

Your observation- today in the present case PW/complainant Jaibir was summoned for his testimony. PW Jaibir was examined in chief and his cross examination was also completed.

PW was discharged. During testimony of PW it was learned that there is a family rivalry between complainant and accused family. Further it is learned that more than 10 persons from both sides have been murdered by both parties. Case was adjourned for remaining PE in the case.

Next date of hearing – 09/11/2021.

Case no.- 9

In the court of Ms. Neelam Singh, Ld. ASJ/SW, Dwarka Courts, Delhi.

KARAN SINGH PETITIONER NO.1

VERSUS

RAJ SINGH PETITIONER NO.2

SUBJECT MATTER : SUIT FOR RECOVERY

Date of hearing: 07/07/2021

BRIEF FACT:

The present matter was a suit for recovery. The plaintiff is a resident living in Nehru place New Delhi, who went into a sale deed with the respondents in the year 1989. The sale deed was about the house the plaintiff is currently living in. The contract was to sell off property to the plaintiff for Rs 1 lac, of which 75000/- was executed at the time of giving the property and rest 2500/- were to be paid later as some of the respondents at that time were minors and their consent to sell the property could not be taken up. So to get the minors consent through their guardians a matter by their guardians and an application was filed at the district courts for the same.

OBSERVATIONS:

The matter was heard in the Hon'ble High Court of Delhi on 25th August 2021, and it was observed that the counsel for the Respondent was not present.

Case no.- 10

IN THE COURT OF MS. TYAGITA SINGH , LD.MM.MAHILA

COURT,DWARKA,NEW DELHI IN THE MATTER
OF:

STATE

.....PETITIONER NO.1

VERSUS

PARVEEN AGGARWAL

.....PETITIONER NO.2

SUBJECT MATTER: APPLICATION FOR CANCELLATION OF NBWS
AND RESTORATION OF PREVIOUS SURETY ON BEHALF OF THE
APPLICANT/ACCUSED TUSHAR ARORA.

Date of hearing :11/07/2021

BRIEF FACTS

1. The above mentioned case is pending before this, Hon'ble Court and the same is fixed for today.
2. That the applicant/accused could not appear before this Hon'ble Court on today as he is working as a driver and had gone to Punjab for delivery of some goods and during coming back to Delhi, in the morning today his vehicle broken down in the way and he also could not manage to inform his counsel and reached before

this Hon'ble Court after 1.30 p.m., and as such due his non-appearance , this Hon'ble Court was pleased to issued NBWs against him

3. That non-appearance of the applicant/accused before this Hon'ble Court on today was neither intentional nor deliberate but due to the above mentioned reasons.

4. That the applicant/accused undertakes to be more careful in further.

RELIEF SOUGHT

It is , therefore, most humbly prayed before this Hon'ble Court to kindly be pleased to

Cancel the non-ailable warrants issued against the applicant/accused .

Next date of hearing : 29/12/2021

CASE NO. - 11

IN THE COURT OF MS. TYAGITA SINGH, LD. MAHILA

COURT,DWARKA,NEW DELHI IN THE MATTER

OF:

STATEPETITIONER NO.1

VERSUS

SONUPETITIONER NO.2

SUBJECT MATTER: APPLICATION FOR CANCELLATION OF NBWS
AND RESTORATION OF PREVIOUS SURETY ON BEHALF OF THE
APPLICANT/ACCUSED DILAWAR SONU.

Date of hearing: 12/07/2021

BRIEF FACTS:

1. That the above mentioned case is pending before this Hon'ble Court and the same is fixed for today i.e.20.07.2021.
2. That the applicant/accused could not appear before this Hon'ble Court on today as he is working as a Driver and had gone to Hapur, Uttar Pradesh for delivery of some goods and during coming back to Delhi, in the morning today his vehicle broken down in the way and he also could not manage to inform his counsel and reached before this Hon'ble Court after 2.00p.m.,and as such due his non-appearance, this hon'ble Court was pleased to issue NBWs against him.

3. That non-appearance of the applicant/accused before this Hon'ble Court on today was neither intentional nor deliberate but due to the above mentioned reasons.

4. That the applicant/accused undertakes to be more careful in future.

RELIEF SOUGHT:

It is therefore, most humbly prayed before this Hon'ble Court to kindly be pleased to cancel the non bailable warrants issued the applicant/accused and may also be restored the previous surety ,in the interest of justice

Next date of hearing : 09/11/2021

CASE NO.- 12

IN THE COURT OF MS. MANIKA, LD.MM, DWARKA COURTS, NEW
DELHI IN THE MATTER OF:

STATEPETITIONER NO.1

VERSUS

ROHIT KUMARPETITIONER NO.2

SUBJECT MATTER: APPLICATION FOR CANCELLATION OF NBWS AND
RESTORATION OF PREVIOUS SURETY ON BEHALF OF THE
APPLICANT/ACCUSED ROHIT KUMAR.

Date of hearing: 04/07/2021

BRIEF FACTS:

1. That the above mentioned case is pending before this Hon'ble Court and the same is fixed for today .
2. That the applicant/accused could not appear before this Hon'ble Court on today as he is working as a driver and had gone to west Bengal for delivery of some goods and during coming back to delhi,in the morning today his vehicle broken down in the way and he also could not manage to inform his counsel and reached before this Hon'ble Court after 1.00p.m.,and as such due his non-appearance, this Hon'ble Court was pleased to issue NBWs against him.
3. That non-appearance of the applicant/accused before this Hon'ble Court on today was neither intentional nor deliberate but due to the above mentioned reasons.

4. That the applicant/accused undertakes to be more careful in future.

RELIEF SOUGHT:

It is , therefore, the most humbly prayer before this Hon'ble Court to kindly be pleased to cancel the nonailable warrants issued against the applicant/accused and may also restore the previous surety , in the interest of justice.

Next date of hearing:16/09/2021

CASE NO.- 13

IN THE COURT OF MS. DEEPA SHARMA IN THE MATTER
OF:

NIKHILPETITIONER NO.1

VERSUS

ROHAN KUMARPETITIONER NO.2

Date of hearing :17/07/2021

SUBJECT MATTER : COMPLAINT U/S 138 OF NEGOTIABLE INSTRUMENTS ACT
AND SECTION 420 IPC

BRIEF FACTS:

The facts of this case are related with dishonour of cheque .The facts are accused was having business dealing with the complainant and issued a cheque of Rs.18,00,000 on 14.03.2017.The complainant produced the cheque before the bank but the cheque dishonoured because of insufficient funds in the account of the accused. The complainant informed the accused about dishonour of the cheque and asked him to pay the amount but all went in vain . Later a legal notice was issued on 24.04.2017 to the accused but he failed to make payment . The accused is punishable under Section 138 of Negotiable Instruments Act and under Section 420 of Indian Penal code.

OBSERVATION:

Application for transfer of complaint filed by the complainant but rejected.

Next date of hearing : 12/08/2021

CASE NO. 14

IN THE COURT OF MS. DEEPA SHARMA JUDGE FAMILY COURT,
DWARKA COURTS, NEW DELHI

Smt. SaraswatiPETITIONER NO.1

VERSUS

MOHIT CHAUDHARYPETITIONER NO.2

Date of hearing: 15/07/2021

SUBJECT MATTER: APPLICATION FOR GRANT OF INTERIM MAINTENANCE
FILED BY THE PETITIONER AGAINST RESPONDENT.

BRIEF FACTS:

1. It is submitted by the petitioner that she got married with the respondent on 08.03.2006 according to Hindu Rites and Ceremonies and they lived together in a rented house at Geetanjali Park, West Sagarpur as he was working there in an . She worked in an electronics shop as a TV mechanic. There was a constant of dowry . She was taken by the respondent to his native village at kalian Pandey Ka Tola (Kharika), PS and post office Revti, Tehsil Bairiya, District Balia, UP in the month of September 2006 where she was subjected to torture and forced to bring dwry. It is submitted that her parents were unable to meet the demand of the respondent. Her mother had gone to meet her uncle and her parents – in – law and the respondent forced her to leave wither mother and they kept all the stridhan and valuable and she was turned out of the matrimonial home in three clothes in the month of January 2007.It is submitted that respondent is an electronic TV mechanic and was working at a shop in New Delhi and was earning about Rs.10,000/- per month . It is submitted that a sum of Rs.5,000/- per month be

awarded to her as maintenance and Rs.8000/- towards litigation charges.

2. Claim is contested by the respondent. He has filed his written statement and replied to the application. The factum of marriage is admitted. All the other contentions in the petition are denied as incorrect. It is submitted that petitioner herself left him in the native village and returned to Delhi in the month of November- 2006. It is submitted that her behavior had not been good. It is further submitted that she is earning about Rs.4000/- per month and that he is not working. It is however admitted that he was working at an electronic shop but it is denied that he was working as mechanic and it is submitted that he was working as helper and earning Rs.1,500/- per month. At present he is not working anywhere and is dependent upon his parents.

3. I have heard the arguments and perused the relevant record.

4. In this case the factum of marriage is admitted. It is also admitted that both the parties are living separately. It is also admitted that both the parties belong to poor status. There are allegations of demand of dowry on behalf of the petitioner and denial by the respondent. At this stage this issue cannot be resolved in the absence of evidence as to whether petitioner has sufficient reasons to live separately but prime facie as there are allegations of demand of dowry and torture, I am satisfied that she has sufficient reasons to live separately from the respondent.

5. The petitioner has stated that the respondent was working in a shop of TV mechanics. She has stated that he was doing the job of TV mechanic and earning Rs.7000/- per month. However, there is no documentary evidence in support of this contention. The contention of the respondent is that he was working in the shop but he was working as a helper and was earning Rs.1,500/-per month and now he is not doing any job. In view of this contention, the Court has left with no option but to take recourse to the minimum wages prescribed by the Government. The minimum wages for a unskilled labourer is Rs. 3953/-

6. Keeping in view all the facts and circumstances of the case, I fix interim maintenance @ Rs. 1,000/- per month petitioner from the date of filing of application till final disposal of the petitioner by the 10th of every month and the petitioner is directed to supply the bank account number in order to facilitate the deposit of monthly maintenance amount in her bank account. The respondent is directed to pay the arrears of interim maintenance in six equal installments starting from next month i.e .February- 2010.

RELIEF SOUGHT:

Nothing in this order shall tantamount to an expression of opinion on the merits of this case.

Next date of hearing : 20/11/2021

CASE NO.-15

IN THE HON'BLE COURT OF DISTRICT JUDGE

,CENTRAL DISTRICT, TIS HAZARI

COURTS, NEW DELHI

NARANDER KUMARPETITIONER NO.1

VERSUS

ICICI BANKPETITIONER NO.2

Date of hearing :13/7/2021

SUBJECT MATTER: WRIT PETITION

BRIEF FACTS

The petitioner is an ex- worker as a branch manager in the ICICI bank South Delhi. In the year 2000, dated 18th march 2000 he was compulsorily retired for malpractices and for fraudulent tactics. However, as per the pensions scheme every employee who has been retired irrespective of the fact that he retired voluntarily or compulsorily has to be paid full pension as per his rank or post .On 31th December 2015the petitioner after sending a lot mails to the respondent bank and also after visiting the head office for the same, still dissatisfied files the current suit. The writ petition was filed on 5th APRIL 2016 in the Hon'ble High

Court of Delhi.

OBSERVATION:

The matter was heard in the Hon'ble High Court of Delhi on 30th August 2016, and it was observed that the council for the Respondent was not present and they had to file a reply.

Therefore the order was passed by the Hon'ble High Court .

Next date of hearing: 25/09/2021

CONCLUSION

I would like to conclude that through this internship I was able to get a wide exposure of what it is to be like to stand in court . I learnt a lot of things from this experience. In the end I would like to say that the real legal practice is absolutely different from the theoretical version of law which we study . Without exposure to the real world , one can not understand the version of analytical and positive application of law and jurisprudence and the actual function and structure of law . What we study is the body , but what we have learnt from this internship is the mechanism of this body.

I was able to learn to draft as it is a very much needed skill in this profession.

WITH WARM REGARDS

YOURS FAITHFULLY,

JAISMIN TANWAR

05290103817

B.A. LLB. SEMESTER 9 SECTION A

Internship Report submitted to Fairfield Institute of Management and
Technology in Partial Fulfillment of the Requirements of The Degree of
Bachelor of Laws
(Five years integrated course)

Under the Supervision of:

Submitted by:

R.S. TYAGI & ASSOCIATES

JATIN KUMAR

Advocate

BA.LL.B.

(Final Year)

R.S. TYAGI & Associate

Enroll no. 05390103817

9TH Semester



DECLARATION

I, **JATIN KUMAR**, a student of BA.LL.B of F.I.M.T, School of Law, Kapashera, New Delhi with Enrollment no.05390103817, do hereby declare that this internship report has been prepared and drafted by me under the supervision of --. It contains details of the work assigned to me and completed by me during internship. This work was done in respect of the partial fulfillment of the requirement for the award of degree of BA.LL.B.

It is also further certified that it has not been submitted either in part or in full anywhere else for any purpose academic or otherwise.

JATIN KUMAR

**DATE 22TH -11-2021
NEW DELH**

**BA.LLB (FINAL YEAR)
ENROLLMENT NO:- 05390103817**

ACKNOWLEDGEMENT

The internship opportunity I had was a great chance for learning and professional development. Therefore, I consider myself as very lucky as I was provided with an opportunity to be a part of it. I am so grateful for having a chance to meet so many wonderful people and professionals who led me through this internship period.

Bearing in mind I am using this opportunity to express my deepest gratitude and special thanks to the I P UNIVERSITY who introduced the compulsory internship as a part of our professional course and also to my advocate--- who in spite of being extraordinarily busy with his duties, took time out to hear, guide and keep me on the correct path and allowing me to carry out my focus at their esteemed organization and extending during the training.

I express my deepest thanks to the TEACHERS of my institute FIMT for taking part in useful decision and giving necessary advices and guidance and arranged all the necessary facilities to make me understand the advantage of this internship. I choose this moment to acknowledge their contribution gratefully.

I perceive this opportunity as a big milestone in my career development. I will strive to use gained skills and knowledge in the best possible way, and I will continue to work on improving, in order to attain desired career objectives.

JATIN KUMAR
BA.LLB (FINAL YEAR)
05390103817

R.S.A

R.S. TYAGI&Associates

ADVOCATES & SOLICITORS

309, Lawyer's Chamber Block, Dwarka Court Complex, New Delhi-110075

MOB:-8810686569

TO WHOMSOEVER IT MAY CONCERN

CERTIFICATE OF INTERNSHIP

Internship done after completion of semester 9th in District Courts

This is to certify that Mr. Jatin Kumar S/o Sh. Ravinder Grover pursuing B.A.L.L.B 5th year from LP University of Delhi at

**FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY,
KAPASHERA, NEW DELHI interned under me from 01.07.2021 to
31.07.2021.**

Remarks about the intern during the period of internship:

He has done various works related to criminal and civil law etc. in District Courts, Dwarka, New Delhi. He has given various opinions on various cases and was involved in drafting sincerely.

I found him to be very hard working, enthusiastic and full of potential.

I wish him success and bright future in his life.

Dated: 04.08.2021 Signature and Seal of the Advocate


R.S. TYAGI
(Advocate)
(Mob-8810686569)

R.S. TYAGI
E.No.D/384/79 Advocate
Ch. No. 309, Lawyer's Chamber
Distt. Court, Dwarka, Sec.-10
New Delhi-110075
Mobile: 8810686569

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CASE STUDIES

CASE NO.1

KARAN SINGH
NO.1

..... PETITIONER

VERSUS

RAJ SINGH
NO.2

..... PETITIONER

SUBJECT MATTER :- SUIT FOR RECOVERY

BRIEF FACT:

The present matter was a suit for recovery. The plaintiff is a resident living in Nehru place New Delhi, who went into a sale deed with the respondents in the year 1989. The sale deed was about the house the plaintiff is currently living in. The contract was to sell off property to the plaintiff for Rs 1 lac, of which 75000/-was executed at the time of giving the property and rest 2500/- were to be paid later as some of the respondents at that time were minors and their consent to sell the property could not be taken up .So to get the minors consent through their guardians a matter by their guardians and a application was filed at the district courts for the same .

OBERSVATIONS:

The matter on heard in the Hon'ble High Court of Delhi on 25th August 2016, and it was observed that the council for the Respondent was not present.

CASE NO.2

**IN THE COURT OF MS. TAMNNA SINGH COURT, DWARKA, NEW
DELHI**

IN THE MATTER OF:

STATEPETITIONER NO.1

VERSUS

RAJESH YADAVPETITIONER NO.2

**SUBJECT MATTER: APPLICATION FOR CANCELLATION OF NBWS
AND RESTORATION OF PREVIOUS SURETY ON BEHALF OF THE
APPLICANT/ACCUSED.**

BRIEF FACTS:

1. That the above mentioned case is pending before this, Hon'ble Court and the same is fixed for today.
2. That the applicant/accused could not appear before this Hon'ble Court on today as he is working as a driver and had gone to Mumbai for delivery of some goods and during coming back to Delhi, in the morning today his vehicle broken down in the way and he also could not manage to inform his counsel and reached before this Hon'ble Court 1.00 p.m.,

and as such due his non-appearance, this Hon'ble Court was pleased to issue NBWs against him.

3. That non-appearance of the applicant/accused before this Hon'ble Court on today was neither intentional nor deliberate but due to the above mentioned reasons.
4. That the applicant/accused undertakes to be more careful in further.

RELIEF SOUGHT:

It is, therefore, most humbly prayed before this Hon'ble Court to kindly be

Pleased to cancel the non- bailable warrents issued against applicant/Accused.

CASE NO.3

**IN THE COURT OF SH. PITAMBER DUTT, PRINCIPAL JUDGE,
FAMILY COURT, DWARKA, NEW DELHI**

PETITION NO. 115 OF 2015

IN THE MATTER OF :

MS. TAPSI VIDYARTHI

.....

Petitioner

Versus

MR. ARVIND KUMAR SINGH

.....

Respondent

**EVIDENCE BY WAY OF AFFIDAVIT ON BEHALF OF
DEPONENT/ARVINDKUMAR SINGH/RESPONDENT.**

I, Arvind Kumar Singh S/o Sh. Shyam Singh R/o House No.444, Heritage Tower, Plot no. 1,

Sec.-3, Dwarka, New Delhi-110075, do hereby solemnly affirm and declare as under :-

1. That I am the respondent in this case and am well conversant with the facts of the case and competent to swear the present affidavit.
2. I say on oath that the marriage between the Deponent/Respondent and the petitioner was solemnized according to Hindu rites and customs on

18.04.2012 at Subroto Park, Air Force Auditorium, New Delhi. The marriage was a love-cum arranged marriage and was organized in a simple way. The marriage was a decision of the Deponent/Respondent and the petitioner and the parents of the Deponent/Respondent extended their support to them. There was no demand for dowry or any precious article.

3. I say on oath that out of the said wedlock one son namely Om was born out on 29.11.2013. That the child is in custody of her mother. That the Deponent is paying Rs.10,000/- per month to the petitioner for the maintenance of the child as per the order dated 21.03.2014 passed by Ms. Tyagita Singh, Ld. MM, Mahila Courts, Dwarka, New Delhi, which were initially borne by the Respondent's father till the deponent/respondent was unemployed.
4. I say on oath that after the solemnization of marriage, the petitioner was brought to her matrimonial home by Deponent/Respondent where both the parties lived together as husband and wife and consummated their marriage.
5. I say on oath that the petitioner went on honeymoon abroad to Thailand with the Deponent/Respondent on 23.04.2012, the petitioner started a lot of arguments and would create a lot of scene during honeymoon over many issues and also the issue of jewellery, she misbehaved throughout the honeymoon. The Deponent/Respondent and petitioner came back on 28.04.2012 and after coming back the petitioner left to her parents home without informing any one, and thereby started threatening the Deponent/Respondent and his family members with dire consequences.

The parents of the petitioner also supported her and also tried to threaten the Deponent/Respondent and his parents stating their high level connections. A complaint to this effect was given to police station on 05.05.2012 against the petitioner, Mr. R.C Vidyarthi (father in law) and Mrs. MeenuVidyarthi (mother in law).

6. I say on oath that for the sake of the matrimonial rights, there was a compromise between the petitioner and the Deponent/Respondent. The petitioner was brought home where she was also given the jewellery and the matter was considered resolved by the Deponent/Respondent. The petitioner left for Allahabad after a few days.
7. I say on oath that the petitioner was working in Allahabad in a Pvt. Company, She was requested by the Deponent/Respondent for the sake of marriage to leave her job there and join any company here in Delhi NCR as it was difficult for the Deponent/Respondent to get a job in a place like Allahabad but ample opportunities are available in Delhi NCR and that the Deponent/Respondent was ready to take care of her. The petitioner refused flatly as she was instigated continuously by her mother to not leave her job. The relationship of husband and wife suffered a lot due to this adamant behavior of petitioner as there was no support or care from the side of petitioner and it was turning out to be a long distance affair.
8. I say on oath that the petitioner used to come to Delhi once a month or two, but most of the time she stayed with her parents and did not care about her matrimonial home or her husband/Deponent. That the petitioner was in a habit of taking alcohol prior to marriage and she continued this habit even after marriage, the petitioner while living alone

in Allahabad started smoking, taking drugs and drinking cough syrups. She use to make calls to Deponent/Respondent in inebriated state and used to abuse and take names and pick up fights with the Deponent/Respondent for different reasons. The petitioner started giving threats of committing suicide to the Deponent/Respondent and saying that she would implicate the Deponent/Respondent and his family members in it.

9. I say on oath that petitioner in the month of February tried to commit suicide in Allahabad by taking many sleeping pills due to depression. On coming to know of this the Deponent/Respondent brought her to Gurgaon to her home. The Deponent/Respondent took medical help and got her treated with the knowledge of her parents in Safdarjung Hospital by a psychiatrist.
10. I say on oath that the petitioner did not mend her ways and continued taking alcohol and drugs. She again tried to commit suicide on 24.02.2013. She was rushed to hospital, where she was treated.
11. I say on oath that the Deponent/Respondent brought her to matrimonial home in March 2013 , where she did not refrain from taking alcohol as and when she use to get opportunity to get out of the house and would use to smoke in the house in toilets. All this was being done in front of elders of the house.
12. I say on oath that in the month of April 2013 she again attempted to commit suicide by taking excessive sleeping pills, the Deponent/Respondent rushed her to Ayushman

Hospital. The situation was explained to the parents of the petitioner. Instead they started arguments and blaming him. That the Deponent/Respondent was under shock from constant threat of petitioner committing suicide.

13. I say on oath that the work of Deponent/Respondent suffered a great deal due to this harassment and cruelty, the Deponent/Respondent could not concentrate on his job and was left jobless for the period of June 2013 to December 2014. The Deponent/Respondent tried to start his own business but could not success due to constant threats and harassment from the hands of petitioner.
14. That all the day to day expenses of the deponent/Respondent were borne by the father of deponent/Respondent during the period of June 2013 to December 2014 when the Deponent/Respondent was jobless.
15. I say on oath that my statement by way of affidavit is true and correct and I have understood the same. The said statement by way of affidavit has been drafted by my counsel under my instruction, after going through the same I have signed the same and the copy of same is exhibited as **EX-DW-1/1**.

DEPONENT

VERIFICATION:

Verified at New Delhi, on day of December, 2018, that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom

Case no. 4

**IN THE COURT OF ADDITIONAL CHIEF METROPOLITAN MAGISTRATE,
DWARKA COURT, NEW DELHI**

IN THE MATTER OF:

MR.GAGAN KUMAR

...PETITIONER NO.1

VERSUS

MR.VISHAL

...PETITIONER NO.2

SUBJECT MATTER: COMPLIANT UNDER SECTIONS
138,141,142 OF THE NEGOTIABLE INSTRUMENTS
ACT,1881, AS AMENDED UPTO DATE.

BRIEF FACT:

1. That the Complainant is engaged in the business of service and repair of cars and is having its workshop cum service center M/s Rahul Motors at plot .81 , Ambarhai village , sector 19 Dwarka , New Delhi 110075.
2. That the accused had approached complainant for the services and

repair of his car bearing no. DL 2C R 5990.

3. That the accused had in discharge of its liability towards the payments of the services and repair of his car , inter-alia issued cheque bearing no. 000016 dated 27th August 2010 , for a sum of Rs .13000/.
4. That the above referred cheque was deposited for collection by the complainant in its bank i.e. Corporation bank . However , the same was dishonoured& returned unpaid by the

accused bank i.e. Bank of India . The factum of the dishonour of the above referred cheque came to the knowledge of the complainant through its bank vide it's cheque memo dated 5th January 2011.

5. That as a payee of the said cheque , the complainant within the statutory period of the receipt of the notice of the dishonour of the said cheque and as per the requirement of Section 138 [b] of the Negotiable Instruments Act, 1881, sent [vide Registered AD ,Speed Post and Courier on 20th January 2011], vide demand notice dated 19th January 2011 , to the accused , demanded the amount of Rs. 13000/-
6. That however, the accused failed to make payment against the said cheque to the complainant, despite receipt of the above referred notice as would be evident from the AD Card and Internet Service reports of the Speed Post and Courier .
7. That the accused had committed an offence punishable under Section 138 of the Negotiable Instruments Act and the cause of action has arisen in favour of the complainant and against the

accused, on the failure of the accused to make payment against the said cheque, as demanded in the said notice. It is pertinent to make mention to this Hon'ble Court that accused has no payment thereof to the complainant against the said cheque till date.

8. That the present complaint is being filed within the period of limitation as prescribed by law .
9. That the said cheque was given by the accused to the complainant at New Delhi . The complainant is carrying its business and New Delhi . The complainant bank is situated at Palam , New Delhi . That accused is residing and carrying on his business for gain at New Delhi .That bank of the accused is situated at New Delhi . The statutory demand notice was issued from New Delhi . The offence has been committed at New Delhi. Hence, this Hon'ble Court has Jurisdiction to try the present complaint.

RELIEF SOUGHT :

1. Summon, prosecute and punish the accused persons in accordance with law as provided by Sections 138 & 141 of the Negotiable Instruments Act ;
2. Pass necessary orders under section 357 of the Code of Criminal Procedure , 1973, that the amount of the said cheque , alongwith the interest accrued thereon & the expenses incurred by the complainant , be paid to the complainant from the amount

which will be imposed as fine by this Hon'ble Court on the accused persons;

3. Pass any other relief which this Hon'ble Court deems fit and proper under the facts and circumstances of the complaint, in favour of the complainant and against the accused persons..

CASE NO. 5

IN THE HON'BLE COURT OF DISTICT &SESSIONS JUDGE,
DWARKA COURT, NEW DELHI

IN THE MATTER :

STATE

....PETITIONER NO.1

VERSUS

SONU DILAWAR

....PETITIONER NO.2

SUBJECT MATTER: IST APPLICATION U/S 439 CrPC FOR GRANT
OF REGULAR BAIL.

IN THE HON'BLE COURT OF DISTICT &SESSIONS JUDGE ,
DWARKA COURT, NEW DELHI

IN THE MATTER :

STATE

....PETITIONER NO.1

VERSUS

SONU DILAWAR

....PETITIONER NO.2

SUBJECT MATTER: IST APPLICATION U/S 439 CrPC FOR GRANT
OF REGULAR BAIL

BRIEF FACT

1. That the applicant/accused is a law abiding and peace loving citizen and is the permanent resident of Delhi and has been falsely implicated in the above noted case.
2. That according to the FIR the complainant /victim had gone to recharge her mother's phone on one shop and accused was sitting there and he pick-up the victim forcibly and took her opposite one temple nearby and tried to outrage her modesty but somehow she ran away from there and told to her father about the incident and her father lodged complaint /FIR against the accused.
3. That the actual story is that the accused applicant was with his elder son aged about 8 year who was playing game in that shop. The complainant came there to buy a recharge coupon from the shop, after sometimes she again came back with her parents and started quarreling with the shopkeeper that the shopkeeper had forcibly taken Rs.1000/- from her, the accused/applicant intervene in the matter but suddenly the father of the complainant slapped him and ask "Saale TujheAbhi Maja Chakhata Huan , Bada Himayati Ban Raha Hai .After few hours the police came to the house of the accused and arrest him .
4. That the accused/applicant is a young man of 30 years and is doing private job as a driver and all his family members are totally dependent on the accused/applicant as he is only sole bread earner of his family and

no useful purpose will be served by keeping the accused in judicial custody any longer.

5. That the investigation is almost complete and the accused/applicant is no more required for the purpose of investigation , so there shall be no fruitful purpose going to be served by putting the applicant/accused behind the bar further more.
6. That the accused/applicant is ready to abide by all conditions which this Hon'ble Court may deem fit and proper to impose upon him and undertakes to remain regular and punctual before each and every date of his hearing .
7. That the accused/applicant is a permanent resident of Delhi, having roots in the society and there is no possibility of the accused/applicant to tamper with the prosecution evidence or abscond from trial or fled away from justice.
8. That the accused/applicant is in judicial custody since 28-05-2011.
9. That the accused/applicant is ready to furnish sound surety with the entire satisfaction of this Hon'ble.

RELIEF SOUGHT

It is , therefore most humbly prayed that this Hon'ble Court may kindly be pleased to admit the accused/applicant to regular bail till the final disposal of the case , in the interest of justice.

CASE NO. 6

IN THE COURT OF ADDL.CHIEF METROPOLITAN MAGISTRATE:

NEW DELHI

IN THE MATTER OF:

M/s. Vandana Travels & Tours
PETITIONER NO.1

...

VERSUS

M/s .S.S.R.S. TravelsPETITIONER NO.2

SUBJECT MATTER: COMPLAINT UNDER SECTION 138/141 &142 OF
THE NEGOTIABLE INSTRMENTS ACT, 1881 (AS AMENDED UPTO
DATE)

BRIEF FACTS:

1. That the complainant is indulge in the business of Tour and Travels and the accused hired the services of the complainant from 26.02.2009 to 31.03.2009 and hired the taxi services on 26.06.2009,26.02.2009 to

28.02.2009,03.03.2009 to 05.03.2009, 03.03.2009, 04.03.2009 to 08.03.2009, 15.03.2009, 13.03.2009 to 17.03.2009 and 22.03.2009 etc.

2. That after adjusting the total bill amount gave the bearing the accused gave the cheque bearing No. 546492 dated 21.04.2009, drawn on ICICI Bank Ltd.of Rs.42,411/-.
3. That on the assurance of the accused, the complainant presented the same firstly on 22.4.2009 with the accused banker through his banker i.e .Kangar Co-Operation Bank Ltd .
4. That the complainant approached the accused and told him about dishonour on cheque but the accused did not give ear to his request.
5. That on amount of dishonoured of the cheques issued by the accused and non payment , therefore , the accused can be held guilty of committing an offences punishable .
6. That when the accused failed to make the payment, the complainant sent a legal notice of demand of payment on 01.06.2009 through his counsel informing the accused regarding the dishonour of the cheque and demand the cheque amount within 15 days from the date of receipt of the notice.
7. That the accused has failed to pay the cheques amount even after the services of the legal demand notice ,hance this complaint.
8. That the accused has put the complainant to wrongful loss and wrongful gain for himself .
9. That the said amount is laegally recoverable from the accused by the complainant.

RELIEF SOUGHT

1. Order for summoning the accused person ,try and punish him in accordance with law.
2. Order for the payment of compensation out of the fine amount imposed by this Hon'ble Court .
- 3.Any other order as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case ,may also be passed in favour of the complaint and against the accused person.

CASE NO. 7 IN THE COURT OF MS. TYAGITA SINGH, LD. MAHILA

COURT,DWARKA,NEW

DELHI IN THE MATTER OF:

STATE

.....PETITIONER NO.1

VERSUS

DILAWAR SONU

.....PETITIONER NO.2

SUBJECT MATTER: APPLICATION FOR CANCELLATION OF NBWS AND RESTORATION OF PREVIOUS SUERTY ON BEHALF OF THE APPLICANT/ACCUSED DILAWAR SONU.

BRIEF FACTS:

1. That the above mentioned case is pending before this Hon'ble Court and the same is fixed for today i.e.20.09.2013.

2. That the applicant/accused could not appear before this Hon'ble Court on today as he is working as a Driver and had gone to Hapur, Uttar Pradesh for delivery of some goods and during coming back to Delhi, in the morning today his vehicle broken down in the way and he also could not manage to inform his counsel and reached before this Hon'ble Court after 2.00p.m.,and as such due his non-appearance, this hon'ble Court was pleased to issue NBWs against him.
3. That non-appearance of the applicant/accused before this Hon'ble Court on today was neither intentional nor deliberate but due to the above mentioned reasons.
4. That the applicant/accused undertakes to be more careful in future.

RELIEF SOUGHT:

It is therefore, most humbly prayed before this Hon'ble Court to kindly be pleased to cancel the non baillable warrants issued the applicant/accused and may also be restored the previous surety ,in the interest of justice

CASE NO. 8 IN THE COURT OF MS. MANIKA, LD.MM,
DWARKA

COURTS, NEW

DELHI IN THE MATTER OF:

STATE

.....PETITIONER NO.1

VERSUS

ROHIT KUMAR

.....PETITIONER NO.2

SUBJECT MATTER: APPLIACATION FOR CANCELLATION OF NBWS
AND
RESTORATION OF PREVOUS SURETY ON BEHALF OF THE
APPLICANT/ACCUSED ROHIT KUMAR.

BRIEF FACTS:

1. That the above mentioned case is pending before this Hon'ble Court and the same is fixed for today .
2. That the applicant/accused could not appear before this Hon'ble Court on today as he is working as a driver and had gone to west Bengal for delivery of some goods and during coming back to delhi,in the morning today his vehicle broken down in the way and he also could not manage to inform his counsel and reached before this Hon'ble Court after 1.00p.m.,and as such due his non-appearance, this Hon'ble Court was pleased to issue NBWs against him.
3. That non-appearance of the applicant/accused before this Hon'ble Court on today was neither intentional nor deliberate but due to the above mentioned reasons.
4. That the applicant/accused undertakes to be more careful in future.

RELIEF SOUGHT:

It is , therefore, most humbly prayer before this Hon'ble Court to kindly be pleasant to cancel the nonailable warrants issued against

the applicant/accused and may also be restored the previous surety , in the interest of justice.

CASE NO.9 IN THE COURT OF MS. DEEPA SHARMA

IN THE MATTER OF:

RAHUL

.....PETITIONER NO.1

VERSUS

ROHAN KUMAR

.....PETITIONER NO.2

SUBJECT MATTER : COMPLAINT U/S 138 OF NEGOTIABLE INSTRUMENTS ACT AND SECTION 420 IPC

BRIEF FACTS:

The facts of this case are related with dishonour of cheque .The facts are accused was having business dealing with the complainant and issued a cheque of Rs.18,00,000 on 14.03.2017.The complainant produced the cheque before the bank but the cheque dishonoured because of insufficient funds in

the account of the accused. The complainant informed the accused about dishonour of the cheque and asked him to pay amount but all went in vain . Later a legal notice was issued on 24.04.2017 to the accused but he failed to make payment . The accused is punishable under Section 138 of Negotiable Instruments Act and under Section 420 of Indian Penal code.

OBSERVATION:

Application for transfer of compliant filed by the complainant but rejected.

CASE NO. 10 IN THE COURT OF MS. DEEPA SHARMA JUDGE
FAMILY COURT, DWARKA COURTS, NEW DELHI

Smt. Saraswati
.....PETITIONER NO.1

VERSUS

Sh. Brajesh
.....PETITIONER NO.2

**SUBJECT MATTER: APPLICATION FOR GRANT OF INTERIM
MAINTENANCE FILED BY THE PETITIONER AGAINST
RESPONDENT.**

BRIEF FACTS:

1. It is submitted by the petitioner that she got married with the respondent on 08.03.2006 according to Hindu Rites and Ceremonies and they lived together in a rented house at Geetanjali Park, West Sagarpur as he was working their in an . She was electronic shop as TV mechanic. There was

a constant of dowry . She was taken by the respondent to his native village at kalian Pandey Ka Tola (Kharika), PS and post office Revti, Tehsil Bairiya, District Balia, UP in the month of September 2006 where she was subjected to torture and forced to bring dwry. It is submitted that her parents were unable to meet the demand of the respondent. Her mother had gone to meet her uncle and her parents – in – law and the respondent forced her to leave wither mother and they kept all the stridhan and valuable and she was turned out of the matrimonial home in three clothes in the month of January 2007.It is submitted that respondent is an electronic TV mechanic and was working at shop at New Delhi and was earning about Rs.10,000/- per month . It is submitted that a sum of Rs.5,000/- per month be awarded to her as maintenance and Rs.8000/- towards litigation charges.

2. Claim is contested by the respondent. He has filed his written statement and reply to the application. The factum of marriage is admitted. All the other contentions in the petition are denied as incorrect .It is submitted that petitioner herself left him in the native village and returned to Delhi in the month of November- 2006. It is submitted that her behavior had not been good. It is further submitted that she is earning about Rs.4000/- per month and that he is not working. It is however admitted that he was working at electronic shop but it is denied that he was working as mechanic and it is submitted that he was working as helper and earning Rs.1,500/- per month. At present he is not working anywhere and is dependent upon his parents.
3. I have heard the arguments and perused the relevant record.
4. In this case the factum of marriage is admitted. It is also admitted that both the parties are living separately. It is also admitted that both the parties belong to poor status. There are allegations of demand of dowry on behalf

of the petitioner and denial by the respondent. At this stage this issue cannot be resolved in the absence of evidence as to whether petitioner has sufficient reasons to live separately but prime facie as there are allegations of demand of dowry and torture, I am satisfied that she has sufficient reasons to live separately from the respondent.

5. The petitioner has stated that respondent was working in a shop of TV mechanic. She has stated that he was doing the job of TV mechanic and earning Rs.7000/- per month .However, there is no documentary evidence in support of this contention. The contention of the respondent is that he was working in the shop but he was working as helper and was earning Rs.1,500/-per month and now he is not doing any job. In view of this contention, the Court has left with no option but to take recourse to the minimum wages prescribed by the Government. The minimum wages for a unskilled labourer is Rs. 3953/-
6. Keeping in view all the facts and circumstances of the case, I fix interim maintenance @ Rs. 1,000/- per month petitioner from the date of filing of application till final disposal of the petitioner by the 10th of every month and the petitioner is directed to supply the bank account number in order to facilitate the deposit of monthly maintenance amount in her bank account. The respondent is directed to pay the arrears of interim maintenance in six equal instalment starting from next month i.e .February- 2010.

RELIEF SOUGHT:

Nothing in this order shall tantamount to an expression of opinion on the merits of this case.

CASE NO. 11
IN THE HON'BLE COURT OF DISTRICT JUDGE
,CENTRAL DISTRICT, TIS HAZARI
COURTS, NEW DELHI

SHANKAR KUMAR
.....PETITIONER NO.1

VERSUS

ICICI BANK
.....PETITIONER NO.2

SUBJECT MATTER: WRIT PETITION

BRIEF FACTS

The petitioner is an ex- worker as a branch manager in the ICICI bank South Delhi. In the year 2000, dates 18thmarch 2000he was compulsorily retired for malpractices and for fraudulent tactics. However, as per the pensions scheme

every employee who has been retired irrespective of the fact that he retired voluntarily or compulsorily has to be paid full pension as per his rank or post .On 31th December 2015the petitioner after sending a lot mails to the respondent bank and also after visiting the head office for the same, still dissatisfied files the current suit. The writ petition was filed on 5th APRIL 2016 in the Hon'ble High Court of Delhi.

OBERSVATION:

The matter on heard in the Hon'ble High Court of Delhi on 30th August 2016, and it was observed that the council for the Respondent was not present and they had to file a reply.

Therefore the order was passed by the Hon'ble High Court .

CASE NO. 12

**IN THE COURT OF MS. TYAGITA SINGH , LD.MM.MAHILA
COURT,DWARKA,NEW**

DELHI IN THE MATTER OF:

STATE

.....PETITIONER NO.1

VERSUS

TUSHAR ARORA

.....PETITIONER NO.2

**SUBJECT MATTER: APPLICATION FOR CANCELLATION OF NBWS
AND RESTORATION OF PREVIOUS SURETY ON BEHALF OF THE
APPLICANT/ACCUSED TUSHAR ARORA.**

BRIEF FACTS

1. That the above mentioned case is pending before this, Hon'ble Court and the same is fixed for today.
2. That the applicant/accused could not appear before this Hon'ble Court on today as he is working as a driver and had gone to Punjab for delivery of some goods and during coming back to Delhi, in the morning today his vehicle broken down in the way and he also could not manage to inform his counsel and reached before this Hon'ble Court after 1.30 p.m., and as such due his non-appearance , this Hon'ble Court was pleased to issued NBWs against him

3. That non-appearance of the applicant/accused before this Hon'ble Court on today was neither intentional nor deliberate but due to the above mentioned reasons.
4. That the applicant/accused undertakes to be more careful in further.

RELIEF SOUGHT

It is , therefore, most humbly prayed before this Hon'ble Court to kindly be pleased to

Cancel the non-ailable warrants issued against the applicant/accused .

CASE NO. 13

IN THE HONORABLE COURT OF CHIEF
METROPOLITAN MAGISTRATE DWARKA COURT,
NEW DELHI

IN THE MATTER OF:

SH. S.K. BHARATI
NO.1

...PETITIONER

AND

SH. J. K. BHAITA
NO.2

...PETITIONER

SUBJECT : COMPLIANTS UNDER SECTION

138 OF NEGOTIABLE

INSTRUMENTS ACT, 1981 AS

AMENDED UP TO

BRIEF FACTS:

1. That the complaints is a law abiding and peace loving citizen of India having deep roots in the society and residing at the above mentioned address.
2. That the accused and the complaints are known to each other for the last many years and the complaints is having faith upon the accused.
3. That in the month of Jan 2020, the accused approached the complaints for a friendly loan of Rs. 1,50,000/- .[Rupees One Lac fifty thousand only] the accused was in personal need of money and on believing upon his genuine need of money , the complaints arranged a sum of Rs. 1,50,000/- [Rupees One Lac Fifty thousand only] and paid the said

4. many years and the complaints is having faith upon the accused.

That in the month of Jan 2020, the accused approached the complaints for a friendly loan of Rs. 1,50,000/- .[Rupees One Lac fifty thousand only] the accused was in personal need of money and on believing upon his genuine need of money , the complaints arranged a sum of Rs. 1,50,000/- [Rupees One Lac Fifty thousand only] and paid the said amount in a cash cash to the accused on 03.07.2015. in the Dwarka Court and accordingly friendly Loan Agreement was executed between the accused and the complaints on the same day and the accused promised to repay the said loan amount within 3 months and on the same day , the accused a post dated cheque bearing no. 419195 dated 10. 11. 2016.of Rs 1,50,000/- [Rupees One fifty thousands only] drawn

5. On dena bank , scope complex branch ,New dehi – 110003.
6. That after lapse of three months , when the complaints asked the accused to repay the aforesaid loan amount , the accused requested the complaints that the accused had not arranged money so the complainant can deposits the said cheque in the months of February , 2017.
7. That on believing upon the above assurance of accused , the complainant presented the above said cheque to his banker i.e. State bank of Hyderabad , Krishna plaza , Sector – 12 Dwarka New Delhi - 110075 , for encashment , but the said cheque got dishonoured with the remarks as ‘Payment Stopped by Drawer ‘’ vide its returning memo dated 03.02.2017.
8. That the complainant intimated the accused about the dishonor of the said cheque and demanded the cheque amount in cash , but the accused notice did not pay any heed towards the demand of the complainant and started avoiding him by one pretext or the other

9. That thereafter, failing by all means and approaches, the complainant sent a legal notice dated 11.02.2017. through his counsel by Speed post / Regd .A.D. To the accused at the above mentioned address , thereby demanding / calling upon the accused to pay aforementioned amount of dishonoured cheque to the complaints within 15 days from the receipts of the legal notice , but till date the accused neither given any reply nor make any payment to the complainant . It is pertinent to mention here that the legal notice was received unserved upon the accused with the remarks as ‘ BAR BAR JANE PAR PRAPATKARTA NAHI MILTA’.
10. That from the above mentioned facts make it crystal clear that the accused mischievously and intentionally issued the aforesaid cheque with ulterior design and motive , knowingly well that the said cheque would not be honoured on presentation in the accused’s account . Therefore the accused has perpetrated fraud on the complainant and further the accused has cheated the complainant.
11. That the accused had issued the above said cheque in discharge of his legal enforceable liability , therefore , the accused is liable to pay the cheque amount.
12. That in factum of dishonour of the above referred cheque , the accused has made himself liable for the act punishable under section 138 of the Negotiable Instruments Act as well as section 406 , 415 and 420 of the Indian penal code .
13. That the accused has failed to pay the said cheque amount , hence this compliant .

14. That the said amount is legally recoverable from the accused by the complainant .
15. That the present complaints is within the period of limitation .
16. That the cause of action arose on the expiry of 15 days after the service of the legal demand notice when the accused failed to make the payments of cheque amount and is still continuing as the accused is failed to pay the amount of above said cheque.
17. That the cause of action ariser at Delhi as the banker of the complainant situated within the territorial jurisdiction of this honourable Courts , hence this honourable Court has territerioal jurisdiction to entertain and try to present complaints as per law.
18. That the complainant has not filed any other complaints , case, proceeding etc. in any court of law and/or before any authority regarding the said cheque , which is subject matter of this compliant.

RELIEF SOUGHT:

- a. Summor try and punish the accused for the offence U/S 138 of negotiable Instruments Acts , 1881 and other applicable law;
- b. To allow the compensation in favour of the complainant and against the accused ;
- c. Pass any other or further order /s as this honourable Court may deem fit and proper in favour of the complainant and against the accused , in the interest of justice .

Case no. 14

**The PRESIDENT DISTT. CONSUMER FORUM NEW DELHI, DISTT,
NEW DELHI**

Corporate Rent a

Car Through its

Proprietor

Sh. Vinay Yadav

...PETITIONER NO.1

VERSUS

Reliance General Insurance Corporation Ltd.,

Through its Authorized Representative

....PETITIONER NO.2

SUBJECT MATTER : COMPLIANT U/S 17 OF CONSUMER PROTECTION
ACT IN REGARD TO THE CLIAM NO. 2071006144 WHICH IS NOT
FINALIZED BY THE RESPONDENT AFTER THE THEFT OF VEHICLE
NO. HR 26 AL 0512 , TATA INDICA.

BRIEF FACTS

1. That the compliant is a firm dealing in transport business through its Proprietor Vinay Yadav R/o 649 , Near Barat Ghar , Rajokri Village , New

Delhi .

2. That the complainant through its proprietor purchases a car makes Tata Indica modle v2 (DLE) at the total cost of Rs. 3,11,852 /- .The car was purchased from Auto Link Enterprises Pvt. Ltd. Sri Arvindo Marg New Delhi – 17
3. That the said car was insured with Reliance General Insurance Company Ltd., C.P. Branch , vide Cover Note No- 0881702 and Policy code no304600 date 19.2.2007. The complainant has paid premium of Rs. 16,670/-
4. That on 6.5.07 the said Vehicle was stolen and the FIR to that regard was registered copy of FIR vide FIR No- 161/07 P.S.Mandir Marg
5. That the complainant had made efforts up to his level best to trace out the said vehicle and even the Police officials also made their was not traced the Police filed untraced report in regard to the vehicle in question .
6. That the complainant through its proprietor filed a theft claim to the respondent and submit the relevant documents as directed by the respondent .
7. That on 20.12.07 repondent send a letter to the complaints asking to submit some other documents, which has been submitted by the complainant to the respondent .
8. That there after complainant through its proprietor visiting the office of the respondent , but the respondent neither settling the claim of the complainant nor refusing for the same till date .

RELIEF SOUGHT

1. Issue notice to the respondent .
2. To pass order against the respondent to pay the total claimed amount mentioned above .
3. To pass such order for compensation as deemed fit in facts and circumstances mentioned above .

CONCLUSION

By pursuing this summer training I got an opportunity to get some exposure in the field of law..

Such summer trainings help a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through reading which was the pre-requisite to our training.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards

Yours Faithfully,

JITIN KUMAR

05390103817

BA.L.L.B-9TH A

SUMMER TRAINING PROJECT

A SUMMER TRAINING PROJECT SUBMITTED IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE OF B.A.LL B (HONS.)

TO

NAAC ACCREDITED



तेजस्वि नावधीतमस्तु

ISO 9001:2015 & 14001:2015

FIMT SCHOOL OF LAW

Fairfield Institute of Management and Technology

&

School Of Law

G.G.S. Indraprastha University, Dwarka New Delhi

Submitted by:

Jitender Kumar Sharma

9TH Semester, B.A. LL. B

Roll Number: 05490103817

CERTIFICATE

OP BHARTI GOSWAMI
VAIBHAV BHARTI GOSWAMI
(ADVOCATE)
ENRL NO. D/450/1981

CHAMBER NO. 321
LAWYERS'S CHAMBER BLOCK
DWARKA DISTRICT COURT
NEW DELHI - 110075
PHONE NO: 9818066076 /965464765.

TO WHOMSOEVER IT MAY CONCERN

This is to certify that **Jitender Kumar sharma** enrollment no. **05490103817** year student of B.A.L.L.B (hons.) from Fairfield Institute of Management and Technology, kapashera, New Delhi affiliated to GGSIPU university has worked under my tutelage as an intern from **AUGUST 2021 to OCTOBER 2021**.

I appreciate **his** sincere efforts undertaking for assisting in several important Civil, Criminal, Corporate, Negotiable instruments Act matter including reviewing and drafting notice and petition in the Hon'ble district court of Dwarka and other fonents.

I felt that **he** has interest in law and shown great interest to find the latest position of the relevant law in the day to day matter: **he** also assisted me in daily court works by preparing appropriate relevant notes on the law as well as the facts of the cases.

I sincerely wish **him** the best in all her future and hope in attaining a law degree; **he** would maintain the high standard and moral dignity of **his** noble and esteemed profession.

New Delhi

Dated:



(Signature)

OP BHARTI GOSWAMI
VAIBHAV BHARTI GOSWAMI

O. P. Bharti Goswami D-450/1981
Vaibhav Bharti Goswami D-217480
Advocate.
Ch. No. 321, Dwarka Courts, New Delhi-75
-204, Civil Side, Tis Hazari Courts, Delhi-54
Mob. : 9818066076, 9971379188

DECLARATION

I am Jitender Kumar Sharma student of 9th semester B.A.L.L.B.(Hons.) hereby declare that this report as complied by me under summer internship program (4 weeks) is based on my own experiences and observations to the best of my knowledge and understanding in its durations and the same which is submitted therefore to Fairfield Institute of Management & Technology affiliated to Guru Gobind Singh Indraprastha University, New Delhi is reliable document and is of bona-fide nature.

Signature – Jitender kumar Sharma

JITENDER KUMAR SHARMA

9th Sem / BALLB (Hons.)

05490103817

ACKNOWLEDGEMENT

I Would like to thank and express my deep gratitude to respected sir, Adv. O.P. Bharti Goswami who have been my constant support, source of encouragement & inspiration and guided and helped me in successfully completing my 4 weeks summer internship.

Moreover, apart from court they gave me a chance to get practical exposure by attending various conferences, seminars with various Advocates.

I, would also like to offer my sense of gratitude to all my teachers and every person to their support and for assisting me in providing the best of all possible facilities during the internship as well as the time drafting of this report.

OBJECTIVE

The classroom study and practical training in the field of law is considered as two side of a coin. The Legal profession is one of the professions which is considered incomplete without practical knowledge. During our 5 years course, we are being taught both substantive as well as procedural laws but in order to understand its real application it becomes very essential to understand the court proceedings. Theoretical knowledge is incomplete without practical knowledge. Practicing in court only for few months can make you learn more than your entire five years span of the study in the college, actually.

Internship period is a phase which provides a golden opportunity to a law student, before its graduation, to work in the courts, understanding the functioning and proceeding of the court & helps in understandings the trade secrets of the profession. That is why internship is considered as part of the curriculum and is given such significance.

I got an opportunity to associate myself and work under the guidance of a learned advocate. During the period of internship, I got to know many things and had learned a lot about litigation like different courts proceedings for filing of a new case, cross- examinations, client dealing etc. I used to attend the cases with my senior counsel every day.

This internship was valuable and a good work experience to start my legal career and had helped me to develop necessary understanding of this field in its future prospects. This experience taught me how actually the written laws are applied in actual or real life. It also showed the minute details of the court which are nor either mentioned or overlooked.

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CASE LAW 1

IN THE COURT OF MS. PURVA SUVEEN SC 106/20

DISTRICT COURT, DWARKA

IN THE MATTER OF: -

STATE

VS.

SEETA RAM

SUBJECT MATTER: - Case filed in the view of section 33(7) of the POCSO act.

BRIEF FACTS: -

1. We are representing the case on behalf of Seeta Ram @ Pawan.
2. Child victim, aged 16 years (cited at serial No.1 in the list of prosecution witnesses).
3. Plaintiff who is child victim accused the defendant for rape.
4. According to the Plaintiff the accused had took her along with him on the pretext of showing room. He had taken her at his native place.
5. In the view of plaintiff, the accused had established physical relations with her.

PRESENT DAY: -

I learned about the POCSO act.

OBSERVATION: -

I observed the whole procedure in the view of Section 33(7).

D.O.H: - 26 OCTOBER 2021

N.D.H: - 2 JANUARY 2022

CASE LAW 2

**IN THE HON'BLE COURT OF L.D. CHIEF METROPOLITAN MAGISTRATE WEST
DISTRICT, TIS HAZARI COURTS, DELHI.**

DISTRICT COURT, DWARKA

IN THE MATTER OF: -

DEEPIKA SHARMA

VERSUS

DINESH JAIN & ORS.

SUBJECT MATTER: - Case filed by the plaintiff Ms. Deepika Sharma to consider the present complaint and the application under section 156(3) of the Cr.P.C.

BRIEF FACTS: -

1. We are representing the case on behalf of Deepika Sharma.
2. The complainant is filing the annexed compliant under section 200 read with Section 156(3) of the Cr.P.C., 1973 and under sections 211/ 354/ 500/ 501/ 502/503/509/120-B/ 34 of the I.P.C.
3. That the complainant has an urgency because the complainant has been living alone in the tenanted premises.
4. According to the complainant all the accused persons are five in numbers who have been torturing her because of the rent.

PRESENT DAY: -

I learned about the application under section 156(3) of the Cr.P.C.

OBSERVATION: -

I observed the whole proceeding and learnt about various sections of the I.P.C...

D.O.H: - 17 September2021

N.O.H: - 21 March 2022

CASE LAW 3

**IN THE COURT OF SHRI VIPIN KUMAR RAI: ADDITIONAL CIVIL JUDGE:
DWARKA COURTS: NEW DELHI**

CIVIL SUIT NO. CS/ 205/ 2014

IN THE MATTER OF: - HARYANA FINANCIAL CO.

VERSUS

KHILESH KUMAR & OTHERS

SUBJECT MATTER: - Case filed under the state financial corporation act 1951 with its head office at Chandigarh and branches, amongst others, at Gurgaon.

BRIEF FACTS: -

1. We are representing the case on behalf of Khilesh Kumar.
2. According to the Plaintiff, his corporation sanctioned a term loan of Rs. 84 lacs and working capital term loan of Rs. 21.85 lacs on 31st October, 1994 to M/S. Jasmine Polymers Pvt. Ltd.
3. Copies of deed of mortgage and mutation have already been filed on record and the same are EX. PW-1/1 and Ex. PW-1/2 respectively.
4. It is further state that from the very beginning the company started making default and did not deposit the installments in time.
5. The plaintiff also entitled to a decree of Permanent Injunction against the defendant no.1 thereby restraining him from transferring, alienating or mortgaging the half share in the suit property.

PRESENT DAY: -

I learned about the section 29 of the SFC act.

OBSERVED: -

I Observed the whole proceedings of the case and received the knowledge about mortgage and Mutation.

D.O.H.: - 17 September 2021 N.O.H.: - 26 October 2021

CASE LAW 4

**IN THE COURT OF AJAY GOEL, ADDITIONAL SESSION JUDGE/ SPECIAL
JUDGE(NDPS), DWARKA COURTS, NEW DELHI**

SESSIONS CASE NO. 440255/16

IN THE MATTER OF: -

STATE

VERSUS

PARMOD KUMAR & ORS.

SUBJECT MATTER: - Case was registered at PS Dwarka North vide FIR 940/14 on 31.12.2014. For the offences u/s 302/201/364/457/380/411/404/34 IPC.

BRIEF FACTS: -

1. We are representing the case on behalf of Parmod Kumar & Ors.
2. On 15.10.2010 one DD no. 16A was recorded having information that one person has been stabbed.
3. After completion of investigation, final report under section 173 Cr.PC was filed and charge under section 307/34 was framed against accused person for which, they pleaded not guilty and claimed trial.
4. It has been stated that the accused Parmod @ Pinto & Ors committed the murder which is punishable under section 307 IPC is constituted by the concurrence of mens rea followed by an actus reus.

PRESENT DAY: -

I learned about various sections of the IPC and Cr.P.C.

OBSERVED: -

I observed the whole cross examination of the case.

D.O.H.: - 21 September 2021

N.O.H: - 23 January 2022

CASE LAW 5

**IN THE COURT OF HON'BLE COURT OF SENIOR CIVIL JUDGE NORTH
DISTRICT, ROHINI COURTS, DELHI**

IN THE MATTER OF

SMT. PRAKASHI DEVI

VERSUS

SH. BADLE SINGH & ORS.

SUBJECT MATTER: Suit for Permanent injunction along with affidavit. Application under order XXX1X Rule 1&2 read with section 151 CPC

BRIEF FACTS: - Case was filed for the permanent injunction on a property by a sister against her brothers.

PRESENT DAY: -

In this matter I learned how to get an order implemented further and how hearing works in a permanent injunction case.

OBSERVED: -

I noted all the important dates of the case as I mentioned below and also learned how to handle a client in the same matter.

D.O.H: -Application was filed on 06 March, 2021 for the implementation.

N.O.H: -20 January, 2022

CURRENT STAGE: Misc. cases/ Purpose

CASE LAW 6

IN THE COURT OF DISTT. & SESSION JUDGE, ROHINI COURT, DELHI

IN THE MATTER OF:

NEERAJ

VERSUS

THE STATE

SUBJECT MATTER: This FIR was filed under 120-B a bail application was filed under 439 CR.P.C

BRIEF FACTS: - Bail application was filed under section 438 CR.P.C on behalf of the accused NEERAJ with a prayer for interim relief.

OBSERVED: -In this matter I learned how to file a bail application in a district court and also learn what points should be highlighted for seeking a bail in a criminal matter.

D.O.H: - Bail application was filed on 16 May 2020 by the accused. And was headed on 17 May 2020.

Current Stage: Bail was not granted to the accused Neeraj.

N.O.H: - 20.12.21

CASE LAW 7

IN THE COURT OF DISTRICT JUDGE, NORTH EAST DELHI

IN THE MATTER OF:

Dr. R.K. DESWAL AND ANR

VERSUS

DR. TARANG BHATIA

**EVICITION SUIT FOR RECOVERY OF POSSESSION AND RECOVERY OF
ARREARS OF RENT ALONGWITH DAMAGES MESNE PROFITS**

BRIEF FACTS:

1. Plaintiff filed a suit for decree of ejectment, recovery of arrears of rent and damages / mesne profits stating therein that the plaintiff purchased the property No. RZD33, Part of Khasra No. 6/3/2, Village Palam, Palam Colony, now known as Dwarka Puri, Gali No.2, Mahavir Enclave, New Delhi by executing agreement to sell, GPA, SPA, Will, affidavit etc. as defendant was in need of money.
2. It is further averred that oral settlement took place for sale of property with mother of the defendant and defendant could not arrange accommodation to shift, therefore, plaintiff agreed to create tenancy of premises in favor of the defendant, therefore, defendant was inducted tenant vide written agreement dated 08.02.2005 in respect of same property.

OBSERVATION: This was my first case so I observed the procedure of the court.

DATE OF NEXT HEARING: 08.11.2021

CASE 8

**IN THE COURT OF CIVIL JUDGE, SAKET COURTS, SOUTH DISTRICT, NEW
DELHI**

IN THE MATTER OF: -

AXIS BANK

VERSUS

VARSHA

**SUIT FOR RECOVERY OF RS. 8,54,567.00/- ALONG WITH PENDENTE LITE AND
FUTURE INTEREST**

BRIEF FACTS:

1. Respondent approached the plaintiff bank for Housing Loan Facility to purchase under construction Flat vide loan application form dated 17/01/2015. Subsequently the said request of respondents was considered by the Applicant Bank and Sanction the facility vide CSI dated 29/01/2015 vide tune of Rs. 14.00 Lakhs.
2. The respondents agreed to repay the aforesaid loan amount along with floating rate of interest, i.e., 10 % p.a. and in case of default additional 4%p.a. shall be recovered separately.
3. In view of various defaults committed by the respondents in payment of principal, interest and other monies due under loan agreements, the plaintiff became entitled to recall the entire amounts.
4. The plaintiff called upon the defendants to pay the due amount via Demand notice dated 9/03/2020 to which defendants neither raised objection nor liquidated the amount.

OBSERVATION: I came to know about Bankers Books of Evidence Act.

DATE OF NEXT HEARING: 29.11.2021

CASE 9
IN THE COURT OF DISTRICT AND SESSION JUDGE, SAKET DISTRICT COURT,
NEW DELHI

IN THE MATTER OF:

SHELAISH
VERSUS
AMRIT

APPLICATION UNDER ORDER 47 OF THE CODE OF CIVIL PROCEDURE, 1908

BRIEF FACTS:

1. Present suit has been filed for recovery of Rs.2,50,00,000 under Order 47 CPC. Summons of the suit were sent to the defendants.
2. Plaintiff was a partnership firm and the defendant being proprietorship firm are engaged in the business of construction work. The defendant had awarded various assignments of civil works to the plaintiff as its subcontractor.
3. The plaintiff executed the work for the defendant with respect to the contract awarded by the defendant under various heads for a total sum of Rs. 50,20,675/.
4. The defendant released a sum of Rs. 40,34,038/ and is still liable to pay a sum of Rs. 1,50,000/ in the form of a principal amount.
5. Plaintiff requested awarded interest @ 15% per annum on the said amount from the date of filing of the suit till the date of decree.

OBSERVATION: I read the case and came to know about dismissal of cases and Order 47 of CPC.

DATE OF FINAL ORDER: 16.06.2020

FINAL ORDER: The suit is dismissed as withdrawn against the defendant no.2.

CASE 10

IN THE COURT OF DISTRICT JUDGE, NORTH EAST DELHI

IN THE MATTER OF:

VERSUS

Sh. Sumit Aggarwal

Sh. Nem Chand Aggarwal

SUBJECT MATTER: Application was filed under Order XXXIX Rule 1 & 2 read with Section 151 of C.P.C For EX- PARTE AD- INTERIM INJUNCTION

BRIEF FACTS: Application was filled for the partition & permanent injunction for order given for the suit filed by the plaintiff.

OBERSVATIOM: In this matter I learned how to get an order implemented when an order is recited by a judge and is not implemented.

D.O.H: Application was filed on 17July 2021 for the implementation.

N.O.H: 24 September 2021

CURRENT STAGE: Next date has been given for argument on the application filled.

CASE 11

**IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE, SAKET COURT
COMPLEX, NEW DELHI**

IN THE MATTER OF:

SAKSHI APPARELS

VERSUS

MAY SIX APPAREL

**COMPLAINT UNDER SECTION 138 R/W 142 OF THE NEGOTIABLE
INSTRUMENTS (AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT, 2002**

BRIEF FACTS:

1. The complainant is engaged in the business of manufacturing ladies' garments and is running its business in the name of "SAKSHI Apparels".
2. Accused No.1 is a Private Limited Company and accused no.2 to 8 are Directors of accused no.1. Thus accused no. 2 &3 are jointly and severally liable for the day-to-day affairs of accused no.1.
3. Accused no.2 &3 approached the complainant to sought services to place order of 7000 pieces of ladies' leggings in 2 different styles. The total cost of leggings is amount of Rs. 7,98,948/-. The accused again placed order for supply of 10000 pieces of different sportswear, the total cost of which amounted to Rs. 7,36,000/-. Hence, the total cost of Rs. 19,54,848/- is due against the accused.
4. During the course of business transaction, the accused managed to gain trust and confidence of the complainant and as such the complainant delivered the material to the accused persons on credit due to their mutual understanding.
5. As per the act and conduct of the accused, it is evident that the accused has no funds to honor the payment of cheques provided by the accused.
6. The accused time and again assured that the cheques were good for payments and shall be uncashed upon presentation but the aforesaid cheques meted the same fate of dishonor.
7. The accused has committed an offence under section 138 of NI Act and u/s 406 of Indian Penal Code and is liable to be tried.

OBSERVATION: I came to know about the provisions of Negotiable Instrument Act.

N.O.H: 10.11.2021

CASE 12

**IN THE COURT OF MS. SHIVANI CHAUHAN, CHIEF METROPOLITAN
MAGISTRATE, DWARKA COURT, NEW DELHI**

IN THE MATTER OF:

JYOTI

VERSUS

SURESH KUMAR SEJWAL

**APPLICATION UNDER SECTION 12 OF DOMESTIC VIOLENCE ACT, 2005 (43
OF 2005) FOR THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE**

BRIEF FACTS: -

- 1** On 08.03.2018 the complainant got married with the respondent. That in the marriage a substantial amount of approx. Rs. 55-60 lakhs were spent by the parents of the complainant in the said marriage.
- 2** The parents of the complainant also gave a fixed deposit of Rs.11 lakh in the name of complainant. Respondents always pressure the complainant to break the FD of rs.11 lakh and convert the same in the name of respondent.
- 3** Respondent asked the complainant to give them her atm card and got broke the FD which was given by the complainant's father. Complainant refused to break the FD then complainant was mercilessly beaten by the respondent. The harassment by the respondents increased day by day.
- 4** Respondent also confined the complainant in her bedroom and did not provide any meal for two days in fact complainant is eighth month pregnant.

OBSERVATION: When I was reading the case file, I noticed that now the complainant did not want to save her matrimonial life. Respondent side also doesn't want to accept the complainant. But the complainant demands maintenance for herself and for her child. Complainant is eighth month pregnant; she needs rest but she attends all the hearings and demands justice for her in this condition.

N.O.H: 3 November 2021

CASE 13

**IN THE HON'BLE COURT OF LD. ADMINISTRATIVE CIVIL JUDGE, SOUTH -
WEST DISTRICT, DWARKA COURTS, NEW DELHI.**

SUCCESSION CASE NO._/2021

IN THE MATTER OF: -

SMT.RAJNI & ORS.

VERSUS

STATE & ORS.

**APPLICATION ON BEHALF OF THE PETITIONERS UNDER SECTION 151 OF
THE CODE OF CIVIL PROCEDURE, 1908, TO CONSIDER THE PRESENT
PETITION AS AN URGENT PETITION AND TO HEAR THE PETITION, AT THE
EARLIEST, CONSIDERING THE URGENCY.**

BRIEF FACTS: -

1. We are representing the case on behalf of Smt. Rajni & Ors.
2. The case has an urgency because the respondent adamant to take the amount of the Petitioners, which are lying in the account of the deceased in the bank.
3. That the petitioners are filing an application under order 39 rule 1 and 2 with section 151 of the C.P.C.,
4. As now the respondent is liable to pay the amount to the Petitioner.

OBSERVATION:

In this case I have observed application filing under Order 39 Rule 1 & Rule 2 with section 151 of the C.P.C.

D.O.H: - 26 OCTOBER 2021

N.O.H: - 22 December 2021

CASE 14

**IN THE COURT OF SHRI D.S PUNIA, PRINCIPAL JUDGE
FAMILY COURTS, TIS HAZARI COURTS, DELHI**

COMPLAINT CASE NO-354/12

IN THE MATTER OF:

**SANGEETA
VERSUS
SANJEEV**

BRIEF FACTS:

It is a case for maintenance under section 125 of CR. PC filed by the petitioner against the respondent whereby she is demanding the maintenance at the rate of Rs.7000/- per month. We are for petitioner Sangeeta in this suit. The matrimonial knot was tied between the petitioner Sangeeta and her husband Sanjeev s/o Rajiv Kumar resident of Tagore Garden who is respondent in the present matter. At the same time the marriage was also consummated between the husband and the wife but after sometime conflicts had started between the two. As a result of which the wife on the grounds of cruelty has filed a divorce petition and at the same time demanding maintenance as she has no other source of income.

So, it is respectfully prayed before the court to provide the maintenance to the petitioner on a monthly basis so that she could spend her life without stress.

OBSERVATIONS

Now, the case is fixed for the petitioner's evidence before the learned judge for the next date i.e., 16/09/21.

D.O.H: - 21 November 2020

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included dimensions of criminal medico legal experts to civil corporate litigation. All of which was an over-the-top experience. Such summer training helps a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was the prerequisite to our training.

When it comes to observance of trials in the courts, it was one of the most essential parts of learning for an intern. Observance of trials and court proceedings help in understanding the very root of the law in India. Proceedings are the whole mechanism into which analysis is always advisable.

With a vote of thanks and gratitude for reading this report thoroughly and forgiving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards Yours Faithfully

Submitted by:

JITENDER KUMAR SHARMA

9TH Semester, B.A. LLB

Roll Number: 05490103817

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

तेजस्वि नावधीतमस्तु
ISO 9001:2015 & 14001:2015

Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

CONTACT DETAILS **9315296292**

EMAIL I.D **kanikagahlot115@gmail.com**

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - **Kanika Gahlot**

ENROLLMENT NO. - **05690103817**

COURSE - **BALLB**

BATCH - **2017**



STUDENT INTERNSHIP DIARY

5 YEARS BA-LLB (INTEGRATED) | BBA-LLB (INTEGRATED)

FIMT-SCHOOL OF LAW

NAAC ACCREDITED



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ISO 9001:2015 & 14001:2015

FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

(Affiliated to Guru Gobind Singh Indraprastha University, Delhi)

KAPASHERA, NEW DELHI

Session 20.17..-20.22...

NAME OF THE STUDENT **Kanika Gahlot**
CLASS ...**BALLB**... SEMESTER ...**IX**... SECTION. **A**... ENRL. NO. **05690103817**
RESIDENTIAL ADDRESS OF STUDENT.....
CONTACT NO-..... **9315296292**
E MAIL I.D - **kanikagahlot115@gmail.com**

NAME OF THE ADVOCATE/LEGAL FIRM **Adv. Sanjeev Dhingra**
ADDRESS - **324 Block-B, District court Gurugram, Haryana**
CONTACT NO-..... **9990002581**
E MAIL I.D -

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INTERNSHIP CERTIFICATE

Sanjeev Dhingra
Advocate

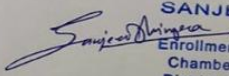
To whomsoever it may concern □

□ This is to certify that Kanika Gahlot Daughter of Shri Satish Kumar, student of 5th year at **Fairfield Institute Of Management & Technology** affiliated to GGSIPU has successfully undergone internship in criminal cases w.e.f 01.08.2021 to 31.08.2021 at District Courts, Gurugram & at our law office. -

We have found her to be intelligent, positive learner, active listener, motivated, duty bound & hard working intern. She worked sincerely on her case studies, assignments & her performance was par excellence.

She was very attentive & polite to her fellow interns and seniors. She is very obedient & soft spoken to all her seniors. We totally appreciate her conduct, positivity & zeal to learn more.

We wish her best of luck for his future. □


SANJEEV DHINGRA
Advocate
Enrollment No.- P/266-A/2010
Chamber No. 324 Block - B
District Court Gurugram, HR
M. No. - 9990002581

Sanjeev Dhingra

Advocate (Enr. P-266-A-2010)

District: Gurugram

Office. Lawyers chamber no 324
Dist.court,Gurugram

Phone no.
9990002581



DECLARATION

DECLARATION

I, **Kanika Gahlot (05690103817)**, 5th year, B.A. LL.B (H) FIMT (affiliated to GGSIPU), have interned at Advocate Sanjeev Dhingra & Associates for a period of 30 days from 1st August, 2021 to 31st August, 2021.

This declaration is made on 3-9-21 at New Delhi that, this Internship Report is prepared and drafted by me, under the aegis of Adv. Sanjeev Dhingra.

It contains the work that was assigned to me during this internship, and successfully accomplished from my side.

This report is a sincere attempt at compilation of the aforementioned work. Its submission is a partial fulfilment of the requirement for the award of Bachelor of Arts & of Law [B.A. LL.B (Hons.)] degree.

This has not been submitted, either in whole or in part, to any other Law University or affiliated Institute under any University as recognized by the Bar Council of India, for the award of any other law degree or diploma, within the territory of India.

Date: 3-9-21

Kanika Gahlot

Enrollment No.: 05690103817

B.A. LL.B. (Hons.)

5th Year

Fairfield Institute of Management and Technology.

Guru Gobind Singh Indraprastha University

SANJEEV DHINGRA
Advocate
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Chamber No. 324 Block - B
District Court Gurugram, HR
M. No.- 9990002581

Sanjeev Dhingra

ADVOCATE



ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to the Sir, Sanjeev Dhingra, who have been my constant support, source of encouragement & inspiration and guided and helped me in successfully completing my 4weeks Internship. Moreover, apart from court they gave me a chance to get practical exposure by attending various meetings with other advocates.

I would like to express my deep gratitude to all my teachers and every person who have been my constant support, source of encouragement and inspiration and have helped me in successfully compiling and completing this internship report.

I take profound sense of pride to convey my gratefulness towards my University - Guru Gobind Singh Indraprastha University and my Institution – Fairfield Institute of Management and Technology, School of law , for providing me with this great opportunity to such an enlightening internship.



OBJECTIVE

Clinical education programs for law students have been of great advantage to them. The objective of such programs is to provide an understanding of the human, social and policy contexts of law and legal practice. This objective is met through the Legal Internship. Internship is a process of education, to offer meaningful, career related work experience to students. Internships fulfill an important component of both academic and practical education in law. The integration of professional experience into the learning process is highly effective in developing the understanding of law in action, as you are able to observe and perceive the relevance and application of theory to practice. Consequently, the program is not simply 'work experience' but a significant educational experience.

In a workplace setting one will be exposed to the reality of the practice of law in all its dimensions –

The integration of different areas of law, policy issues;

The application and development of skills to the analysis and resolution of client concerns;

Ethical responses to situations which arise unexpectedly and spontaneously;

Issues of professional responsibility including responsibility to clients and case management;

The operations of the government and court system in the legal process. Reinforce and strengthen the students personal values and career objectives through an improved understanding of themselves and the work environment.

Assist students in identifying and acquiring the skills needed to enter a chosen field. Provide practical work experience to balance the students theoretical training.

Allow students to meet and learn from professionals in the field and develop a network of contacts.

These subjects provide the theoretical knowledge and ethical framework necessary for you to appreciate the operation of the 'law in action'.



CASE LAW – 1

**IN THE COURT OF SH. ATUL KUMAR GARG,
ADDITIONAL SESSIONS JUDGE,
DWARKA COURT, NEW DELHI**

IN THE MATTER OF :-

STATE

....PETITIONER

Vs.

AMAN NINYAWAT

....RESPONDENT

SUBJECT MATTER :- Case regarding the section 8, 10, 12 of POCSO Act, 2012

PRESENT DATE OF HEARING :- 01/07/2021

BRIEF FACTS :-

The Complainant alleged that she and the respondent were friends and the accused had tried to molest her. Since, the complainant was a minor girl aged 15 years, the case fell under the purview of Protection of Children from Sexual Offences (POCSO) Act, 2012.

OBSERVATION :-

On this day cross examination of a witness was to be done but due to her ill health she was not present before the Hon'ble Court

NEXT DATE OF HEARING :- 26/09/2021

CASE LAW – 2

**IN THE COURT OF Ms. NEHA PALIWAL,MM
DWARKA COURTS , NEW DELHI
U/s: 323/341/452/354/506/509/420/468/471/120-B/34
F.I.R.: 36/13
P.S.: DWARKA SECTOR 10**

IN THE MATTER OF:

SH. SATISH KUMAR

.....PETITIONER

VERSUS

SMT. RISHALI DEVI

.....DEFENDANT

Acussed No.- 1 Smt. Rishali Devi (Mother)

Acussed No.- 2 Rajveer (Brother)

Acussed No.- 3 Nephew

Acussed No. - 4 Devender (Brother)

Acuused No.- 5 Real sister of complainant

Complainant U/S: 323/341/452/354/506/509/420/468/471/120-B/34 of Indian Penal Code

PRESENT DATE OF HEARING :- 02/07/2021

BRIEF FACTS:

Complaint is permanent resident of 4/45, ground floor, Khichripur, Delhi.

Complainant is residing on the ground floor with his family. Due to some misunderstanding between the acussed and the complainant , a suit for mandatory and permanent injunction was filed before Civil Judge of Dwarka and the same was compromised between them before mediation centre, Dwarka on the condition that none of the accused will interfere in the possession of the complainant. Case was withdrawn by both the parties after order of mediation centre.

Both the parties started living together but after sometimes accused no.- 1-5 started quarrelling with complainant and his wife. All the accused started trespassing in house of complainant illegally and forcefully and also threatens them to dispose of the property , also they threaten them by saying that if they fail to leave the possession of property, they would kill them, and also made forged documents regarding property .

Accused on the daily basis visit the place of complainant and used to abuse the complainant and his wife also beat them. When complainant went to Police Station for complaint, police official refuse to file complaint by saying that “ this is your family matter.”

After regular collusion, when complainant again made the complaint, police official refuse to file complaint because they had took bribe from accused person and tell them (complainant) we will not file your complaint. Because accused and their association are very rich and influential person and knew some police official too, so police official always refuse to register complaint against them.

Now , complainant and his family are living under the terror of accused.

OBSERVATION: On date of hearing i.e. 02/07/2021 , Copy of charge sheet received.

NEXT DATE OF HEARING :- 03/09/2021

PURPOSE- On next date of hearing case will further proceed for consideration of charge.

CASE LAW- 3

**IN THE COURT OF HON'BLE PRINCIPAL JUDGE OF FAMILY COURT
VISHWAS GARG, DWARKA COURTS, DELHI.**

IN THE MATTER OF:

SH. SONU BREJMOHAN

.....PETITIONER

VERSUS

SMT. HIMANI

.....RESPONDENT

Petition filed under section 9 of Hindu Marriage Act, 1995 for Restitution of conjugal rights.

PRESENT DATE OF HEARING :- 03/07/2021

BRIEF FACTS:

The Hindu Marriage was solemnized between petitioner and respondent according to Hindu rites ceremonies on 23/04/2012 at Ghaziabad. The marriage was duly consummated and both petitioner and respondent were cohabitated as husband and wife in matrimonial house and no child was born from the wedlock. After marriage the behaviour of respondent was good but after sometime the behaviour of respondent towards petitioner and his family was changed she started quarrelling with petitioner and also disrespected petitioner and his family and she used to go to her parental home without informing to her husband and used to remain there for many days, every time petitioner used to take her back from her parental house but the attitude of respondent remains same and the petitioner remains silent in order to save his relationship in the month of May 2013, the uncles of respondent approach the petitioner and said to the petitioner "Ladki alag rehna chahti hai." To save his matrimonial life, the petitioner started living separately from his parents but the behaviour of respondent was not changed. Ultimately on 17-06-2015, the respondent left the house of petitioner after taking the valuable goods and gold jewellery and clothes without the consent of the petitioner.

Petitioner made calls and made all possible ways to bring her back but all in vain.

OBSERVATION:

On the date of hearing i.e, 3/07/2021, notice was issued to the respondent.

NEXT DATE OF HEARING: 20/09/2021

PURPOSE: Next date for hearing is fixed for appearance of respondent.

CASE LAW -4

**IN THE COURT OF SH. RAMNIVAS GARG, DISTRICT COURTS DWARKA,
NEW DELHI**

IN THE MATTER OF :-

STATE

.....COMPLAINANT

VERSUS

VINOD SHARMA

.....ACCUSED

Subject Matter:- complaint under section 498A of Indian Penal Code,1860.

PRESENT DATE OF HEARING :- 06/07/2021

BRIEF FACTS:

That the marriage between the revisionist and respondent no. 1 was solemnized on 15/02/2009. They both lived together and out of their wedlock a minor child namely baby Prophi was born to them on 11/07/2010. During the period, the revisionist lived with the respondent no. 1. She committed all sorts of acts of cruelty, harassment, torture and humiliation.

That the F.I.R was lodged on 17/05/2014 in crime (women) cell. F.I.R no. as 73/10 was filed u/s 498A /406/34 by Pooja wife of the accused against the family also.

That the pooja also filed a petition for divorce u/s 13(1)(a) of hindu marriage Act, against the revisionist on 24/08/2014.

That the pooja have put the false allegation on vinod sharma and his family u/s 468A/406/34 as accused never done any cruelty act on pooja, whereas she was careless and egoist person, she never took care of his parents and use to give answers in founding way.

That the pooja with filing the false F.I.R abuses the procedure and law as well wasted the time of court.

That on 05/07/2015, the anticipatory bail was also file in the of dwarka court which was also there in accepted by the court.

OBSERVATION:-

On 06/07/2021 that matter was fixed before the hon'ble court for hearing on this day P.P was absent and Pooja was also not present in person, summon was issued for here on the next date of 15/10/2016.

I have learned about the provision of section 498A & 34 of IPC.

NEXT DATE OF HEARING: 15/10/2021

CASE LAW - 5

**IN THE COURT OF Ms. SHIVANI CHUHAN, LD. METROPOLITAN MAGISTRATE
(SE) SAKET:
NEW DELHI**

IN THE MATTER OF:

STATE **.....PETITIONER**

VERSUS

SURINDER **.....RESPONDENT**

FIR No. 32/13

Under Section 406 IPC

PRESENT DATE OF HEARING :- 07/07/2021

BRIEF FACTS:

In this case a complaint was being filed against the husband by the wife under Section 498-A, 406 IPC, leveling the allegations of alleged cruelty & breach of trust at the hands of the husband for the demand of dowry articles. The wife also complained that the family is also being mentally harassed by making regular phone calls for fulfilling the demand of dowry. Then the court observed that the main bone of contention between the parties i.e. dowry can be solved which can certainly save the marriage ties from being broken down. So accordingly matter was referred to the Mediation Cell where a amicable settlement took place with regard to dowry articles.

The matter was listed: Before the Mediation Cell for amicable settlement.

OBSERVATION:

On 07/07/2021 settlement being arrived at between the parties quashing of FIR can initiated before the Hon'ble High Court under Section 482 Cr.P.C. at the instance of the Wife coming to the court and making a statement that settlement has been arrived at.

NEXT DATE OF HEARING: 20.09.2021

CASE LAW-6

**IN THE COURT OF Mr. SUNIL KUMAR
PATIALA HOUSE, NEW DELHI**

IN THE MATTER OF:-

SUDHA BISHT

.....COMPLAINANT

VERSUS

S.K. THAPER

.....ACCUSED

Subject Matter: complaint under section 420 and 120B of the Indian Penal Code,1860.

PRESENT DATE OF HEARING :- 08/07/2021

BRIEF FACTS:-

That the complainant is the resident of s/1007 of Ghaziabad sector 5 booked a plot in the scheme of the builder, the plot booked was of 200sq. yards. The complainant was also given the token money for booking the plot as amount of Rs. 5, 00, 000/- on 04/07/2015.

That at the time of booking the builder promised to give the plot in the 7 or 8 months from the date of booking. The plot and the project was of Haridwar, Utrakhand but was subject to the jurisdiction of the New Delhi.

But after waiting the long time of one and half years the plaintiff didn't get the plot, although they received a letter of confirmation of the payment but after a long time.

That plaintiff then along with her husband had gone to meet the builder personally, but when they reached the official of the builder they were asked not to come back here again.

That after going through this humiliation the plaintiff lodge an FIR no. as 275/11 in police station under the section of cheating, criminal conspiracy and other offences related to property.

The S.K. Thaper was arrested and after that release on bail.

OBSERVATION:-

On 08/07/2021, I have come to know about the provision of bail and arrest as stated in the Code Of Criminal Procedure,1973

NEXT DATE OF HEARING:- 3/09/2021

CASE LAW-7

**IN THE COURT OF SH. VIRENDER MALIK LD. ASJ, DISTRICT DWARKA COURTS
, NEW DELHI.**

IN THE MATTER OF:

STATE

.....COMPLAINANT

V.

ANKUR & ANR

.....ACCUSED

U/S – 332, 353, 307, 120B, 349 of Indian Penal Code

PRESENT DATE OF HEARING :- 09/07/2021

BREIF FACTS:

In this case the complainant was the Sarpanch of the village Barana, Panipat. It was decided by the villagers that the land of the Thakur mandir will be in in possession of Sarpanch and he will act as a care taker of that Land. The accused forced the complainant to transfer the land of Thakur Mandir in their name but the complainant refused to do so. Because of this the accused lost his temper and on 19/05/2016 the accused along with his friends entered the house of Complainant and started open fire which caused injuries to the complainant as well as his family members. When villagers gathered the accused ran away from the place of incident by open firing in the sky. Police started investigation and caught accused Ankur along with 2 pistols with live cartridges in the pocket. Accused Amit and Ravinder were also caught with cartridge and 9 mm pistols.

OBSERVATION: RECORDED THE STATEMENT OF PWD 1& 2

NEXT DATE OF HEARING: 20.11.2021

CASE LAW -8

**IN THE COURT OF SHRI PITAMBER DUTT, ADJ , ADDITIONAL PRINCIPAL
JUDGE, FAMILY COURT,
DWARKA. NEW DELHI**

DOH: 28/01/2020

U/s: 13 of HMA

IN THE MATTER OF:

AASHNA

....PETITIONER

VERSUS

ANURAG

....DEFENDANT

Petition U/S: 13 of the Hindu Marriage Act, 1965

PRESENT DATE OF HEARING :- 10/07/2021

BRIEF FACTS

- That the Hindu Marriage was solemnized between petitioner and respondent according to Hindu rites ceremonies on 23/04/2017 at Gurugram. The petitioner had a project for which she had to stay in a different city for a few days and there were some network issues in that place.
- That the petitioner and the respondent grew apart as they could not talk to each other. One day the respondent saw the petitioner's social media handle where she posted a picture with a male colleague which made the respondent furious and upon her return for a week the respondent got in a huge fight with the petitioner.
- That during the fight the accused raised his hand upon the petitioner and accused her of being an ill characterized lady.
- That the petitioner has thus filed the present petition.
-

OBSERVATION: On the date of hearing, notice was issued to the respondent.

NEXT DATE OF HEARING: 30/03/2021

PURPOSE: Next date for hearing is fixed for appearance of respondent

CASE LAW - 9

IN THE COURT OF Ms. SHIVANI CHUHAN, LD. METROPOLITAN MAGISTRATE

(SE) SAKET:

NEW DELHI

IN THE MATTER OF:

STATE

.....PETITIONER

VERSUS

SURINDER

.....RESPONDENT

FIR No.	32/13
Under Section	406 IPC
Police Station	Mandir Marg

PRESENT DATE OF HEARING :- 13/07/2021

BRIEF FACTS:

In this case a complaint was being filed against the husband by the wife under Section 498-A, 406 IPC, leveling the allegations of alleged cruelty & breach of trust at the hands of the husband for the demand of dowry articles. The wife also complained that the family is also being mentally harassed by making regular phone calls for fulfilling the demand of dowry. Then the court observed that the main bone of contention between the parties i.e. dowry can be solved which can certainly save the marriage ties from being broken down. So accordingly matter was referred to the Mediation Cell where a amicable settlement took place with regard to dowry articles.

The matter was listed: Before the Mediation Cell for amicable settlement.

OBSERVATION: On settlement being arrived at between the parties quashing of FIR can initiated before the Hon'ble High Court under Section 482 Cr.P.C. at the instance of the Wife coming to the court and making a statement that settlement has been arrived at.

NEXT DATE OF HEARING: 20.09.2021

CASE LAW - 10

**IN THE COURT OF SH.NAVEEN BUDHIRAJA, METROPOLITAN MAGISTRATE,
SAKET COURT COMPLEX, SAKET, NEW DELHI**

IN THE MATTER OF:

STATE

..... **PETITIONER**

VERSUS.

SHYAM SUNDER

.....**RESPONDENT**

FIR No.117/13

PS: Safdarjung Enclave

PRESENT DATE OF HEARING :- 14/07/2021

BRIEF FACTS :

A Criminal case was listed before the Learned Magistrate for framing of Charge. On hearing the Ld. Addl. Public Prosecutor for the State and the counsel for the accused the Ld. Judge framed the charge and then asked the accused if he pleads guilty or claim trial. Accused pleaded guilty and also bargained for giving him lesser punishment than that provided under the Code for the offence committed by him.

OBSERVATION:

The difference between the Criminal Trial at the state of inquiry and that at the stage of conviction is made only through the process of plea bargaining. Once an innocent person is proved guilty on trial, he/she is supposed to be sentenced defined in Indian Penal Code. But in plea bargaining process, the difference is that a particular person who has been so accused pleads guilty before the Judge who read over the charge so framed against him/her and then puts a question to him whether he pleads guilty or claim trial. If the accused pleads guilty and in

exchange for his pleading guilty bargains for a lesser punishment than that provided in the code, the Presiding Officer, by looking into the previous record of the offender gives him leniency in sentencing. In this way you can infer that process of plea bargaining takes place at an early stage of trial. Given that an additional plea bargaining application needs to be filed by the accused through his counsel before the same Judge where charges were framed. Purpose of Adjournment: The case was posted for moving an appropriate application.

NEXT DATE OF HEARING: 25.08.2022

CASE LAW - 11

IN THE COURT OF SHRI GIRISH KATHPALIA, LD.ADDL. SESSIONS JUDGE (SE)
SAKET:NEW DELHI

IN THE MATTER OF:

State

.....PETITIONER

VERSUS

Rama Nandaum

..... RESPONDENT

FIR No. 77/15

Police Station Okhla

Under Section 307 IPC

PRESENT DATE OF HEARING :- 15/07/2021

BRIEF FACTS:

A bail application was listed in the Court. In this case there were three prime accused charged of the same offence under the Indian Penal Code, but two of the prime accused were able to create a reasonable doubt in the mind of the Judge and prosecution failed to prove the charges against those two. Due to this reason they, they were acquitted by the Court and the remaining one prime accused still facing the trial sought bail on the ground that investigation has already been completed in the matter and no useful purpose will be served by keeping him behind the bars. Moreover he takes an additional plea that as the other co –accused in the same case were acquitted, he may be granted bail.

OBSERVATIONS: Keeping the facts and circumstances in mind bail application was allowed and accordingly, accused was admitted to bail and directed to furnish bail bond in the sum of Rs.10,000/- with two sureties in the like amount.

Next day of hearing: 05/02/22

CASE LAW - 12

**IN THE COURT OF JUSTICE HIMA KHOHLI
HIGH COURT OF DELHI**

IN THE MATTER OF:-

M/s Ahluwalia Contracts (India) Pvt. Ltd

.....Petitioner

Versus

M/s MGF Developments Ltd.

.....Respondent

Subject matter: Application under section 151 CPC for appropriate direction on behalf of the petitioner.

PRESENT DATE OF HEARING :- 16/07/2021

BRIEF FACTS :-

1. That the present petition is filed by the petitioner for an order that the respondent company be wind up by this Hon'ble Court under the provisions of the Companies Act, 1956.
2. As per books of the account of the petitioner, the total outstanding dues against the works done in terms of the contracts as entered in between the parties and the respondent is shown as Rs. 15,27,79,696/- (Rupees Fifteen crores Twenty Seven Lacs Seventy Nine thousand Six hundred and Ninety Six only).
3. It is submitted that the vide order dated May 27, 2014-
“The Managing Director of the Respondent is directed to file Balance of Sheet and Loss account for the last three years along with an affidavit in support thereof”
4. The said order is not complied by the respondent.

5. It is submitted herein that the respondent has to comply the order with direction in respect of filing of the affidavit.

OBSERVATION:

In terms of the said order the respondent were mandatorily directed to file the balance of sheet and the profit and loss account for the last three years along with an affidavit.

NEXT DATE OF HEARING: 11/10/2021

CASE LAW - 13

IN THE COURT OF SH. RAGHUBIR SINGH,ASJ

DISTRICT COURT,DWARKA,NEW DELHI

F.I.R : 92/15

P.S : Mayur Vihar.

IN THE MATTER OF :

STATE

.....COMPLAINANT

V/S

SATISH

.....ACCUSED

Complaint U/s : 452/354/354-B/323/341 IPC & 8 POSCO ACT,2012

PRESENT DATE OF HEARING :- 17/07/2021

BRIEF FACTS :-

Complainant Anjali along with her sister Shamma coming back after taking birthday cake. There was a dispute with Barkha near Aggarwal Sweets due to cream issue & Barkha threatened them. Complainant along with her sister returned home. After sometime at about 7:15pm, brothers of Barkha namely Ajju, Natholi & Satish came into the house of complainant & started abusing them.

Complainant objected to this act but all the three above mentioned persons entered forcefully into the house of complainant & Ajju caught complainant's sister Shamma & started abusing &

misbehaving with her. When complainant opposed the same then Satish & Natholi caught the complainant & started beating her.

Ajju warned Shamma to teach a lesson & torn her T-shirt & pressed her breast. When they (complainant) obstructed the same all the three accused persons started beating complainant & her sister Shamma. When complainant shouted all the three accused persons fled away & Natholi also threatened them to kill.

OBSERVATION :

Accused remain in jail about 14 days & thereafter Hon'ble Court granted the bail.

NEXT DATE OF HEARING : 7/10/2022

PURPOSE : The matter is fixed for evidence.

CASE LAW - 14

**IN THE COURT OF Ms.RICHA PARIHAR,MM
DISTRICT COURTS DWARKA,NEW DELHI**

F.I.R :1096/14

P.S. : KALYAN PURI

IN THE MATTER OF :

STATE

.....COMPLAINANT

V/s

PARAMJEET @ GOLA

.....ACCUSED

COMPLAINT U/s 354/341/509 INDIAN PENAL CODE

PRESENT DATE OF HEARING :- 20/07/2021

BRIEF FACTS :-

Complainant & Joginder Kaur were residing with her sister Nanki Kaur. When Joginder Kaur went outside to call her son Sumit, at that time accused Paramjeet, Manjeet, Hemant came there & started abusing her & asked her about Vinod when she refused to tell about Vinod, Manjeet held her hand & Hemant & Paramjeet tore her clothes, & when her sister Nanki came to save her, all the 3 accused ran away from there. Nanki made a call at 100number & police came on the spot.

The police then recorded the statement of the complainant & took the accused person to the police station for further questioning.

OBSERVATION : The charge has been framed.

NEXT DATE OF HEARING : 24/09/2021

PURPOSE : On next date of hearing case.

CASE LAW - 15

**IN THE COURT OF SH. SUSHIL GARG, ADDITIONAL DISTRICT AND SESSIONS
JUDGE, DWARKA COURTS ,NEW DELHI**

IN THE MATTER OF:

VINOD

.....Petitioner

VERSUS

MANJU

.....Respondent

Complaint U/s : 13-B of Hindu Marriage Act , 1955

PRESENT DATE OF HEARING :- 21/07/2021

BRIEF FACTS:

Marriage took place on 18/06/12. No child was born out of this Wedlock. For few months everything went good but after that both the parties started fighting with each other on trivial matters also. Soon they realized that they cannot live together because of clashes so they decided to live separately and on 21/01/2014 they got separated.

OBSERVATION- On this date of hearing the petitioner's statement was taken.

NEXT DATE OF HEARING : 04/02/2022

PURPOSE : 2nd Motion Statement Retained For Vinod



CONCLUSION

The Legal Internship Program is designed to teach students how to be good lawyers.


The objectives are to:

- expose you to the law in operation in contexts where you will come to perceive aspects of law which cannot be learned from reading or hearing about it
- allow you to perceive ways in which the formal learning you acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimensions of legal principles
- enable you to relate the different areas of legal practice to the importance of developing the skills of legal research, communication, drafting, practice management and problem solving
- enable you to observe and reflect upon the values, ethical standards and conduct of the legal profession in practice and to develop your own attitudes of professional responsibility.

In the end, I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, what we learned from the internship is the mechanism of this body.

I was surprised to see how the simplest of laws were applicable in the most difficult of situations and how loopholes leave so much scope of evolution and improvisation today in this field. I also observed that the law is everything but constant with the same soul as that of a human. In other words or as that of our counsel, law may come and law may repeal, but they must always be faithful to the constitution, which is the most supreme law of the land and governs all equals and unequal in respect of each other.

With Warm Regards
Yours Faithfully,



FAIRFIELD Institute of Management & Technology

Affiliated to GGS IP University , an 'A' Grade College by DHE, Govt. of NCT DELHI ,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

(SCHOOL OF LAW)



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ISO 9001:2008 & 14001:2004
NAAC ACCREDITED

SUMMER INTERNSHIP REPORT

B.A. LLB (HONS.)

SUBMITTED BY:

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ENROLLMENT NO. : 05790103817

COURSE: B.A. LLB.

SEMESTER/SECTION: 9th A

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STUDENT INTERNSHIP DIARY

5 YEARS B.A. LLB (INTEGRATED)

FIMT- SCHOOL OF LAW



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SESSION 2020-21

NAME OF THE STUDENT: **KAPIL SHUKLA**

CLASS: **B.A. LLB** SEMESTER: **9TH** SECTION: **A** ENROLMENT NO.: **05790103817**

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NAME OF THE ADVOCATE/LEGAL FIRM: **ADV. S.S Pawar**

ADDRESS: **CHAMBER No. 413, Dwarka COURT Sec. 10**

CONTACT NO.: **+91 9711155451**

E-MAIL ID: **ss77@gmail.com**

INTERNSHIP CERTIFICATE

S.S. PAWAR
Advocate



Chamber. No. 413, Lawyers Chambers Block, District Court Complex,
Sector-10, Dwarka, New Delhi-75

Dated: 26.11.2021

CERTIFICATE OF INTERNSHIP

This is to certify that Mr. Kapil Shukla S/o Sh. Sanjay Kumar Shukla, student of 5th year BA, LL.B at Fairfield Institute of Management & Technology, IP University, Delhi, has done internship under my supervision during the period from 01.07.2021 to 30.09.2021. During this period of internship with me I found him very sincere, hardworking and inquisitive which speaks well of his institution. I record my appreciation for the work done by him.

I wish him best of luck for future and pray for his brilliant career ahead.

New Delhi

(S.S. PAWAR)
Advocate


S. S. PAWAR
M.A., LL.M
Advocate & Senior Partner
Chamber No. 413, Lawyer's Chamber, Dwarka Court,
Sector-10, Dwarka, New Delhi-75. Mob: 9711155451
E-mail: tsp24adv@gmail.com

DECLARATION

I KAPIL SHUKLA OF 9th SEMESTER B.A.LLB (HONS) hereby declare that this report as compiled by me under summer internship program (4 weeks) is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to **FAIR FIELD INSTITUTE OF MANAGEMENT & TECHNOLOGY** affiliated to **GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY, NEW DELHI** is a reliable document and is of Bona fide nature.

S. S pawar

SIGNATURE:

DATE : 26/11/2021

ACKNOWLEDGEMENT

*I would like to thank and express my deep gratitude to respected sir, **ADVOCATE S.S PAWAR** who has been my constant support, source of encouragement & inspiration and guided and helped me in successfully. Completing my 4 weeks summer internship.*

S. S pawar

SIGNATURE:

DATE: 26/11/2021

Moreover, apart from court they give a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best off all possible facilities during the internship as well as the time of drafting of this report.

OBJECTIVE

The Legal Internship Program is not designed to teach us how to be good lawyers, it takes more than study at University to do that. The objective of the training programme is to get exposure to the law in operation in contexts where we come to perceive aspects of law which cannot be learned from reading or hearing about it. Also, it allows us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimensions of legal principles.

Legal internship enables us to relate the different areas of legal practice to the importance of developing the skills of legal research, communication, drafting, practice management and problem solving.

Lastly, it helps us to observe and reflect upon the values, ethical standards and conduct of the legal profession in practice and to develop our own attitudes of professional responsibility.

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CASE 8

**IN THE SH. RANJIT
SINGH, PRESIDING
OFFICER,
DEBT RECOVERY APPELLATE TRIBUNAL, NEW DELHI**

IN THE MATTER OF:-

CORP

**O
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V
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N.K. MEDALLION CO. LTD.

SUBJECT MATTER:- *Application challenging order of Ld. DRT dated 17.7.2021*

BRIEF FACTS:-

- 1. Petitioner Company is a registered company under Companies Act.*
- 2. Corporation bank is nationalized bank which has an open general license from the RBI to import bullion (gold).*
- 3. Petition filed by one of the directors of Petitioner Company.*
- 4. Petitioner Company for repayment of gold loan entered into another agreement*

CASE 9

being the bullion agreement with the bank.

5. *However, instead of replying to the notice, the respondent bank, malafide, chose to send notice dated 22/5/2018 u/s 13(2) & (3) of SARFESAI Act.*
6. *Meanwhile Petitioner Company has filed arbitration application in High Court of Delhi.*
7. *Petitioner Company filed an application before the Ld. DRAT challenging order dated 17.7.2021.*

PRESENT DAY:-

Presently date is fixed for 28/7/2021 DRAT.

OBSERVATION:-

I have come to know about the provisions under SARFESAI Act and much about its aspects of debt recovery.

NDOH:- 28/7/2021

CASE 11

**IN THE COURT OF JUSTICE MANMOHAN SINGH
HIGH COURT OF DELHI**

IN THE MATTER OF:-

T

A

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P

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G

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V

.

UNION OF INDIA

SUBJECT MATTER:- Writ petition filed against the respondents for arbitrary selection of RKPP(Rashtriya Khel Protsahan Puruskar)

BRIEF FACTS:-

1. Respondents bestowed Rashtriya Khel Protsahan Puruskar to R.5 (N. Ramachandran) for the year 2011.
2. The award was given in the "individual" category.
3. R.5 was Patron of SRFI, President of TNSRA, Vice-President of SDAT, Treasure of the Indian Olympic Association, member of Executive committee of SAI from 1998-2005.
4. Application of R.5 was based on awards on 2 national academies in Chennai, one for squash and the other for Triathlon and a state center at Salem. Selection committee had itself rejected the National Triathlon Academy, State center at Salem. Committee also rejected the claim that Squash Center at

CASE 12

Chennai had any national Character.

PRESENT DAY:-

The judgement is on reserve as of now.

OBSERVATION:-

I have learnt about the provisions under Article 32 of the Indian Constitution and also the process of perusal and scanning of documents.

CASE 13

**IN THE COURT OF SH. BHARAT PARASHAR,
SPECIAL JUDGE (PC ACT), CBI-07
PATIALA HOUSE COURT, NEW DELHI**

IN THE MATTER OF:-

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M/S JHARKHAND ISPAT PVT. LTD. & ORS.

SUBJECT MATTER:- summons to the prosecution witnesses.

BRIEF FACTS:-

- That the FIR no. 219 2013 E 0002 was lodged by CBI on 8/3/2013
- It was alleged that allocation of north Dhadhu coal block was discussed by screening committee in its 27th and 30th meetings and M/S Jharkhand Ispat Pvt. Ltd. Was allocated north Dhadhu coal block for its sponge iron plant at Hesla, district Hazaribagh, Jharkhand for purported existing production capacity of 96,000 MTPA of sponge iron and proposed capacity of 4,32,000 MTPA and 35 MW of captive power plant. Sh. R.C Rungta, Director had submitted the application and Sh. R.S. Rungta made the presentation before the screening committee as chairman of the company. While submitting the application on 23/02/2004 company had claimed to have acquired 32 acres of land whereas as time of submitting the agenda form and making presentation before the screening committee on 1/3/2005, it claimed to have acquired 779 acres of land.

PRESENT DAY:-

Final report u/s 173 C.r.P.C. was submitted on 12/11/2019 before the Hon'ble court of Special judge, Patiala house court, New Delhi. Presently, the case is pending trial before the Ld. Trial court and 11 PWs have since been examined. Now the matter is adjourned for 10/8/2020 to 14/8/2020 and five PWs have been summoned.

OBSERVATIONS:-

CASE 14

I have come to know about court's power to summon prosecution witnesses.

NDOH:- 14/8/2021

**IN THE COURT OF SH. BHARAT PARASHAR,
SPECIAL JUDGE (PC ACT), CBI-07
PATIALA HOUSE COURT, NEW DELHI**

IN THE MATTER OF:-

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MANOJ KUMAR JAYASWAL & Ors. (M/S AMR Iron & Steel Pvt. Ltd.)

SUBJECT MATTER:- Case filed u/s 120-B/ 4209 IPC & Section 9 of PC Act

BRIEF FACTS:-

- *The instant case was registered on 3/9/2012 against M/s AMR Iron & Steel Pvt. Ltd and its directors and others, respectively on the basis of findings of preliminary Enquiry No. 2192012E 0002 dated 1/6/2012 initiated by CBI on the reference of Central Vigilance Commission for alleged corruption in the matter of allocation of coal blocks to the private companies during period 2006-09.*
- *it was alleged in the FIR that M/S AMR Iron Steel Pvt Ltd. In order to embellish its claim for allocation of coal block, fraudulently claimed that it was proposed SPV of Lokmat group and ILFS and claimed combined net worth of "proposed promoters" (Lokmat Group and ILFS Group) of Rs. 1821.64 in the presentation before the screening committee on 7.12.2007, and also signed the feedback form as director of M/S AMR Iron Steel Pvt Ltd.*

PRESENT DAY:-

The case was fixed for orders on the closure report filed by C.B.I qua three public servants. The Ld. Spl. judge was pleased to pronounce order on the closure report and took cognizance against three accused persons namely L.S. Janoti, H.C. Gupta(the then secretary coal MOC) & Santosh Bagrodia (the then Minister of State MOC) and summoned them for 18.8.2020 for appearance before the Hon'ble Court.

OBSERVATION:-

I have come to know about the apposite provisions regarding appearance of the accused.

CASE 16

NDOH:- 18.8.2021

CASE 5

**IN THE COURT OF SH. BHARAT PARASHAR,
SPECIAL JUDGE (PC ACT), CBI-07
PATIALA HOUSE COURT, NEW DELHI**

IN THE MATTER OF:-

**C
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**M/S Rathi Steel
and power Ltd. And
ors.**

SUBJECT MATTER – Examination of prosecution witnesses.

BRIEF FACTS -

- **FIR No. RC 219 2013 E 0002, dated 8/3/2013.**
- *It was alleged that M/S Rathi steel and power Ltd. Had misrepresented in the feedback form for Kesla North block submitted by company during presentation before the screening committee on 7/2/08. In this feedback form it was claimed that they have already acquired 250 acres for Phase I and II and 400 acres for phase III under acquisition whereas as on date of presentation before screening committee of feedback form i.e., 7/2/08, company was having possession of about 164.68 acres of land out of the said 250 acres and 400 acres as claimed by company in the said feedback form, thereby misrepresenting the fact about area pf land in its possession. Due to wilful concealment and deception, the company projected an advanced stage of preparedness, which according to the extent guidelines, was a factor to be taken into account by the screening committee while making its recommendations. Thus, M/S Rathi Steel & power ltd. had wilfully misrepresented the facts in the feedback form before the screening committee in order to obtain wrongful gain/undue benefit in the allocation of Kesla North Block. Ministry of steel had recommended for allocation of Kesla North Block in favour of M/S Rathi Udyog Ltd. Under category VI. It was also alleged that*

CASE 5

some other eligible companies such as M/s Action Ispat & power Ltd., M/S AML steel & Power Ltd. Etc. which were recommended by ministry of steel under category II(a), implying better preparedness and better placed on most of other factors to be considered by Screening Committee were not

recommended by 36th Screening committee in favour of M/S Rathi Udyog Ltd. The letter of allocation vide no. 38011/2/2007-CA-1 for Kesla North Coal Block was issued to M/S Rathi Udyog Ltd. On 5/8/2008 for captive mining of coal for their 0.75 MTPA Sponge iron Plant at Sambalpur, Orissa.

PRESENT DAY:-

Prosecution witnesses are being examined. So 12 PWs have been examined. Last Dates were 3/8/2020 to 7/8/2020

OBSERVATIONS:-

I observed the mechanism put in by the prosecution for cross examination.

NDOH:- 7/8/2020

CASE 6

**IN THE COURT OF SH. BHARAT PARASHAR,
SPECIAL JUDGE (PC ACT), CBI-07
PATIALA HOUSE COURT, NEW DELHI**

IN THE MATTER OF:

**C
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**M/S Pushp Steel
and Mining Pvt.
Ltd.**

SUBJECT MATTER:-Supply of documents.

BRIEF FACTS :-

- *It was alleged that Sh. Atul Jain, Director of M/S Pushp Steel and Mining Pvt. Ltd. , vide application dated 23rd Oct, 2005 applied for allocation of coal block for proposed sponge iron End use project at district durg, Chhatisgarh. The 34th screening committee conducted meetings and concluded its deliberations on 22/9/2006 and recommended the allocation of Brahmpuri coal block to M/S pushp Steel and Mining Pvt. Ltd. Despite the fact that neither state govt. of Madhya Pradesh, coal block bearing state nor Ministry of Steel recommended Brahmpuri coal block in favour of M/S Pushp steel and mining Pvt. Ltd. The company was initially declared as not eligible by the ministry of steel.*
- *The ministry of steel re-examined the eligibility criteria of the company on the directions of PMO and found the company eligible for allocation of Brahmpuri coal block but also confirmed that there were two more applicants in a higher category than that of M/S Pushp steel & Mining Pvt. Ltd.*

That prior to the approval of recommendations of the 34th screening committee by the prime minister as Minister of coal, ministry of coal inter alia had informed the PMO that M/S pushp Steels and Mining Pvt. Ltd. had already got mining lease for iron ore whereas the company has not been granted any mining lease for iron ore.

PRESENT DAY:-

Final report u/s 173 C.r.P.C. was submitted on 20/5/2021 before the Hon'ble court of

special judge CBI, Patiala House Court, New Delhi. The Hon'ble Court was pleased to take cognizance on 6/7/2019 and issued summons to the accused persons for their appearance on 3/8/2021. IO has supplied the copies of documents to thee accused persons and the matter has been adjourned for 26/8/2021 for scrutiny.

OBSERVATION:-

I analysed the supply of documents by the prosecution to the defence.

NDOH:- 26/8/2021

CASE 23

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF:-

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SUBJECT MATTER:- Arguments on charge

BRIEF FACTS:-

- The FIR no. 89/96 was lodged after complaint was registered by the state transport authority with the CBI.
- In the present case, the accused allegedly entered into a conspiracy with each other and obtained SC/ST bus permit (Road transport permit) from STA (State Transport Authority) on allegedly on the basis of forged documents.

PRESENT DAY:-

At present the case has been adjourned till 29/10/2021 for arguments on charge.

OBSERVATION:-

I have come to know the mechanism of charging the accused.

NDOH:- 29/10/2021

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF:-

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SUBJECT MATTER:- Arguments on cognizance.

BRIEF FACTS

- The present case is a bank fraud case where accused allegedly cheated Canara Bank (complainant) by the tune of Rs. 83 Crores and obtained the loan on the basis of forged documents.
- The case was initiated on the complaint of canara bank under FIR No. BD1/2/14.

PRESENT DAY:-

On the present day of 25/07/2021 arguments on cognizance by the prosecution promulgated. The case is adjourned till 5/10/2021 for arguments on cognizance by the defence.

OBSERVATIONS:-

I have come to know about the provision of the section 420 and 120B of IPC, and the attitude of the court while dealing with these matters.

NDOH:- 5/10/2021

CASE 26

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF:-

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SUBJECT MATTER:- complaint u/s 470 of Indian Penal Code.

BRIEF FACTS:-

- *The present case is a bank fraud case where accused allegedly cheated Punjab and Sind Bank to the tune of Rs. 28 Crores.*
- *Accused allegedly obtained the loan on the basis of false and frivolous documents.*
- *Said case was initiated on the complaint of the sufferer bank. FIR No. 6/13 BS & FC(Bank Security and Fraud Cell)*

PRESENT DAY:-

On the present day court directed the next date for the case to be 1/07/2021 on point of charge.

CASE 27

OBSERVATION:-

I have come to know about arguments on charge and the proceedings leading to it.

NDOH:- 1/07/2021

**IN THE COURT OF SMT. VEENA RANI ,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF

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SUBJECT MATTER:- Arguments on the point of cognizance.

BRIEF FACTS:-

- In the present case, the accused, Kapil Walia & his company allegedly supplied inferior quality of water pipes to DJB (Delhi Jal Board) obtained the tender on the basis of false documents etc.
- Complaint registered by DJB , FIR No.- 14/11

PRESENT DAY:-

On 26/7/2020 the matter was fixed before the Hon'ble court for hearing on this day. Hon'ble court fixed the matter for 16/8/2020

OBSERVATION:-

I have learned and analysed with due diligence the provisions relating to cheating u/s 420 IPC (Indian penal code).

NDOH:- 16/8/2021

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF

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SUBJECT MATTER:- Application relating to 379 of Indian Penal Code,1860 and IT Act,2000

BRIEF FACTS:-

- 1st case registered under IT ACT, 2000. FIR No.- 10E/02
- In the Present case accused dishonestly obtained soft code of the complainant company M/S Geometric Pvt. Ltd tried to sell the same in the open market.
- A trap was laid down by CBI on the complaint & the accused was caught red handed containing the soft code of the complainant.
- The case was thus registered u/s 379 IPC and IT Act,2000.

PRESENT DAY:-

On the present day IO presently posted as IG(Inspector General) was examined and cross examined. Court summoned PW23 for the next date 9/8/2020

OBSERVATION:-

I discovered and tried to analyze the art of cross examination.

NEXT DATE OF HEARING:- 9/8/2020

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF

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SUBJECT MATTER:- *Concluding final arguments by both the parties to case*

BRIEF FACTS:-

- *The present case was registered u/s 25 Arms Act and u/s 3 of Arms Act.*
- *In the present case during the investigation at the residence of accused, unlicensed weapons were recovered by CBI from possession of accused.*
- *Order /Judgement will be pronounced on 28/8/2021*

PRESENT DAY:-

Present day concluded with the final arguments and the court was adjourned till

28/8/2021 for pronouncement of judgement.

OBSERVATION:-

Though I haven't gone through the whole trial but appearances on various dates at the last stage of trial made me realize the graveness of keeping illegal arms and the conclusion mechanism of a trial.

NDOH:- 28/8/2021

CASE 33

CASE LAW 15

**IN THE
COURT
OF SMT.
VEENA
RANI,
CHIEF METROPOLITAN
MAGISTRATE, SOUTH
EAST, SAKET COURT,
NEW DELHI**

IN THE MATTER OF:-

**C
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**Vinod
Kuma
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Aggar
wal**

SUBJECT MATTER: - *Consideration of application filed by CBI u/s 311A Cr.P.C*

BRIEF FACTS:-

- *Present case is a CGHS (Corporative Group Housing Society) which was highlighted in 2005 in the present case.*
- *Accused person allegedly forged the signatures of bonafide members of the corporative society on resignation letters proceeding registers etc. and introduced new members by charging hefty premiums.*
- *Further these accused persons on the basis of forged & frivolous documents secured DDA plot on subsidized rate on the said society.*

PRESENT DAY:-

On the present day arguments on charge were concluded and matter was adjourned till 31/9/2021 for consideration on application filed by CBI u/s 311A Cr.P.C. (Specimen signature of accused with permission of court).

OBSERVATION:-

I have come to know about specimen signature of the accused with the permission of the court.

NDOH:- 31/9/2021

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF:-

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SUBJECT MATTER:- *Final Argument*

BRIEF FACTS:-

- *The present case is a bank fraud case where the accused allegedly Uma Sethi attained loan of Rs. 9 lacs from Punjab and Sind Bank on the basis of forged property documents which was mortgaged by the accused to the said bank when the loan was not enforced by the concerned bank that the collateral security in question was not actually in existence.*
- *Many bank officials were allegedly involved in the said case.*

PRESENT DAY:-

On the present day evidence is concluded and next date i.e., 3/10/2021 is proceeded for final arguments.

OBSERVATION:-

I got to know about the conclusion of evidence and the stage to appear in next.

NDOH:- 3/10/2021

**IN THE COURT OF SH. BHARAT PARASHAR,
SPECIAL JUDGE (PC ACT), CBI-07
PATIALA HOUSE COURT, NEW DELHI**

IN THE MATTER OF:-

**C
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Vs.

**Harish
Chandra
Prasad &
ors.**

SUBJECT MATTER:- Supply of documents by prosecution u/s 207 Cr.P.C.

BRIEF FACTS:-

- Case was registered pursuant to PE 2(E)/2012 dated 1/6/2012, on the basis of reference of CVC (Central Vigilance Commission).
- During the year 2006-2009 M/S NPPL and its promoters entered into a criminal conspiracy with each other and unknown officials of MOC and other unknown and got allocated coal blocks (Rampia and Dip Side Rampia) by misrepresentation and concealing facts in the application form in order to qualify and obtain wrongful gain.
- Networth of Applicant Company and its Group Companies was an important factor to determine the financial strength of the applicant to judge its capacity to success implement to protect and develop its block.
- M/s NPPL in order to embellish its claim for allocation of coal block, fraudulently claimed in its application form that it was supported by M/s Globeler Singapore Pvt. Ltd. M/s NavaBharat Ventures Ltd.
- Subsequently in its feedback form submitted by M/s NPPL and during its presentation before Screening committee, company claimed net worth of 30/7/2012 of Navabharat ventures Ltd. and 1,05,740 Crores of M/s Suez Energy inventory Pvt. Ltd. without any legal basis.
- Official of MOC did not scrutinize the documents of M/s NPPL and this facilitated the company.

CASE 37

PRESENT DAY:-

The case was fixed for appearance of accused persons. All the accused persons appeared before the Ld. Spl. Judge. All the accused persons were admitted to bail despite opposition by the prosecution. copy of E- challan and copies of documents were supplied to all the accused persons. Matter adjourned to 9/10/2021 for scrutiny of documents

OBSERVATIONS:-

I have come to know about the provisions of CrPC u/s 207 for Supply of documents.

NDOH:- 9/10/2021

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included dimensions of criminal medico legal experts to civil corporate litigation. All of which was an over the top experience.

Such summer trainings help a law student to be reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was pre-requisite to our training.

When it comes to observance of trials in the courts, it was one of the most essential parts of learning for an intern. Observance of trials and court proceedings help in understanding the very root of the law in India. Proceedings are the whole mechanism in toto whose analysis is always advisable.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

Yours Faithfully,

KAPIL SHUKLA

05790103817

B.A. LLB. (Hons.)

9th semester

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

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Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

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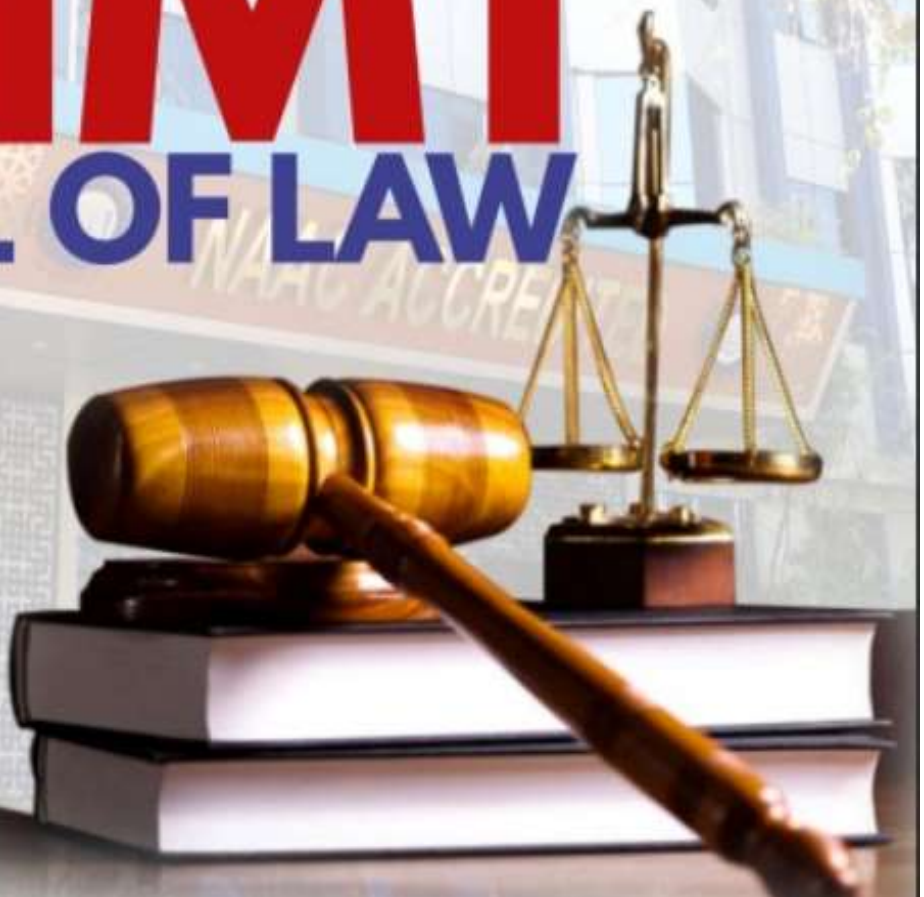
SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

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ENROLLMENT NO. - 05890103817
COURSE - B.A. LLB
BATCH - 2017 - 2022



STUDENT INTERNSHIP DIARY
FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

(Affiliated to Guru Gobind Singh Indraprastha University, Delhi)

KAPASHERA, NEW DELHI

Session 2017 – 2022

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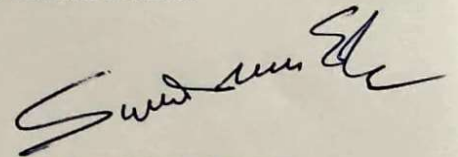
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TO WHOMSOEVER IT MAY CONCERN

This is to certify that, **KARAN SHARMA, S/o. Sh. Manoj Sharma**, student of 9th Semester, Fairfield Institute of Management & Technology, Guru Gobind Singh Indraprastha University, pursuing B.A. LLB has successfully completed his internship from 2nd August 2021 to 6th September, 2021 with my firm.

During the period of his internship program with us, he was found sincere, hardworking and goal oriented. He completed all his research work relating to criminal and family law well on time. Moreover, he has drafted various petitions and applications which were accepted in the High Court. Also, he made regular court visits to various District Courts, Hon'ble High Court of Delhi as well as Hon'ble Supreme Court of India.

We take this opportunity to thank him and wish him all the best for his future.



SURINDER SINGH
Advocate

SURINDER SINGH
Advocate
Enroll. No. D/33/02
Chamber No 636
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DECLARATION

I, Karan Sharma of 9th semester B.A.LLB. (Hons.) hereby declare that this report as compiled by me under summer internship program (4 weeks) is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to Fairfield Institute of Management & Technology affiliated to Guru Gobind Singh Indraprastha University, New Delhi is a reliable document and is of bona fide nature.

ACKNOWLEDGEMENT

I would like to acknowledge and express my deep gratitude to all the persons who have been my constant support, source of encouragement and inspiration and have helped me in successfully compiling and completing this Summer Internship Report for time bound and submission.

I take profound sense of pride to convey my gratefulness towards my university- Guru Gobind Singh Indraprastha University and my Institution Fairfield Institute of Management and Technology, for providing me this great opportunity to such an enlightening internship.

I am also extremely thankful to my Sir, Advocate Surinder Singh, for providing me with all the guidance, care and knowledge in the duration of my internship and I look forward to work again with him in the near future.

In the end, I would also like to thank my professors, my family and my friends for being a fountain of love and support during the internship as well as at the time of drafting of this report.

OBJECTIVE

Internship is a process of education, to offer meaningful, career related work experience to students, while simultaneously providing an excellent source of highly motivated, carrier minded individuals for employers.

The internship program serves to:

- Reinforce and strengthen the student's personal values and career objectives through an improved understanding of themselves and the work environment.
- Assist students in identifying and acquiring the skills needed to enter a chosen field.
- Provide practical work experience to balance the student's theoretical training.
- Allow students to meet and learn from professional in the field and develop a network of contacts.

CASE NO.1

**IN THE COURT OF Ms. NEHA, ASJ, TIS HAZARI COURTS, NEW
DELHI**

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

KULJEET SINGH

...RESPONDENT

Subject Matter: Case filed under section 376 of the Indian Penal Code.

Brief facts of the Case: The accused person was accused by his maid of rape in 2017. Charge sheet was filed without arrest. The accused was a senior citizen aged at 76 years.

Current Stage: Verification of death certificate of the accused.

Observation: As the accused person passed away, the death certificate was submitted in the court, the matter was listed for next date.

Date: 02.08.2021

Next Date: 25.08.2021

CASE NO. 2

**IN THE COURT OF Ms. NEHA PALIWAL, ASJ, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

PARMOD BARLA

...RESPONDENT

Subject Matter: Case filed under section 370 of the IPC and section 26 under Juvenile Justice Act.

Brief facts of the Case: The accused person was accused of treating an under-age girl as a slave against her will. The accused person was also accused of snatching away her money. Case was filed in the year 2018.

Current Stage: Prosecution Evidence

Observation: The witness was marked absent as he did not come to the court for giving statement.

Date: 04.08.2021

Next Date: 02.09.2021

CASE NO. 3

**IN THE COURT OF Ms. SH. SAMAR VISHAL, ASJ, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

KAUSHALYA & Anr.

... RESPONDENT

Subject Matter: Case filed under section 354 of the IPC.

Brief facts of the Case: The accused persons harassed and assaulted the Complainant to outrage her modesty. The case was filed in the year 2021.

Current Stage: Bail

Observation: The bail was granted to the accused due to the non-attachment of document by the Public Prosecutor and the Public Prosecutor was given a day's time to show the documents.

Date: 05.08.2021

Next Date: 06.08.2021

CASE NO. 4

IN THE COURT OF Ms. SONAM GUPTA, MM, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

HARLEEN KAUR

... COMPLAINANT

VERSUS

MANPREET SINGH

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry and money to invest in his business.

Current Stage: Application for stay on sale of property.

Observation: The Respondent was sent notice by the court for being present in the court on next date to file a reply against the present application.

Date: 05.08.2021

Next Date: 21.08.2021

CASE NO. 5

**IN THE COURT OF Ms. HEMANI MALHOTRA, ASJ, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

POOJA BAHRY

... COMPLAINANT

VERSUS

RAHUL BAHRY

...RESPONDENT

Subject Matter: Appeal filed under section 29 of the Domestic Violence Act.

Brief facts of the Case: The appeal was filed by Complainant to increase the amount of decided maintenance.

Current Stage: Hearing of Appeal

Observation: The Hon'ble Judge was on leave and the matter was marked for next date.

Date: 06.08.2021

Next Date: 27.08.2021

CASE NO. 6

**IN THE COURT OF Ms. HEMANI MALHOTRA, ASJ, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

GAURAV SURI

... COMPLAINANT

VERSUS

NIDHI SURI

...RESPONDENT

Subject Matter: Appeal filed under section 29 of the Domestic Violence Act.

Brief facts of the Case: The appeal was filed by Complainant to increase the amount of decided maintenance.

Current Stage: Hearing of Appeal

Observation: The Hon'ble Judge was on leave and the matter was marked for next date.

Date: 06.08.2021

Next Date: 30.09.2021

CASE NO. 7

IN THE COURT OF SH. ANKUR JAIN, ASJ, TIS HAZARI COURTS,
NEW DELHI

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

ANIL BHATIA

...RESPONDENT

Subject Matter: Case filed under 376 AND 354 of the IPC.

Brief facts of the Case: The accused persons harassed and assaulted the Complainant to outrage her modesty. The case was filed in the year 2016.

Current Stage: ARGUMENT

Observation: The matter was taken up on VC. The matter was adjourned as the Hon'ble Judge did not possess the case files during the hearing.

Date: 07.08.2021

Next Date: 30.09.2021

CASE NO. 8

**IN THE COURT OF Ms. SANYA DALAL,MM, ROHINI COURT,
NEW DELHI**

IN THE MATTER OF:

SHALINI KAPOOR

... COMPLAINANT

VERSUS

HIMANSHU KAPOOR

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry and money to invest in his business.

Current Stage: EVIDENCE

Observation: The matter was taken up on VC. After hearing the arguments regarding the maintenance, the court asked the parties to file a new income affidavit.

Date: 09.08.2021

Next Date: 11.10.2021

CASE NO. 9

IN THE COURT OF Ms. DEEPIKA THAKRAN ,MM, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

SONIA GULATI

... COMPLAINANT

VERSUS

ASHISH GULATI

...RESPONDENT.

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: First Hearing

Observation: The Hon'ble Court ordered to issue notice Respondent.

Date: 10.08.2021

Next Date: 17.09.2021

CASE NO. 10

IN THE COURT OF Ms. NEETU NAGAR ,MM, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

SAMNEET KAUR

... COMPLAINANT

VERSUS

HARKARAN SINGH

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: DIR Report was to be taken up.

Observation: The Hon'ble Judge was on leave and the matter was marked for next date.

Date: 10.08.2021

Next Date: 22.09.2021

CASE NO. 11

IN THE COURT OF Ms. NEETU NAGAR ,MM, TIS HAZARI
COURTS, NEW DELHI

IN THE MATTER OF:

AMRITA KAUR

... COMPLAINANT

VERSUS

HARDEEP SINGH

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: Withdrawal

Observation: The Complainant was marked absent as she did not turn up to the court for hearing, hence the matter was adjourned.

Date: 10.08.2021

Next Date: 07.09.2021

CASE NO. 12

**IN THE COURT OF SH. MANISH SHARMA, ADJ, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

RITIK THAKKAR

... COMPLAINANT

VERSUS

MANOJ THAKKAR

...RESPONDENT

Subject Matter: Civil Suit filed against a gift deed for property.

Brief facts of the Case: The Complainant filed the suit regarding a property that was given by his uncle to him in the form of gift deed but the Respondent was held the possession irrespective of the deed.

Current Stage: Argument

Observation: There was some error in the petition hence matter was adjourned while giving time to the Complainant to amend the petition.

Date: 11.08.2021

Next Date: 07.10.2021

CASE NO. 13

**IN THE COURT OF SH. VAIBHAV KUMAR, MM, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

PARMINDER SINGH OBEROI

... COMPLAINANT

VERSUS

DR. VIRENDER SINGH BEDI

...RESPONDENT

Subject Matter: Complaint filed under section 138 of the NI ACT.

Brief facts of the Case: The accused person paid in cheque for the bill of miscellaneous clinic items like gloves, sanitizer, cotton and etc. The accused person's cheque bounced due to insufficient funds.

Current Stage: FILING OF DOCUMENTS

Observation: NOTICE ISSUED

Date: 12.08.2021

Next Date: 02.09.2021

CASE NO. 14

**IN THE COURT OF SH. HIMANI MALHOTRA, ADJ, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

AMRIT PAL SINGH

... COMPLAINANT

VERSUS

STATE

...RESPONDENT

Subject Matter: Case filed under section 307 of the IPC.

Brief facts of the Case: The accused person/applicant was charged with attempt to murder. The accused person used a steel rod to hit the victim, a 54 year old lady in the head.

Current Stage: Argument for bail.

Observation: The Hon'ble Judge heard the arguments but was not satisfied with the grounds for bai, hence rejected the bail.

Date: 13.08.2021

Next Date: 18.08.2021

CASE NO. 15

**IN THE COURT OF Ms. NEETU NAGAR, MM, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

RAGHAV MEHRA

...RESPONDENT

Subject Matter: Case filed under section 498a of the IPC.

Brief facts of the Case: The accused person committed the offence of domestic violence and harassment on the Complainant for dowry.

Current Stage: EVIDENCE

Observation: High Court stayed proceedings

Date: 16.08.2021

Next Date: 09.11.2021

CASE NO. 16

**IN THE COURT OF Ms. POORVA MEHRA, MM, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

CANCELLATION

...RESPONDENT

Subject Matter: Case filed under section 354 of the IPC.

Brief facts of the Case: The accused persons harassed and assaulted the Complainant, who is her neighbor, to outrage her modesty.

Current Stage: COMPLAINANT EVIDENCE

Observation: Complainant was marked absent and the matter was adjourned.

Date: 16.08.2021

Next Date: 16.10.2021

CASE NO. 17

IN THE COURT OF Ms. CHARU DHANKAR, MM, DWARKA
COURTS, NEW DELHI

IN THE MATTER OF:

ARUSHI KRISHNA DAS

... COMPLAINANT

VERSUS

GAURV DAS GUPTA

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: Issuing of Notice to Respondent

Observation: Holiday declared by Delhi High Court.

Date: 20.08.2021

Next Date: 09.10.2021

CASE NO. 18

**IN THE COURT OF Ms. SONAM GUPTA, MM, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

DEVINDER KAUR

... COMPLAINANT

VERSUS

AMARJEET SINGH

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: EVIDENCE

Observation: Evidence affidavit was filed.

Date: 21.08.2021

Next Date: 15.11.2021

CASE NO. 19

**IN THE COURT OF Ms. DEEPIKA THAKRAN, MM, TIS HAZARI
COURTS, NEW DELHI**

IN THE MATTER OF:

STATE

... COMPLAINANT

VERSUS

GURDEEP SINGH

...RESPONDENT

Subject Matter: Case filed under section 498a of the IPC.

Brief facts of the Case: The accused person committed the offence of domestic violence and harassment on the Complainant for dowry.

Current Stage: EVIDENCE

Observation: Investigating Officer was not present in the court to give statement.

Date: 24.08.2021

Next Date: 07.09.2021

CASE NO. 20

IN THE COURT OF Ms. RASHIKA SHRIVASTAVA, CIVIL JUDGE,
TIS HAZARI COURTS, NEW DELHI

IN THE MATTER OF:

AMARJEET KAUR

... COMPLAINANT

VERSUS

PARWINDER KAUR

...RESPONDENT

Subject Matter: Civil Suit for Property

Brief facts of the Case: The present civil suit was filed due to the illegal possession, arrear of rent and mesne profits against the Respondent.

Current Stage: REPLICATION

Observation: Adjournment seeked for some more time for replication

Date: 25.08.2021

Next Date: 22.10.2021

CASE NO. 21

IN THE COURT OF Ms. SADHIKA JALAN, MM, DWARKA
COURTS, NEW DELHI

IN THE MATTER OF:

KAWALJEET KAUR

... COMPLAINANT

VERSUS

MANJEET SINGH

...RESPONDENT

Subject Matter: Case filed under section 12 of the Domestic Violence Act.

Brief facts of the Case: The accused persons committed the offence of domestic violence on the Complainant for dowry.

Current Stage: ARGUMENT

Observation: Time seeked for preparation of arguments by the counsel of Respondent.

Date: 26.08.2021

Next Date: 08.10.2021

CASE NO. 22

IN THE COURT OF Ms. KAPIL GUPTA, MM, DWARKA COURTS,
NEW DELHI

IN THE MATTER OF:

KARINA FINCAP

... COMPLAINANT

VERSUS

NARESH KUMAR

...RESPONDENT

Subject Matter: Complaint filed under section 138 of the NI ACT.

Brief facts of the Case: The accused person paid in cheque for the payment of dues but the cheque bounced due to insufficient funds.

Current Stage: Evidence

Observation: Order issued for accused to be present

Date: 27.08.2021

Next Date: 24.11.2021

CASE NO. 23

**IN THE COURT OF Ms. ILLA RAWT, FAMILY COURT, TIS
HAZARI COURTS, NEW DELHI**

IN THE MATTER OF:

MANPREET SINGH

... COMPLAINANT

VERSUS

HARLEEN KAUR

...RESPONDENT

Subject Matter: Case filed under 25 of Guardianship Act.

Brief facts of the Case: The case was filed for the custody of the Complainant and Respondent's 8 year old son.

Current Stage: Application by the Complainant

Observation: Time given to the Respondent to file replication.

Date: 28.08.2021

Next Date: 25.10.2021

CASE NO. 24

**IN THE COURT OF Ms. ILLA RAWT, FAMILY COURT, TIS
HAZARI COURTS, NEW DELHI**

IN THE MATTER OF:

MOHIT SODHI

... COMPLAINANT

VERSUS

KRITIKA SODHI

...RESPONDENT

Subject Matter: Suit filed under section 13 OF HMA.

Brief facts of the Case: The Divorce petition was filed on the ground of desertation.

Current Stage: Deciding of Maintenance

Observation: An order of maintenance was passed by the cost for ₹5000

Date: 02.09.2021

Next Date: 22.11.2021

CASE NO. 25

**IN THE COURT OF Ms. RENU BHATNAGAR, FAMILY COURT, TIS
HAZARI COURTS, NEW DELHI**

IN THE MATTER OF:

SAMNEET KAUR

... COMPLAINANT

VERSUS

HARKARAN SINGH

...RESPONDENT

Subject Matter: Filed for maintenance under HMA.

Brief facts of the Case: The suit was filed by Complainant to increase the amount of decided maintenance.

Current Stage: Filing of Reply of complaint and income affidavit

Observation: Reply of complaint and income affidavit was asked by the court and next date was given for the same.

Date: 03.09.2021

Next Date: 17.11.2021

CASE NO. 26

**IN THE COURT OF SH. VISHAL, ASJ, TIS HAZARI COURTS, NEW
DELHI**

IN THE MATTER OF:

ARJUN DUGGAL

... COMPLAINANT

VERSUS

STATE

...RESPONDENT

Subject Matter: Case filed under section 498a of IPC.

Brief facts of the Case: The accused person committed the offence of domestic violence and harassment on the Complainant for dowry.

Current Stage: Bail

Observation: The Hon'ble Court was informed that the matter is being settled and the FIR is being quashed in the Delhi High Court as the proceeding for quashing of FIR is initiated.

Date: 04.09.2021

Next Date: 04.10.2021

CASE NO. 27

IN THE COURT OF SH. ANKITKARAN SINGH, CIVIL JUDGE, TIS
HAZARI COURTS, NEW DELHI

IN THE MATTER OF:

HARPAL

... COMPLAINANT

VERSUS

MANOJ

...RESPONDENT

Subject Matter: Civil suit for disputed property in Will.

Brief facts of the Case: The parties are brothers. The disputed property belonged to their father. The father named the complainant as the owner of property in his will.

Current Stage: Replication for Complaint

Observation: The opposite party and the counsel were marked absent, hence, the matter was adjourned and next date was given.

Date: 04.09.2021

Next Date: 4.10.2021

CONCLUSION

In the end, I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, what we learned from the internship is the mechanism of this body.

I was surprised to see how the simplest of laws were applicable in the most difficult of situations and how loopholes leave so much scope of evolution and improvisation today in this field. I also observed that the law is everything but constant with the same soul as that of a human.

In other words, or as that of our counsel, law may come and law may repeal, but they must always be faithful to the constitution, which is the most supreme law of the land and governs all equals and unequal in respect of each other.

SUMMER TRAINING REPORT

2017-2022



FAIRFIELD INSTITUTE OF MANGEMENT AND TECHNOLOGY,

SUBMITTED BY-

Name: kartik singh

Enrolment no.: 05990103817

Course: B.a.ll.b

Semester/section : 9th / B

Yadav & Associates

Advocates & Solicitors

Date: 01.11.2021

Certificate of Excellence

This is to certify that Mr. Kartik singh student of B.A. LLB studying at Fairfield Institute of management and technology have completed his internship of 3 months i.e., the period of 01.08.2021 to 31.10.2021 under my guidance.

I have found him to be a self- starter who is motivated, duty bound and hard working. He performs excellent with well behavior and he was punctual at time to report me day to day.

He worked sincerely on his assignments which were assigned to him in the tenure of his internship and apart from that his performance was Par Excellence

I wish him best of luck for his future.



DHARMENDER YADAV
En.No. D/3302/2016, Advocate
Ch. No. 309, Lawyer's Chamber Block
Dwarka Court Complex, New Delhi-110075
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Chamber No. 309, Lawyers Chamber, District Courts, Dwarka, Delhi

DECLARATION

I do hereby declare that this report as compiled by me, while I was pursuing my Summer Internship in august, 2021 is based on my own experience and observation to the best of my knowledge and understanding in its duration and the same which is submitted therefore to **Fairfield Institute of Management and Technology** affiliated by **Guru Gobind Singh Indraprastha University** is a reliable document and is of bonafide nature.

SIGNATURE

DATE: 25/11/2021

ACKNOWLEDGEMENT

I would like to acknowledge and express my deep gratitude to all the persons who have been my constant support, source of encouragement and inspiration and have helped me in successfully compiling and completing my Summer Internship.

I take profound sense of pride to convey my gratefulness towards my University- Guru Gobind Singh Indraprastha University and my Institution Fairfield Institute of Management and Technology, for providing me this great opportunity to such an enlightening internship.

I am also extremely thankful to my Sir, Adv. Dharmender Yadav for providing me the guidance, care and knowledge in the duration of my internship and I look forward to work again with him in the near future.

In the end, I would also like to thank my professors, my family and my friends for being a fountain of love and support during the internship as well as at the time of drafting of this report.

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INTRODUCTION

I did my internship for three months . Throughout this period, I was cultured concerning the scheme to maintain a file, to fill diverse Performa which were to be put forward before the Court of Law intended for satisfying various objectives. I also learnt with reference to hierarchy of courts. I worked under the supervision of a very great lawyer and helped him in his daily work in Delhi Courts such as in Arbitration Matters, case preparation, case drafting, finding precedents and legal opinion related research work.

Concept and Purpose of Internship

Internship is a process of education to offer meaningful career related work experience to students, while simultaneously providing an excellent source of highly motivated carrier minded individuals for employers.

The internship program serves to:

- Reinforce and strengthen the student's personal values and career objectives through an improved understanding of themselves and the work environment.
- Assist students in identifying and acquiring the skills needed to enter a chosen field.
- Helps students to apply the theoretical knowledge they have gained in their institution in practical world.
- It helps the students by setting a base before they will enter the practical world.

CASE LAW-I

**In the court of HON'BLE JUSTICE VALMIKI J. MEHTA, Delhi High Court, New
Delhi**

In the matter of:-

SHANTI DEVI & ORS Appellant

v.

LAXMI NARAYAN & ORS.....
Accused

Party: Appellant

Facts: In this case there were 6 plots with number 3, 4, 5, 6, 7 and 8. Plot 3, 4 and 5 belongs to Shanti Devi whereas plot no. 6, 7 and 8 belongs to Laxmi Devi. The plots were not properly marked and divided. After the construction of roads on both the sides of the plots, there were disputes between the parties related to whose plots were taken over by the government during construct of roads and whose plots were still there. The case was filled in the year 2014 and in the last proceeding the X counsel sent his junior counsel to take next date in the matter but the judge asked him to present the facts of the case and he was not able to present the facts of the case to the judge. The judge instead of dismissing the matter passed the order on the behalf of opposite party i.e. Laxmi Devi & ORS and gave them possession of the land. He even imposed a fine of Rs. 35000 on the appellant party for breach of code of conduct of proceedings.

Date: 3rd DECEMBER, 2020

Observation: The party has changed their lawyer and our lawyer had filled the review petition (247/2017) but the judge dismissed the petition.

Next Date: 4th August, 2021

Purpose of next date: Final order

CASE LAW –II

In the court of Sh. KISHORE KUMAR, Dwarka District Court, New Delhi

In the matter of:-

DELHI CONTONMENT BOARD.....PETITIONER

V.

PRAMOD JEE.....RESPONDENT

(Total 21 cases of same type)

Party: Petitioner

Facts: There are total of 21 cases of same type in which Delhi Cantonment Board had filed a petition in Dwarka District Court for injunction on the illegal and hazardous construction which is undergoing in the houses which are under the control of Delhi Cantonment Board. According to the Delhi Cantonment Act, no person can further construct the house which was allotted to them by the Delhi Government without the permission of the Delhi Cantonment Board and all of them were indulge in illegal construction of their house which was allotted to them free of cost by Delhi Government.

Date: DECFEMBER 4, 2020

Observation: 19 of them pleaded guilty and paid their fine and DCB took the permission for demolishing their construction. 2 respondents didn't come and the matter was further transferred to National Lok Adalat.

Next Date: August 8, 2021(NATIONAL LOK ADALAT)

Purpose of Next Date: For final disposal of the cases.

CASE LAW-III

In the court of Mrs. Justice Tanya Baniya, South District, Saket, New Delhi

In the matter of:

NCT Of Delhi.....

V.

Aman & OthersAccused

Facts: The accusers are the resident of Dakshinpuri. they had a personal rivilyary with the deceased (Parveen). The accusers when found out that Parveen was alone travelling to work they severely beated him and killed him. after killing him they all few from the place of incident police investigated the place and caught them at there home.

Observations: The court has order the I/O for further investigation

Next Date: October 15, 2019

CASE LAW-IV

In the court of Smt. Asha Menon, South District, Saket, New Delhi

In the matter of:

Intec Capital ltd.....PLAINTIFF

V.

M/S Atharva Asspciates.....DEFENDANT

Facts: In this case the plaintiff is a non-financial company registered under the Companies Act, 2013. the defendant is client of the plaintiff. The defendant has given a loan on Rs.1,30,00,000 to the plaintiff. The terms and condition of the loans are that the respondent will pay back in instalment of 2,80,906 for 84 months. The last cheque was bounced due to insufficient fund

Observation: I Observed that the Court granted anticipatory bail to the defendant

Next Date: November 14, 2020

CASE LAW-V

In the court of Hon'ble Justice DK JAIN, National Commission, New Delhi

In the matter of:

MANISH KUMAR.....APPELLANT

V.

PARASNATH Ltd. & Anr.....RESPONDANT

Party: Appellant

Facts: In this case Manish Mittal is an engineer and is working in a company and he booked a flat from Parasnath Builders in Noida. He booked a flat of 2081 sq. feet by giving Rs. 2,00,000 as a confirmation for booking out of total amount of Rs. 35, 49, 181(actual amount of Flat) along with the onetime payment of Rs.20,000 against the lease to the NOIDA (Defendant No. 2) authority for acquiring the property. For purchasing the flat Manish Mittal took a loan from Housing Finance Company of Rs 24, 00, 000 at the interest of 13.5% p.a. The Parasnath Builders also charged 24% on the late payment made by Manish Mittal. After giving full payment of the Flat Parasnath Ltd didn't gave him the possession of the flat. The plaintiff approached the District Forum of Noida and his wife approached to State Form of Uttar Pradesh and took the order from the State Commission of UP for the possession of the flat. After taking the possession he send various complaints related to the flats like broken tiles, electricity, uncovered windows, etc. The appellant didn't get any response from the builders. Later on the appellant requested the Parasram Builders to give him the actual measurement of the Flat but the defendant keeps on denying that and didn't gave him the actual measurement plan. The appellant filed an RTI to the NOIDA authority for the actual measurement of the land that they had given on lease to the Parasram Builders. The NOIDA authority denied to give information of the land and said they cannot provide the information because of Security reasons. The appellant appointed a civil engineer and got his flat measured and it was 550 sq. feet short. The plaintiff filed a fresh appeal for getting his money back for the flat in Delhi State Forum. The Delhi Consumer Court dismissed the case on the ground that this case is not maintainable in Delhi State Commission because they have

already filed that case in UP state commission and they cannot file case on that property on which they have already got possession.

Date: July 6, 2021

Proceeding: The matter was freshly filed in National Commission to get due returns of the flat. The National Commission said that this case is of subsequent events and it can be heard on merits. Hence, this case is maintainable and it will be taken on due course with no further date of listing of matter.

Next Date: Listed on due course

Purpose of Next Date: This case will remand back to Delhi State Commission and will get decided on merits.

CASE LAW-VI

In The Court of Sh. Ajay Kumar Jain, South District , Saket , New Delhi

In the matter of:

State.....

V.

Sanjeev Sejwal @ Sanju & Ors.....Accused

U/s 307/201/34 IPC

Facts: In this case there was a firing took place between the two groups in office of the property dealer where one person got murdered and some got injured the case was registered and the suspected were arrested but given bail on behalf of surety on the date of hearing, the court puts accused under the section 307//201/34 . and the case was adjourned

Date: July 7, 2019

Observation: The case was handed over the police for further investigation and finding proof . the case is still in the process

Next Date: July 20, 2019

CASE LAW-VII

In the court of Smt. RENU SOLKE, District Court, Gurgaon

In the matter of:

FALKEN TYRES ltd.....PLAINTIFF

V.

ANIL SUKHIJA.....DEFENDANT

Under **Section 138** of Negotiable Instrument Act

Party: Plaintiff

Facts: In this case, Plaintiff delivered tyres to the Defendant but Defendant have not paid the money to the Plaintiff. Plaintiff through his agent in Gurugram visited Defendant's office several times in Sector 5, Gurugram but he was not there. Defendant then asked Plaintiff that he should give him an idea of amount to be paid after the dues of the Defendant as he has to return some defective tyres. As a result, the Defendant paid the amount by cheque to the Plaintiff. But later on, cheque was bounced. So, thereafter, the Plaintiff filed the instant suit.

Date: July 8th, 2019

Next Date: August 8th, 2019

Purpose of Next Date: Talks for Settlement

CASE LAW-VIII

In the court of Smt. INDU BALA, District Court, Gurgaon

In the matter of:

RITES industries.....PLAINTIFF

V.

SUNIT SHARMA.....DEFENDANT

Party: Defendant

Facts: In this case the Rites (Company) had sued Sunit Sharma for non payment of his dues which he was supposed to give the company. The employee Sunit Sharma left the job and told the company to deduct the dues from his (PF) Provident fund and return all the remaining money back to him. Sunit Sharma wants to settle the case by giving them the money due to him by deducting it from his Provident Fund.

Date: July 13, 2020

Observation: Both the Plaintiff and the Defendant didn't went to the proceedings as both was busy somewhere else so the reader gave them date.

Next Date: August 17, 2021

Purpose of Next Date: Cross Examination of Defendant.

CASE LAW-IX

In the court of Hon'ble Justice REKHA GUPTA, National commission, New Delhi

In the matter of:

IRSHAD.....APPELLANT

V.

TATA AIG GENERAL INSURANCE Ltd.....RESPONDANT

Party: Appellant

Facts: The Appellant challenged the decision of State Commission who rejected the Plaintiff's application for claiming insurance of his 2 trucks which was stolen when his 2 workers was sleeping at night. The trucks were parked on the road when 2 of his workers were travelling from Appellants house to the warehouse of M/s xyz ltd. The workers parked the trucks on the highway and took the nap. When they woke up in the morning they didn't find the truck then they immediately called the Appellant.

Date: July 17, 2019

Observation: The appeal was freshly filed; the Judge accepted the case and sent notice to the Respondent.

Next Date: October 6, 2019

Purpose of Next Date: Written Statement of the Respondent.

CASE LAW -X

**In the court of Sh. Gaurav Gupta, Metropolitan Magistrate, South District, Saket, New
Delhi**

In the matter of:-

STATE.....

V.

Lalit mohanlal.....ACCUSED

C.C4/5 287 & 337 IPC

Facts: The accused is running a factory and the present case has been registered against him U/s 287 and 337 of IPC alleging the complainant got injured in the factory premises of the accused while working in the factory. The case was listed before charges , however the Accused could not appear in the person before the court due to the certain reasons. Accordingly an application from his personal appearance was moved which was allowed by the court and the case was adjourned for further hearing.

Date: December 19, 2019

Observation:. The accused did not appear in personal therefore the case is adjourned.

Next Date: September 30, 2021

CASE LAW-XI

In the court of HON'BLE SUNIL GAUR, Delhi High Court, New Delhi

In the matter of:

C.S. GREWAL.....PETITIONER

V.

I.S. MANN & ORS.....RESPONDENT

Party: Petitioner

Facts: This case came into appeal. The judgement against which appeal was made was in favour of the Respondent. In the instant case, Respondent's company was involved in manufacturing plants. The petitioner purchased 50% shares of the Respondent's company. It was all going well and then the respondent settled abroad. At that time, Petitioner trusted Respondent and after sometime Respondent started selling plants through his name from his home and he also showed fake loan for which he takes a regular instalments on his name. The company went in loss and was not able to clear its liabilities. The Petitioner filed case in the subordinate court but didn't satisfy with the order of the court.

Date: July 20, 2021

Observation: The case was for arguments but court didn't have enough time so court gave them date.

Next Date: October 9, 2021

Purpose of Next Date: Arguments between parties.

CASE LAW-XII

In the Court of SH. AJAY GOYAL, A.D.J Rohini Courts, N.D.

In the matter of:

Smt. Surender Kaur.....PLAINTIFF

V.

Shristi negam.....DEFENDANT

Suit for recovery of possessions and damages.

Party: Plaintiff

Facts: The plaintiff is the owner of the property where upon the defendant has illegally trespassed. The possession of the defendant is illegal and the plaintiff has filled the present suit for recovery of possession of the property and for recovery of damages from the defendant. The court considered the suit and issues summons to the defendant.

Observation: The court issues the summons to the defendant for next date

Next Date: November 8, 2021

CASE LAW-XIII

In the court of Hon'ble Justice B.C Gupta, National commission, New Delhi

In the matter of:

DLF Homes Panchkula.....APPELLANT

V.

RAJ BHIM SINGHRESPONDANT

Party: Defendant

Facts: In this case the Respondent booked an independent flat from Appellant on 11.02.2011 at DLF Valley, Panchkula by giving an advance booking money of Rs. 4, 00,000 as booking amount. The Respondent was allotted floor no. B1/79-GF measuring 1500 sq. feet. The parties entered into a buying Agreement which contains terms and conditions with regard to booking. In clause 11(a) of the agreement it was mentioned that the construction will get complete within 24 months unless there is a delay due to Force Majeure as mentioned in Clause 11(b) and (c) of the Agreement. The Hon'ble Supreme Court vide order dated 19.04.2014 in SLP No. 21786-88/2010 had stopped the construction of the property. Thereafter, vide order dated 12.12.2012, the Hon'ble Supreme Court dismissed the SLP and vacated the stay order dated 12.12.2012. The Appellant was not able to give possession to the Respondent even in the year of 2016. The respondent filed a Consumer Complaint No. 199 of 2016 before the Hon'ble State Commission and prayed for the refund of Rs. 52, 92,806 (total payment made) along with 18% interest from the date of initial deposit, Rs 5,00,000 as compensation for deficiency in service and 1,00,000 as litigation expenses. The Hon'ble State Commission allowed the prayer of Respondent and allowed the plea in the favour of Respondent. Hence, the Appellant challenged the order of Hon'ble State Commission at National Commission.

Date: July 24, 2021

Proceeding: The National Commission gave time to Appellant to file reply on some applications.

Next Date: November 3, 2021

Purpose of Next Date: Date for Final Hearing

CASE LAW-XIV

In the court of Sh. MOHAMMAD FARRUKH, Dwarka District Court, New Delhi

In the matter of:-

KUNAL SHARMA.....PLAINTIFF

V.

SANJAY SHARMA.....DEFENDANT

Party: Plaintiff

Facts: In this case the Plaintiff was an adopted child of Mr. Pratap and the Defendant was his real child. When Plaintiff was a child she used to stay at day care during daytime and at home in night. After the death of their father Defendant took control of the house and denied giving any part in the property. Defendant said the adoption procedure didn't take place properly as she doesn't have any document relating to adoption. Thereafter Plaintiff sued Defendant for her right in the property.

Date: July 26, 2021

Observation: The lawyer of Defendant cross-examined the Plaintiff.

Next Date: August 28, 2021

Purpose of Next Date: The Plaintiff has to give Evidence on next date.

CASE LAW-XV

In the court of Smt. RENU SOLKE, District Court, Gurgaon

In the matter of:

INDIABULLS HOUSING FINANCE Ltd.....PLAINTIFF

V.

WESTERN STYLES. Ltd.....DEFENDANT

Under **Section 138** of Negotiable Instrument Act

Party: Defendant

Facts: In this case Defendant took loan of Rs. 10,00,000 from Plaintiff and gave them 6 security cheques against the amount. The defendant after giving regular instalments to the Plaintiff stopped the instalments and was not able to give them their money back. The Plaintiff tried to in cash the cheque but it got dishonoured. Thereafter plaintiff sued the Defendant for non payment of money and sent notice to defendant for appearing in court. The plaintiff didn't receive the notice and court declared him P.O (Proclaimed Offender) in the matter.

Date: July 28, 2021

Observation: This case was just transferred from Mumbai so our lawyer filed a bail application and court gave them bail in the matter.

Next Date: NOVEMBER 23, 2021

CASE LAW-XVI

In the court of Shri. Sachin Sangwan, South district, Saket, New Delhi

STATE.....

V.

RAM LALAccused

Deepak kr. Jha s/o sh. Krishan kr. Jha r/o HNO. 12/16 M-2 block gali no.6 sangan vihar, New Delhi. Informed police that today, 26/12/15 at 3:30pm opposite saket court's kila park I was there.

- At 3:30pm 6 boys in which 2 boys had guns in Their hands come to the park.
- Out of those 6 boys 3 are Vipin, Monty, Annu.
- Boys are on motorcycle and they forcefully take me with them at Chirag Delhi where they Beated me with iron rod.
- Then after some time the take me to sangam vihar.
- They forced me to sit on a bike and three bikes are running towards Mangal Bajar road in a line following the first bike.
- I was on the middle bike with vipin@rangeela and one another boy.
- When he reached to the mangal bazar road and cross the police station and near batra medical store I took out the pistol from vipin's pant and hit on his head eith the butt of pistol.
- Because of which bike fell down on the road and all the boys had run away from there.
- Motorcycle no. DL 3SCE-0213 WAS there and pistols magin and 2 bullets was there when a police person came and took all the things to police state with me.
- I was injured and treated in **AIIMS**.

Next Date: September 12th , 2021

CASE LAW-XVII

In the court of Shri. Sandeep Garg, South district, Saket, New Delhi

SUMAN SINGH.....PLAINTIFF

V.

KALAWATI.....DEFENDANT

IPC – 420/468/471/506/34

Facts: Regarding cheating, making false documents, singing false certificate / document.

Criminal breach of trust, misappropriation of money, criminal conspiracy, use abusive and defamatory language and criminal intimidation.

She said in her complain that above mention members cheated me through making false documents and misappropriate money which come from sale of joint property bearing no. D-53 measuring 15sq. yards. **Khasra** no. 282, situated at Viswakarna colony, MB road, New Delhi -44.

According to complainant she is the joint owner of above mentioned property and as per law as well as by virtue of amendment Hindu succession act 2005. Whereby female is also entitled to that much of share form joint family property like son.

Complainant says that my brother sister and mother enter into conspiracy and through misrepresentation they all took my signature in some blank paper and that time they told me “HAMLOG PROPERTY SALE KARNA CHATE HAIN, AUR SALE KARNE KE BAAD HUM TUMHE TUMHARA SHARE DE DENGE “. They took my signature on blank paper and misused my signature and through misrepresentation they make false and fabricated documents without my knowledge or consent. On 24-10-2014 I lodged criminal complaint against above said person and I got information from reliable source that they make false documents.

They all Committed heinous crime in pre-planned manner or I have much evidence that I neither visited and notary or legal officer for execution of relinquishment deed.

On 8-12-2014

Yogesh (brother) met me started threatens me “TUMHE PATA NAHI KI MAIN TUMAHRA KYA KAR DUNGA, APNI SALAMATI CHATTE HO TOH CHUP CHAP RHO, NAHI TOH TUMHARE HUSBAND KE HATH AUR PAIR TUDWA DUNGA”. I felt unsafe and residing under terror of above mentioned accused person.

According to accused they already **pay** the amount of complainant's share to her in cash.

Observation: Next date is given because complaint fail to submit documents which court ask to submit on the date.

Next Date: October 10th ,2021

CASE LAW-XVIII

In the court of shri. Ajay Kumar Jain, South district, Saket, New Delhi

BIR SINGH NEGIPLAINTIFF

V.

SATYAPAL SINGH.....DEFENDENT

Under section 138 of NI ACT

Facts: Accused and the complaint have a good family relation and residing in the same locality.

- Accused approached and requested the complaint for financial help because he was in urgent need of money.
- Complainant gave a sum of money 3, 30,000 -/ on various dates in June 2014.

- Accused promised to repay within 1 year.
- Complainant give 2, 00,000 rupees to accused on 05-06-2014 in case (I lakh from have and 1 lakh from bank account) and 1, 30,000 rupees on 30-06-2014.
- Out of the 3 cheques , one cheque no. 162649 dated 15-08-2016 for 1,10,000-\ drawn on central bank of India , Kalkaji.
- Complainant shocked to know that the cheque no. 162649 dated 15-08-2016 was Refund unpaid due to “FUND INSUFFICIENT” vide returning memo date 17-08-2018.
- The accused failed to make payment to the complainant ,thus a legal notice of demand was send on 31-08-2016 through his Lounsel regarding the Dishonorment of the cheque amount within 15 days from the date of receipt of the notice.

Observation: On last date accused pay some amount to the complainant and court order to pay full amount till the next date.

Next Date: DECEMBER 19th ,2021

CASE LAW-XIX

In the court of Shri. Sachin Sangwan, South district, Saket, New Delhi

STATE.....

V.

DEELIP SINGH.....Accused

Facts: Stated that.

- I am a farmer and my daughter **Raju bai** got married with Paan Singh with Hindu rituals in June 2007.
- I am uneducated that’s why I don’t remember the date of marriage.
- I had Spend Approx 4 lakhs in marriage and after some days of marriage Paan Singh started demanding for 2 lakhs rupees and jeep.

- I requested him that I don't have money right now. I'll give you jeep and money whenever I got money.
- Then I called Paan Singh uncle (mama) and met him with some other known members and accused's uncle.
- Accused's uncle promised me that they will not demand anything if I pay 2 lakh and a motorcycle to the Paan Singh.
- And now from some period of time Paan Singh demanding for 15 lakh rupee.

On 18/08/12 in evening they called on my son's mobile. My daughter told me that her father in law and uncle in law is in Delhi and they are saying that they will kill me if you not fulfil There demand of 15 lakhs.

I refused to give money and ask my daughter that your brother is coming to take you back to the home. We don't want that marriage.

On next morning paan Singh called and said that my daughter is dead.

Observation: Complaint registered against Paan Singh his father Prabhu Dayal his uncle ram Narayan. His mother Sheela and his sister Manisha.

Next Date: december 27th , 2021

CASE LAW-XX

In the court of Mrs. Justice Tanya Bamaniya, South District, Saket, New Delhi

NISHA MADAN.....PLAINTIFF

V.

MS. SHABANA.....DEFENDENT

Facts: Accused and complainant are having good friendly relation with each other and complainant is running her own private business and the accused is also running a shop of jury moti at shahpur jut.

Accused has an urgent need of money for purchase of raw material for her shop and accused approached complainant for a friendly loan of an amount of Rs 85,000/- from her savings. Complainant arranged money and gave the said amount to accused on date 16/01/18 in cash and accused promised to return the same amount within a month but accused failed to pay the amount as per her promise.

After many reminders and request of complainant, the accused in discharge of the above said liability issued a cheque, bearing no. 134266 dated 16/5/2018 for an amount of 85,000/- drawn on State Bank of India, Ambedkar Nagar, Sector 1, New Delhi with the assurance that the same would be honoured as and when presented. As per the assurance of the accused the complainant presented the above said cheque in her banker PMC Bank Malviya Nagar Branch, New Delhi but the same was dishonoured and returned unpaid and returning date 17/5/18 with the endorsement "FUNDS SUFFICIENT". The same was received by the complainant when informed by her banker.

Complainant sent a legal notice of demand on 31/05/19 through his counsel regarding the dishonor of the cheque and demanded the cheque amount within 15 days from the date of receipt of the notice. The complainant has neither received any reply nor payment till the filing of the present complaint. The accused can be held guilty of committing an offence punishable under section 138 of Negotiable Instrument Act 1881.

Next Date: December 23th, 2021

SUMMER TRAINING REPORT

B.A. LLB (HONS) 9TH SEMESTER
2017-2022



FAIRFIELD INSTITUTE OF MANAGEMENT
AND TECHNOLOGY, SCHOOL OF LAW,
KAPASHERA, NEW DELHI-110037

INTERNSHIP REPORT SUBMITTED IN
FULFILMENT OF THE REQUIREMENTS OF B.A.
LLB (HONS) DEGREE

SUBMITTED BY:
Kasvi Jalota
06090103817

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DECLARATION

This declaration is made on the 31st July, 2021 at New Delhi that this Internship Report is prepared and drafted by me, Kasvi Jalota under **Mr. Rajender Singh Sehrawat**

It contains the work that was assigned to me during this internship and successfully accomplished from my side.

This report is a sincere attempt at compilation of the aforementioned work. Its submission is a partial fulfilment of the requirement for the award of Bachelor of Law [B.A LLB (Hons.)] degree.

This has not been submitted either in whole or in part, to any other Law University or affiliated Institute under any University as recognised by the Bar Council of India, for the award of any other law degree or diploma, within the territory of India.

Date: 31st July, 2021

Name: Kasvi Jalota
Enrolment No.: 06090103817
B.A. LLB (Hons.) 9th Semester
Section-B
Fairfield Institute of Management and Technology

ACKNOWLEDGEMENT

I would like to express my heartfelt thanks to **Mr. Rajender Singh Sehrawat**, Advocate, for allowing me to work under his guidance in the field he practices. His valuable suggestions and guidance made the whole experience very memorable, informative and enlightening. He entrusted me with tasks like making case briefs, and carrying out research work, etc. He had at every level provided a hand of support which practically no advocate of such high repute can find time for. I would like to thank him for the legal procedural guidance and moral support extended from time to time to enable me accomplish this training.

Without his extended help and encouragement this summer internship would not have been so practically informative and educative for me. I would thus like to reiterate my thanks to **Mr. Rajender Singh Sehrawat** for being my mentor in this endeavour.

I would also thank my parents for supporting me dearly throughout this period of internship and for adjusting their already busy schedule to suit mine and by making it as much more comfortable for me as they could possibly do. I also pay my sincere regards to the clerks and office staff of **Mr. Rajender Singh Sehrawat** for always being helpful and supportive to me as an intern in order to facilitate the efficient completion of tasks assigned.

CERTIFICATE OF INTERNSHIP

D. S. SEHRAWAT & ASSOCIATES

Advocates & Solicitors

Delhi High Court

**Ch. No:154-155, Western Wing, Tis Hazari Courts, Delhi-54,
Ch.No.614 & 648, Lawyers Chambers Building, Dwarka Court, Delhi-75 Off: 1663/B, Chhawla
Bus Stand, Najaf Garh, Delhi-43, Ph.25010807 E-Mail: jogindersehrawat72@gmail.com**

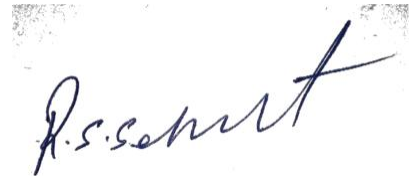
Ref: -DS&CO/2021/87

Date: -31/7/2021

TO WHOM IT MAY CONCERN

It is certified that **Ms. Kasvi Jalota D/o Sh. Hemant Jalota**, student of LLB 5th year in Fairfield institute of management and technology (Enrol. No.06090103817), has completed her apprenticeship/internship from **2nd July 2021** to **31st July 2021** under my supervision.

I have found her to be self-stater who is motivated, duty bound and hard working. She performs excellent with her behaviour, and she was punctual with the submissions of work given to her. She worked sincerely and her performance was ***Par Excellence***.



Rajender Singh Sehrawat
Advocate
Enrolment no-D-337-R/02

OBJECTIVE

The Legal Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

ABBREVIATIONS

1. SMT. – SHRIMATI
2. SH. – SHRI
3. MS. – MISS
4. &-AND
5. PET. – PETITIONER
6. NO. – NUMBER
7. VS. – VERSUS
8. APPROX – APPROXIMATELY
9. ASJ – ADDITIONAL SESSION JUDGE
10. IPC – INDIAN PENAL CODE
11. CrPC – CRIMINAL PROCEDURE CODE
12. @ - ALIAS
13. ORS – OTHERS
14. LD – LEARNED
15. MM - METROPOLITAN MAGISTRATE
16. SPL – SPECIAL
17. FTC – FAST TRACK COURT
18. CJ – CHIEF JUSTICE

CASE LAWS

CASE LAW-1

IN THE HON'BLE COURT OF CHIEF METROPOLITAN
MAGISTRATE, SAKET COURTS, NEW DELHI.

Criminal Complaint No, ____ of 2021

In the matter of:

Mrs. Vijay Sharma

.... Complainant

Versus

M/s Wianxx Impex Pvt. Ltd. & others

.... Respondents/Accused's

Subject matter: - Criminal complaint under Section 200 of the Code of Criminal Procedure against the accused persons for summoning and punishing the accused persons under Section 406/419/420/120-b/34 of Indian Penal Code (45 of 1860).

DATE OF HEARING – **02.07.2021**

Brief Facts:

1. The Accused No. 1 i.e. M/S WINAXX IMPEX PVT. LTD., non-govt. company and is registered at Registrar of Companies, Delhi. The Accused No. 2 i.e. Mr. Sandeep Anand, Accused No.3 i.e. Mr. Sanjeev Anand and Accused No.4 Mr. Rajeev Anand are the Directors of the Winaxx Impex Pvt. Ltd. who are acting on behalf of the company and they are jointly and severally responsible for the day to day affairs of the accused No.1 company.

2. That on 29.12.2012 the Complainant and the Accused's entered into an oral loan agreement for a loan of Rest. 5,50,000/- (Rupees Five Lacs Fifty Thousand Only) at a rate of interest of 2.5% per month for a period of Six Months payable every month i.e. Rs. 13,750 starting from 11th January 2013.
3. The complainant being convinced by the representations and assurances made by the Accused persons, the Complainant paid Rs. 5, 50,000/- from Canara Bank on 29.12.12 as loan. The Principal Amount were duly collected and acknowledged by the Accused through receipt.
4. The Complainant lost faith in the deal and asked for a full refund of money paid along with interest @2.5% per annum to be calculated from the date of payment till the date of the refund.
5. That the Complainant were however shocked to learn that Accused's were now refusing to admit receipt of the full payment of INR 5,50,000/ towards the Oral Loan Agreement made by the Complainant.
6. That the Complainant also visited the police station SHO EOW, South West Distt. On 05.10.16 and also apprised the police officers about the fraud conducted on the complainant and tried to register an FIR but no action has been taken by the Police authorities till dated and also that no FIR has been registered by the Police authorities, hence the present complaint to this Hon'ble Court.

OBSERVATION:

The complainant has been being fooled by the respondent's as he did not fulfil his promise as per the agreement and denial the occurrence of the oral agreement.

CASE LAW-2

**IN THE COURT OF SH. P.R. PANDEY, PRINCIPAL JUDGE, FAMILY
COURT DISTRICT COURT, DWARKA, NEW DELHI**

In the matter of: -

Deepak Giri Petitioner

And

Ritu Sharma @Riya Giri Petitioner

Subject Matter: -Petition Filed U/S 13(B) Of Hindu Marriage Act,1955

DATE OF HEARING – 03.07.2021

Brief Facts:

The Hindu Marriage between Deepak & Ritu was solemnized on 19.04.2014 with Hindu rites & rituals on Delhi. The marriage was duly consummated & no child was born from the wedlock. Because of some temperaments differences the petitioner was not living together since 29.07.2014. Both the parties have tried at level best to reconcile but they were not succeeded. The petitioners have mentally agreed that their marriage should be dissolved by decree of divorce.

OBSERVATION

The statement of both the parties was on 03.05.2020 & the Hon'ble Court granted the 1stMotion in the said matter.

NEXT DATE OF HEARING: 16.01.2022

PURPOSE: The matter is fixed for filing of written submission.

CASE LAW-3

IN THE COURT OF RENU BHATNAGAR ADJ, DISTRICT COURT, DWARKA, NEW

DELHI

F.I.R NO.61/15

In The Matter of: -

State

.... Complainant

V/S

Ravi Gupta

.... Accused

Subject Matter: - Complaint u/s 376, 354D, 506 of IPC & POSCO ACT

DATE OF HEARING – 05.07.2021

Brief Fact: In the instant case the complainant has alleged that when she was at the resident of the accused for the purpose of meeting sister-in-law & the not being there taking advantage of my innocence perform sex with me without my consent. Here with the F.I.R has been lodged against him u/s 376,354D, 506 of IPC & the F.I.R NO.61/15.

OBSERVATION

On the date when I reached the court there I saw “Arguments on evidences” is done & in this court, I observed that how, the advocates argue on the evidences & I also learned about sections 376, 354D, 506 of IPC & the POSCO ACT & I also observed the exchange of the documents were by the judge has given of further date of 19.10.2020 for arguments on framing of the charges. It is manifest that the signatures are proven by the witnesses & they have been marked as exhibits without any objection. Thus, there was no plea whatsoever as regards the denial of signature or any kind of forgery or fraud. The present case is not one such case where the plaintiff has chosen not to adduce any evidence. They have examined witness, proven entries in the books of accounts & also proven the acknowledgements duty signed by the defendant. The accused remains the custody.

NEXT DATE OF HEARING & PURPOSE: - 19.10.2020 will put for final decision

CASE LAW-4

**IN THE COURT OF SH. BRIJESH SETHI, PRINCIPLE JUDGE, FAMILY COURT
DISTRICT COURT DWARKA, NEW DELHI**

In the matter of: -

State ...Complainant

Versus

Vinod Sharma ...Accused

Subject Matter: - Complaint under Section 498A of Indian Penal Code,1860.

DATE OF HEARING – 08.07.2021

Brief Facts:

1. That the marriage between the revisionist and respondent no. 1 was solemnized on 15/02/2009. They both lived together and out of their wedlock a minor child namely baby Prophi was born to them on 11/07/2010. During the period, the revisionist lived with the respondent no. 1. She committed all sorts of acts of cruelty, harassment, torture and humiliation.
2. That the F.I.R was lodged on 17/05/2014 in crime (women) cell. F.I.R no. as 73/10 was filed u/s 498A /406/34 by Pooja wife of the accused against the family also.
3. That the Pooja also filed a petition for divorce u/s 13(1)(a) of Hindu Marriage Act, against the revisionist on 24/08/2014.

4. That the Pooja have put the false allegation on Vinod Sharma and his family u/s 468A/406/34 as accused never done any cruelty act on Pooja, whereas she was careless and egoist person, she never took care of his parents and use to give answers in founding way.
5. That the Pooja with filing the false F.I.R abuses the procedure and law as well wasted the time of court.
6. That on 05/07/2015, the anticipatory bail was also file in the of dwarka court which was also there in accepted by the court.

OBSERVATION: -

On 08/05/2020 that matter was fixed before the Hon'ble court for hearing on this day P.P was absent and Pooja was also not present in person, summon was issued for here on the next date of 15/10/2020.

I have learned about the provision of section 498A & 34 of IPC.

NDOH: - 15/10/2021

CASE LAW-5

BIMLESH V/S STATE

IN THE COURT OF **SH. DEEPAK GARG, ADDITIONAL SESSIONS JUDGE,**
ROHINI COURTS

CASE No. 482/2020

IN THE MATTER OF

MR. BIMLESH

....APPLICANT

VERSUS

STATE

...RESPONDENT

APPLICATION FILED UNDER SECTION **437 Cr.P.C.**

DATE OF HEARING - **22.07.2021**

FACTS OF THE CASE

Briefly stating that the police falsely arrested the applicant in this case and since then the applicant is in custody. The bail application has been dismissed by the Ld. Trial court. Applicant prays for bail on various grounds proving his innocence. The Hon'ble court is pleased to release the applicant on bail till the decision of this case. The court accepted the bail application of the applicant and passed the order to release the applicant.

MY OBSERVATION

I got to know that there are two types of bail, i.e. regular bail and anticipatory bail. Here, the bail application is filed under section 437 Cr.P.C and since the applicant is innocent and his innocence is proven by the evidences presented by him in front of the Hon'ble court, he shall be released.

NEXT DATE OF HEARING – **23.11.2021**

CASE LAW-6

IN THE COURT OF HON'BLE JUSTICE MANMOHAN HIGH COURT OF DELHI

In the matter of:

Premwati

... Appellant

Versus

1. Sh. Vinay Rathi, Director of Rathi Steels
2. Sh. Anurag Rathi, Director of Rathi Steels
3. Delhi Development Authority
4. East Delhi Municipal Corporation

... Respondent

Subject matter: Suit filed under article 65 of Limitation Act 1963 read with section 5 of Specific Relief Act.

CS no. 336/2016

DATE OF HEARING – 11.07.2021

Brief Facts:

1. In this case it was held that the appellant owned a plot near Shahdara, Delhi. Appellant used to visit her plot from time to time, and when she last visited the plot on 26/04/2016, she saw that the boundary wall of the plot was demolished. On 05/06/2016 appellant filed a case.

2. In this case it was seen that the respondents no. 1 & 2 were the directors of the Rathi steels Ltd., the other two respondents i.e. respondents no. 3 DDA (through Mr. Vikas Sadan Vice chairman of DDA) & respondent no. 4 East Delhi Municipal Corporation.
3. All the respondents were innocent on their part as they did their work properly without any partiality. But on the hearing it came to knowledge that the directors of Rathi steels had the adjoining plot and they had already planted their industry near the appellant's plot. Thus all the parties were directed to show all the evidences which makes their part correct.

OBSERVATION: -

Appellant was unable to show any hard evidences against the involvements of the respondents no.

4. Appellant does not have any documents for the purchase of the property, no witnesses, and even no evidences also, which proves the involvement of respondents in the demolition of the structure. Court directed the appellant to show the purchase documents and agreement papers also along with the bank account transaction of purchasing of that plot.

NDOH: - 11.01.2022

CASE LAW-7

**IN THE COURT OF JUSTICE RANJIT SINGH DEBT RECOVERY TRIBUNAL, NEW
DELHI**

In the matter of: -

Indian Bank

...Appellant

Versus

Punjab National Bank

...Respondent

Subject matter: Suit for recovery of 6 Billion \$ under section 13(2) of the the securitization and reconstruction of financial assets and enforcement of security interest act,2002 (SARFAESI)

DATE OF HEARING – 15.07.2021

Brief Facts:

1. Oswal, a company registered in Ludhiana but situated at London is a construction based company. EEPFL is a partnership firm situated at London and also a new company in the construction business.
2. EEPFL like any other new company was in need of funds for their start up project.
3. Oswal agreed to fund EEPFL. For this purpose, Oswal approached the Indian Bank and submitted an affidavit of not having any personal relations with the owners of EEPFL.
4. Owl approached Indian Bank for lending them a loan of 6 Billion \$, meanwhile EEPFL approached Punjab National Bank for the same.

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4. Oswal approached Indian Bank for lending them a loan of 6 Billion \$, meanwhile EEPFL approached Punjab National Bank for the same.

5. After few months, EEPFL dissolved. And therefore Punjab National Bank approached the Oswal for the recovery of their money.
6. Both the banks granted the loan making each other the guarantor.

OBSERVATION:

After 22 years of litigation of this case, Justice Ranjit Singh suggested for the out of court settlement between the two banks. Both the parties agreed to it. It was also held that a period of 6 months will be given to the parties to end the dispute.

NEXT DATE OF HEARING: 23/12/2022

CASE LAW-8

BEFORE THE HON'BLE CONSUMER DISPUTE REDRESSAL FORUM

SHEIKH SARAI

NEW DELHI

In the matter of:

Tanya Aircon

.....Complainant

Versus

M/S Rudra Build well Project Pvt.Ltd. & Ors.

..... Respondent

Subject Matter: Complaint under Section 12 of the Consumer Protection Act

DATE OF HEARING – 17.07.2021

Brief facts: -

1. It is stated herein that the opposite parties issued advertisement, public announcements and publication at large in order to lure huge investments for the company, by misrepresenting the individuals, that the company is in the process of developing a project in Greater Noida (west) Uttar Pradesh. Further the opposite parties misrepresented the complainant that the said project will be the stagnant growth in the future.
2. The opposite parties approached the complainant to buy a flat in the said project. That based on the false and misrepresented assurances of the opposite parties, the complainant agreed to purchase a flat in the said project. It is further submitted that the opposite parties promised to sign an agreement in regard to the said flat after paying the sum of Rs 3,00,000/- as pre-booking amount.

3. That the complainant believing on the false and uncorroborated assurances of the opposite parties paid an amount of Rs. 3,00,000/-(Rupees Three Lacs only) as pre-booking amount for flat bearing no. "B 2-902" measuring about 1015 Sq. feet Super Area (approx.) in place Heights GH-02 B, Sector-1, Greater Noida (West) U.P. It is pertinent to mention here that the complainant was assured that the agreement will be signed and the possession of the flat would be handed over within 30 months after receiving the full and final payment.
4. The complainant paid a registration/ pre-booking amount of Rs. 3,00,000/- (Rupees Three Lacs only) vide online payment inward in ref. no. M77366 dated 21.09.2017 transfer from Punjab National Bank, as further advance towards registration of the said flat in question which was duly acknowledged vide receipt no. 1805 dated 04.10.2017. It is further submitted that after making the several requests by the complainant in regard to the said flat. Further the opposite parties never provided any document of regarding the flat nor produced any proof of stagnant growth of the project.
5. It is stated herein that despite of making several request by the complainant regarding documentation, progress report and the time when the possession of flat will be given the opposite parties completely refused and kept the complainant in the dark.
6. The complainant after waiting for a long prolong period, was informed by the opposite parties that the said project has been stopped for indefinite time and therefore the opposite parties offered the complainant to cancel the flat booking and agreed to refund the full amount paid by the complainant. the opposite parties are jointly and severally liable for the harassment, loss, agony, both mental and physical caused to the complainant with such degraded act of the opposite parties.

7. The opposite parties cheated the complainant and breached the trust when the opposite party no.2 with the malaise intentions of cheating duped us for buying a flat in the said project. That by the said act the opposite parties have caused wrongful gain to the opposite parties and wrongful loss to the complainant, for which the opposite parties are liable to be prosecuted for cheating, criminal breach of trust, criminal misappropriation and wrongful loss to the complainant which is punishable under the provisions of the Indian Penal Code. Further by admitting the amounts as mentioned above but later on refuse to pay the same and not handing over the possession of the flat; amounted forgery for the purpose of cheating punishable u/s 468 & 471 of IPC.

OBSERVATION:

It was held that the opposite parties are required to pay a sum of Rs. 3,00,000/- (Rupees Three Lacs only) towards recovery of the amount paid to the opposite parties along with interests @ 24% along with Rs 25,000/- (Rupees Twenty-Five Thousand Only) without any delay.

CASE LAW-9

IN THE COURT OF JUSTICE HIMA KOHLI
HIGH COURT OF DELHI

In the matter of: -

M/S Ahluwalia Contracts (India) Pvt. Ltd Petitioner

Versus

M/S Mgf Developments Ltd.Respondent

Subject Matter: Application Under Section 151 CPC for Appropriate Direction On Behalf of
the Petitioner.

DATE OF HEARING – **18.07.2021**

Brief Facts: -

1. That the present petition is filed by the petitioner for an order that the respondent company be wind up by this Hon'ble Court under the provisions of the Companies Act, 1956.
2. As per books of the account of the petitioner, the total outstanding dues against the works done in terms of the contracts as entered in between the parties and the respondent is shown as Rs. 15,27,79,696/- (Rupees Fifteen Crores Twenty-Seven Lacs Seventy-Nine Thousand Six hundred and Ninety-Six only).
3. It is submitted that the vide order dated May 27, 2017-
“The Managing Director of the Respondent is directed to file Balance of Sheet and Loss account for the last three years along with an affidavit in support thereof”
4. The said order is not complied by the respondent.

5. It is submitted herein that the respondent has to comply the order with direction in respect of filing of the affidavit.

OBSERVATION:

In terms of the said order the respondent was mandatorily directed to file the balance of sheet and the profit and loss account for the last three years along with an affidavit.

NDOH: 11/11/2021

CASE LAW-10

**IN THE COURT OF SH. RAGHUBIR SINGH, ASJ
DISTRICT COURT, DWARKA, NEW DELHI**

U/s 452/354/354-B/323/341 IPC & 8 POSCO ACT

F.I.R: 92/16

P.S: Mayur Vihar.

In the matter of:

State

.... Complainant

V/S

Satish

.... Accused

Complaint U/s: 452/354/354-B/323/341 IPC & 8 POSCO ACT,2012

DATE OF HEARING – 20.07.2021

Brief Facts: -

1. Complainant Anjali along with her sister Shamma coming back after taking birthday cake. There was a dispute with Barkha near Aggarwal Sweets due to cream issue & Barkha threatened them. Complainant along with her sister returned home. After sometime at about 7:15pm, brothers of Barkha namely Ajju, Natholi & Satish came into the house of complainant & started abusing them.
2. Complainant objected to this act but all the three above mentioned persons entered forcefully into the house of complainant & Ajju caught complainant's sister Shamma & started abusing & misbehaving with her. When complainant opposed the same then Satish & Natholi caught the complainant & started beating her.

3. Ajjju warned Shamma to teach a lesson & torn her T-shirt & pressed her breat. When they(complainant) obstructed the same all the three accused persons started beating complainant & her sister Shamma. When complainant shouted all the three accused persons fled away & Natholi also threatened them to kill.

OBSERVATION

Accused remain in jail about 14 days & thereafter Hon'ble Court granted the bail.

NEXT DATE OF HEARING: 7/10/2022

PURPOSE

The matter is fixed for evidence.

CASE LAW-11

IN THE COURT OF HON'BLE PRINCIPAL JUDGE OF FAMILY COURT DISTRICT COURT, DWARKA, NEW DELHI

In the matter of:

Sh. Sonu @ Brejmohan

.... Petitioner

V/S

Smt. Himani

.... Respondent

Subject Matter: -Petition filed under section 9 of Hindu Marriage Act,1955 for Restitution of conjugal rights.

DATE OF HEARING – 22.07.2021

Brief Facts:

1. The Hindu Marriage was solemnized between petitioner & respondent according to Hindu rites & ceremonies on 23/04/2016 at Ghaziabad. The marriage was duly consummated & both petitioner & respondent were cohabitated as husband & wife in matrimonial house no child was born out of the wedlock. After marriage the behavior of respondent was good but after sometime the behaviour of respondent towards petitioner & his family was changed. She started quarreling with petitioner & also disrespect petitioner & his family, she used to go to her parental home without informing her husband & use to remain there for many days. Every time petitioner use to take her back from parental house but the attitude of respondent remain same & the petitioner remain silent, in order to save their relationship.

2. In the month of May 2017, the uncles of the respondent approach the petitioner & told him that “LADKI ALAG REHNA CHACHTI HAI”.
3. To save his matrimonial life the petitioner started living separately from his parents but the behavior of respondent was not changed. Ultimately on 17/06/2018, the respondent left the house of petitioner after taking the valuable goods & silver jewelry & without the consent of the petitioner.
4. Petitioner made calls & made all possible efforts to bring her back but all went in vain.

OBSERVATION:

On the date of hearing notice was issued to the respondent.

NEXT DATE OF HEARING: 20/09/2021

PURPOSE:

Next date of hearing is fixed for appearance of accused.

CASE LAW-12

IN THE COURT OF JUSTICE G.S SISTANI HIGH COURT OF DELHI

In the matter of:

Delhi Development Authority

...Appellant

Versus

DLF Ltd.

...Respondent

Subject Matter: Suit filed u/s section 151 of CPC

DATE OF HEARING – 25.07.2021

Brief Facts:

1. In 2016 it was held that DDA (Delhi development authority) files a suit against DLF ltd. for illegal construction on one of the sites of the DDA. The appellant issues various legal notices to the respondent about the illegal construction they were doing but the respondents reply by letting the appellant know that they have got the permission to complete the construction.
2. In May 2016 appellant investigates on its part about the permissions for such construction in non-development zone and comes to know that the construction was not allowed upto such an extent, therefore the appellant again in June 2016 sends a legal notice along with its representative who informs the respondents about the clearances of certificates and NDZ. Respondent denies to the legal notice by saying that they were having all the permissions for the construction from the government of Delhi.

3. Appellant in July 2016 files a suit against the DLF ltd. U/s 151 CPC. The valuation of case is of Rs.900 crores. Respondent in his written statement said that all the claims put on them by the Appellant were null and wrong as no such illegal construction has been done on their part. Respondents were also able to show the court all the evidences and agreements which states that their construction was not illegal and fully authorized by the Delhi Government.
4. Appellant was not able to proof its point and also fails to show the relevant evidences in the court which could make the respondent liable for the wrongful acts. It also came into knowledge that the appellant had done some of the demolishing activities in the respondent's property which lead to a lot of loss for the respondent
5. Thus respondent claims Rs.900crores from the appellant for demolishing their structure.
6. Both the parties referred to mediation and a settlement has been done among them as appellant accepts its mistakes and is ready for mediation, an agreement on 6/2/2017 has been done which is duly signed by the parties, their council and the mediators about the settlement amount for Rs. 675.81 crores which must be paid by the appellant. Mr. Arya, the director, signs for all the acts done by the appellant.

OBSERVATION: -

Settlement of Rs. 675.81 crores paid by the appellant and the respondent agrees to receive the whole amount in full and final settlement for all the claims filed in respect of suit property.

CASE LAW-13

**IN THE COURT OF REKHA DHAKKAR,
DEBT RECOVERY TRIBUNAL,
AT PATEL CHOWK, NEW DELHI**

In the matter of:

Symphony Ltd. Plaintiff

Versus

Bajaj Plastic & Ors Defendant

Subject Matter: - Suit u/s 22 of the Designs act, 2002

Application under order IX Rule 13 of the Civil Procedure Code 1908

DATE OF HEARING – 27.07.2021

Brief Facts:

1. The plaintiff is a public Ltd. Company listed at the National Stock exchange of India Ltd. And incorporated under the company's act, 1956
2. The defendants are illegally and without any permission or authority, manufacturing, selling and marketing air coolers, that are the unauthorised replicas and imitations of the registered designs of the models of the Plaintiff, namely STORM 70 and JUMBO, thereby committing piracy of the Plaintiff's registered designs and infringing on the rights of the designs of the Plaintiff as their own.
3. Defendant No.1 is manufacturing and selling air coolers that are unauthorised replicas and imitations of the Plaintiff's registered design of the models "Storm 70" there by committing

piracy of the Plaintiff's registered designs and infringing the right of the Plaintiff by passing off the design of the plaintiff as its own.

4. Plaintiff further submits that the defendants being fully aware of the excellent reputation and goodwill enjoyed by the plaintiff and their brand, have acted with malafide intent to unfairly benefit by passing off and marketing their products in the exact fraudulent imitation of design, shape and configuration as that of the plaintiff's registered product designs thereby, misleading and defrauding the consumer.

OBSERVATION:

The defendant after a no. of summons did not show up before the Tribunal and was declared to be ex-parte. The defendant humbly submitted that the summons was delivered to him on the wrong address and therefore under Order IX Rule 13 prayed to set aside the order of ex-parte.

The defendant has humbly submitted the application under Order IX Rule 13 to set aside the order of ex-parte.

I was able to learn about the laws of piracy and the designs act 2002, along with the provisions of order 9 of the Civil Procedure Code.

CASE LAW-14

IN THE DELHI HIGH COURT OF JUSTICE MANMOHAN AD. JUDGE

CIVIL SUIT (OS) NO. 1023 OF 2016

In the matter of:

Suresh Goyal

.... Plaintiff

VERSUS

1. Sareen Kumar (Bank Manager)
2. Krishna Sharma(TRO)
3. State Bank of India

.... Defendants

Subject: Suit for The Recovery of Property Worth Rs. 9,95,000,00(Nine Crores Ninety-Five Lakhs Rupees)

DATE OF HEARING – 31.07.2021

Brief Facts:

In this case on 24.01.2015 an advertisement was published in a newspaper about the mortgage of the ground floor in Punjabi Bagh then under the heading of T&C, Sub-clause (3) of clause 2, 'R' 3 states that: statutory liabilities of the borrowers and encumbrances on the immovable properties known to the authorized officer are Nil. This property has dues of Rs. 9,95,000,00 which was known to the bank still provided the fake registered sale deed. When all the payments were made by the plaintiff and when he has gone for registration of property then he received a letter from Tax Revenue Officer for clearance of dues.

JUDGMENT: In this case the court ordered the bank to clear the dues and return the property to the plaintiff till the next date of hearing i.e. 11.12.21.

CONCLUSION

I went for this internship as a law student who merely had some bookish knowledge about what the laws are and as to how the courts adjudicate upon the laws. But, after the internship I became a law student who has the combination of academic knowledge of law as well as the practical aspect of the law.

Now I know what happens in a court of law and why that happens.

I learned how a criminal proceeding is initiated and how it ends, right from the step of filing and drafting a complaint to the final step of the passing of a judgment.

I owe all this to **Mr. Rajender Singh Sehrawat** who made my internship experience so fruitful and prolific, without whom I would have not been able to learn so much.

I am sure that the knowledge and the experience I gained in the past 4 weeks are going to be very helpful in my future.

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

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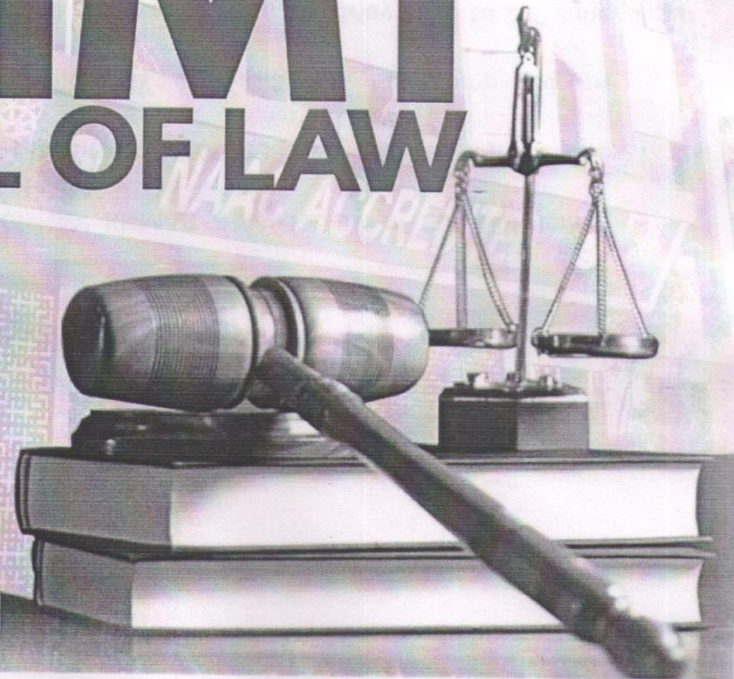
SUMMER INTERNSHIP REPORT

BA-LLB (HONS.)
BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - KESHAV KUMAR JHA
ENROLLMENT NO. - 06190103817
COURSE - BALLB
BATCH - 2017-2022



B. N. JHA & ASSOCIATES

B. N. JHA

B.A., Eng. (Hons.) L.L.B.
Advocate
D/539/96
Delhi High Court

216 Transport Authority Building
Office : 307A, Jaina, Tower-II,
Distt. Centre, Janakpuri,
New Delhi-110058
Mob. : 9810956949

Ref. No.....

Dated... 30/8/2021

TO WHOM IT MAY CONCERN

This is to certify that Mr. KESHAV KUMAR JHA, student of B.A LLB (Hons.), Ninth Semester(9th) having enrollment no. 06190103817 of FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY of G.G.S.I.P.U has completed his internship under my guidance and observation from 28th July 2021 to 28th August 2021. During the internship period he has assisted in various criminal and civil matters before various District Courts at NEW DELHI sincerely and punctually. He is a man of high caliber.

I wish him good luck for his future endeavors.

B.N. JHA
Advocate
Enrollment No: D/539/96
Office: 216 Transport Authority Building
District Centre, Janak Puri, New Delhi-58
Mobile No: 9810956949

DECLARATION

I **KESHAV KUMAR JHA** of **Ninth Semester** of **BALLB(Hons)** hereby declare that this report is compiled by me under 4 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding it its duration and the same which is being submitted to **FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY** affiliated to **G.G.S.I.P. University, New Delhi** is a reliable document and is of bona fide nature.

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected Mentor Sh. **B.N JHA Advocate** who has been my constant support, source of encouragement, inspiration, guided and helped me in successfully completing my Summer Internship.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting of report.

OBJECTIVE

The Legal Internship Program is not designated to teach us how to be a good lawyers or how to be lawyers at all, it takes more than study at the university to do that. The objective are to : Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different area of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conducts of legal profession in practice and to develop our own attitude of professional responsibility.

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WEEK 1 CASES

CASE NO.1

In the court of Justice Atul Kumar Garg, Additional Sessions Judge, Dwarka, New Delhi

In the matter of :-

State Petitioner

v/s

Satyanarayan Accused

Subject Matter:-Petition filed under **SECTION 354,323,451 OF IPC** and **SECTION 6 OF POCSO ACT 2012.**

Brief facts:-Mother and her two daughters aged 5years and 3years respectively living as tenants in accused house. Mother made an allegation for molestation of her elder daughter by one accused names Satyanarayan.

Observation:- Final Arguments were made on behalf of the accused. Various contradictions were present in the statement of mother of the victim and victim. Furthermore, various loopholes were presented before the hon'ble court against the police investigation.

Previous date :- 20 May 2021

Next date :- 7 september 2021

Stage:- judgement to be delivered.

CASE NO. 2

In the Court of Justice Hemraz , Metropolitan Magistrate, Tis hazari, New Delhi

In the Matter of :-

StatePetitioner

v/s

Vinod KumarAccused

Subject Matter:- Petition filed under **SECTION 498A, 304B and 34 of IPC.**

Brief Facts:- Vinod Kumar was accused of killing her wife for dowry and for doing cruelty against her. His wife Sushma died in unnatural circumstances.

Observation:- No progress has been made as the hon'ble magistrate was on leave.

Previous Date:- 24th June 2021

Next Date:- 7th September 2021

Stage:- Statement of Accused under section 319 crpc to be taken.

CASE NO. 3

In the Court of justice Prashant, Metropolitan Magistrate, Dwarka, New Delhi

In the Matter of :-

Gupta ElectronicsComplainant

v/s

Lalit TradersAccused

Subject Matter:- Complaint has been filed under **SECTION 138 OF THE NEGOTIABLE INSTRUMENT ACT.**

Brief Facts:- Gupta electronics has filed the complaint against the Lalit Traders for not paying the money as promised against the electronic goods.

Observation:- Complainant has been examined u/s 200 Crpc so that magistrate could satisfy himself that a prima facie case is made.

Previous Date:- 23rd May 2021

Next Date:- 18th August 2021

Stage:- Inquiry Stage

WEEK 2 CASES

CASE NO. 4

In the Court of Justice Jitender Pratap Singh, CJ, Tis Hazari, New Delhi

In the Matter of:-

Ravi SinghPlaintiff

v/s

Arun KumarDefendant

Subject Matter:- Suit was filed by Ravi Singh for Possession of a 150 sq yards plot.

Brief Facts:- Ravi Singh and Arun Kumar were good friends but after the dispute arise between the two, both of them claims to be the owner of the disputed property.

Observation:- Application for stay was made against the building of a parking on the disputed land. Order was reserved for the next date. Partial Stay granted till the disposal of application of stay.

Previous date:- 28th June 2021

Next date:- 30th August 2021

Stage:- Suit is at middle stage

CASE NO. 5

In the Court of Justice Kaveri Baweja , ASJ, Karkardooma, New Dehi

In the Matter of :-

StatePetitioner

v/s

DeepakAccused

Subject Matter:- Petition filed **under SECTION 325,337 AND 338 IPC** against the accused Deepak.

Brief Facts:- Deepak, a young man of 24 have been alleged to have committed above said offences against a married women who earlier reside at Uttam Nagar but later Shifted to Narayna.

Observation:- Neither party appeared because of covid 19

Previous Date :- 29th May 2021

Next Date:- 23rd September 2021

Stage:- Cross examination of the complainant to be held

CASE NO. 6

In the Court of Justice Raj Rani Mitra, ADJ, Dwarka, New Delhi

In the Matter of :-

KusumPlaintiff

v/s

ManmohanDefendant

Subject Matter:- Kusum has filed a suit of Partition against her adopted brother Manmohan.

Brief Facts:- Manmohan was the adopted son and was not ready to give his sister, her proportion of property.

Observation:- Summons have been served earlier but the opposite party did not appear because of pandemic

Previous date:- 2nd June 2021

Next Date:- 27th August 2021.

Stage:- Suit is at the initial stage.

WEEK 3 CASES

CASE NO. 7

In the Court of Justice Himani Malhotra, P.O. MACT, Tis Hazari, New Delhi

In the Matter of:-

Dilip ThakurPetitioner

v/s

Azad Singh & Ors

.....Respondent

Subject Matter:- Demand of compensation under **SECTION 140 OF THE MOTOR VEHICLE ACT 1988.**

Brief Facts:- On 2th Oct 2014 Azad Singh who was driving a truck struck Dilip Thakur which caused grievous hurt to him.

Observation:- Final Arguments to take place. Major issue which evolved during the hearing was that whether the money victim is getting under the ESI Scheme comes under the peri pheri of the MV ACT.

Previous Date:- 5th June 2021

Next Date:- 25th August 2021

Stage:- Case is at the final stage.

WEEK 4 CASES

CASE NO. 8

In the Court of Justice Rohit Gulia, ASJ, Dwarka, New Delhi

In the Matter of :

State

v/s

Sonu alias raghav

Subject Matter:- Sonu is accused of an offence under **SECTION 379,392 AND 394 OF THE IPC**

Brief Facts :- Sonu a young boy of 19 with one of his associates i.e Gaurav is alleged to have committed the above stated offences.

Observation:- Bail Application under Section 439 CRPC had been made to the sessions court but it was rejected on the ground that the allegations were serious in nature.

Previous Date:- 18th August 2021

Stage:- Trial to begin after the submission of chargesheet by the Police.

CONCLUSION

Pursuing the Summer Training, I got an opportunity to get some exposure in the field of law. Research work was on the basis of my internship and included dimensions of criminal medico legal experts to civil experts.

It was a fascinating experience to work and learn with the experts. Law is a subject where mere bookish knowledge is not enough, but one needs practical exposure as well and this internship provided us with the opportunity to learn the practical aspects of law.

From studying law to living law was a great experience and hopefully it will help us in our future to be a better advocate. Litigation is not only about knowing law but to let your knowing expressed to others and this internship has helped us to realize that.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards

Yours Faithfully

KESHAV KUMAR JHA

BALLB, 9th Semester

06190103817



SUMMER TRAINING REPORT

2017-2022



Fairfield Institute of Management and Technology

AFFILIATED TO GGSIP UNIVERSITY

1037, Kapas Hera Extension , New Delhi, Delhi 110037

SUBMITTED BY:

NAME: kirti Thakur

ENROLL: 06490103817

COURSE: BA.LLB

SEMESTER: 9th Sem

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Certificate

Dheeraj Gautam
Senior Advocate
Dwarka District Court, Delhi

Office Address: chamber no. 826,Dwarka court complex sector 10

Phone No:9873888444

Date: 7/07/2021

This is to certify that **Ms Kirti Thakur** ,a student of **Fairfield institute of management and technology, kapashera** has successfully completed her internship of the 8th semester of 29 days from 10th May 2021 to 10 June 2021 under the guidance of advocate Dheeraj Gautam

During the period of her internship program with us, she had been exposed to different processes and was found diligent, hardworking and inquisitive. I have found her to be motivated, have excellent behaviour and is punctual with her work.

We wish her every success in his life and career.

Dheeraj Gautam

Senior advocate

DECLARATION

It is hereby certified that the work which is being presented in the Ba.llb entitled “**SUMMER TRAINING REPORT**” in partial fulfilment of the requirements for the award of the degree of **Bachelor of law** and submitted in **FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY, NEW DELHI (Affiliated to Guru Gobind Singh Indraprastha University, Delhi)** is an authentic record of our own work carried out under the guidance of **Adv. Dheeraj Gautam**

(kirti Thakur)

(06490103817)

ACKNOWLEDGEMENT

I would like to express my sincere gratitude to my supervisors Adv. Dheeraj Gautam for providing their invaluable guidance, comments and suggestions throughout the course of internship. I would specially thank Adv. Dheeraj Gautam for constantly motivating me in my research work and for his assistance in legal drafting and also to all my senior interns who helped me to understand the basic concepts of civil law.

OBJECTIVES OF INTERNSHIP

Internship/training involves the acquisition of knowledge, sharpening of skills, concepts, rules or changing of attitudes and behaviours to enhance the performance of law students. It is about knowing where you stand at present and where you will be after some point of time. The internship gives a touch of reality to the theory already learnt in the classroom.

The primary objective of internship/training is to gain through a sound appreciation and understanding of the theoretical principles through the practical approach. Summer training is oriented towards developing the skills, knowledge and attitude needed to make an effective start as a professional.

The objectives of summer internship include:

To provide law students with opportunities to apply the concepts learnt in the class room to real life situations. To sensitize them to the nuances of work place.

To provide them a platform to network this will be useful to further their career prospects.

Internship aids them in adjusting from college to full time employment.

Internships increase their sense of responsibility.

It aims at developing the practical skills, competence and experience directly related to the career goal.

It develops skills and techniques directly applicable to their careers.

Internship students have higher levels of academic performance.

Case1

IN THE COURT OF S.C TRIPATHI, HON'BLE

HIGH COURT,NEW DELHI

IN THE MATTER OF :

SADDAM PAUDA & ORS.

....APPELLANTS

Versus

STATE

....RESPONDENT

1. That the present appeal is being filed against the judgment of conviction dated 16.05.2021 and order dated 16.05.2021 on quantum of sentence by the Sh. Devender Kumar ASJ-03 (NE), KKD Courts, vide order/judgment dated 16.05.2021, in case bearing SC No. 44915/2019 arising out of FIR No. 699/2019 whereby and where under the present appellants are convicted under sections 452/307/323/34 IPC and sentenced to 5 years Rigorous imprisonment.
2. It is most respectfully submitted that the present case in hand is a case of self inflicting injury with complete contradictions between the depositions of PWs, thus the same is a fit case to set aside the conviction order passed by the Ld. Court below.
3. It is most respectfully submitted that the appellant no.1, Saddam is a young man aged 24 years having no past criminal antecedents. It is further

submitted that the appellant no. 1, Saddam has already undergone a custody of approximately 4 months in the present case.

4. It is most respectfully submitted that the appellant no. 1, Saddam is a poor man and has a widow mother. He also has five brothers and three sisters to support and take care of.
5. It is most respectfully submitted that appellant n. 1, Saddam is innocent and the present case is a piece of self inflicting injury.
6. The appellant most respectfully submit that he has not misused the concession of regular bail during the course of trial.
7. That in the case of Kiran Kumar -vs- State of Madhya Pradesh JT 2000 Supp (1) SC 208 it has been held that where a person is sentenced to short term imprisonment, the normal rule is that pending appeal the sentence should be suspended and rejection is only way of exception.
8. That the present application is made bonafide and for the ends of justice.
9. That no prejudice shall be caused if the sentence is suspended by this Hon'ble Court during the pendency of appeal.

OBSERVATION

1. Applent appered with its council
2. Judge was on leave next date is given by reader 18 oct 2019

Case2

IN THE COURT OF PRASHANT KUMAR, ADJ

SAKET COURT, NEW DELHI

IN THE MATTER OF :

Bhagwan Das MadaanPlaintiff

versus

Dharampal Madaan & ors.Defendant

Order-39 rule-1&2 read along with section CPC,1908

BRIEF FACTS:

1. Bhagwan Das Madaan and Dharampal Madaan are brothers and son of Lt. Shri Tola Ram Madaan.

2. The defendants were carrying out their business at B-201 Azadpur Mandi on their ancestral property. This property belonged to Lt. Shri Tola Ram Madaan and his brother Shri Ved Prakash Madaan.

3. Ved Prakash took a loan from Tola Ram Madaan and was not able to pay back the loan as a result of that Shri Ved Prakash Madaan relinquished his share from the property on 29/11/1982. Since 1982 Shri Tola Ram Madaan became the exclusive owner of the property i.e. B-201. Ved Prakash neither visited nor carried out his business on that property.

4. Tola Ram expired on 20/10/1985 leaving behind 5 heirs : Krishna Murari Madaan, Bhagwan Das Madaan (plaintiff), Dharampal Madaan (defendant1), Ashok Madaan (defendant2), Ramesh Madaan (defendant3).

5. Shri Krishna Madaan expired on 16/11/1996.

6. During this time all the defendant were carrying out their business at the said property but not the plaintiff. Plaintiff asked defendants many to amicably divide the suit property. But defendants were not willing to acknowledge the share to the

plaintiff.

7. On 3/4/2016 plaintiff, his legal heirs along with defendants enter into a family settlement. The plaintiff and his legal heirs will take 5,00,000 each as the share of the suit property and in return will relinquish their share.

8. The plaintiff and his legal heirs signed the relinquish deed. But the defendants didn't paid the money and did not gave the copy to the relinquish deed.

9. Plaintiff filed a case against defendants for the recovery of suit of Rs. 5,00,000 along with interest from 2016 and court fee.

10. Or the plaintiff requested the court to declare him the owner of the said property.

11. And requested court for the temporary injunction of the property restraining the defendants and their legal heirs to sell the property.

Case-3

IN THE COURT OF SHRI RAJENDER SINGH M.M,

KARKARDOOMA COURT, NEW DELHI

IN THE MATTER OF:-

KAILASH CHAND

.....Complainant

V/S

INDERJEET SINGH

.....Accused

TITLE: - Complaint u/s 464, 465 of IPC.

FACTS :- In this case Inderjeet Singh had 1000 sq. yard plot out of which he sold 400 sq yard to father of Kailash Chand in 1984 along with 80 sq yard donated plot, for temple. Father of Kailash Chand made a temple in 1985, and 1987 he pass away. After him, his son Kailash Chand looks over the temple. In 2018 he told the colony people that he will repaired the temple as the temple go down the “:Murtis” of temple got “Khandit”. After that he demolishes the temple and sell 276sq yard of that temple to a person, after that 124+80 sq yard left, now Inderjeet made false paper of that said property and try to sell it.

OBSERVATION: - On this date of hearing I saw how the cross arguments was proceeded between two opposite counsel on the facts of issues and I also learnt about the section 463, 464, 465 of IPC.

NEXT DATE OF HEARING & PURPOSE: - 1/10/2021 & Final Decision.

Case-4

IN THE COURT OF SHRI A.K. AGGARWAL M.M, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

RANVEER SINGH YADAVComplainant

V/S

RAJESH GARG & OTHERSAccused

TITLE :- Criminal Complaint u/s 307, 323, 325 of IPC.

FACTS :- In this matter there was a fight between two peoples who lives in same flat i.e ground floor and first floor regarding some leakage of pipe. One day the person who living in first floor threatened to the person who living on ground floor that “ ya floor mera hai tere baap ka nahi hai mujhe ya ground floor chahia tu isa khali kar de nahi to tujhe mar dunda”. After that complainant calls the police and said whole the incident and requesting for loged the FIR but the I.O (Rajesh Garg) refused the same and he also theartened him and demand for money

OBSERVATION: - In this matter I observed how the court hears and record the Statement of witness.

NEXT DATE OF HEARING: - 19/09/2021 and for evidence of accused

Case-5

IN THE COURT OF SHRI SHARAD GUPTA, ACMM, DWARKA COURT,

NEW DELHI

IN THE MATTER OF:-

UTTAM KUMAR OJHA

.....complainant

V/S

SHEETAL AND OTHER

.....accused

TITLE :- Criminal Complainant u/s 464, 465 of IPC for forgery.

FACTS:- In this case complainant file a complain for forgery by husband of accused . As the complainant needs 4,lacs rupees for constructing his plot in Khajuri khas, Delhi, so Hottam Singh i.e husband of accused is relative of complainant and he gave 2,lac rupees to complainant on mortgage of his plot registry for 1 year and after 6 months, accused call complainant and at that time he takes signature of On a document which the complainant don't know because he is not Literate. After that nearer about 8-9 months when complainant go to The home of accused for returning his money back then he came in knowledge that his registry is transferred on the name of Sheetal i.e wife of Hottam Singh.

OBSERVATION:- In this matter I observed that how the evidences of person and how the court asked some question from that person and I also learnt the section 464 , 465 of IPC for forgery i.e making false document.

NEXT DATE OF HEARING & PURPOSE:- 30/10/2021 & for evidence of accused.

Case-6

IN THE COURT OF Dr. P.S. MALIK, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

STATEComplainant

V/S

ASIF ANSARIAccused

TITLE :- Criminal Complaint u/s 307, 354, 323, 325, 509 of IPC.

FACTS: - In this case a complaint is filed u/s 307, 354, 323, 325, 509 of IPC, by Complainant one fine day when a person is going somewhere with his sister at that time accused came and start teasing his sister and due to this a fight begin and the accused took lathi and hit on the head of complainant and after he took a knife and hit on the chest of complainant 2-3 times. At that incident suddenly a police PCR van is coming at that side and after that police sent him to nearby hospital immediately.

OBSERVATION: - On this date of hearing of this matter I saw how the counsel cross examined the accused and how they ask the questions related to that offence which he committed and I also learnt that in which situation the above section i.e 308 of IPC is used.

NEXT DATE OF HEARING:- 26/09/2021 & for cross examination.

Case-7

IN THE COURT OF SHRI PRADEEP CHADDA, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

MONIKAComplainant

V/S

SOHAN

.....Accused

TITLE: - Petition filed u/s 125 of Cr.P.C. for maintenance.

FACTS: - In this case a suit is filed u/125 of Cr. P.C. Monika and Sohan got married on 26, Nov2019. By this wedlock they have girl child of 1 year. He never maintains her properly and also not looks at to his daughter. She is live in the same house with him and her in- laws.

He is not too much educated and but has own business and earn good amount by this business. She is also educated but not doing job as if now because of child. She is unable to maintain herself and her child.

OBSERVATION:- In this matter I Saw that when the party compromise with each other then how the party withdrawal that matter and how the mediation center proceed the matter to dissolve without litigation and I also observed that how the advocate of mediation center counsel the parties.

Case-8

IN THE COURT OF Ms. RITU SINGH. M.M, SAKET COURT,

NEW DELHI

IN THE MATTER OF:

STATE

.....Complainant

V/S

KAMAL KUMAR

.....Accused

TITLE :- Complaint u/s498A of IPC.

FACTS: - In this case a complaint is filed u/s 498A of IPC by complainant. One Day in morning when the complainant is ready to move her office at time her mother -in-law start abusing her that her parents not gave her a car , even though she neither reply nor react on that . After that in evening when she came back to home from her office then her mother-in-law, father-in-law and husband again stated that her parents not gave her a car or she demand for that from her parents . when she refused to do this then her husband beats her by a stick and throw her out of the house and after somehow, she reaches her parents home and told whole the incident to them.

OBSERVATION: - In this matter I saw that how the counsel move the bail application for bail of accused person and after that court keeps it consideration and to order for the next date for bail.

NEXT DATE OF HEARING: - 22/10/2021 & for bail.

Case-9

IN THE COURT OF SHRI SHARAD GUPTA ACMM, DWARKA COURT,

NEW DELHI

IN THE MATTER OF:-

STATE

.....Complainant

V/S

VIRENDER

.....Accused

TITLE: - Complaint u/s 354, 509 of IPC.

FACTS: - In this matter a complaint is files against Virender for outraging the women modesty. As the complainant is a student of 12th class. One day when she coming back from her school to house at that time accused person tease her and threw her dupatta . After that the complainant shouts on him, and then he starts abusing her. Somehow she is running to reach her home , he is also following her and threatened her that if she state anything to anyone or complaint to police, I will kill you and your family members. After that she reaches her home and told whole incident. Her parents move to police station and gave the vehicle of that person.

OBSERVATION:- On this date of hearing I saw that how the court hears and recorded the evidence of complainant and when the Section 354 of IPC is used for outraging the women modesty i.e by teasing or by touching or by other mode.

NEXT DATE OF HEARING & PURPOSE: - 24/10/2021 & for Evidence of complainant' parents.

Case-10

IN THE COURT OF Ms. HARLEEN SINGH, TEZ HAZARI COURT,

NEW DELHI

IN THE MATTER OF:-

SADHANA

.....Petitioner

V/S

SONU & OTHERS

.....Respondent

TITLE :- Petition for Mutual Divorce.

FACTS:- In this case Sadhana and Sonu filed a petition for mutual divorce. They got married on 15, Feb2018, by this wedlock they don't any child and both of them are educated as well as well settled in their profession. Due to some misunderstandings or some bad situations in which they don't live together and they don't cooperate with each other, due to which some fights begin between them. She deny to take any kind of maintenance, share or any bother thing from her husband yet or in future.

OBSERVATION: - In this matter I saw how that the court grant the first motion divorce and gave other 6 months timing for neogiation if possible and learnt that how the first motion divorce is completed.

NEXT DATE OF HEARING & PURPOSE: - 15/02/2022 & for Second motion.

Case-11

IN THE COURT OF SHRI T.R. NAND, ADJ, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

ANITAComplainant

V/S

BHUPENDERAccused

TITLE: - Petition filed u/s 125 of Cr.P.C. for maintenance.

FACTS: - In this case petitioner file a suit for maintenance u/s 125 of Cr.P.C. as Anita and Bhupender got married in 08, june2018, by this wedlock lock they have a boy child of 8 months and Bhupender is a auto-rickshaw driver and after taking alcohol he beats her due to which, she live in her mother house and she is not working due to baby and her parents are also living on rent so, they are also not able to maintain her and baby.

OBSERVATION: - In this matter I observed that in which condition court can impose cost on a person if he is fails to reach in the court as he waste the time of court and I learnt the proceeding regarding the above section of Cr.P.C

NEXT DATE OF HEARING & PURPOSE: - 13/11/2021 & for appearance of respondent.

Case-12

IN THE COURT OF SHRI SHARAD GUPTA, ACMM, DWARKA COURT,
NEW DELHI

IN THE MATTER OF:-

ANJU JAINPlaintiff

V/S

VED PRAKASHDefendant

TITLE: - Complaint u/s 138 of Negotiable Act for Cheque Bouncing.

FACTS:- In this case Anju Jain filed a suit for cheque bouncing u/s138 of N.I Act, Anju Jain gave 1,8000/- Rs to Ved Prakash as a friendly loan and Ved Prakash gave her 5 cheques of amount i.e.40+40+40+40+20 thousands and said if, I will not return your money within 1year then you can withdraw the cheques and get your amount back. After one 1year , when Anju Jain demanded her money back and the Ved Prakash said her to withdrawn the cheques, after that she withdrawn the cheques in SBI. She get the statement this account is closed.

OBSERVATION:- On this date of hearing, I saw that how the person gives the installments which were decided by court for returning back the money of complainant an I also learnt about cheques bouncing.

NEXT DATE OF HEARING & PURPOSE :- 19/08/2021 & for paying the installment.

Case-13

IN THE COURT OF SHRI AJAY GUPTA,SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

DINESH CHOPRA

.....Petitioner

V/S

KANTA ARORA

.....Respondent

TITLE: - Complaint u/s 138 of Negotiable Act for Cheque Bouncing.

FACTS: - In this case plaintiff files a suit for permanent injunction u/s 138 of Specific Relief Act, As plaintiff and respondent both are colleagues and working in same office and they purchase a flat in Mangalam, Delhi and the respondent shows some smartness and by fraud, she converts the property on her own name and that thing is not in the knowledge of petitioner, but by someone else colleague of office one day he came to know this thing. Then he asked this thing from respondent and she said "that property is mine not yours". Now she wants to sell that property.

OBSERVATION: - On this date of this matter, I saw that how the court exhibit the documents of a person and return back to him and I also know about above section i.e. 138 of Negotiable Instrument Act.

NEXT DATE OF HEARING & PURPOSE: - 20/10/2021 & for exhibition of other documents.

Case-14

IN THE COURT OF Ms. MAYURI SINGH, M.M, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

HARBEEER SINGH

..... Complainant

V/S

PANKAJ MISHRA

.....Accused

TITLE: - Complaint u/s 138 of Negotiable Act for cheque bouncing.

FACTS:- In this matter Harbeer singh file a suit against Pankaj Mishra for cheque bouncing u/s138 of N.I. Act , as Harbeer Singh gave amount of 60,000/- Rupees to Pankaj Mishra on March 2015 , as they both are friends and Pankaj Mishra needs this amount for operation of her mother, and he gave 3 blank cheques to him and promise him to return back within 15 months and if , I fail to pay that money, then you can withdrawn these cheques. After completion of said period, Harbeer Singh demanded his money back from Pankaj Mishra , then he take some more time for return money but still he fails to pay. After that he say you can withdraw money by cheques and then Harbeer Singh moves to bank, there he came in knowledge that in this account there no balance., then he takes the statement of that account.

OBSERVATION: - In this matter I saw that how the court notice the bank manage for his evidence and the bank manager came, gave his statement regarding the account of that person and I also learnt about the cheque bouncing and the above section.

NEXT DATE OF HEARING & PURPOSE: - 18/10/2021 & for Other witnesses.

Case-15

IN THE COURT OF SHRI SHARAD GUPTA, ACMM, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

JUNAIDComplainant

V/S

AJIT SINGHAccused

TITLE: - Complaint u/s 138 of Negotiable Act for cheque bouncing.

FACTS :- In this case Junaid filed a suit u/s 138 of Negotiable Instrument Act, against Ajit Singh , they both have a common friend who's name is Vijay Pal. In presence of Vijay Pal , Junaid gave 1,20000/- to Ajit Singh as Ajit needs money for repairing his house and he gave 4 cheques of PNB and promised him to return back the amount within 8 months and if, I falls to pay then you can withdrawn by cheques and this contract is also made on affidavit . after passing of 8 months when complainant asked him for amount , then accused person said you will take your money by cheque withdrawn. After that complainant moves to bank there he came in knowledge that this account is closed 5 months before.

OBSERVATION:- On this date of hearing I observed that how the evidence of witness is taken by court and that evidences were recorded by court and the court asked some question from that witness.

NEXT DATE OF HEARING:- 11/11/2021 & for evidence.

Case-16

IN THE COURT OF SHRI MUNISH GARG, M.M, DWARKA COURT,

NEW DELHI

IN THE MATTER OF:-

STATE

.....Complainant

V/S

ANUJ GOEL

.....Accused

TITLE: - Complaint u/s 354, 509 of IPC.

FACTS: - In this case complainant is filed a complaint u/s 354, 509 of IPC. The complainant is at teacher of a school. When one day, she came back from her school, then the accused follow her and start teasing her, many time she ignored him but he never stop and follow her and tease her again and then she show on him and then he again abusing with her and touches her body, then she ran towards her house and between this some people saw her and ask her what happen , then she told that Anuj Goel is outraging her modesty.

OBSERVATION: - On this date of hearing, I observed that how the I.O submitted the charge sheet after completing the investigation and both the parties were present there along with there counsels and I also learnt about the sections of women modesty.

NEXT DATE OF HEARING & PURPOSE: - 04/11/2021 & for appearance of accused.

Case-17

IN THE COURT OF SHRI RAKESH KUMAR, III CMM, SAKET COURT,
NEW DELHI

IN THE MATTER OF:-

SUDHAComplainant

V/S

KISHAN PALAccused

TITLE: - **Complaint u/s 307, 323, 325 of IPC.**

FACTS: - In this case complainant file a complaint against accused (Kishan Pal) u/s 307 , as they both are husband and wife .One day there is sudden fight between them, the family of both person came to settle their matter but Kishan Pal in aggression beats Sudha and family members try to stop him but, he took a rod and hit on the head of Sudha and faint down on the floor and got serious injury and her blood is flowing from her head. Family members took her into hospital and she is in serious condition.

OBSERVATION: - On this date of hearing, I observed that parents of complainant given there evidence and the court heard and recorded there evidence and I also know about the above section i.e 307 of IPC and also learnt that when this section can be used and I also observed that how the court ask questions from that person who is giving his evidence.

NEXT DATE OF HEARING & PURPOSE: - 25/09/2021 & Witness of accuse.

CONCLUSION

Attending the court and watching the proceedings on a regular basis helped me a lot to learn about court ethics.

Being in my V year I got a idea of the major and most frequently used sections of the CrPC, IPC, The Indian Evidence Act, 1872 , CPC provisions, Arbitration and conciliation Act, 1996, The narcotics drugs and psychotropic substances act 1985, The Hindu Marriage act, 1955, The Dowry Prohibition act, 1961

Apart from this viewing the proceedings gave a practical knowledge about advocacy skills, the manner of pleading and how to present a case in court, court ethics and many more helped me a lot during my internship period.

I would conclude by this point that by doing internship it will give a practical view in the field of law.

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

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Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - KULJEET SINGH

ENROLLMENT NO. 06690103817

COURSE - BA.LLB

BATCH - 2017-2022



SUMMER TRAINING REPORT
5 YEARS BA-LLB (INTEGRATED)

FIMT SCHOOL OF LAW



तेजस्वि नावधीतमस्तु
ISO 9001:2008 & 14001:2004

FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

(Affiliated to Guru Gobind Singh Indraprastha University, Delhi)

KAPASHERA, NEW DELHI

Session 2017-2022

NAME OF THE STUDENT.- KULJEET SINGH

SEMESTER -. 9TH SECTION - B. ENRL. NO - 06690103817

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ADVOCATE

K. K. & ASSOCIATES

NITIN BANSAL

ADVOCATE



Contact No. 9899521200; Email: nitinbansal0223@gmail.com

TO WHOMSOEVER IT MAY CONCERN

Dated:

This is to certify that Kuljeet Singh a student of B.A. LL.B (H) studying in Fairfield Institute of Management and Technology with enrollment number 06690103817 has completed internship in my chamber during the month of August, 2021. During his tenure of internship he visited the Delhi High Court and District Courts of Delhi. He further helped in research work and preparing briefs. During his tenure I found him to be hardworking and competent.

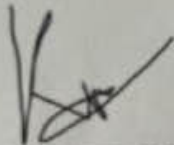
ADVOCATE

NITIN BANSAL
ADVOCATE

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DECLARATION

I KULJEET SINGH student of ninth semester B.A. LL.B (Hons) hereby declare that this report as compiled by me under summer internship program four weeks is based on my own experience and observation to the best of my knowledge and understanding in its duration and the same which is submitted therefore to **Fairfield Institute of Management and Technology** affiliated to GGSIPU, New Delhi is a reliable document and is of bonafide nature.



KULJEET SINGH

06690103817

B.A LL.B(H)

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected Sir, Advocate Nitin Bansal who has been my constant support, source of encouragement & inspiration and guided and helped me in successfully completing my 4 weeks Summer Internship.

Moreover, apart from court they give me a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during the internship as well as at the time of drafting of this report.

OBJECTIVE

Internship is a process of education to offer meaningful career related work experience to students, while simultaneously providing an excellent source of highly motivated carrier minded individuals for employers.

The internship program serves to: Reinforce and strengthen the student's personal values and career objectives through an improved understanding of themselves and the work environment. Assist students in identifying and acquiring the skills needed to enter a chosen field. Helps students to apply the theoretical knowledge they have gained in their institution in practical world. Allow students to meet and learn from professional in the field and develop a network of contacts.

Allow students to choose in between different career opportunities after completing their education.

CASE NO.1

In the District Court of Rohini

HON'BLE MR. JUSTICE RAJIV SHAKDHER

IN THE MATTER OF:

GAUTAM KHAITAN & ANR.

..... Petitioners

Versus

UNION OF INDIA & ANR.

..... Respondents

DOH : 04/08/2021

Facts- Based on I.A.F's proposal, in October, 2000, a procurement process was initiated. Accordingly, a Request for Proposal (in short RFP) was issued to eleven (11) global vendors. Out of the eleven (11), four (4) vendors responded. The RFP, amongst others, contained a mandatory condition with regard to 'service ceiling'. Service ceiling is the technical term for the altitude, at which a helicopter can fly. The RFP, provided for a service ceiling of 6000 metres. This requirement was relaxed, which led to the service ceiling being reduced to 4500 metres. CONCLUSION: In this case, I find no merit in the writ petition. The writ petition and the pending applications are accordingly dismissed. Consequently, the interim order dated 22.12.2014 stands vacated. Costs will follow the result in the petition.

Next Date of hearing – 22/09/2021

CASE NO: 2

In the District Court of Rohini

HON'BLE MS. JUSTICE MUKTA GUPTA

IN THE MATTER OF:

ROHIT TANDON

.....Appellant

Versus:

THE ENFORCEMENT DIRECTORATE

.....Respondent

U/S-420, 406, 409, 468, 471, 188, 120B of IPC

DOH: 10/08/2021

FACTS:

Rohit tendon who was arrested in connection with an alleged money laundering case post demonetization, involved in illegal conversion of nearly Rs. 60 crore demonstrate currency. The fact that the appellant has made declaration in the Income Tax Returns and paid tax as per law does not extricate the appellant from disclosing the source of its receipt.

CONCLUSION:

High Court rejecting the prayer for grant of regular bail to the appellant. However, considering the act that the appellant is in custody since 28th Dec.2016 and the offence is punishable with imprisonment for a term extending to 7 years only, but not less than 3 years, the tribal Court will be well advised to proceed with the trial on day to day basis expeditiously

Next Date of hearing- 03/09/2021

CASE NO:3

In the District Court of Rohini

HONOURABLE CHIEF JUSTICE MR. JUSTICE R.K. MERATHIA

IN THE MATTER OF:

MR. MANOJ TANDON, ADVOCATEPetitioner

versus

MR. A.K. DAS, ADVOCATEResponded

U/S- 406,409,420,423,465,120B of IPC 11/13(2), 13(i)(e).

DOH- 09/08/2021

FACTS: The petitioner became M.L.A. and then the Minister, he acquired enormous moveable and immovable assets, under 108 sale deeds in his own name and in the name of his family members within a short period of three years. By his influence he got the works allotted in the name of his fictitious construction Firm/ Company. Apart from acquiring enormous assets he also indulged in Money Laundering. Absolutely evasive replies were given by him and his wife about the assets. In CBI case, the CBI is collecting materials from different parts of the country

and from outside the country also. In Money Laundering Case, charges have been framed on 19.11.2011. The allegations are very serious.

CONCLUSION:

After hearing the parties at length and considering all the aspects of the matter, in my opinion, the petitioner cannot take advantage of the judgement of Sanjay Chandra (Supra), and he does not deserve bail in these cases. Accordingly, the prayer for bail in both the cases is rejected.

Next Date of hearing- 08/09/2021

CASE NO-4

In the District Court of Rohini

HON'BLE MR. JUSTICE SUNIL GAUR

IN THE MATTER OF:

P. CHIDAMBARAM Petitioner

Versus

CENTRAL BUREAU OF INVESTIGATION Respondent

U/S- 120B,420,8,13,13(1)(d)

DOH- 20/08/2021

FACTS: It is the case of petitioner that M/s INX Media Pvt. Ltd. sought approval for FDI in a proposed TV channel upto 46.216 percent of the issued equity capital. The policy allowed

investment upto 74 percent of equity. Foreign Investment Promotion Board (FIPB) Unit examined the proposal, found it to be in order and submitted the case to the Finance Minister. FIPB consisted of six secretaries to the Government of India and was chaired by the Secretary, Economic Affairs. FIPB unanimously recommended the proposal and placed it before the Finance Minister for his approval, along with several other proposals.

CONCLUSION:

Upon considering the case set up against petitioner in its entirety, this Court is of prima facie opinion that it is not a fit case for grant of pre- arrest bail to petitioner. Consequentially, both these applications are accordingly disposed of, while observing that anything stated herein shall not be taken as an expression on merits at trial.

Next Date of hearing- 15/09/202

CASE NO-5

In the District Court of Rohini

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL

IN THE MATTER OF:

M.SHOBANA,M.SENTHAMARAI, A.VALLUVAN Petitioner

Versus

THE ASSISSTANT DIRECTOR

.....Responded

U/S- Section 50 (2) (3),419,420 r/w 34 under IPC.

DOH-25/08/2021

FACTS:According to the Petitioners, one AbineshaBabu through his brother Nagarajan in the capacity of Director to a Company called M/s.AITirven Steels Limited, lodged a complaint against A.M.Mohan and his friend Valluvan before the Central Crime Branch, with an allegation of impersonation and cheating and also that the Central Crime Branch, Egmore registered a case in Crime No.96 of 2010.

CONCLUSION: During the investigation, the Investigation Officer came to a conclusion that the sister of the Petitioner's husband N.Senthamarai (Petitioner in W.P.No.14084/2013), herself and A.M.Mohan committed the crime and filed a final report in C.C.No.88 of 2011 on the file of learned Chief Judicial Magistrate, Egmore, Chennai who took cognizance and charges were also framed. In the meanwhile, A.M.Mohan filed O.P.No.280 of 2010 before this Court praying for appointment of an Arbitrator with reference to his claim of Rs.82.5 Crores from the defacto complainant which was allowed on 01.04.2011 by this Court and the matter is now pending before the Hon'ble Supreme Court of India.

Next Date of hearing- 13/09/2021

CASE NO-6

In the District Court of Rohini

HON'BLE MR. JUSTICE MANMOHAN SINGH

IN THE MATTER OF:

GAURAV GUPTA

..... Petitioner

Versus

DIRECTOR OF ENFORCEMENT

..... Respondent

U/S- 439,482 Cr.P.C., Section 3 ,4 ,9,5(1)(3),17(1A).

DOH-29/08/2021

FACTS: Gulshan Kumar based in Australia, were providing their services to Australian Organized Crime Groups and were having extensive contacts with their Indian based counterparts who were identified as GangandeepSingh.The AFP identified an extensive Alternate Remittance services network operating from India with significant influence of money laundering activities in Australia and further stated that the transactions were structured in a way that each deposit of money in Australian bank accounts was for a sum less than Australian \$10,000/- to avoid any reporting requirement, who had also identified the money laundering networks and their operational structure.

CONCLUSION: Without expressing any opinion on the merits of the case and also with regard to the claim of the respondent, the Court is not inclined to grant the relief of releasing the petitioner on bail at present as further investigation may prejudice the case of respondent.

Next Date of hearing- 02/09/2021

CASE NO-7

In the District Court of Rohini

HON'BLE MR JUSTICE VIBHU BAKHRU

IN THE MATTER OF:

M/S MAHANIVESH OILS---& FOODS PVT. LTD.

..... Petitioner

Versus

DIRECTOG RATE OF ENFORCEMENT

..... Respondent

U/S- Section 5(1) of PMLA, 2002

DOH- 25/08/2021

FACTS: On 08.05.2009, an FIR was lodged by the CBI on a written complaint made by Shri S.K. Maggu, Deputy Manager of National Agricultural Cooperative Marketing Federation of India (hereafter 'NAFED') wherein it was alleged that Mr Homi Rajvansh - the Additional Managing Director of NAFED, had hatched a conspiracy, in connivance with the directors of M/s M.K. Agri International Ltd. (hereafter 'MKAIL'), for making wrongful gains by executing Memoranda of Understandings (MOUs) with MKAIL on behalf of NAFED for import of raw sugar and selling the same by entering into three High Seas Sale (HSS) Agreements with M/s M.K. International Ltd. (hereafter 'MIL'), a sister concern of MKAIL, without charging/recovering any cost for the commodity.

CONCLUSION: In view of the above, the petition is allowed and the impugned order is set aside. The writ petition alongwith pending application stand disposed of. The parties are left to bear their own costs.

Next Date of hearing- 06/09/2021

CASE NO-8

In the District Court of Rohini

HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

IN THE MATTER OF:

R.SUBRAMANIANPetitioner

Versus

THE ASSISTANT DIRECTOR, DIRECTORATERespondents

U/S- 482,120B,420 OF IPC and 13(2),13(1)(d),420,43(1),44(1).

DOH- 09/08/2021

Facts: The complaint received from one V.Sreedharan, General Manager and Zonal Head, Bank of Baroda, Zonal Office, Chennai, the Respondent had registered a case in No.RC4(E)/2013/CBI/BS&FC/BLR, on 26.07.2013, against the Petitioner/A1, Managing Director, M/s.Subhiksha Trading Services Limited, K.P.Vairavan/A2, the then AGM and Branch Head, Bank of Baroda, Corporate Financial Services Branch, Chennai, M/s.Subhiksha Trading Services Limited/A3, Registered Office at No.146, 2nd Floor, R.K.Mutt Road, Mandaveli, Chennai-28 and other unknown others, for the offences under Sections 120B read with 420 of IPC and Sections 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988.

CONCLUSION:

This Court took note of the submissions made by the learned counsel for the 2nd Respondent that steps are being taken to file necessary application as per Section 44(1)(c) of the PMLA, seeking to transfer the case.

Next Date of hearing- 24/09/2021

CASE NO-9

In the District Court of Rohini

HONOURABLE MR.JUSTICE S.MANIKUMAR & MR.JUSTICE M. VENUGOPAL

IN THE MATTER OF:

Dr.V.M. GANESH.... .. Appellant

Versus

The REGISTER, APPELLATE TRIBUNALRespondent

U/S-42,294(b),406,420,465,468,471,197,419,506,19 of TOHO Act
DOH- 29/08/2021

FACTS:The appellant, who is the 3rd accused in FIR No.29/13, received Rs.1,00,000/- from one Kathavarayan (Informant) for kidney transplantation for his father, namely, Ayyar and at a later point of time, refused to conduct the operation and after repeated demands, the appellant paid Rs.50,000/- to Kathavarayan and refused to pay the remaining Rs.50,000/-. During 2009-2013, the appellant as a Nephrologist took part in the post transplantation care of 81 patients at Salem Vinayaga Mission Hospital and received a tainted professional income of Rs.81 lakhs and purchased 2 properties in Salem, one in 2011 and another in 2013.

CONCLUSION:Considering the facts and circumstances, there is no ground to interfere with the order. Hence, order made in MP-PMLA-1745/CHN/2015 in FPA-PMLA-856/CHN/2015, dated 04.06.2015, is sustained. Civil Miscellaneous Appeal is dismissed. Arrears of amount, as ordered in MP- PMLA-1745/CHN/2015 in FPA-PMLA-856/CHN/2015, dated 04.06.2015, to be deposited within two months, from the date of receipt of copy of this order. Appellant shall continue to deposit, as ordered.

Next Date of hearing- 30/09/2021

CASE NO-10

In the District Court of Rohini

THE HON`BLE MR.JUSTICE N.SATHISH KUMAR

IN THE MATTER OF:

SHRI AJAY KUMAR GUPTA Petitioners

Versus

ADJUDICATING AUTHORITY (PMLA)Respondent

U/S-482 of cr.pc 13(2) r/w 13(1)(e), 173(2),13(2),109 of I.P.C, r/w 13(2)

DOH- 13/08/2021

Facts- The first petitioner was working as an Assistant Commissioner of Customs and Central Excise, Customs House, Chennai and he resigned from the services with effect from 14.4.2011. While he was working as an Appraiser in the Customs House, Chennai, the 3rd respondent, Deputy Superintendent of Police, CBI had filed an FIR No.RCMA1/2005A/0031 on 29.06.2005 for alleged possession of assets and pecuniary resources in the name of First Petitioner and in the name of his family members for alleged commission of offences under Section 13(2) r/w 13(1)(e) of the Prevention of Corruption Act 1988. A final report under Section 173(2) of Cr.P.C.was also filed on 13.01.2009 by 3rd respondent before the Principal Special Judge for CBI Cases, Chennai, in C.C.No.18 of 2009 for the offences punishable under Section 13(2) r/w

CONCLUSION- The Commission directs the CPIO to provide the names of the commercial banks and NBFCs against whom penal action has been taken in the last three years by the RBI in response to point 5; and confirm his reply on point 11 and 16 to the appellant. The CPIO will comply with the directions of the Commission within ten days of receipt of this order. The appeal is disposed of.

Next Date of hearing- 23/09/2021

CONCLUSION

The summer internship training, through which I have gone from 1 AUGUST, 2021 to 31STAUGUST, 2021, will be fruitful and beneficiary not for only my academic but for my future carrier also. The summer training gave me the opportunity to gain practical exposure of the professional field of law. It enabled me to carefully and crucially observe the legal environment of courts, tribunals and forums, the professional life the advocates and other aspects of law. Visit to courts and libraries, close examination of the interaction of my advocate with his clients enabled me to expand my legal knowledge immensely.

During this summer internship, I got to visit and learn in ROHINI DISTRICT Court. In the end, I would like to opine that legal practice is entirely different from the theoretical knowledge of law. Without the exposure to the real world, one cannot understand the analytical function and positive application of law and jurisprudence and actual function and structure of law.

FIMT

SCHOOL OF PROFESSIONAL STUDIES

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STUDENT INTERNSHIP DIARY

5 YEARS BA-LLB (INTEGRATED)
FIMT-SCHOOL OF LAW



FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

(Affiliated to Guru Gobind Singh Indraprastha University, Delhi)

KAPASHERA, NEW DELHI

Session 2017-2022

NAME OF THE STUDENT- Kunal Chugh

COURSE – BALLB

SEMESTER – 9TH

SECTION- B

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PRASHANT CHAKRAVARTY
ADVOCATE
CHAMBER.NO. 307, LAWYERS' CHAMBER BLOCK,
ROHINI DISTRICT COURT, DELHI
MOB: 9899521200/9999280428

REF NO.:

DATED: 01.09.2021

TO WHOMSOEVER IT MAY CONCERN

This is to certify that Kunal Chugh a student of B.A. LL.B (H) studying in Fairfield Institute of Management and Technology with enrollment number 06790103817 has completed internship in my chamber during the month of August, 2021. During his tenure of internship he visited the Delhi High Court and District Courts of Delhi. He further helped in research work and preparing briefs. During his tenure I found him to be hardworking and competent.

PRASHANT CHAKRAVARTY
ADVOCATE
Enr. No. D-324/2016
M. 9999280428, 9643564807

PRASHANT CHAKRAVARTY
(ADVOCATE)

DECLARATION

I KUNAL CHUGH student of ninth semester B.A. LL.B (Hons) hereby declare that this report as compiled by me under summer internship program four weeks is based on my own experience and observation to the best of my knowledge and understanding in its duration and the same which is submitted therefore to **Fairfield Institute of Management and Technology** affiliated to GGSIPU, New Delhi is a reliable document and is of bonafide nature.

KUNAL CHUGH

06790103817

B.A LL.B(H)

LIST OF ABBREVIATIONS

<u>S.NO.</u>	<u>ABBREVIATION</u>	<u>EXPANSION</u>
1.	Ors.	Others
2.	Anr.	Another's
3.	Vs.	Versus
4.	I.O	Investigating officer
5.	PW	Plaintiff Witness
6.	CW	Complainant Witness
7.	WS	Written Statement
8.	F.I.R.	First Information Report
9.	U/S	Under Section
10.	Cr.P.C.	Criminal Procedure Code
11.	C.P.C.	Civil Procedure Code
12.	PP	Public Prosecutor
13.	ADJ	Additional District Judge

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Internship

What Internships is All About

In today's fast paced world, an education needs to be more than just book study. Career prospects need to hit the ground running and be well acclimatized to their chosen career path. History shows us that hands on learning in a particular field offers the best training for people new to a career. Nothing compares to shadowing the expertise of seasoned professionals and their unique individual skills.

Many companies are enthusiastic to offer a fair pay to their interns, so you can make money while learning. What could be better? The possibilities are endless for interns to learn valuable new skills and discover their true talents. With an internship, you can really get a feel for your chosen field. Will it be what you expect? Or maybe it will surpass your expectations?

The benefit to an internship is also that it carries the possibility of a full time position with the company once your internship is complete. You also have the added bonus of networking and meeting many contacts which are their weight in gold in the business world. Take charge of your education and your future today! Chose an internship in the field of your choice and reap the unlimited benefits that come with firsthand experience.

Summer Internships

Many students see summertime as a time to relax, party, just do whatever they want to do. This is understandable considering the amount of work and dedication that is required to keep up a good grade point average in college.

There is another way to look at summer vacation, though. Taking time off might be nice, but it doesn't help with building the future. If a student has the opportunity to enhance his/her education by working in the field they have been training for in school, wouldn't they be prudent to take it? The whole point of gaining an education, after all, is to enable the student to acquire a comfortable livelihood in their chosen occupation. A summer internship is a way to give a boost up toward achieving that goal.

Many companies look for interns to join their staff for twelve weeks during the summer months. This is a good way for a business to access a pool of potential future employees in a manner that is supportive yet noncommittal. Interns are given real work to do and often have the opportunity to attend workshops and classes within the company, helping them to target skills needed to support that particular company's need. The students that are energetic, motivated, and have the skills required to accomplish the tasks at hand, will in all likelihood be asked to come back to join the company's work force once they have finished their education, or even to stay on once their internship is completed.

From the student's standpoint, finding a good summer internship is going to be a positive experience in many ways. A chance to work in their chosen occupation will either reinforce or change their mind about their academic choices. If an intern finds that actually working in that line of work is good fit for them they will want to continue their studies as before, and if not, they will know to change their course. Another good thing about hands-on working with

the knowledge they have acquired is that it will sharpen their understanding of the subject and give an added dimension to their knowledge base. Possibly, an intern may learn that they need to add certain skills before they will be ready for a long term position in a company of their choosing. A summer internship is full of possibilities and will definitely enhance a resume for future employment opportunities.

Law Internships

There is a good variety in the number and type of law internships available to college students or graduates who are considering entering a law school, and those who are already enrolled in law school. Several hub sites on the internet have listings of organizations and firms that offer law internships Home Page, and Internships-USA.com.

The educational path to becoming a lawyer can be very different from other careers. Although many colleges offer a pre-law program, such a degree is not required for law school. Having taken certain course will be helpful, but having good grades, passing the LSAT, and showing an aptitude for writing and reasoning skills are most important. Law schools do not quantitatively consider whether an applicant has completed a law internship. However, young people who have completed an internship are more likely to have a good idea of whether a career in law is really worth the effort. Law school can be long struggle, and it's smart to have taken a look at whether the legal world is really the place to spend a lifetime.

Law internships are offered by such diverse entities as the US Department of Justice, the American Civil Liberties Union, the National Whistleblower Center, the US Department of State, or the Sierra Club. More neutral offerings may

come from the American Bar Association. Many private firms are looking for interns to help with the work load. Many organizations which utilize interns have a particular ideology, and a student is likely to fit in better if they can embrace that stance. Law is a polarizing field.

A law intern can expect to do a lot of work behind the scenes. Typical duties include law clerking (research and legal writing), office tasks, and client billing. For non-profits, duties may include participation in public advocacy, public rights education, or lobbying.

Applicants for a law internship usually will be expected to have good grades, have a commitment to the mission of the entity offering the position, provide references, and submit a writing sample. Other highly sought after skills include organizing experience, good interpersonal skills, self-motivation and the ability to work independently.

Why become an intern?

Internships are an excellent way to shape any career or business development goal and the benefits available for both Interns and Businesses can be a win-win opportunity. Like all things though, there are considerations that should be taken into account on both sides before undertaking an internship arrangement. We will explore the pros, cons and benefits that await individuals and businesses when internship opportunities exist. Why become an intern?

Internships are available in wide range of specialized and general fields. They offer individuals and Businesses the opportunity to “test the waters” before entering into any permanent commitment giving both the ability to explore their options fully. The valuable experience gained by both parties can not only improve but extend their individual reach and potential. Businesses gain the

benefit of expanding their staff, obtaining financial benefits and gaining access to talents they may otherwise not have discovered while individuals gain valuable employment experience, a diverse range of skills and abilities and even long-term earning.

Internship opportunities are well suited to many individuals including:

- High school, College, University or part-time students.
- Entrepreneurial and start-up business owners.
- Those considering career changes.
- Individuals re-entering the workforce after an extended absence.
- Those interested in pursuing another vocation but who may not have a specific area in mind.
- Individuals seeking to “try” a new employment or career path.

Individuals considering internships should first explore the various types of internships available and determine whether a paid or non-paid opportunity fits best with their personal circumstance. Many internships opportunities offer either small or no monetary compensation. Internships are not always the most viable way to gain entry or re-entry into the work force when a steady, livable wage is necessary. Such opportunities are usually best suited to those who have a second source of income available, such as a working spouse, a sufficient “nest egg” available, or where a part-time income has already been established.

Another common problem with internships is the entry-level work an intern may be expected to perform. Internships are often excellent vehicles for introducing those new to the workforce to a level of experience they may not otherwise be able to gain, however; the duties involved can often be of the more mundane variety. For individuals who are adaptable, flexible and able to work

within the boundaries that internships may set, there is no better way to open doors to new or untried avenues.

Businesses that frequently employ interns do so because of the excellent return on their investment of both time and money. However, internships often result in frequent staff changes which may pose problems for permanent staff members. Frequent retraining of new interns can also be time intensive. Most businesses often find that despite these disadvantages, the possibility of locating an ideal candidate who excels within an internship position and becomes a valued employee, are greater.

Interns are motivated and eager to put their skills, abilities and performance in front of equally motivated employers looking for just the right employee to compliment their staffing requirements. Interns often seek out positions that are related to their chosen fields of interest and obtaining the opportunity to work within a specific field is a valuable exchange which both Interns and Businesses can mutually reap the rewards of if cultivated correctly. Internships can provide solid footing for an intern while often producing a solid employee for the Business.

The relationship that both Intern and Business enters into is one in which both parties have an equal opportunity to gain valuable, mutually beneficial rewards. Long-term working relationships are often the end result. Exploring the waters before making a firm commitment is internship working at its best.

Numerous Businesses enter into internships on a regular basis and there is no shortage of opportunities for the individual seeking an internship placement. Many fields of interest exist within small to large Business and Governmental environments, including:

- High tech firms, Software development companies, IT businesses.
- Colleges, Legal Firms, Medical Practices, Hospitals.
- Beauty and Cosmetology industries.
- Businesses in other Countries including Teaching, Commerce, Finance and more.

OBJECTIVES OF INTERNSHIP

The following list of program objectives has been extensively reported in literature discussing internships programs. The College of Business subscribes to the following objectives but does not expect each student to achieve every objective. Many of the program objectives will only be important to a few students, but each student should achieve a substantial portion of those listed:

1. Internships will provide students the opportunity to test their interest in a particular career before permanent commitments are made.
2. Internships students will develop skills in the application of theory to practical work situations.
3. Internships will provide students the opportunity to test their aptitude for a particular career before permanent commitments are made.
4. Internships students will develop skills and techniques directly applicable to their careers.
5. Internships will aid students in adjusting from college to full-time employment.
6. Internships will provide students the opportunity to develop attitudes conducive to effective interpersonal relationships.
7. Internships will increase a student's sense of responsibility.

8. Internships students will be prepared to enter into full-time employment in their area of specialization upon graduation.
9. Internships students will acquire good work habits.
10. Internships will provide students with the opportunity to earn a salary while pursuing educational goals.
11. Internships students will develop employment records/references that will enhance employment opportunities.
12. Internships will provide students with an in-depth knowledge of the formal functional activities of a participating organization.
13. Internships will provide students the opportunity to understand informal organizational interrelationships.
14. Internship program will enhance advancement possibilities of graduates.
15. Internships students will have higher levels of academic performance.

WORKING OF THE COURTS

The hierarchy of Courts as observed by me during my internship rays was as follows:-

IN CIVIL CASES

SUPREME COURT

HIGH COURT

DISTRICT COURT
(DISTRICT JUDGE)

COURT OF CIVIL JUDGE

CIVIL JUDGE

ADDITIONAL CIVIL JUDGE

SENIOR & JUNIOR DIVISION

There are many more branched out posts of the Judicial Officers at the district court level as per the requirements at the Courts.

IN CRIMINAL CASES

SUPREME COURT

HIGH COURT

SESSION COURT

(Session Judge)

Additional Court of Sessions

Assistant court of Session

JUDICIAL MAGISTRATE

CHIEF JUDICIAL MAGISTRATE

JUDICIAL MAGISTRATE CLASS I & II

System of the court –

- *. **Ahlmad Room** - Each district court, irrespective of being civil or criminal, has an Ahlmad Room, which is a record room or file room for each of the Courts. These rooms are meant to maintain the judicial files which are kept according to the dates and orders. It is the task of the record-keeper to send the files to the Court on the date of hearing. After the dismissal of the cases, it is sent to the record room.

- *. **Cause List** - Each court has a Cause List, which is a systematic arrangement of Court cases to be heard on one day. This cause list is available at the Court door and on the court websites as well after putting in the requisite information. Call outs are made according to the order in such cause lists at the Court.

- *. **Court Lock-up** - Each court complex has its own Police Lock up where the arrested Accused persons are kept before being brought before the Hon'ble or Magistrate for extension of Judicial or Police Remand. Recently, the Delhi Police have also started a video conferencing facility wherein the Magistrate can grant 'Rehnumai' or extension over the video conference with the accused persons from the respective jail complex itself.

- *. **Case Status** — the Court Clerk of the Judge/Magistrate has to update the Court website everyday with the respective orders in the cases given by the Presiding Officer. This new electronic form of case status is very

convenient and user friendly as well as fast and efficient. With a click of a button, one can find a case with all its respective details on the court website and get instantly updated about last court's proceedings.

- *. **Nayab Court** - the Nayab Court is the representative of the Police present in all the Courts. His duty is to keep track of the police cases in the court, the reporting of such court proceedings to the respective IOs (Investigating Officers) summon them and assist the court vis-a-vis the Police under its local jurisdiction limits. The Nayab Court is a Police Officer. He is also required whenever the Court requires status reports and investigations, charge sheet filing to be done by the Police.

- *. **Record Room** — the Record Room is where all the Court files are kept. Whenever any person or Counsel wants to inspect the case files, one can apply for inspection through a Form (annexed with this Report) along with the respective Court Room Reference Number and a Court stamp of Rs. 5/- (For ordinary inspection) or Rs. 10/- (For urgent inspection).

- *. **Passes** - The Delhi High Court has a system of Court Pass wherein the Litigants and other staff apply for pass through a Form (Copy annexed) which is counter signed and recommended by a Legal Personnel. It has all the important details of the applicant and the purpose of the pass.

- *. **Court Summer Vacation** - All the district courts had their summer vacation break from 01st June 2019 till 30th June 2019 and the Delhi High Court from 01 - 30th June 2019. Even though the Courts are on holiday, in urgent and emergency matters, special bench and special vacation judge is present to hear such cases as and when required.

INTERNSHIP OVERVIEW

During the span of approximately a month of my internship with Mr. Mohit Sharma, Advocate. I visited several courts and other legal forums spread all over Delhi and NCR to observe various stages of both civil and criminal cases being contested by our law firm.

I visited the following places during the course of my training—

- Karkardooma Court Complex
- Rohini Court Complex
- Saket Court Complex
- Dwarka Court Complex
- Delhi High Court
- Lok Adalats at various district courts.
- Mediation Centre at the District Courts and at Delhi High Court.

I was allowed to attend proceedings before all the district courts for out of court settlements.

During my internship I filed legal forms and I was also ample exposure in the ambit of new cases when they were at the stage of filing and was given the golden opportunity to prepare drafts of various cases.

My Learned Advocate Sh. Prashant Chakravarty has also trained me in the legal drafting and language as well as various general law points to be kept in mind while going through such legal documents and drafting. My counsel gave me the work of preparing case briefs of the files in respect of the court proceedings and was also encouraged to

prepare to cross examination of the Chief witness for the next date of hearing.

I also had the privilege to interview some of the clients and was given opportunity of free discussions with them as per their requests and instructions of my sir.

DIARY ENTRY

(as per my diary details in integration with the court diary)

- 2 AUGUST SAVITA vs. PANKAJ GUPTA
- 2 AUGUST SHIV TRADERS vs. J.D STEELS
- 3 AUGUST STATE vs. SEEMA VATS
- 4 AUGUST RANJANA vs. PRAVEEN
- 5 AUGUST ISHWAR LAL vs. GNCT &ORS.
IQBAL AHMED vs. SYED SALMAN ALI
- 6 AUGUST BALKISHAN vs. SHAKUNTALA DEVI &ORS.
MANOJ KUMAR vs. AMAR KUMAR
- 7 AUGUST STATE vs. SONIA LAWRENCE
- 8 AUGUST SUNDAY
- 9 AUGUST GREATER LYCA FINANCE vs. CHAJJU SINGH
- 10 AUGUST RAVINDER KAUR vs. GURVINDR DODHI
- 11 AUGUST STATE vs. NAVEEN ARORA
- 12 AUGUST NIHAL SINGH vs. DINESH GUPTA
- 13 AUGUST KANU GUPTA vs. ROHAN ARORA
VISHNU ELECTRICALS vs. SHRI KRISHAN
- 14 AUGUST 2nd SATURDAY
- 15 AUGUST SUNDAY
- 16 AUGUST ALOK KUMAR DASS vs. STATE
- 17 AUGUST CHANDRA PRABHA vs. JERRY PRINCE WILLIAMS
ROBIN AGGARWAL vs. VIDYA
- 18 AUGUST PRAVEEN KUMAR vs. KHEMCHAND
STATE vs. VISHAL AND ORS.
VARUNA vs. PRINCE MEHENDIRATTA
- 19 AUGUST HOLIDAY(MUHARRAM)
- 20 AUGUST STATE vs. SAURABH MAHESHWARI

ABHISHEK GARG vs. AVINI JAIN

21 AUGUST STATE vs. RUBY AND ORS.
STATE vs. PUNEET AND ORS.
STATE vs. DHANPAT BOTHRA AND ORS.

22 AUGUST SUNDAY

23 AUGUST RUFSA NA BEGUM vs. AAMIL KHAN
STATE vs. IRFAN AND ORS.
GEETA vs. AAKASH

24 AUGUST STATE vs. SHIVLAL

25 AUGUST B.P SINGHAL vs. M/S INDIRAPURAM
AAKASH ARORA vs. GEETA

26 AUGUST BANK OF INDIA vs. NIRANKAR SINGH
BANK OF INDIA vs. BERAM KUMAR

27 AUGUST KESHAV vs. DEEPAK PAUL
PANKAJ GUPTA vs. SAVITA

28 AUGUST VISHAKHA SRIVASTAVA vs. SHREESH SRIVASTAVA
DR. SONU PEHAL vs. AMRINDER SINGH

29 AUGUST SUNDAY

30 AUGUST HOLIDAY(JANAMASHTMI)

31 AUGUST ASHIMA GUPTA vs. KSHITIJ GUPTA AND ORS.
KANU GUPTA vs. ROHAN ARORA
LAXMAN PRASAD vs. SATENDER GUPTA

CASE LAWS

DATE: 2nd AUGUST 2021

IN THE COURT OF:

SH. Devender Kumar, Additional Session Judge, KKD

IN THE MATTER OF:

Savita

Versus

Pankaj Gupta

Subject matter dealt with:

Section 12,18,19,20,21,22 and 23 of protection of women from domestic violence Act 2005

Procedure Observed:

The petitioner was present with her counsel and the respondent was absent, neither the counsel of respondent was present for the 4th time before the court. The court ordered for the bailable warrant for the respondent Pankaj Gupta with the surety of Rs. 10,000.

DATE:2ND AUGUST2021

IN THE COURT OF:

Sh. Amitabh Rawat, JSCC, KKD Court

IN THE MATTER OF:

Shiv traders

Versus

J.D Steels

Subject matter dealt with:

Application under order XXXIX Rule 192 r/w Section 151 of CPC along with Affidavit

Procedure Observed:

Summons were ordered to be delivered to the defendant J.D steels as the land under dispute from khasara no. 599 was vested in favour of J.D steels.

DATE: 3rd AUGUST 2021

IN THE COURT OF:

Sh. Ajeet Narayan, Metropolitan Magistrate, THC

IN THE MATTER OF:

State

Versus

Seema vats

Subject matter dealt with:

Section 378 of Indian Penal Code

Procedure Observed:

Summons were issued to the accused Seema vats in which the accused was informed that the proceedings have been started against her in the respective court. Next date of hearing was given in the case for the presence of the accused in person.

DATE: 4TH AUGUST 2021

IN THE COURT OF:

Smt. Ritu Singh, Metropolitan Magistrate, KKD

IN THE MATTER OF:

Ranjana

Versus

Praveen

Subject matter dealt with:

Section 12,18,19,20,21,22 and 23 of protection of women from domestic violence Act 2005.

Procedure Observed:

The petitioner was present with her counsel and the respondent was absent, neither the counsel of respondent was present for the 3rd time before the court. The court ordered for the bailable warrant for the respondent Praveen with the surety of Rs. 5,000.

DATE: 5TH AUGUST2021

IN THE COURT OF:

Smt. Kiran Bansal, Magistrate Specialized in Motor vehicle Act , RC

IN THE MATTER OF:

Iqbal Ahmed

Versus

Sayed Salman ali

Subject matter dealt with:

Section 166 & 140 of Motor Vehicles Act for grant of compensation.

Procedure Observed:

The santro car of complainant was collided by the truck of the respondent's truck and was severely damaged as quoted by the complainant. So the judge called for the DAR from the Investigating Officer.

DATE: 6TH AUGUST 2021

IN THE COURT OF:

Sh. Devendra Kumar, JSCC/ASCC, Dwarka Court

IN THE MATTER OF:

Balkishan

Versus

Shakuntala Devi & Ors.

Subject matter dealt with:

Civil matter

Procedure Observed:

Plaintiff and Defendant are neighbours. The dispute between them was for a common wall between their houses. The court sent both of the parties to the mediation cell of the karkardooma court, where both the parties signed an agreement where the defendant agreed to construct a 6 feet wall between the two houses and pay a sum of Rs. 30,000 as a amount of compensation to the plaintiff.

DATE: 7TH AUGUST 2021

IN THE COURT OF:

Sh. Sunil Kumar Sharma, MM, North-East District, KKD Court.

IN THE MATTER OF:

State

Versus

Sonia Lawrence

Subject matter dealt with:

Section 378 of Indian Penal Code

Procedure Observed:

Summons were issued to the accused Seema vats in which the accused was informed that the proceedings have been started against her in the respective court. Next date of hearing was given in the case for the presence of the accused in person.

DATE: 9TH AUGUST 2021

IN THE COURT OF:

Sm. Richa Parihar, MM, (MAHILA COURT), RC

IN THE MATTER OF:

Greater Lyca Finance

Versus

Chajju Singh

Subject matter dealt with:

Case was filed under section 138 r/w section 141 of negotiable instrument Act, 1881

Procedure Observed:

The complainant is a finance company and has given loan to the accused. The case is relating the cheque bounce which is dealt with section 138 of negotiable instrument Act, 1881 r/w section 141 of negotiable instrument Act, 1881. The case is in the stage of pre summoning of evidence. Just after this stage court orders to start the proceedings and give order to the accused to present before the court i.e. by issuing the summons to the accused, by giving instruction to the complainant to file process fee by speed post or by registered A.D. Pre summoning was done on this date.

DATE: 10TH AUGUST2021

IN THE COURT OF:

Smt. Rohit Gulia, MM, Saket Court

IN THE MATTER OF:

Ravinder Kaur

Versus

Gurvinder Dodhi

Subject matter dealt with:

Case was filed under section 18 r/w section 19,20,22 of the PWDV Act.

Procedure Observed:

Wife (Ravinder) was beaten by his husband (Gurvinder Dodhi) whenever she raise her voice against the extra marital affairs of her husband. So she filed a case against her husband under section 18 r/w section 19,20,22 of the PWDV Act.

DATE: 11TH AUGUST 2021

IN THE COURT OF:

Smt. Harleen Singh, MM, Mahila Court, KKD

IN THE MATTER OF:

STATE

Versus

Naveen Arora

Subject matter dealt with:

Case was filed under section 498A/323/34 Indian Penal Code

Procedure Observed:

Total number of accused:-

Naveen Arora (Main Accused)

Jai Arora (father in law)

Rani Arora (mother in law)

Pawan (brother in law)

Pushpa (sister in law)

Geeta (sister in law)

Anil (jija)

Praveen (jija)

Charges against the accused

1. Rape of complainant
2. Blackmailing the complainant
3. Clicked vulgar pictures and videos of complainant
4. Called with a communal name "CHAMAR"
5. Threat to her life

DATE: 12TH AUGUST 2021

IN THE COURT OF:

Sh. R.P. Pandey, Civil Judge , THC

IN THE MATTER OF:

Nihal Singh

Versus

Dinesh Gupta

Subject matter dealt with:

New case of land acquisition was filed.

Procedure Observed:

Filing of new case was done.

DATE: 12TH AUGUST 2021

IN THE COURT OF:

Smt. Arjinder Kaur, PJFC, THC

IN THE MATTER OF:

Kanu Gupta

Versus

Rohan Arora

Subject matter dealt with:

Section 12,18,19,20,21,22 and 23 of protection of women from domestic violence Act 2005.

Procedure Observed:

The petitioner was present with her counsel and the respondent was absent, neither the counsel of respondent was present for the 3rd time before the court. The court ordered for the bailable warrant for the respondent Praveen with the surety of Rs. 5,000.

DATE: 16TH AUGUST 2021

IN THE COURT OF:

E-court, KKD

IN THE MATTER OF:

Alok Kumar Dass

Versus

STATE

Subject matter dealt with:

Case was filed under section 406/420/467/46/471/120-B/506 of Indian Penal Code

Procedure Observed:

Criminal revision petition under section 397 read with section 3 of CRPC against order Dated 16/09/2015 Passed by Sh. Sunil Beniwal, ACMM East District.

DATE: 17TH AUGUST2021

IN THE COURT OF:

Smt. Preeti Aggarwal,MM, THC

IN THE MATTER OF:

Chandra Prabha

Versus

Jerry Prince Williams

Subject matter dealt with:

Case was filed under section 498A/323/34 Indian Penal Code

Procedure Observed:

New date was given to the parties because no non presence of complainant. The application of exemption was filed by the main council of the complainant.

DATE: 18TH AUGUST2021

IN THE COURT OF:

Sh. Gagandeep Singh, JSCC, RC

IN THE MATTER OF:

Praveen Kumar

Versus

Khemchand

Subject matter dealt with:

Application under order XVA rule 1 read with section 151 of CPC for striking of the defence of defendant.

Procedure Observed:

The petitioner is aggrieved by a part of the order dated 14.09.205 wherein user charges had been fixed qua the tenent at thee rate of Rs. 9,000/- per month; submission being that the user charges should have been from the date of the institution of the suit.

DATE: 19TH AUGUST 2021

IN THE COURT OF:

Sh. Sunil Gupta, MM, Saket Court

IN THE MATTER OF:

STATE

Versus

Irfan and Ors.

Subject matter dealt with:

Case was filed under section 420/34 of Indian Penal Code

Procedure Observed:

An application moved by IO/SI JITENDER KUMAR for taking the specimen signatures and thumb impression of the accused. Application pursued. Heard. Allowed as per applicable laws.

Specimen signatures as well as thumb impression be taken in the court room itself and under eye of the court. With this direction, application is disposed of copy of the order be given to the IO/SI JITENDER KUMAR. Order sheet be sent to the court concerned.

DATE: 20TH AUGUST2021

IN THE COURT OF:

Smt. Shail Jain, PJFC, THC, Delhi

IN THE MATTER OF:

Abhishek Garg

Versus

Avni Jain

Subject matter dealt with:

Case was filed under section 13 Hindu marriage Act 1955.

Procedure Observed:

Fresh case was filed under section 13 of Hindu Marriage Act 1955. The divorce petition was filed by the petitioner Abhishek Garg against the Respondent Avni Jain.

DATE: 21st AUGUST2021

IN THE COURT OF:

Sh. Sunil Beniwal,ACMM,KKD,Delhi

IN THE MATTER OF:

State

Versus

Ruby and Ors.

Subject matter dealt with:

Case was filed under section 325/341/506/120-B on Indian Penal Code

Procedure Observed:

Fresh case was filed under section 339 which is of wrongful restraint. Next date of hearing after informing the respondent was given on 10/01/2021. An application for early hearing on behalf of the complainant was filed by the main counsel of the complainant on 29/07/2021 under section 156 of the Code of Criminal Procedure.

DATE: 21st AUGUST2021

IN THE COURT OF:

Smt. TISTA SHAH, MM, THC

IN THE MATTER OF:

Rufsana Begum

Versus

Aamil khan

Subject matter dealt with:

Application was filed under section 12 read with section 18,19,20,21,22 of Protection of Women from Domestic Violence Act.

Procedure Observed:

The investigating officer was called to submit his report made according to his investigation of the incidents mentioned by the complainant of the domestic violence. The allegations are serious in nature.

DATE: 24TH AUGUST2021

IN THE COURT OF:

Sh. Siddharath Sharma, DSJ Shahdra District, KKD

IN THE MATTER OF:

STATE

Versus

Shivlal

Subject matter dealt with:

Case was filed under section 393/34 of Indian Penal Code. Also an Bail application under section 437 of Cr.P.C was filed by the accused.

Procedure Observed:

An application under section 437 of Cr.P.C is moved on behalf of accused shivlal for grant of bail.

Arguments heard on bail application. Reply to bail application persued. Accused is in JC since 11/10/16.

The applicant/accused was apprehended at the spot at the time of offence. Investigation is in progress. The allegations are serious in nature. In the totality of facts and circumstances, the court is not inclined to grant the bail to the accused shivlal.

Hence, bail application is dismissed.

A copy of this order was given dasti to the Ld. Counsel for accused and also to the IO.

DATE: 25TH AUGUST2021

IN THE COURT OF:

Sh. Devender Kumar Garg, JSCC/ASCJ/GJ Shahdra, KKD.

IN THE MATTER OF:

B.P Singhal

Versus

M/S Indirapuram

Subject matter dealt with:

Application under order 39 rules 1 & 2 C.P.C.

Procedure Observed:

Vide a separate order pronounced in open court, application under order 39 rules 1 & 2 C.P.C. of the plaintiff is dismissed.

Put up for filling replication, if any, admission-denial of documents and framing of issues on 08/08/2016.

MY EXPERIENCE

In the end, I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, but what we have learnt from his internship is the mechanism of this body.

I was surprised to see how the simplest of laws were applicable in the most difficult of situations and how loopholes leave so much scope for evaluation and improvisation today in this field. I also observed that law is everything but constant but with the same soul as that of a human. In other words or as that of our counsel, laws may come and law may repeal, but they must always stay true to our original values and in case of law, they must always be faithful to the constitution, which is the most supreme law of the land and governs all equals and unequals in respect of each other.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow my vision in this field, I conclude this report with a great lot in my mind.



SUMMER TRAINING REPORT

2017-2022



Fairfield Institute of Management and Technology

AFFILIATED TO GGSIP UNIVERSITY

1037, Kapas Hera Extension , New Delhi, Delhi 110037

SUBMITTED BY:

NAME: Mahima Singh

ENROLL: 06990103817

COURSE: BA.LLB

SEMESTER: 9th Sem

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SANJAY KUMAR RATHEE

ADVOCATE

CHAMBER NO 518, LAWYERS BLOCK , SAKET COURTS,
NEW DELHI

Mobile no. 9891777389

To whomsoever it may concern

This is to certify that Mahima Singh, Student of Ba.IIb(HONS), Fairfield Institute of Management and Technology, New Delhi, Enrolment No - 06990103817, has completed her internship in the office of undersigned during the month of August 2021.

During her tenure of internship she visited the Hon'ble high court of Delhi as well as district courts. she also helped in research work and preparing briefs. During her tenure we found her to be a competent hard working intern.

I wish her all the best for her future Endeavour.


SANJAY KUMAR RATHEE
Advocate
Enr. No. D/1168/92
Chamber No.-518, Lawyers Block
Saket Court Complex, Saket, New Delhi-17
9891777389
Sanjay Kumar Rathee

Advocate

DECLARATION

It is hereby certified that the work which is being presented in the Ba.llb entitled “**SUMMER TRAINING REPORT**” in partial fulfilment of the requirements for the award of the degree of **Bachelor of law** and submitted in **FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY, NEW DELHI (Affiliated to Guru Gobind Singh Indraprastha University, Delhi)** is an authentic record of our own work carried out under the guidance of **Adv. Vijay Sansalwal and Adv. Sanjay Rathi**

(Mahima Singh)

(06990103817)

ACKNOWLEDGEMENT

I would like to express my sincere gratitude to my supervisor Adv. Vijay Sansalwal & Adv. Sanjay Rathi for providing their invaluable guidance, comments and suggestions throughout the course of internship. I would specially thank Adv. Vijay Sansalwal for constantly motivating me in my research work.

Also I would like to thank Mr. Sanjay Rathi for his assistance in legal drafting and also to all my senior interns who helped me to understand the basic concepts of civil law.

OBJECTIVES OF INTERNSHIP

Internship/training involves the acquisition of knowledge, sharpening of skills, concepts, rules or changing of attitudes and behaviours to enhance the performance of law students. It is about knowing where you stand at present and where you will be after some point of time. The internship gives a touch of reality to the theory already learnt in the classroom. Internship/training involves the acquisition of knowledge, sharpening of skills, concepts, rules or changing of attitudes and behaviours to enhance the performance of law students. It is about knowing where you stand at present and where you will be after some point of time. The internship gives a touch of reality to the theory already learnt in the classroom.

The primary objective of internship/training is to gain through a sound appreciation and understanding of the theoretical principles through the practical approach. Summer training is oriented towards developing the skills, knowledge and attitude needed to make an effective start as a professional.

The objectives of summer internship include: -

- To provide law students with opportunities to apply the concepts learnt in the class room to real life situations. To sensitize them to the nuances of work place.
- To provide them a platform to network this will be useful to further their career prospects.
- Internship aids them in adjusting from college to full time employment.
- Internships increase their sense of responsibility.
- It aims at developing the practical skills, competence and experience directly related to the career goal.
- It develops skills and techniques directly applicable to their careers.
- Internship students have higher levels of academic performance.

Case1

IN THE COURT OF S.C TRIPATHI, HON'BLE

HIGH COURT,NEW DELHI

IN THE MATTER OF :

SADDAM PAUDA & ORS.

....APPELLANTS

Versus

STATE

....RESPONDENT

1. That the present appeal is being filed against the judgment of conviction dated 16.05.2021 and order dated 16.05.2021 on quantum of sentence by the Sh. Devender Kumar ASJ-03 (NE), KKD Courts, vide order/judgment dated 16.05.2021, in case bearing SC No. 44915/2019 arising out of FIR No. 699/2019 whereby and where under the present appellants are convicted under sections 452/307/323/34 IPC and sentenced to 5 years Rigorous imprisonment.
2. It is most respectfully submitted that the present case in hand is a case of self inflicting injury with complete contradictions between the depositions of PWs, thus the same is a fit case to set aside the conviction order passed by the Ld. Court below.
3. It is most respectfully submitted that the appellant no.1, Saddam is a young man aged 24 years having no past criminal antecedents. It is further submitted that the appellant no. 1, Saddam has already undergone a custody of approximately 4 months in the present case.

4. It is most respectfully submitted that the appellant no. 1, Saddam is a poor man and has a widow mother. He also has five brothers and three sisters to support and take care of.
5. It is most respectfully submitted that appellant n. 1, Saddam is innocent and the present case is a piece of self inflicting injury.
6. The appellant most respectfully submit that he has not misused the concession of regular bail during the course of trial.
7. That in the case of Kiran Kumar -vs- State of Madhya Pradesh JT 2000 Supp (1) SC 208 it has been held that where a person is sentenced to short term imprisonment, the normal rule is that pending appeal the sentence should be suspended and rejection is only way of exception.
8. That the present application is made bonafide and for the ends of justice.
9. That no prejudice shall be caused if the sentence is suspended by this Hon'ble Court during the pendency of appeal.

OBSERVATION

1. Appellant appeared with its council.
2. Judge was on leave, next date is given by reader 18 oct 2019.

Case2

IN THE COURT OF PRASHANT KUMAR, ADJ

SAKET COURT, NEW DELHI

IN THE MATTER OF :

Bhagwan Das Madaan

.....Plaintiff

versus

Dharampal Madaan & ors.

.....Defendant

Order-39 rule-1&2 read along with section CPC,1908

BRIEF FACTS:

1. Bhagwan Das Madaan and Dharampal Madaan are brothers and son of Lt. Shri Tola Ram Madaan.
2. The defendants were carrying out their business at B-201 Azadpur Mandi on their ancestral property. This property belonged to Lt. Shri Tola Ram Madaan and his brother Shri Ved Prakash Madaan.
3. Ved Prakash took a loan from Toal Ram Madaan and was not able to pay back the loan as a result of that Shri Ved Prakash Madaan relinquished his share from the property on 29/11/1982. Since 1982 Shri Tola Ram Madaan became the exclusive owner of the property i.e. B-201. Ved Prakash neither visited nor carried out his business on that property.
4. Tola Ram expired on 20/10/1985 leaving behind 5 heirs : Krishna Murari Madaan, Bhagwan Das Madaan (plaintiff), Dharampal Madaan (defendant 1), Ashok Madaan (defendant 2), Ramesh Madaan (defendant 3).
5. Shri Krishna Madaan expired on 16/11/1996.
6. During this time all the defendants were carrying out their business at the

said property but not the plaintiff. Plaintiff asked defendants many to amicably divide the suit property. But defendants were not willing to acknowledge the share to the

plaintiff.

7. On 3/4/2016 plaintiff, his legal heirs along with defendants enter into a family settlement. The plaintiff and his legal heirs will take 5,00,000 each as the share of the suit property and in return will relinquish their share.

8. The plaintiff and his legal heirs signed the relinquish deed. But the defendants didn't paid the money and did not gave the copy to the relinquish deed.

9. Plaintiff filed a case against defendants for the recovery of suit of Rs. 5,00,000 along with interest from 2016 and court fee.

10. Or the plaintiff requested the court to declare him the owner of the said property.

11. And requested court for the temporary injunction of the property restraining the defendants and their legal heirs to sell the property.

Case-3

IN THE COURT OF SHRI RAJENDER SINGH M.M,

KARKARDOOMA COURT, NEW DELHI

IN THE MATTER OF:-

KAILASH CHAND

.....Complainant

V/S

INDERJEET SINGH

.....Accused

TITLE: - Complaint u/s 464, 465 of IPC.

FACTS :- In this case Inderjeet Singh had 1000 sq. yard plot out of which he sold 400 sq yard to father of Kailash Chand in 1984 along with 80 sq yard donated plot, for temple. Father of Kailash Chand made a temple in 1985, and 1987 he pass away. After him, his son Kailash Chand looks over the temple. In 2018 he told the colony people that he will repaired the temple as the temple go down the “:Murtis” of temple got “Khandit”. After that he demolishes the temple and sell 276 sq yard of that temple to a person, after that 124+80 sq yard left, now Inderjeet made false paper of that said property and try to sell it.

OBSERVATION: - On this date of hearing I saw how the cross arguments proceeded between two opposite counsel on the facts of issues and I also learnt about the section 463, 464, 465 of IPC.

NEXT DATE OF HEARING & PURPOSE: - 1/10/2021 & Final Decision.

Case-4

IN THE COURT OF SHRI A.K. AGGARWAL M.M, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

RANVEER SINGH YADAVComplainant

V/S

RAJESH GARG & OTHERSAccused

TITLE :- Criminal Complaint u/s 307, 323, 325 of IPC.

FACTS :- In this matter there was a fight between two peoples who lives in same flat i.e ground floor and first floor regarding some leakage of pipe. One day the person who living in first floor threatened the person who is living on ground floor that “ ye floor mera hai tere baap ka nahi hai mujhe ye ground floor chahiye tu ise khali kar de nahi to tujhe mar dunga”. After that complainant calls the police and said whole the incident and requesting for lodged the FIR but the I.O (Rajesh Garg) refused the same and he also threatened him and demanded money

OBSERVATION: - In this matter I observed how the court hears and record the Statement of witness.

NEXT DATE OF HEARING: - 19/09/2021 and for evidence of accused

Case-5

IN THE COURT OF SHRI SHARAD GUPTA, ACMM, DWARKA COURT,

NEW DELHI

IN THE MATTER OF:-

UTTAM KUMAR OJHAcomplainant

V/S

SHEETAL AND OTHERaccused

TITLE :- Criminal Complainant u/s 464, 465 of IPC for forgery.

FACTS:- In this case the complainant files a complaint for forgery by the husband of the accused . As the complainant needs 4,lacs rupees for constructing his plot in Khajuri khas, Delhi, so Hottam Singh i.e husband of accused is relative of complainant and he gave 2,lac rupees to complainant on mortgage of his plot registry for 1 year and after 6 months, accused call complainant and at that time he takes signature of On a document which the complainant don't know because he is not Literate. After that nearer about 8-9 months when the complainant went to the home of the accused for returning his money back then he came to know that his registry is transferred on the name of Sheetal i.e wife of Hottam Singh.

OBSERVATION:- In this matter I observed the evidence of the person and how the court asked some questions from that person and I also learnt the section 464 , 465 of IPC for forgery i.e making false documents.

NEXT DATE OF HEARING & PURPOSE:- 30/10/2021 & for evidence of accused.

Case-6

IN THE COURT OF Dr. P.S. MALIK, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

STATEComplainant

V/S

ASIF ANSARIAccused

TITLE :- Criminal Complaint u/s 307, 354, 323, 325, 509 of IPC.

FACTS: - In this case a complaint is filed u/s 307, 354, 323, 325, 509 of IPC, by Complainant one fine day when a person is going somewhere with his sister at that time accused came and start teasing his sister and due to this a fight begin and the accused took lathi and hit on the head of complainant and after he took a knife and hit on the chest of complainant 2-3 times. At that incident suddenly a police PCR van was coming at that side and after that police sent him to a nearby hospital immediately.

OBSERVATION: - On this date of hearing of this matter I saw how the counsel cross examined the accused and how they ask the questions related to that offence which he committed and I also learnt that in which situation the above section i.e 308 of IPC is used.

NEXT DATE OF HEARING:- 26/09/2021 & for cross examination.

Case-7

IN THE COURT OF SHRI PRADEEP CHADDA, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

MONIKAComplainant

V/S

SOHANAccused

TITLE: - Petition filed u/s 125 of Cr.P.C. for maintenance.

FACTS: - In this case a suit is filed u/125 of Cr. P.C. Monika and Sohan got married on 26, Nov2019. By this wedlock they have a girl child of 1 year. He never maintains her properly and also does not look at his daughter. She lives in the same house with him and her in- laws.

He is not too educated but has own business and earns a good amount from this business. She is also educated but not doing a job as of now because of child. She is unable to maintain herself and her child.

OBSERVATION:- In this matter I Saw that when the parties compromise with each other then how the party withdraws that matter and how the mediation center proceeds the matter to dissolve without litigation and I also observed how the advocate of the mediation center counsel the parties.

Case-8

IN THE COURT OF Ms. RITU SINGH. M.M, SAKET COURT,
NEW DELHI

IN THE MATTER OF:

STATEComplainant
V/S
KAMAL KUMARAccused

TITLE :- Complaint u/s498A of IPC.

FACTS: - In this case a complaint is filed u/s 498A of IPC by the complainant. One Day in the morning when the complainant is ready to move her office at time her mother -in-law starts abusing her that her parents did not give her a car , even though she neither replies nor reacts on that . After that in the evening when she came back to home from her office then her mother-in-law, father-in-law and husband again stated that her parents did not give her a car or she demanded for that from her parents . when she refused to do this then her husband beats her by a stick and throw her out of the house and after somehow, she reaches her parents home and told whole the incident to them.

OBSERVATION: - In this matter I saw that how the counsel moves the bail application for bail of the accused person and after that the court kept its consideration and to order for the next date for bail.

NEXT DATE OF HEARING: - 22/10/2021 & for bail.

Case-9

IN THE COURT OF SHRI SHARAD GUPTA ACMM, DWARKA COURT,

NEW DELHI

IN THE MATTER OF:-

STATEComplainant

V/S

VIRENDERAccused

TITLE: - Complaint u/s 354, 509 of IPC.

FACTS: - In this matter a complaint is filed against Virender for outraging the women modesty. As the complainant is a student of 12th class. One day when she was coming back from her school to house , the accused person teased her and threw her dupatta . After that the complainant shouts on him, and then he starts abusing her. Somehow she is running to reach her home , he is also following her and threatening her that if she states anything to anyone or complains to police, I will kill you and your family members. After that she reaches her home and tells the whole incident. Her parents moved to the police station and gave the vehicle to that person.

OBSERVATION:- On this date of hearing I saw how the court hears and recorded the evidence of the complainant and when the Section 354 of IPC is used for outraging the women modesty i.e by teasing or by touching or by other mode.

NEXT DATE OF HEARING & PURPOSE: - 24/10/2021 & for Evidence of complainant' parents.

Case-10

IN THE COURT OF Ms. HARLEEN SINGH, TEZ HAZARI COURT,

NEW DELHI

IN THE MATTER OF:-

SADHANAPetitioner

V/S

SONU & OTHERSRespondent

TITLE :- Petition for Mutual Divorce.

FACTS:- In this case Sadhana and Sonu filed a petition for mutual divorce. They got married on 15, Feb2018, by this wedlock they don't have any children and both of them are educated as well as well settled in their profession. Due to some misunderstandings or some bad situations in which they don't live together and they don't cooperate with each other, due to which some fights begin between them. She denies to take any kind of maintenance, share or any bother thing from her husband yet or in future.

OBSERVATION: - In this matter I saw that the court granted the first motion divorce and gave another 6 months timing for negotiation if possible and learnt that how the first motion divorce is completed.

NEXT DATE OF HEARING & PURPOSE: - 15/02/2022 & for Second motion.

Case-11

IN THE COURT OF SHRI T.R. NAND, ADJ, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

ANITAComplainant

V/S

BHUPENDERAccused

TITLE: - Petition filed u/s 125 of Cr.P.C. for maintenance.

FACTS: - In this case petitioner filed a suit for maintenance u/s 125 of Cr.P.C. as Anita and Bhupender got married in 08, june2018, by this wedlock lock they have a boy child of 8 months and Bhupender is a auto-rickshaw driver and after taking alcohol he beats her due to which, she live in her mother house and she is not working due to baby and her parents are also living on rent so, they are also not able to maintain her and baby.

OBSERVATION: - In this matter I observed that in which condition court can impose cost on a person if he is fails to reach in the court as he waste the time of court and I learnt the proceeding regarding the above section of Cr.P.C

NEXT DATE OF HEARING & PURPOSE: - 13/11/2021 & for appearance of respondent.

Case-12

IN THE COURT OF SHRI SHARAD GUPTA, ACMM, DWARKA COURT,

NEW DELHI

IN THE MATTER OF:-

ANJU JAIN

.....Plaintiff

V/S

VED PRAKASH

.....Defendant

TITLE: - Complaint u/s 138 of Negotiable Act for Cheque Bouncing.

FACTS:- In this case Anju Jain filed a suit for cheque bouncing u/s138 of N.I Act, Anju Jain gave 1,8000/- Rs to Ved Prakash as a friendly loan and Ved Prakash gave her 5 cheques of amount i.e.40+40+40+40+20 thousands and said if, I will not return your money within 1year then you can withdraw the cheques and get your amount back. After one 1year , when Anju Jain demanded her money back and Ved Prakash told her to withdraw the cheques, after that she withdrew the cheques in SBI. She get the statement that this account is closed.

OBSERVATION:- On this date of hearing, I saw how the person gives the installments which were decided by court for returning back the money of the complainant and I also learnt about cheques bouncing.

NEXT DATE OF HEARING & PURPOSE :- 19/08/2021 & for paying the installment.

Case-13

IN THE COURT OF SHRI AJAY GUPTA, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

DINESH CHOPRA

.....Petitioner

V/S

KANTA ARORA

.....Respondent

TITLE: - Complaint u/s 138 of Negotiable Act for Cheque Bouncing.

FACTS: - In this case plaintiff files a suit for permanent injunction u/s138 of Specific Relief Act, As plaintiff and respondent both are colleagues and working in same office and they purchase a flat in Mangalam, Delhi and the respondent shows some smartness and by fraud, she converts the property on her own name and that thing is not in the knowledge of petitioner, but by someone else colleague of office one day he came to know this thing. Then he asked this thing from the respondent and she said “that property is mine not yours”. Now she wants to sell that property.

OBSERVATION: - On this date of this matter, I saw that how the court exhibit the documents of a person and return back to him and I also know about above section i.e. 138 of Negotiable Instrument Act.

NEXT DATE OF HEARING & PURPOSE: - 20/10/2021 & for exhibition of other documents.

Case-14

IN THE COURT OF Ms. MAYURI SINGH, M.M, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

HARBEER SINGH Complainant

V/S

PANKAJ MISHRAAccused

TITLE: - Complaint u/s 138 of Negotiable Act for cheque bouncing.

FACTS:- In this matter Harbeer singh filed a suit against Pankaj Mishra for cheque bouncing u/s138 of N.I. Act , as Harbeer Singh gave amount of 60,000/- Rupees to Pankaj Mishra on March 2015 , as they both are friends and Pankaj Mishra needs this amount for operation of her mother, and he gave 3 blank cheques to him and promised him to return back within 15 months and if , I fail to pay that money, then you can withdrawn these cheques. After completion of said period, Harbeer Singh demanded his money back from Pankaj Mishra , then he took some more time to return the money but still he failed to pay. After that he says you can withdraw money by cheques and then Harbeer Singh moves to the bank, where he comes to know that in this account there is no balance., then he takes the statement of that account.

OBSERVATION: - In this matter I saw that the court noticed the bank manager for his evidence and the bank manager came, gave his statement regarding the account of that person and I also learnt about the cheque bouncing and the above section.

NEXT DATE OF HEARING & PURPOSE: - 18/10/2021 & for Other witnesses.

Case-15

IN THE COURT OF SHRI SHARAD GUPTA, ACMM, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

JUNAIDComplainant

V/S

AJIT SINGHAccused

TITLE: - Complaint u/s 138 of Negotiable Act for cheque bouncing.

FACTS :- In this case Junaid filed a suit u/s 138 of Negotiable Instrument Act, against Ajit Singh , they both have a common friend who's name is Vijay Pal. In presence of Vijay Pal , Junaid gave 1,20000/- to Ajit Singh as Ajit needs money for repairing his house and he gave 4 cheques of PNB and promised him to return back the amount within 8 months and if, I falls to pay then you can withdrawn by cheques and this contract is also made on affidavit . after passing of 8 months when complainant asked him for amount , then accused person said you will take your money by cheque withdrawn. After that complainant moved to the bank there he came to know that this account was closed 5 months before.

OBSERVATION:- On this date of hearing I observed how the evidence of a witness is taken by the court and that evidence was recorded by the court and the court asked some questions from that witness.

NEXT DATE OF HEARING:- 11/11/2021 & for evidence.

Case-16

IN THE COURT OF SHRI MUNISH GARG, M.M, DWARKA COURT,

NEW DELHI

IN THE MATTER OF:-

STATEComplainant

V/S

ANUJ GOELAccused

TITLE: - Complaint u/s 354, 509 of IPC.

FACTS: - In this case the complainant filed a complaint u/s 354, 509 of IPC. The complainant is a teacher of a school. When one day, she came back from her school, then the accused follow her and start teasing her, many time she ignored him but he never stop and follow her and tease her again and then she show on him and then he again abusing with her and touches her body, then she ran towards her house and between this some people saw her and ask her what happen , then she told that Anuj Goel is outraging her modesty.

OBSERVATION: - On this date of hearing, I observed how the I.O submitted the charge sheet after completing the investigation and both the parties were present there along with there counsels and I also learnt about the sections of women modesty.

NEXT DATE OF HEARING & PURPOSE: - 04/11/2021 & for appearance of accused.

Case-17

IN THE COURT OF SHRI RAKESH KUMAR, III CMM, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

SUDHAComplainant

V/S

KISHAN PALAccused

TITLE: - Complaint u/s 307, 323, 325 of IPC.

FACTS: - In this case complainant file a complaint against accused (Kishan Pal) u/s 307 , as they both are husband and wife .One day there is sudden fight between them, the family of both person came to settle their matter but Kishan Pal in aggression beats Sudha and family members try to stop him but, he took a rod and hit on the head of Sudha and faint down on the floor and got serious injury and her blood is flowing from her head. Family members took her into hospital and she is in serious condition.

OBSERVATION: - On this date of hearing, I observed that parents of complainant given there evidence and the court heard and recorded there evidence and I also know about the above section i.e 307 of IPC and also learnt that when this section can be used and I also observed that how the court ask questions from that person who is giving his evidence.

NEXT DATE OF HEARING & PURPOSE: - 25/09/2021 & Witness of accuse.

CONCLUSION

Attending the court and watching the proceedings on a regular basis helped me a lot to learn about court ethics.

Being in my V year I got a idea of the major and most frequently used sections of the CrPC, IPC, The Indian Evidence Act, 1872 , CPC provisions, Arbitration and conciliation Act, 1996, The narcotics drugs and psychotropic substances act 1985, The Hindu Marriage act, 1955, The Dowry Prohibition act, 1961.

Apart from this viewing, the proceedings gave a practical knowledge about advocacy skills, the manner of pleading and how to present a case in court, court ethics and many more helped me a lot during my internship period.

I would conclude by this point that by doing an internship it will give a practical view in the field of law.

FAIRFIELD Institute of Management & Technology

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Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

(SCHOOL OF LAW)



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SUMMER INTERNSHIP REPORT

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SUBMITTED BY:

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5 YEARS B.A. LLB (INTEGRATED)

FIMT- SCHOOL OF LAW



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SESSION 2020-21

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TO WHOM SO EVER IT MAY CONCERN

This is to certify that Mr. Manav Mor S/o Sh. Narender Mor student of BA LLB (H), 08th Semester (Enrollment No. 07090103817), Fair Field Institute of Management & Technology has successfully completed her internship of 30 days i.e. 03rd August 2021 to 03rd September 2021.

During this period, he assisted me in research work and legal drafting even legal consulting also. He is hardworking, sincere, possessing a good legal aptitude & bears a good moral character. I wish him success for her future.



SHAURYA VERMA

Advocate

Dated:- 4/09/2021
Place:- ylllll Delhi

MHAURYA VERMA

Enr.No. D/2988/2014, Advocate

Ch. No. 583, Lawyer's Chamber Block
Saket Courts Complex, New DELHI

DECLARATION

I MANAV MOV OF 8TH SEMESTER B.A., LL.B (HONORARY), hereby declare that this report as compiled by me under summer Internship program (4 weeks) is based on my own experiences and observations to the best of my knowledge and understanding in the jurisdiction and facts which are submitted therefore to FAIRFIELD INSTITUTE OF MANAGEMENT & TECHNOLOGY affiliated to OURU OOBIND 61/04 HINDRABAGH UNIVERSITY, NEW DELHI is a reliable document and of bona fide nature,



SK

DATE- 04-09-2021

SHAURYA VERMA
Enr. No. D/2966/2014, Advocate
Ch. No. 553, Lawyer's Chamber Block

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected sir, ADVOCATE SHAURYA VERMA who has been my constant support, source of encouragement & inspiration and guided and helped me in successfully completing my 4 weeks summer internship.



SIR
SIGNATURE

DATE- 04-09-2021

Moreover, apart from court they give a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during the internship as well as the time of drafting of this report.

OBJECTIVE

The Legal Internship Program is not designed to teach us how to be good lawyers, it takes more than study at University to do that. The objective of the training programme is to get exposure to the law in operation in contexts where we come to perceive aspects of law which cannot be learned from reading or hearing about it. Also, it allows us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimensions of legal principles.

Legal internship enables us to relate the different areas of legal practice to the importance of developing the skills of legal research, communication, drafting, practice management and problem solving.

Lastly, it helps us to observe and reflect upon the values, ethical standards and conduct of the legal profession in practice and to develop our own attitudes of professional responsibility.

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CASE 1

**IN THE SH. RANJIT SINGH,
PRESIDING OFFICER,
DEBT RECOVERY APPELLATE TRIBUNAL, NEW DELHI**

IN THE MATTER OF:-

**CORPORATION BANK
V.
N.K. MEDALLION CO. LTD.**

SUBJECT MATTER:- Application challenging order of Ld. DRT dated 17.7.2021

BRIEF FACTS:-

1. Petitioner Company is a registered company under Companies Act.
2. Corporation bank is nationalized bank which has an open general license from the RBI to import bullion (gold).
3. Petition filed by one of the directors of Petitioner Company.
4. Petitioner Company for repayment of gold loan entered into another agreement being the bullion agreement with the bank.
5. However, instead of replying to the notice, the respondent bank, malafide, chose to send notice dated 22/5/2018 u/s 13(2) & (3) of SARFESAI Act.
6. Meanwhile Petitioner Company has filed arbitration application in High Court of Delhi.
7. Petitioner Company filed an application before the Ld. DRAT challenging order dated 17.7.2021.

PRESENT DAY:-

Presently date is fixed for 28/7/2021 DRAT.

OBSERVATION:-

I have come to know about the provisions under SARFESAI Act and much about its aspects of debt recovery.

NDOH:- 28/7/2021

CASE 2

IN THE COURT OF JUSTICE MANMOHAN SINGH HIGH COURT OF DELHI

IN THE MATTER OF:-

TATPAL JAGGI

V.

UNION OF INDIA

SUBJECT MATTER:- Writ petition filed against the respondents for arbitrary selection of RKPP(Rashtriya Khel Protsahan Puruskar)

BRIEF FACTS:-

1. Respondents bestowed Rashtriya Khel Protsahan Puruskar to R.5 (N. Ramachandran) for the year 2011.
2. The award was given in the “individual” category.
3. R.5 was Patron of SRFI, President of TNSRA, Vice-President of SDAT, Treasure of the Indian Olympic Association, member of Executive committee of SAI from 1998-2005.
4. Application of R.5 was based on awards on 2 national academies in Chennai, one for squash and the other for Triathlon and a state center at Salem. Selection committee had itself rejected the National Triathlon Academy, State center at Salem. Committee also rejected the claim that Squash Center at Chennai had any national Character.

PRESENT DAY:-

The judgement is on reserve as of now.

OBSERVATION:-

I have learnt about the provisions under Article 32 of the Indian Constitution and also the process of perusal and scanning of documents.

CASE 3
IN THE COURT OF SH. BHARAT PARASHAR,
SPECIAL JUDGE (PC ACT), CBI-07
PATIALA HOUSE COURT, NEW DELHI

IN THE MATTER OF:-

C.B.I

V.

M/S JHARKHAND ISPAT PVT. LTD. & ORS.

SUBJECT MATTER:- summons to the prosecution witnesses.

BRIEF FACTS:-

- That the FIR no. 219 2013 E 0002 was lodged by CBI on 8/3/2013
- It was alleged that allocation of north Dhadhu coal block was discussed by screening committee in its 27th and 30th meetings and M/S Jharkhand Ispat Pvt. Ltd. Was allocated north Dhadhu coal block for its sponge iron plant at Hesla, district Hazaribagh, Jharkhand for purported existing production capacity of 96,000 MTPA of sponge iron and proposed capacity of 4,32,000 MTPA and 35 MW of captive power plant. Sh. R.C Rungta, Director had submitted the application and Sh. R.S. Rungta made the presentation before the screening committee as chairman of the company. While submitting the application on 23/02/2004 company had claimed to have acquired 32 acres of land whereas as time of submitting the agenda form and making presentation before the screening committee on 1/3/2005, it claimed to have acquired 779 acres of land.

PRESENT DAY:-

Final report u/s 173 C.r.P.C. was submitted on 12/11/2019 before the Hon'ble court of Special judge, Patiala house court, New Delhi. Presently, the case is pending trial before the Ld. Trial court and 11 PWs have since been examined. Now the matter is adjourned for 10/8/2020 to 14/8/2020 and five PWs have been summoned.

OBSERVATIONS:-

I have come to know about court's power to summon prosecution witnesses.

NDOH:- 14/8/2021

CASE 4

**IN THE COURT OF SH. BHARAT PARASHAR,
SPECIAL JUDGE (PC ACT), CBI-07
PATIALA HOUSE COURT, NEW DELHI**

IN THE MATTER OF:-

CBI

V.

MANOJ KUMAR JAYASWAL & Ors. (M/S AMR Iron & Steel Pvt. Ltd.)

SUBJECT MATTER:- Case filed u/s 120-B/ 4209 IPC & Section 9 of PC Act

BRIEF FACTS:-

- The instant case was registered on 3/9/2012 against M/s AMR Iron & Steel Pvt. Ltd and its directors and others, respectively on the basis of findings of preliminary Enquiry No. 2192012E 0002 dated 1/6/2012 initiated by CBI on the reference of Central Vigilance Commission for alleged corruption in the matter of allocation of coal blocks to the private companies during period 2006-09.
- it was alleged in the FIR that M/S AMR Iron Steel Pvt Ltd. In order to embellish its claim for allocation of coal block, fraudulently claimed that it was proposed SPV of Lokmat group and ILFS and claimed combined net worth of “proposed promoters” (Lokmat Group and ILFS Group) of Rs. 1821.64 in the presentation before the screening committee on 7.12.2007, and also signed the feedback form as director of M/S AMR Iron Steel Pvt Ltd.

PRESENT DAY:-

The case was fixed for orders on the closure report filed by C.B.I *qua* three public servants. The Ld. Spl. judge was pleased to pronounce order on the closure report and took cognizance against three accused persons namely L.S. Janoti, H.C. Gupta(the then secretary coal MOC) & Santosh Bagrodia (the then Minister of State MOC) and summoned them for 18.8.2020 for appearance before the Hon’ble Court.

OBSERVATION:-

I have come to know about the apposite provisions regarding appearance of the accused.

NDOH:- 18.8.2021

CASE 5

**IN THE COURT OF SH. BHARAT PARASHAR,
SPECIAL JUDGE (PC ACT), CBI-07
PATIALA HOUSE COURT, NEW DELHI**

IN THE MATTER OF:-

CBI

V.

M/S Rathi Steel and power Ltd. And ors.

SUBJECT MATTER – Examination of prosecution witnesses.

BRIEF FACTS -

- **FIR No. RC 219 2013 E 0002, dated 8/3/2013.**
- It was alleged that M/S Rathi steel and power Ltd. Had misrepresented in the feedback form for Kesla North block submitted by company during presentation before the screening committee on 7/2/08. In this feedback form it was claimed that they have already acquired 250 acres for Phase I and II and 400 acres for phase III under acquisition whereas as on date of presentation before screening committee of feedback form i.e., 7/2/08, company was having possession of about 164.68 acres of land out of the said 250 acres and 400 acres as claimed by company in the said feedback form, thereby misrepresenting the fact about area pf land in its possession. Due to wilful concealment and deception, the company projected an advanced stage of preparedness, which according to the extent guidelines, was a factor to be taken into account by the screening committee while making its recommendations. Thus, M/S Rathi Steel & power ltd. had wilfully misrepresented the facts in the feedback form before the screening committee in order to obtain wrongful gain/undue benefit in the allocation of Kesla North Block. Ministry of steel had recommended for allocation of Kesla North Block in favour of M/S Rathi Udyog Ltd. Under category VI. It was also alleged that some other eligible companies such as M/s Action Ispat & power Ltd., M/S AML steel & Power Ltd. Etc. which were recommended by ministry of steel under category II(a), implying better preparedness and better placed on most of other factors to be considered by Screening Committee were not recommended by 36th Screening committee in favour of M/S Rathi Udyog Ltd. The letter of allocation vide no. 38011/2/2007-CA-1 for Kesla North Coal Block was issued to M/S Rathi Udyog Ltd. On 5/8/2008 for captive mining of coal for their 0.75 MTPA Sponge iron Plant at Sambalpur, Orissa.

PRESENT DAY:-

Prosecution witnesses are being examined. So 12 PWs have been examined. Last Dates were 3/8/2020 to 7/8/2020

OBSERVATIONS:-

I observed the mechanism put in by the prosecution for cross examination.

NDOH:- 7/8/2020

CASE 6

**IN THE COURT OF SH. BHARAT PARASHAR,
SPECIAL JUDGE (PC ACT), CBI-07
PATIALA HOUSE COURT, NEW DELHI**

IN THE MATTER OF:

CBI

V.

M/S Pushp Steel and Mining Pvt. Ltd.

SUBJECT MATTER:-Supply of documents.

BRIEF FACTS :-

- It was alleged that Sh. Atul Jain, Director of M/S Pushp Steel and Mining Pvt. Ltd. , vide application dated 23rd Oct, 2005 applied for allocation of coal block for proposed sponge iron End use project at district durg, Chhatisgarh. The 34th screening committee conducted meetings and concluded its deliberations on 22/9/2006 and recommended the allocation of Brahmpuri coal block to M/S pushp Steel and Mining Pvt. Ltd. Despite the fact that neither state govt. of Madhya Pradesh, coal block bearing state nor Ministry of Steel recommended Brahmpuri coal block in favour of M/S Pushp steel and mining Pvt. Ltd. The company was initially declared as not eligible by the ministry of steel.
- The ministry of steel re-examined the eligibility criteria of the company on the directions of PMO and found the company eligible for allocation of Brahmpuri coal block but also confirmed that there were two more applicants in a higher category than that of M/S Pushp steel & Mining Pvt. Ltd.

That prior to the approval of recommendations of the 34th screening committee by the prime minister as Minister of coal, ministry of coal inter alia had informed the PMO that M/S pushp Steels and Mining Pvt. Ltd. had already got mining lease for iron ore whereas the company has not been granted any mining lease for iron ore.

PRESENT DAY:-

Final report u/s 173 C.r.P.C. was submitted on 20/5/2021 before the Hon'ble court of special judge CBI, Patiala House Court, New Delhi. The Hon'ble Court was pleased to take cognizance on 6/7/2019 and issued summons to the accused persons for their appearance on 3/8/2021. IO

has supplied the copies of documents to thee accused persons and the matter has been adjourned for 26/8/2021 for scrutiny.

OBSERVATION:-

I analysed the supply of documents by the prosecution to the defence.

NDOH:- 26/8/2021

CASE 7

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF:-

CBI

v.

Chotu Ram Hooda

SUBJECT MATTER:- Arguments on charge

BRIEF FACTS:-

- The FIR no. 89/96 was lodged after complaint was registered by the state transport authority with the CBI.
- In the present case, the accused allegedly entered into a conspiracy with each other and obtained SC/ST bus permit (Road transport permit) from STA (State Transport Authority) on allegedly on the basis of forged documents.

PRESENT DAY:-

At present the case has been adjourned till 29/10/2021 for arguments on charge.

OBSERVATION:-

I have come to know the mechanism of charging the accused.

NDOH:- 29/10/2021

CASE 8

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF:-

CBI

V.

Gagan Shukla

SUBJECT MATTER:- Arguments on cognizance.

BRIEF FACTS

- The present case is a bank fraud case where accused allegedly cheated Canara Bank (complainant) by the tune of Rs. 83 Crores and obtained the loan on the basis of forged documents.
- The case was initiated on the complaint of canara bank under FIR No. BD1/2/14.

PRESENT DAY:-

On the present day of 25/07/2021 arguments on cognizance by the prosecution promulgated. The case is adjourned till 5/10/2021 for arguments on cognizance by the defence.

OBSERVATIONS:-

I have come to know about the provision of the section 420 and 120B of IPC, and the attitude of the court while dealing with these matters.

NDOH:- 5/10/2021

CASE 9

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF:-

CBI

V.

Sanjeev Dixit

SUBJECT MATTER:-complaint u/s 470 of Indian Penal Code.

BRIEF FACTS:-

- The present case is a bank fraud case where accused allegedly cheated Punjab and Sind Bank to the tune of Rs. 28 Crores.
- Accused allegedly obtained the loan on the basis of false and frivolous documents.
- Said case was initiated on the complaint of the sufferer bank. FIR No. 6/13 BS & FC(Bank Security and Fraud Cell)

PRESENT DAY:-

On the present day court directed the next date for the case to be 1/07/2021 on point of charge.

OBSERVATION:-

I have come to know about arguments on charge and the proceedings leading to it.

NDOH:- 1/07/2021

CASE 10

**IN THE COURT OF SMT. VEENA RANI ,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF

CBI

v.

Kapil Walia & ors.

SUBJECT MATTER:- Arguments on the point of cognizance.

BRIEF FACTS:-

- In the present case, the accused, Kapil Walia & his company allegedly supplied inferior quality of water pipes to DJB (Delhi Jal Board) obtained the tender on the basis of false documents etc.
- Complaint registered by DJB , FIR No.- 14/11

PRESENT DAY:-

On 26/7/2020 the matter was fixed before the Hon'ble court for hearing on this day. Hon'ble court fixed the matter for 16/8/2020

OBSERVATION:-

I have learned and analysed with due diligence the provisions relating to cheating u/s 420 IPC (Indian penal code).

NDOH:- 16/8/2021

CASE 11

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF

CBI

V.

Shekhar Verma

SUBJECT MATTER:- Application relating to 379 of Indian Penal Code,1860 and IT Act,2000

BRIEF FACTS:-

- 1st case registered under IT ACT, 2000. FIR No.- 10E/02
- In the Present case accused dishonestly obtained soft code of the complainant company M/S Geometric Pvt. Ltd tried to sell the same in the open market.
- A trap was laid down by CBI on the complaint & the accused was caught red handed containing the soft code of the complainant.
- The case was thus registered u/s 379 IPC and IT Act,2000.

PRESENT DAY:-

On the present day IO presently posted as IG(Inspector General) was examined and cross examined. Court summoned PW23 for the next date 9/8/2020

OBSERVATION:-

I discovered and tried to analyze the art of cross examination.

NEXT DATE OF HEARING:- 9/8/2020

CASE 12

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF

CBI

V.

Captain I.B. Uppal

SUBJECT MATTER:- Concluding final arguments by both the parties to case

BRIEF FACTS:-

- The present case was registered u/s 25 Arms Act and u/s 3 of Arms Act.
- In the present case during the investigation at the residence of accused, unlicensed weapons were recovered by CBI from possession of accused.
- Order /Judgement will be pronounced on 28/8/2021

PRESENT DAY:-

Present day concluded with the final arguments and the court was adjourned till 28/8/2021 for pronouncement of judgement.

OBSERVATION:-

Though I haven't gone through the whole trial but appearances on various dates at the last stage of trial made me realize the graveness of keeping illegal arms and the conclusion mechanism of a trial.

NDOH:- 28/8/2021

CASE 13

CASE LAW 15

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF:-

CBI

V.

Vinod Kumar Aggarwal

SUBJECT MATTER: - Consideration of application filed by CBI u/s 311A Cr.P.C

BRIEF FACTS:-

- Present case is a CGHS (Corporative Group Housing Society) which was highlighted in 2005 in the present case.
- Accused person allegedly forged the signatures of bonafide members of the corporative society on resignation letters proceeding registers etc. and introduced new members by charging hefty premiums.
- Further these accused persons on the basis of forged & frivolous documents secured DDA plot on subsidized rate on the said society.

PRESENT DAY:-

On the present day arguments on charge were concluded and matter was adjourned till 31/9/2021 for consideration on application filed by CBI u/s 311A Cr.P.C. (Specimen signature of accused with permission of court).

OBSERVATION:-

I have come to know about specimen signature of the accused with the permission of the court.

NDOH:- 31/9/2021

CASE 14

**IN THE COURT OF SMT. VEENA RANI,
CHIEF METROPOLITAN MAGISTRATE, SOUTH EAST,
SAKET COURT, NEW DELHI**

IN THE MATTER OF:-

CBI

Vs.

Uma Sethi

SUBJECT MATTER:- Final Argument

BRIEF FACTS:-

- The present case is a bank fraud case where the accused allegedly Uma Sethi attained loan of Rs. 9 lacs from Punjab and Sind Bank on the basis of forged property documents which was mortgaged by the accused to the said bank when the loan was not enforced by the concerned bank that the collateral security in question was not actually in existence.
- Many bank officials were allegedly involved in the said case.

PRESENT DAY:-

On the present day evidence is concluded and next date i.e., 3/10/2021 is proceeded for final arguments.

OBSERVATION:-

I got to know about the conclusion of evidence and the stage to appear in next.

NDOH:- 3/10/2021

CASE 15

**IN THE COURT OF SH. BHARAT PARASHAR,
SPECIAL JUDGE (PC ACT), CBI-07
PATIALA HOUSE COURT, NEW DELHI**

IN THE MATTER OF:-

CBI

Vs.

Harish Chandra Prasad & ors.

SUBJECT MATTER:- Supply of documents by prosecution u/s 207 Cr.P.C.

BRIEF FACTS:-

- Case was registered pursuant to PE 2(E)/2012 dated 1/6/2012, on the basis of reference of CVC (Central Vigilance Commission).
- During the year 2006-2009 M/S NPPL and its promoters entered into a criminal conspiracy with each other and unknown officials of MOC and other unknown and got allocated coal blocks (Rampia and Dip Side Rampia) by misrepresentation and concealing facts in the application form in order to qualify and obtain wrongful gain.
- Networth of Applicant Company and its Group Companies was an important factor to determine the financial strength of the applicant to judge its capacity to success implement to protect and develop its block.
- M/s NPPL in order to embellish its claim for allocation of coal block, fraudulently claimed in its application form that it was supported by M/s Globeler Singapore Pvt. Ltd. M/s NavaBharat Ventures Ltd.
- Subsequently in its feedback form submitted by M/s NPPL and during its presentation before Screening committee, company claimed net worth of 30/7/2012 of Navabharat ventures Ltd. and 1,05,740 Crores of M/s Suez Energy inventory Pvt. Ltd. without any legal basis.
- Official of MOC did not scrutinize the documents of M/s NPPL and this facilitated the company.

PRESENT DAY:-

The case was fixed for appearance of accused persons. All the accused persons appeared before the Ld. Spl. Judge. All the accused persons were admitted to bail despite opposition by the prosecution. copy of E- challan and copies of documents were supplied to all the accused persons. Matter adjourned to 9/10/2021 for scrutiny of documents

OBSERVATIONS:-

I have come to know about the provisions of CrPC u/s 207 for Supply of documents.

NDOH:- 9/10/2021

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included dimensions of criminal medico legal experts to civil corporate litigation. All of which was an over the top experience.

Such summer trainings help a law student to be reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was pre-requisite to our training.

When it comes to observance of trials in the courts, it was one of the most essential parts of learning for an intern. Observance of trials and court proceedings help in understanding the very root of the law in India. Proceedings are the whole mechanism in toto whose analysis is always advisable.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

Yours Faithfully,

MANAV MOR

07090103817

B.A. LLB. (Hons.)

8th semester



SUMMER TRAINING REPORT

2017-2022

Submitted to

**FAIRFIELD INSTITUTE OF
MANAGEMENT AND
TECHNOLOGY**



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ISO 9001:2008 & 14001:2004
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FIMT SCHOOL OF LAW

“Summer Internship Report”

Name: MANNAT KOHLI

Enrollment no: 07190103817

Semester: 9th semester

Course: B.A.LL. B (H)

From: 07.07.2021- 20-08-2021

Date: 25.11.2021

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Acknowledgement

I would like to acknowledge and express my deep gratitude to all who have been my constant support, source of encouragement and inspiration and have helped me in successfully compiling and completing this Internship Report for time bound submission.

I take profound sense of pride to convey my gratefulness towards my university- *Guru Gobind Singh Indraprastha University* and my Institution- *Fairfield Institute of Management and Technology*, for providing me with this great opportunity for such an enlightening internship.

I also take extreme delight and would want to convey my regard to my sir, *ADVOCATE H.S. KOHLI*, for providing me with all the guidance, care and knowledge in the duration of my internship and I look forward to work again with him in the near future.

In the end, I would also like to thank my professor, my family, and my friends for being supportive during internship as well as at the time of drafting of this report.

INTRODUCTION

I did my internship in the month of July- August. Throughout this period, I was cultured concerning the scheme to maintain a file. I was assigned various topics to research and was asked to submit the same to my senior. Because of the ongoing pandemic, I was unable to attend the court physically during my internship training as the physical working of the courts was dismissed and mostly virtual hearing was held in which, interns were not allowed to join. But, nevertheless I got guidance from my senior with regard to research work and drafting.

Certificate



From The Desk of

H. S. KOHLI
Advocate (D-849/90)
(M) : 098101 19661

D. S. KOHLI
Advocate (D-783/99(R))
(M) : 098104 89248


Ref. no. 10/21

Dated: 31.08.2021

INTERNSHIP CERTIFICATE

This is to certify that Ms. Mannat Kohli student of B.A.LLB 9th Semester from Fairfield Institute of Management & Technology, Delhi has finished her internship with us under our supervision w.e.f. July, 2021 to August, 2021. The intern was attended our office regularly and she participated to attending the hearing through video conference and also given her the opportunity to research on the cases Civil as well as Criminal. She was also given the basic understanding of drafting of pleadings. She was alert, mature and sensitive to the issues besides being a disciplined learner as a law student. We wish her all success in his life.

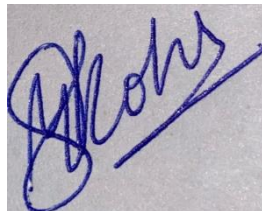



H.S.KOHLI
Advocate

Declaration

I do hereby declare that this report as compiled by me under my summer internship programme is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to *Fairfield Institute of Management & technology* affiliated to *Guru Gobind Singh Indraprastha University* is reliable document and is of bonafide nature.

SIGNATURE:

A handwritten signature in blue ink, appearing to be 'S. K. Singh', written on a light-colored surface.

Concept & Purpose of Internship

Internship is a process of education, to offer meaningful career related work experience to students, while simultaneously providing an excellent source of highly motivated, career minded individuals for employees.

Internship program serves to:

- ✓ Reinforce & strengthen the student's personal values and career objectives.
- ✓ Assist students in identifying & acquiring the skills needed to enter a chosen field.
- ✓ Provide practical work experience to balance the student's theoretical training.
- ✓ Allow students to meet & learn from professionals in the field & develop a network of conduct.

Case Law-1

**IN THE COURT OF SHRI.SANJEEV KUMAR, ADJ (CENTRAL),
ROOM NO.369, TIS HAZARI COURT COMPLEX, DELHI-110054**

IN THE MATTER OF:

BHUSHAN TYAGI

...Plaintiff

VS

PREM VERMA & ORS

...Defendant

**SUIT FOR DECLARATION, POSSESSION, MANDATORY INJUNCTION AND
DAMAGES, MESNE PROFIT**

DATE OF HEARING:09/07/2021

FACTS:

Plaintiff is owner of the plot land measuring 415sq.yards forming part of Khasra no. 5/6 of village Wazirabad, Delhi 110084 in the area of village Wazirabad, Delhi, situated in Gali no.3, Sangam Vihar, Delhi-110084, this property is ancestral property of the Petitioner. It was initially an agricultural land which was owned by the father of the Plaintiff. The entire village of Wazirabad was urbanised under Sec.507(A) of Delhi Municipal Corporation Act in 1982 and therefore all the residents of the village started using their agricultural land for residential or commercial purposes. After the death of his father the plot was divided equally between plaintiff and his brother. After the father's

death, plaintiff shifted to Ashok Vihar, Delhi but use to visit his property in village frequently. Plaintiff also has a land forming a part of Khasra No. 14 which abuts the southern side of suit property. The suit property was vacant plot duly bounded by pucca walls. When the plaintiff visited the suit property in November 2009 it was intact but in December 2009 the plaintiff received a summon for permanent injunction filed by Defendant No.1 against him to which plaintiff got stunned and surprised to know that not only defendant had encroached upon suit property but also tried to encroach the adjacent plot saying the portion is gali. The defendant even filed a case regarding permanent injunction of the plaintiff.

In the suit of “Prem Verma vs Bhushan Tyagi” defendant No. 1 said that suit property was purchased from defendants 2-6 through regd. Sale deed dated 4.03.2010. The plaintiff visited the suit property and found Defendant no. 1 has illegally occupied suit property and raised illegal construction of one room, shop, etc. The Plaintiff approached Defendant No.1 and requested him to handover the possession since he had no title and the sale deed dated 4.03.2010 was forged. He requested to withdraw the suit but Defendant refused. In the said case the plaintiff disclosed in his written statement that he nor his father sold the property. And also the defendant failed to present the original document of ownership and subsequently stopped appearing to the court. Ultimately the civil suit was dismissed in default on 23.2.2013. That Defendant No.1 and 2-6 had colluded with each other with a malafide intention to grab the suit property so as the defendants 2-6 made a sale deed knowing they have no title or right for the same. Because of this the Defendants No.2-6 have committed the criminal offence of cheating and fraud. Therefore the plaintiff filed a case under section 200 of CRPC. After so many requests by the Plaintiff to the Defendant to give him the possession of the suit property and remove illegal construction to which he did not agree. Hence Plaintiff was left with no other choice than to knock the door of Hon’ble court. That defendant No. 1 has been illegally occupying the suit property since December 2010 on the basis of an impugned registered sale deed dated 4.3.2010 without any right or title and is so liable to pay damage/mesne profits for illegal construction and also if the property was put on rent the Plaintiff would receive RS.20000 per month since 2010 so he is liable to pay RS.20,000 from December 2010 to till date of filing suit. That the value of the suit for the purpose of court fee has been fixed to RS.200, for relief of possession at RS.54,80,000 and for relief of mandatory injunction at RS.200 and for damages/mesne profit RS.6,40,000.

OBSERVATION:

The cross examination of our client happened but the cross examination deferred as the court demanded to first present original documents for residential proof.

NEXT DATE OF HEARING: 13/10/2021

Case Law-2

IN COURT OF SMT. SUSHIL BALA DAGAR , ARC (Central),
ROOM NO.26, TIS HAZARI COURT COMPLEX, DELHI-110054

IN THE MATTER OF:

SH. SURENDER PAL SINGH

...Petitioner

Versus

SH. JITENDAR KUMAR GOOMBER

SH. AVINASH KUMAR GOOMBER

...Respondent(s)

PETITION FOR EVICTION UNDER SECTION 14(1)(e), READ WITH SECTION 25(B) OF
THE DELHI RENT CONTROL ACT, 1958

DATE OF HEARING: 12/07/2021

FACTS:

In this matter Shop No.07, Gokhale Market, Delhi-110054, is the suit premises of which Petitioner is the owner. The family of the Petitioner consists of three persons. The mother of Petitioner is a senior citizen and the Petitioner is taking care of her day to day expenses. The Petitioner is presently unemployed and is currently staying at home. He wishes to do spare part business from the suit property.

The suit property is totally suitable for his needs to run a business and the same is non-residential which was taken on rent by Lt.Sh.Kewal Krishan, after his death the tenancy was devolved on his legal heirs i.e. Respondents. That the premises under tenancy is urgently and bonafidely required by the Petitioner as the Petitioner holds no better accommodation and infact whatsoever to meet its needs and requirements. It is needed that the Petitioner can setup his office in the shop which is in possession of the Respondent.

OBSERVATION:

In this matter the Respondents have to produce the evidence affidavit but failed to do so because of which the Hon'ble Court imposed Rs.2000 cost and as Respondent no.2 was absent because of which the cross examination was not held.

NEXT DATE OF HEARING: 19/09/2021

Case law-3

**IN THE COURT OF SHRI. ARUN KUMAR GARG , CIVIL JUDGE ,
ROOM NO.11, DWARKA COURT, DELHI-110075**

IN THE MATTER OF:

BAIJNATH SINGH

...Petitioner

Versus

VINAY YADAV

...Respondent

SUIT FOR PERMANENT INJUNCTION AND POSSESSION OF PROPERTY

DATE OF HEARING : 13/07/2021

FACTS:

The petitioner and the respondent had jointly bought a property of 300 GaJ at Dwarka sector nine in the year 2013. For the same both had contributed equal amount of money and also the defendant shared the relation of "brother in law" with the daughter of the petitioner therefore the petitioner had full faith in him.

Unfortunately, in 2016 the petitioner died along with his daughter and son in the car accident and thus the legal heirs of the petitioner demanded for the position of half property situated at Dwarka which was jointly bought by the parties.

To the dismay, the respondent refused for the same and thus this instituted petition is before the civil Judge in Dwarka court.

OBSERVATION:

Petitioner had died and to bring his legal heirs on record an application was moved in the Hon'ble Court under order 22 rule 4 of the CPC. The same was allowed on the same day and the matter was sent to the mediation. The matter was settled down by the parties in the mediation cell after the compliance of mediation order.

Case Law-4

IN THE HON'BLE COURT OF JUDGE, MS. SEEMA MAINI
AT THE FAMILY COURTS, ROHINI, NEW DELHI 110085

IN THE MATTER OF:

SHRI VARUN YADAV

...Petitioner

Versus

SMT. SNGIDHA YADAV

...Respondent

PETITION SUBMITTED UNDER SECTION 13(1)(ia) OF HINDU MARRIAGE ACT, 1955

DATE OF HEARING: 16-07-2021

FACTS:

The petitioner was married to the respondent on 26.04.2014 and from the said wedlock a girl child named Amayra was born on 20.03.2015. On the very first night the petitioner came to know that the respondent was having affair and wanted to marry that boy but her family was against her marriage with that guy. So she attempted to commit suicide by shooting herself in her stomach with a loaded gun. It was revealed that she had major internal injuries and the doctors also stated that she might face complications while giving birth to the child. She used to threaten the petitioner by saying that her parental family is having a strong political background and links with influential people. The respondent started harassing and torturing the petitioner mentally as well as physically. She always pressurised the petitioner for having a share in his father's residential property in her name or to move his parents in another accommodation as she didn't want to share a house with her in-law's and upon the refusal she always used to act violently. Most of the times, respondents family members came to the petitioner's home and threatened him and his family very bluntly. The respondent tried to commit suicide even on petty issues. The petitioner gave a written complaint dated 02.06.2015 in police station Model Town and thereafter he filed a divorce petition to get rid of this conjugality.

OBSERVATION:

I observed that the Hon'ble court ordered to file the reply of section 24 on behalf of the petitioner. The respondent filed the application under section 24 of HMA, 1955 with an application U/s 151 of CPC. She also stated that an FIR U/s. 307/323/504/506/498A of IPC and section 34 of Dowry Prohibition Act was also registered with the concerned police station. The matter is adjourned for arguments on the pending application u/s 24 of HMA.

NEXT DATE OF HEARING: 11/12/2021

Case Law -5

**IN COURT OF SHRI.G.S. NAGAR, ACJ cum ARC (CENTRAL),
ROOM NO.323, TIS HAZARI COURT COMPLEX, DELHI-110054**

IN THE MATTER OF:

SHRI. MAYANK RASTOGI

...Petitioner

Versus

SHRI.DESRAJ ANEJA

...Respondent

**PETITION FOR EVICTION OF TENANT UNDER SECTION 14(1)(e) READ WITH
SECTION 25(B) OF DELHI RENT CONTROL ACT 1958 AS AMENDED UPTO DATE**

DATE OF HEARING: 16/07/21

FACTS:

The shop bearing no. B-12, Ground Floor, situated in Prehlad Market, Deshbandhu Gupta Road, Karol Bagh, New Delhi-110005, was let out to the abovenamed Respondent on 1st January, 1988, of which Respondent is tenant to the Petitioner. The said premises are required bonafide by the Petitioner for carrying on business for himself and his mother, Smt. Sudha Rastogi w/o Sh.Ajit Kumar Rastogi, who is a family member of the Petitioner and is dependent upon the Petitioner for accommodation. So the Petitioner and Smt. Sudha Rastogi have no other reasonable, suitable accommodation available to them for carrying on their business. The Rent was fixed for Rs.52.75/- initially according to the rent deed which was increased by the Petitioner from time to time, and the rent presently is being paid at the rate of Rs.141/- p.m.

That the Petitioner is aged about 39 years and has a family consisting of 4 other members, having a common mess at residential property addressed TG-4, 5B, Orchid Gardens, Sun City, Sector 54, Gurugram, Harayana-122011.

That the mother of the Petitioner Smt. Sudha Rastogi has been running a business as a proprietor under the name of M/S Ceramics Home Decorators dealing in items such as home decoration products. That the said business was initially started in the year 2000 from a portion of their residential house, which because of being purely residential was sealed by the MCD in the year

2006. That the Petitioner has purchased a shop bearing No. FF/19 on 1st Floor, measuring 738 sq.ft Mega City Mall, MG Road Haryana.

That mother of the Petitioner Smt. Sudha Rastogi started a business of trading in homeware, crystalware, kitchenware and home decoration items etc., under the name and style of M/s Ceramics Home Decoratives on retail basis. The said business was started in the year 2000 initially from a portion of their residential house. Because of being purely residential was sealed by the MCD in year 2006. That the Petitioner had purchased a shop bearing No. FF-19 on First Floor admeasuring 738 Sq. Ft. Mega City Mall, M.G. Road, Gurugram, Haryana in the year 2007. The business shifted to said shop and continued to run from the said shop till about 2013-2014. However, on account of the size of the said shop and its location the said business could not thrive and prosper as it was expected and also the said shop also proved to be and found to be totally unsuitable for carrying on the said business in retail.

That it is also mentioned here that though the business under the name and style of M/s Ceramics Home Decoratives was being registered in the name of Smt. Sudha Rastogi mother of the Petitioner but the Petitioner being the only son has also actively participating and assisting her mother in conducting the said business and has also being looking after day to day operation thereof as well as soliciting customers and entering into an agreements in writing with the prospective customers and also going on business tours within the country as well as several other countries and the entire expenses so incurred by the Petitioner for promotion of the said business is being debited in the account of M/s Ceramics Home Decoratives and thus the Petitioner is also actively involved in the said business. That the Petitioner therefore requires bonafide the tenanted premises of the Respondent as well as the tenanted premises under the tenancy of Sh. Desh Raj Aneja and Department of Post office of the Senior Superintendent of post offices, New Delhi Central Division Meghdoot Bhawan, New Delhi-110001 under the Ministry of Communication, Union of India for carrying on the said business under the name and style of M/s Ceramics Home Decorative from where not only a showroom for the display of products will be made, but the said premises will also be used as warehouse for purpose of storage of various goods and articles in which the said business is carried on and thus the said premises are most suitable for carrying of the said business.

OBSERVATION:

An application of leave to defend was filed in the matter on behalf Respondent. The counsel has asked for time from the Hon'ble Court to file a reply for the application. The argument of the same would be held on next date.

NEXT DATE OF HEARING: 13/01/2022

Case Law-6

IN THE HON'BLE COURT OF JUDGE, MS. SEEMA MAINI

AT THE FAMILY COURTS, ROHINI, NEW DELHI 110085

IN THE MATTER OF:

SMT. DEEPIKA AGGARWAL

...Petitioner

Versus

SHRI. MANISH AGGARWAL

...Respondent

PETITION SUBMITTED UNDER SECTION 13(1)(ia) OF HINDU MARRIAGE ACT, 1955

DATE OF HEARING: 20/07/2021

FACTS:

This is a matrimonial dispute where the petitioner was married to the respondent on 06.05.2015 according to Hindu rights and ceremonies and out of the said wedlock no child was born. From the very first day of the marriage cruelties were done on the petitioner which includes the demand for dowry, harassment, threatening, mental and physical torture to the petitioner. She was welcomed with taunts rather than a warm welcome in her matrimonial home. On the second day of marriage petitioner was threatened to live according to her husband and his family members, otherwise she would be thrown out of her matrimonial home. She was forced to give her entire salary and jewellery to the respondent and on her refusal she was abused again and again on petty issues. On her honeymoon the respondent was indifferent, arrogant, taunted, abusive and threatened the petitioner. The sequence of cruelty didn't end up here but the respondent did not even left out even a single moment to harass and dominate the petitioner. On 07.08.2016, the respondent's family demanded a huge dowry in front of petitioner's parents and on their denial they shouted and abused them in filthy language and sent the petitioner to her parental home along with them. After that the petitioner tried to convince her in-law's but they showed negative attitude not only towards the petitioner but also they harassed her parents by demanding cash again and again to fulfill their needs of their own comfort with that respondent agreed to get back the petitioner on a condition that she should bring 4,00,000 with her and then only she will stay in her matrimonial home but when she denied. She was beaten and was forced to commit suicide. On 26.02.2017 the petitioner filed a

petition U/s 13(1) (ia) of Hindu Marriage Act against the respondent the divorce petition filed by the respondent against her with false allegation

OBSERVATION:

I noticed that the respondent filed the written statement along with certain documents and addressed the arguments on the application U/s 24 of the Hindu Marriage Act. The council for petitioner is seeking sometime to address the argument on the application. The council for petitioner opposed the same and the Ld. Court gave the opportunity to the petitioner to address the argument on the said application subject to the cost of Rs. 1000. The matter is put up for arguments on the said application.

NEXT DATE OF HEARING: 24/12/2021

Case Law-7

IN THE COURT OF SHRI. DHARMENDER RANA, A.S.J,
PATIALA HOUSE COURT COMPLEX, DELHI-110001

IN THE MATTER OF

SH. K.K. SUDHIR CHAUDHARY

...Plaintiff

VERSUS

SH. NAVEEN JINDAL

...Respondent

SUIT UNDER SECTION 138 OF NEGOTIABLE INSTRUMENT ACT

DATE OF HEARING: 23/07/2021

FACTS:

Respondent is one of the directors of Jindal Steel Power Ltd. The goods supplied to the complainant that is MS. Rachna global and in lieu of the same cheque of Rs.30 lakhs was issued by the complainant to State Bank of India with cheque number 301546. The same cheque on presentation by the respondent got dishonoured on ground of insufficient funds. The notice for the same was issued by the court to the complainant. When the current complainant got to know about the same he put in an application of the revision of the order passed by the honourable court of law.

OBSERVATION:

Revision petition under section 397 of CRPC has been filed by the present petitioner (Sudhir Chaudhary) against the summoning order passed by the M.M. The present respondent (Rachna Global) put their appearance through attorney and concluded arguments and is on final order.

Case Law-8

IN THE COURT OF SHRI. ANSHUL MEHTA C.J-4(CENTRAL),

TIS HAZARI COURT COMPLEX, DELHI-110054

IN THE MATTER OF:

SH. PURSHOTTAM GOYAL

...Petitioner

Versus

SH. JAWAHARGOYAL

...Respondent

SUIT FOR PERMANENT INJUNCTION U/S 38 OF SPECIFIC RELIEF ACT, 1963

DATE OF HEARING: 26/07/2021

FACTS:

That plaintiff is senior citizen and above 74 years and the Respondent is youngest brother of the plaintiff. The plaintiff is absolute owner of 4 flats of the property bearing number Plot no.2 block U.A. N.C.E. scheme, Ward no. 12, Sabzi Mandi, Delhi now known as house no. 5868, 2 U.A. Jawahar Nagar Delhi, 110007. There is roof above the two flats on the second floor. After the death of the mother of the parties Smt. Lakshmi Goel, left behind a will by virtue of which plaintiff got another flat on second floor on 15.07.1979. That in the year 1982 the parties exchanged their flats on second floor. An exchange deed was also held for the same. The terrace on the flats is owned and possessed by plaintiff and he has been using the same without any hindrance .Even the Respondent has access by the way of staircases one on front and other on rear side. Both staircases are common and are being commonly used by both parties. The second floor of the said property has been dilapidated because of normal wear and tear and there is an imminent danger of its collapsing and needs immediate urgent repairs. In year 2017 September, the plaintiff also called a mason to carry out necessary repair and inspect the roof, so the mason and plaintiff went up but the Respondent obstructed and threatened that he won't allow them to carry on repairs. The Respondent had also starting bolting the staircases and hurdles the entry. After a lot of request by plaintiff, the Respondent is not ready to improve his conduct and is adamant to harass the Petitioner. Even though he has no right to do so. The Respondent has no title or right for the same. The value of the suit for the purpose of court fees is Rs 130 and therefore, the suit is filed for permanent injunction

OBSERVATION:

On the date of hearing of this case, the counsel for the both the parties were present through video conferencing but due to technical glitch on the part of the petitioner, the matter proceeded to the next date by the court.

NEXT DATE OF HEARING: 18/10/2021

Case Law -9

IN THE COURT OF SH. ANIL KUMAR, JOINT REGISTRAR , DEHLI HIGH COURT, NEW DELHI, 110503

IN THE MATTER OF:

SHRI. ASHOK GUPTA

...Petitioner

Versus

SHRI. RAM GUPTA & Anr.

...Respondent

SUIT FOR DECLARATION, RECOVERY OF MONEY AND MANDATORY INJUNCTION.

DATE OF HEARING: 28/07/2021

FACTS:

The family was under Hindu United Family and had joint family business. The family purchased various properties in the name of different members of the family. In 2007, the family mutually agreed to end the Hindu Joint Family and made an agreement for partition in which each member's share of property were fixed.

The petitioner completed all of his obligations regarding the transfer of properties. Among the properties which had come into the share by agreement to the plaintiff there were two properties which had been mortgaged by the defendant no.2 (Anil Gupta) to the bank. The plaintiff paid a sum of Rs. 20.3 lakhs for one of the mortgaged loan but the defendant no.1 kept the original papers of the property and later sold the property to defendant no.6.

The plaintiff filed the suit for recovery of money, declaration and for mandatory injunction.

OBSERVATION:

The matter is currently with the Local Commissioner for recording of evidence but is listed in court for monitoring of the going proceedings.

NEXT DATE OF HEARING: 25/11/2021

Case Law-10

IN THE COURT OF SMT. TANIA SINGH, C.J.(CENTRAL),

TIS HAZARI COURT COMPLEX, DELHI-110054

IN THE MATTER OF:

SHRI. KHEMCHAND

...Petitioner

Versus

PRAKASHWATI AND ORS

...Respondent

SUIT FOR INJUNCTION AND DECLARATION

DATE OF HEARING: 02/08/2021

FACTS:

Salig Ram was the original owner of the property in this case and was also a pujari of Kalkaji Mandir, Delhi in which he had 1/9 share in total offerings. He also constructed Lord Hanuman Mandir, outside bungalow no.8 at Tuglaq Road, New Delhi. He also owned house no. 649 and 649-A, Chiraj Delhi, New Delhi. He had 2 sons, the elder one was Sh. Prakashwati and the younger one was Sh. Khemchand who was adopted at the age of 12 by Salig Ram. After Salig Ram died at the time of partition of his property both the sons of Salig Ram and even the son-in-law of Salig Ram, had 3 different wills, each of them claiming that the property belongs to each one and no other. For e.g. the will of Prakashwati the elder son said that the whole property belongs to him and Khemchand and the son-in-law of Salig Ram also had similar wills claiming that property only belongs to them. Now our client Khem Chand is trying to prove that his will is the original one and the others will are forged. Salig Ram executed his last will in favour of Khemchand saying that all previous will would be null and void. Due to this, Khemchand is the only valid beneficiary. But the defendants have threatened the Petitioner to dispossess the house no. Bearing 649 Chirag Delhi, and also have been restricting the right of our client to offer prayers in the Mandir. The property is now held by the Petitioner's brother and the petition is filed for suit for recovery of possession.

OBSERVATION:

The Ld. Counsel for the plaintiff was not present during the proceedings of the case. The counsel of the defendant was present with the party through video conferencing. Court held that the arguments for the proceeding of the case would be held on the next date with both the counsels present for the same. The court was adjourned. The court put up the matter for further arguments on the next date.

NEXT DATE OF HEARING: 28/01/2022

Case Law-11

IN THE COURT OF SHRI. RAVINDER DUDEJA OF THE PRINCIPAL JUDGE FAMILY COURT, TIS HAZARI COURT COMPLEX, DELHI-110054

IN THE MATTER OF:

SHRI. TIRTH KUMAR

...Petitioner no.1

Versus

SMT. RUCHI MEHROTRA

...Petitioner no.2

PETITION UNDER SECTION 13-B OF THE HINDU MARRIAGE ACT, 1955 FOR DECREE OF DIVORCE BY MUTUAL CONSENT

DATE OF HEARING: 04/08/2021

FACTS:

The parties to the suit are both Hindus and governed by Hindu Marriage Act, 1955. A marriage was solemnised between the parties on 25.02.14 at nirankari ground plot of land opposite Nirankari Sarovar Complex, Nirankari Chownk, North Delhi, according to Hindu rites and ceremonies .That from the wedlock of the parties a son namely master Raveesh Kumar, was born on 2.09.2015. Soon after his birth the Petitioner No. 2 alongwith the son shifted to house no.298, old housing board colony Rohtak, Haryana i.e., to her parental house due to matrimonial differences. With an effort to reconcile the matrimonial differences, the parties decided to live together and the so the family shifted to E-57 Hardev Nagar, Delhi and both the parties lived there from 1.09.2016 to 22.08.2019. That on 23.08.2019 the Petitioner no. 1 left the house and started living separately. There has been no conjugal rights between them and they have not been able to live together since then, and matrimonial ties stood totally snapped. And the son is in the custody of the Petitioner 2 since then. That the parties have voluntarily and without any force have amicably agreed to dissolve their marriage. Petitioner no. 1 represented that he won't pay any maintenance of any sort to his son or his wife and the parties have agreed for the same. The parties have settled all their matrimonial claims against each other and shall not make claim of any nature against each other.

OBSERVATION:

The court carefully read the petition of the parties and understood all the facts of the case and finally passes the first motion, which is also known as cooling off period which is for 6 months and then gave the next date for passing of the second motion. This was a rather straight forward divorce case in which the parties exactly knew what they wanted and the court also straightforwardly passes the first motion which is compulsory under divorce cases by mutual consent.

NEXT DATE OF HEARING: 08/02/2022

Case Law-12

SOLE ARBITRATOR,

SH. KAMLESH K. BHUCHAR, SENIOR ADVOCATE

HIGH COURT OF DELHI, NEW DELHI

IN THE MATTER OF:

SHRI. ROHIT GUPTA

...Petitioner

Versus

SHRI. ANIL GUPTA

...Respondent

**SUIT FOR DECLARATION, RECOVERY OF MONEY AND MANDATORY
INJUNCTION**

DATE OF HEARING: 04/08/2021

FACTS:

Dispute regarding Trade Mark 'Safe Guard' in respect of firefighting, safety and engineering equipments and business became the subject matter of suit filed in Hon'ble Court of Ld. District and Sessions Judge. The disputes were settled with mutual understanding recorded in MOU duly signed by parties under which respondent agreed to pay lump sum amount of Rs. 4,19,00,000 to complainant and the complainant was to transfer a property to the respondent and also withdraw the suit regarding the Trade Mark. The complainant transferred the property to the respondent as per the terms of the understanding of the MOU but the respondent paid only Rs. 2.50,00,000 to the complainant. Again an MOU was signed under which the respondent again failed to pay any amount to the complainant. To recover the amount, complainant again filed a suit in District Court for recovery along with interest. The said suit with the consent of the parties has been referred for adjudication under the provisions of Arbitration and Conciliation Act, 1996

OBSERVATION:

The previous arbitrator demised and hence a substitute arbitrator was appointed who asked for all the documents from the parties. The counsel for the respondent sought sometime to verify the copies of cross examination conducted in the matter.

NEXT DATE OF HEARING: 28/11/2021

Case Law-13

IN THE COURT OF SH. ANKIT SINGLA, ASCJ,(CENTRAL),

TIS HAZARI, COURTS, DELHI-110054

IN THE MATTER OF:

SHRI. PURSHOTTAM GOYAL

...Petitioner

Versus

SHRI.SOHANLAL PAHWA

...Respondent

PETITION FOR EVICTION OF TENANT UNDER SECTION 14(1)(E) READ WITH 25-B OF DELHI RENT CONTROL ACT,

DATE OF HEARING: 06/08/2021

FACTS:

The Petitioner is the owner of the suited shop. And is a very educated man who was a professor in various universities a few years back, however he has taken retirement now and stays in his house and is dependent upon his wife and has a servant for food and other emanates. The suit property was given on rent of Rs. 950/- month by the Petitioner to the Respondent's father. It is a commercial property.

He had tenanted the said shop to the father of the Respondent to carry out some charitable work, however from the past 5 years the shop has been left vacant and no work is being done there. The Petitioner has filed petition under section 14(1) (E) of the DRC act, as the Petitioner bonafidely requires the shop property to run coaching classes and wants to earn and take care of his family having no other property to do such a business. As the Petitioner is retired and has no other source of income it is a requirement on his part and the location of the shop is suited best for this activity.

OBSERVATION:

The court on the date of the case like, previous dated tried to identify whether the Petitioner has a real bonafide requirement of the property or not and whether, the Respondent has any important use or not by listening to the arguments of both the parties and gave a next date for cross examination of the Respondent. The case is filed under section 14(1)(e) of the Delhi Rent Control Act read with section 25B of this act, for the eviction of rented property for bonafide requirement of the Petitioner or the owner and the court is trying to assess the requirement of both the parties and whether it should be evicted or not.

NEXT DATE OF HEARING: 08/12/2021

Case Law-14

IN THE COURT OF SH. ANKIT SINGLA, ASCJ (CENTRAL),

TIS HAZARI, COURTS, DELHI-110054

IN THE MATTER OF:

SMT. RAJO

...Petitioner

Versus

SHRI. OM PRAKASH

...Respondent

SUIT FOR PERMANENT AND MANDATORY INJUNCTION

DATE OF HEARING: 07/08/2021

FACTS:

The plaintiff is an aged women and a widow who resides with her family and is a permanent resident of H. No. 1898/2 Basti, Sarlawala Chownk, Delhi. The suit property is H.No. 1898/1, Basti, Sarlwala Chowk, Delhi, which is just adjacent to the house of the plaintiff and where the Respondent are residing. The respondent has been carrying on unauthorised and illegal construction in the suit property. As per their claim, they are about to construct a multi storey building. They are doing the construction without the consent of the suitable authority and furthermore, they are upto encroach the portion of the main road.

That there acts and deeds are not only in violation of the local laws, but also against the safety and security of life and property of the people in the basti. Even after a lot of request being made to the them, they are all deaf ears and adamant. The Respondent have closed the gate, which was earlier in structure of the old building and erected gate just to the adjacent of the plaintiff's house, which is disturbing him.

Because of the illegal construction, the property of the Petitioner has developed various cracks, which is causing pecuniary loss to her. That it has also been noted that the material being used for the construction by the Respondents is of inferior quality and the said property can collapse anytime. Therefore the Petitioner has knocked the doors if the court to claim relief.

OBSERVATION:

The Ld. Counsel for the Petitioner was present and the proxy counsel for the Respondents was present through video conferencing during the time of the proceedings. As the presiding officer was unable to connect due to technical glitch, the matter could not be further proceeded and so was put for arguments on the next date.

NEXT DATE OF HEARING: 16/12/2021

Case Law-15

IN THE COURT OF SHRI. PRANAV JOSHI C.J. 05 (WEST),
TIS HAZARI, COURTS, DELHI-110054

IN THE MATTER OF:

SHRI. MANMOHAN KHURANA

...Plaintiff

Versus

SHRI. ANAMIKA KHURANA

...Defendant

SUIT FOR PERMANENT AND MANDATORY INJUNCTION

DATE OF HEARING: 11/08/2021

FACTS:

That the plaintiff is the absolute owner of the suit property bearing number K-10, Rajouri garden, North Delhi 110027. The plaintiff has been living in this house since the year 1965. The plaintiff also constructed first floor over the said property and made certain alterations to the same. The plaintiff was married to Mrs. Sudesh Khurana in the year 1962 and was blessed with two sons. That the elder son of plaintiff, Rajeev Khurana, got married to the defendant on 22.02.1992. The husband of the defendant i.e., his son has no independent right in the said property. The plaintiff shifted his residence to Rishikesh since 2002. The plaintiff and his wife however, continued to visit to Delhi, however the defendant, continued to reside in the suit property. But soon the Petitioner found out that the defendant and his son are unable to work out their marriage. That from the month of December 2017, the plaintiff found that the conduct and attitude of the defendant has totally changed and she started behaving and acting abnormally and many a times become aggressive and destroyed the atmosphere of the house. Her misconduct was to the extent, that it became intolerable. The plaintiff after seeing the condition restricted the couple to stay on the first floor which is the Petitioner's property. Even after plaintiff saying them not to live there, the defendant did not leave. On 23.02.2018 the defendant had caused severe damage to the portion on the first floor. The

misconduct of the defendant had reached to the pinnacle and has become beyond tolerance. Therefore the petition is filed for the same.

OBSERVATION:

The counsel for the Petitioner was present with the party and there was none for the defendant. Matter was on the stage of Petitioner's evidence. The court told on the last date that no adjournment would be granted on the next date of hearing. Therefore, the right to defendant to cross examine PW1 is closed. Plaintiff is directed to take steps for the summoning of the witnesses.

NEXT DATE OF HEARING: 01/01/2022

CASE LAW-16**IN THE COURT OF SH. DEEPAK VATS CIVIL JUDGE (CENTRAL),TIS HAZARI COURT, NEW DELHI-110054****IN THE MATTER OF:**

SH. MOHAN LAL UPPAL & ORS.

...Plaintiff

VERSUS

ANITA RAM & ORS.

...Defendant

DATE OF HEARING: 12/08/2021**SUIT OF DECLARATION AND PERMANENT INJUNCTION****FACTS:**

That in the said suit the plaintiffs are the owners of the land measuring 250sq.yards out of Khasra No.27/13, situated in the revenue estate of village Tikri Kalan, New Delhi-110041. The plaintiffs became owners on the basis of ownership documents such as power of attorney, agreement to sell, affidavit, will, and receipt executed by one Sh.Mahinder Khanna. That the plaintiffs are the permanent residents of Jalandhar, Punjab, and they used to visit the suit property in Delhi after a gap of about 5-6 months in year. That on 12/6/2017 the plaintiffs visited the suit property and when they were present on the spot of the property, the Defendant No.1 (Smt.Anita Rana) alongwith her family were by chance present on the spot and saw the plaintiff wandering there. The defendants and her family started enquiring the plaintiff about their visit.

The Defendant No.1 told the plaintiff that she has purchased the said property from Sh.Suresh Khanna s/o Sh.Mohinder Khanna on the basis of sale deed dated 15/11/2010 and now the plaintiff have no rights , title and interest in the said property. The defendant also showed as copy of sale deed to the plaintiff. After seeing the copy of sale deed of said property the plaintiff was shocked and surprised. The plaintiff were convinced that the defendant has played a fraud by manipulating the sale deed of the said property in her favour. The plaintiffs thereafter met Sh.Suresh Khanna s/o Sh.Mohinder Khanna who illegally sold the property to Defendant No.1. Since Sh.Suresh Khanna had already expired the plaintiffs met the wide and children of Sh.Suresh Khanna, and they revealed that Sh.Suresh Khanna had executed sale deed in favour of Defendant No.1 on basis of will executed by will of Sh.Mohinder Khanna in favour of son Sh.Suresh Khanna.

The plaintiffs through their attorney applied for a certified copy of the sale deed dated 15/11/2010 and after getting a certified copy of sale deed, the plaintiffs filed the above said suit against the defendants.

OBSERVATION:

After framing of issues the court adjourned the suit for filing of affidavit in evidence of the plaintiff, and also the list of witnesses by both the parties. During the pendency of the suit both parties settled their disputes mutually and amicably by a deed of settlement as well as agreement to self. In view of the settlement the plaintiff moved an application for recording the said settlement, by the Hon'ble Court.

NEXT DATE OF HEARING: 04/12/2021

Case Law-17

IN THE COURT OF SHRI. PURUSHOTTAM PATHAKCA, SLUM, ROOM NO.117

TIS HAZARI, COURTS, DELHI-110054

IN THE MATTER OF:

SHRI. RAJINDER KUMAR & ANR

....Petitioner(s)

Versus

SMT. RAMESH RANI & ORS

...Respondent(s)

EVICTION PETITION U/S 19 OF THE SLUM AREA ACT, 1956

DATE OF HEARING: 16/08/2021

FACTS:

The father of the Petitioner Ram Asramal expired 27.1.2013 leaving behind two separate wills thereby bequeathing and devising property n. 3384 and 3385, Gali Lallu Missar, Qutab road, Sadar bazar, Delhi, in favour of Petitioners. That one Shri.Dilip Singh, grandfather of Respondent was tenant of the aforesaid premises, on the monthly rent of Rs.70/- . Initially Dilip was carrying on his business, but after his death his son Shri.Om Prakash inherited the tenancy rights. That during his lifetime he illegally and unlawfully sublet part of the possession of one shop to Shri.Ved Prakash, Ram Bharose, Rajinder, and Sushil without the consent of the Petitioners and the said persons started running their business in the said shop. But the tenanted property was required by the Petitioner u/s 14(1)(E) of DRC Act for which other case is pending in the court. During the preceding of this, Om Prakash died and his legal heir as Respondent sublet to a transporter. The Respondents have sublet illegally. Following are the grounds of eviction-

- Habitual defaulter for payment of rent
- Illegal subletting
- Have other means and properties
- Portions of the said property being vacant.

OBSERVATION:

Both the parties with their respective counsels were present. Arguments were held. The counsel for the Respondent argued that as the petition is filed under the wrong section i.e., section 9 of the aforesaid Act, when the section under which the case would fall should be section 19, so the plaint should be dismissed. The further arguments were held for the next further date. The court was adjourned.

NEXT DATE OF HEARING: 20/11/2021

Case Law-18**IN THE COURT OF SHRI. RAVINDER DUDEJA, PRINCIPAL JUDGE FAMILY
COURT, TIS HAZARI COURTS, DELHI-110054****IN THE MATTER OF:**

SMT. MONIKA KUMAR

...Petitioner 1

Versus

SHRI. JITENDER GANDHI

...Petitioner 2

**PETITION FOR DISSOLUTION OF MARRIAGE BY DECREE FOR DIVORCE BY
MUTUAL CONSENT U/S 13(B) OF HINDU MARRIAGE ACT,1955 AS AMENDED UP TO
DATE****DATE OF HEARING:-17/08/2021****FACTS:**

That the Petitioner no. 1 is aged about 36 years and is at presently living with her widowed mother in Delhi. The Petitioner no.2 is aged about 35 years and running a business as supervisors in G.S caterers in New Delhi and at present he is living in New Delhi. That the marriage between the parties was solemnized on 2nd December, 2015 in accordance to Hindu rites and ceremonies at New Delhi, it was an arranged marriage. That the parties cohabited together as husband and wife and lastly lived and cohabited together at New Delhi till 10th September 2016 after which they parted their company with each other. The parties have been living separately since then. The mental incompatibility between the parties, on account of which they are living separately. There is no issue from the wedlock. That despite the best efforts of the parties they have not been able to get along smoothly, few of the reasons among several being temperamental differences, manner, habits and incompatibility. The parties have been now living separately on account of these reasons. That despite the best efforts of the friends and relations and other elders of the family, the parties have refused to live together as husband and wife and resume matrimony. Thus all the attempts to bring about reconciliation between the Petitioners have proved to be futile and it is not possible to live together as husband and wife. Consequently the Petitioners have mutually decided to separate from each other and seek dissolution of marriage by a decree of divorce by mutual consent.

OBSERVATION:

The court carefully read the petition of the parties and understood all the facts of the case and at then and as earlier passed 1st motion for 6 months now after looking at the circumstances.

NEXT DATE OF HEARING: 20/02/2022

Case Law-19**IN THE COURT OF DISTRICT CONSUMER DISPUTE REDRESSAL FORUM,
JANAKPURI, NEW DELHI****IN THE MATTER OF:**

SHRI. KULDEEP SINGH

...Petitioner

Versus

MAHARAJA AGRASEN HOSPITAL

...Respondent

SECTION 12 OF CONSUMER PROTECTION ACT, 1986**DATE OF HEARING:-18/08/2021****FACTS:**

The complainant here is a resident of Panipat, Haryana. He admitted his father in the Maharaja Agrasen Hospital, Punjabi Bagh, Delhi on 05.09.2019 with the complaint of chest & belly button pain. Even after the tests were conducted, the opposite party were not able to identify the problem. All necessary investigations were performed including CECT and Endoscopy and after doing the needful, the patient didn't get any relief from the treatment.

The doctors of the said institute call for the Biopsy to be done by the doctors of Maharaja Agrasen Hospital on 26.10.2019. The opposite party also failed to furnish a proper discharge report on 09.09.2019, as it didn't describe the procedures performed on the patient and also didn't mention the exact findings. Exploratory Laprotomy is a procedure in which the problem could be easily identified if the opposite party hadn't been negligent and the tumour which was stated in the biopsy report would have been identified. On 07.11.2019 the father of the complainant Sh. Prem Singh had died at his residence.

OBSERVATION:

Drafted a complaint against the opposite party.

NEXT DATE OF HEARING: 03/12/2021

Observations and Learnings

This summary is the brief description of the internship. I interned for a period which was quite a learning and new experience as I got to witness the practical applications of laws which I studied in my books only. This introduced me with the procedure and practice of law and also learn the craft of an advocate. This time because of the ongoing situation of the pandemic, it helped me understand the different aspects which are to be dealt in the field of law and how lawyers craft tagged along with technology.

For a law student internship plays a very important and extensive role as it makes a student familiar with legal atmosphere and helps learn the tactics of a good lawyer from early age.

All in one, this was one of the best experiences of my life and I have learned so much from this experience that I cannot wait to apply this to practical use.

I would again Like to thank my *Advocate Mr. H.S. KOHLI*, once again for giving me the opportunity to learn under his excellent guidance.

Conclusion

In the end, I would like to conclude that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, what we learned from the internship is the mechanism of this body.

I was surprised to see how the simplest of laws were applicable in the most difficult of situations and how loopholes leave so much scope of evolution and improvisation today in this field. I also observed that the law is everything but constant with the same soul as that of a human. In other words, or as that of our counsel, law may come and law may repeal, but they must always be faithful to the constitution, which is the most supreme law of the land and governs all equals and unequal in respect of each other and how it is important to cope with the improving technology as it played crucial role in the proceedings during covid situation.

STUDENT INTERNSHIP DIARY

5 YEARS BA-LLB (INTEGRATED)

FIMT-SCHOOL OF LAW



FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

(Affiliated to Guru Gobind Singh Indraprastha University, Delhi)

KAPASHERA, NEW DELHI

Session= 2017-2022

NAME OF THE STUDENT- **MOHIT KUMAWAT**

COURSE – **BALLB** SEMESTER – **9TH** SECTION- **B** ENRL. NO. **07290103817**

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NAME OF THE ADVOCATE/JUSTICE/LEGAL FIRM – **HON'BLE MR. JUSTICE JAYANT NATH**

ADDRESS- **DELHI HIGH COURT, SHER SHAH ROAD, NEW DELHI**

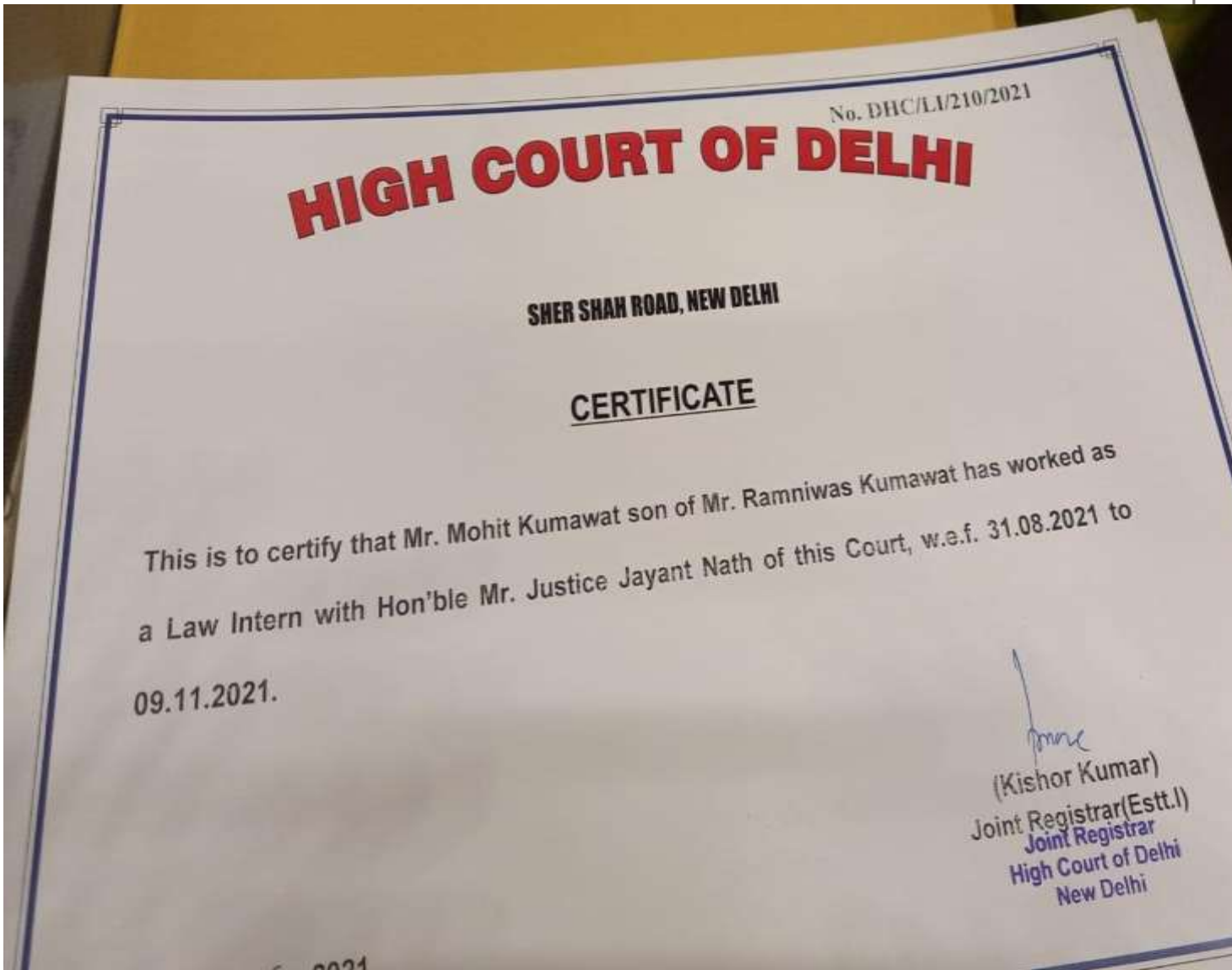
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Internship Certificate



Declaration

I, **Mohit kumawat**, student of **9th** Semester of **BA-LLB (H)** hereby declare that this report is compiled by me under **10 weeks** Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to Fairfield Institute Of Management & Technology affiliated to GGSIP UNIVERSITY, New Delhi is a reliable document and is of bonafide nature.

ACKNOWLEDGEMENT

I would like to express my sincere gratitude under supervising of Hon'ble Justice Jayant Nath for providing their invaluable guidance, comments and suggestions throughout the course of internship. I would specially thank to LR. Anirudh Dusaj for constantly motivating me in my research work.

Also I would like to thank LR. Shubh Kapoor for his assistance in legal drafting and also to all my senior interns who helped me to understand the basic concepts of civil, trade law.

OBJECTIVES OF INTERNSHIP

The Legal Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

SUMMER INTERNSHIP REPORT

The report is based on the work done by me during the entirety of the internship. I have compiled my work and highlighted the research done by me, while also providing brief facts of the case.

Some of the cases that I have worked under the internship were as follows:

CASE NO.1:

C.O. (COMM.IPD-PAT) 2/2021

I.A. 11470/2021- O39 R1& 2 filed by P for temporary injunction restraining D1 from interfering with the launch of P's business relating to SIM-Skin in India.

I.A. 11471/2021- Sec 151 filed by P seeking leave to file documents in sealed envelope.

I.A. 11472/2021- Sec 151 filed by P for exemption from filed attested affidavits.

BIBIMONEY GLOBAL LTD. VS. TAISYS TECHNOLOGIES LTD. AND ORS.

NOTE:

- The present suit is filed by P for temporary injunction restraining the D1, partners, owners, servants, officers from interfering the launch of P's business relating to SIMskin in India.

RELIEF SOUGHT:

- Injunction
- Ex-parte order

BRIEF FACTS:

- November 2020: P conducted due diligence for its launch of SIM-Skin product in 2020 and came across the D1 business activities in SIMoME.
- 25.11.2020. P sent R1 notice via Email and speed post for invalidity of R'1 patents and infringement EP1388811 B1 patent.but no response received.
- 01.02.2021: P sent R1 follow up notice by mail and speed post on the same ground but the same got no response.
- March-July 2021- P wanted R'1 response and conducted further due diligence exercise to launch its product in India.
- August 2021- Hence the present petition is filed by P against D's.

CASE NO.2-

W.P. (C)-IPD 59/2021

CM 14/2021- O39 R 1 &2 filed by P seeking Ad-Interim Ex-Parte restraining the operation of grant of patent till the pendency of petition.

CM 15/2021- Section 151 seeking exemption from filing certified copy/original documents.

SONYA KAPUR VS. CONTROLLER GENERAL OF PATENT, DESIGNS AND TRADEMARK AND ORS.

NOTE:

- The present suit filed under Article 226 for quashing the impugned order granting patent bearing no. 363697 to R3 without hearing and disposing the pre-grant opposition of P.

RELIEF SOUGHT:

- Issue a writ of certiorari in respect of impugned patent application.

BRIEF FACTS:

- R3 is the Japanese company that manufactures disposable hygiene products, specializing in the manufacture of diapers for babies. R2 is the authority which works under R1 and which has granted patent to R3 for non-patentable products.
- 29.09.2018- R3 filed a patent application bearing no. 201817036520 in India in patent office for “Disposable Diaper”.
- 25.01.2019- The Impugned application was published U/s 11A in the official journal of patent office. R3 also filed other applications for same inventions and such applications were also published in journal. The applications are 201817036518 for underpants-type absorbent article.
- 22.02.2019- R3 filed form 3 pertaining to statement and undertaking u/s 18 of patent acts, 1970. In the said form R2 has filed a declaration regarding filing of patent applications in other countries for same invention where the status of these applications in other countries are either pending or awaiting or under examination.
- 20.03.2020- R3 filed form-18 requesting for examination of the application.

- 15.10.2020- R2 issued examination report of patents rules, 2003 in respect of the above mentioned application and R3 directed to file the response to the said examination within six months.
- 03.12.2020- P filed a representation challenging the impugned application for grant and along with Form 7A filed within WS and evidences in support of claim.
- 11.12.2020- P served a complete set of pre-grant opposition to R3 through speed post.
- 11.01.2021- R3 re-filled form-3 apprising about the latest status of applications for patent filled in other countries for same invention.
- 05.03.2021- R3 filed reply to the FER along with amended documents containing 8 amended claims. No notice is issued to the P by R2 for amended claims.
- 31.03.2021- R2 granted patent no. 363697 to R3 for impugned application. P came to know about granting the patent from the office of controller of patents about granting it to R3.
- 02.04.2021- Publication made under sec 43(2) of patents act, 1970 of grant of patent no. 363697 to R3 in official general of Patent Office with a notice that any person in opposing the patent may at any time within 1 year may give notice to R2.
- 02.09.2021- Patent granted to R3 without following the due process of law. Thus the order granted Patent suffers from vice of procedural irregularity, arbitrariness and misuse of power.
Hence, the present petition is filed.

CASENO.3:

CS (OS) 416/2021

I.A. 11175/2021- O 39 R 1 and 2 filed by P for Ad- Interim Exparte Injunction restraining D from creating 3rd party interest.

I.A. 11176/2021- O 26 R 11 filed by P for appointment of local commissioner.

I.A. 11177/2021- Section 151 seeking exemption from filing original copies of document.

RAJIV KUMAR & ANR. VS. SANJEEV KUMAR & ORS.

Note:

- The present suit is filed seeking a decree for seeking cancellation of gift deeds. One being dated 26.08.2018 and another gift deed dated 06.05.2019.

Relief Sought:

- Cancellation of gift deeds
- Injunction

Brief Facts:

- D3 is the mother of three brothers P1, P2 and D1.
- Father of P's and D1 purchased the property in dispute in 12.08.1976.
- Father of P's and D1 Executed a will in favour of D3 and after death of D3 it was to be devolved among all 3 Brothers/Legal heirs.
- On 04.12.2017 D3 applied for mutation
- In 2019 D1 and D2 in collusion with D3 Changed or closed the nomenclature of FDRs in SBI, PNB and YES Bank.
- On 4.08.2021 D3 gifted entire property to D2.
- P filed the suit for cancellation of gift deeds.

CASE NO.4-

CS (COMM) 537/2021

I.A. 13987/2021- O39 R 1 & 2 to restrain D's from infringing copyright of P's NUKE, NUKE X

I.A. 13988/2021- O11 R1 (4) R/w sec 151 seeking leave to file additional documents

I.A. 13989/2021- Section 151 exemptions from filing originals

I.A. 13990/2021- Sec 12A of CC act R/w 151 to allow the prayers of application under O39 R1 & 2

**THE FOUNDRY VISIONMONGERS LIMITED VS. PIXELTREE STUDIOS PRIVATE LIMITED
& ANR**

NOTE:

- This is a fresh matter
- The present has been filed by P against D's to restrain D from using P software including "NUKE, NUKE X" Or any other software programs developed by P.

RELIEF SOUGHT:

- Permanent Injunction
- Delivery
- Rendition of accounts
- Damages of Rs. 2,00,01,000/-

BRIEF FACTS:

- In 1993 the Software NUKE was developed by Digital Domain
- 2007- P took over the Digital Domain and became the proprietor of the NUKE software
- January 2021- D1- Pixeltree studios private limited is incorporated.
- May 2021- P's representatives tried contact with D's regarding unauthorized use of P's studio software of NUKE, NUKE X.
- October 2021- P checked its infringement database and discovered D's are using P's NUKE, NUKE X software in at least 10 computer systems.
- Hence this present suit.

CASE NO. 5

CS (COMM) 539/2021

I.A. 14039/2021: Application under O39 r/w Sec 151 seeking injunction to restrain D from using P's trademark.


I.A. 14040/2021: Application under O11 R1 (4) r/w sec 151 seeking leave to file additional documents

I.A. 14039/2021: Application under Sec 151 seeking exemption from filing clear and certified copies, translated copies and originals of documents

I.A. 14039/2021: Application under Sec 12A of the Commercial Courts act 2015 r/w section 151.

GEETANJALI STUDIO PRIVATE LIMITED & ANR. Vs. RAHUL MAMTANI

NOTE:

- This is a fresh matter
- The present suit has been filed by P to restrain D From using marks  ,



GEETANJALI  GEETANJALI

P's trademark.



which are deceptively similar to

RELIEF SOUGHT:

- Permanent Injunction
- Rendition of accounts
- Damages of Rs. 2,00,01,000/-
- Declaring P's trademark well known trademark

BRIEF FACTS:

- P1 is a salon based out of New Delhi under the brand names Geetanjali, Geetanjali studio and Geetanjali salon and has registered trademarks in the aforesaid brand names.
- D and Mrs. Rakesh Kumari Paul are partners of the firm M/s Aloha Enterprises.
- 2017: M/s Aloha Enterprises, through its Partners, approached P to get a franchise of GEETANJALI STUDIO.
- November 2017: Franchise Agreement was executed between M/s Aloha Enterprises and predecessor of Plaintiff to open a franchise whereby the P licenced the use of his trademarks to M/s Aloha Enterprises on a non-exclusive basis.
- September 2020: The franchise was terminated vide a Legal Notice by the P as M/s Aloha Enterprises failed to make the outstanding payments despite repeated reminders
- April 2021: Partnership firm was dissolved and public notice was published by Mrs. Rakesh Kumari Paul about the dissolution of partnership firm in newspapers. Franchise agreement became null and void as the partnership was dissolved.
- June 2021: The Plaintiff sent Legal Notice to the D and Mrs. Rakesh Kumari Paul for infringement of trademarks and passing off to which D has not replied.
- October 2021: D is continuing to use the trademarks of the Plaintiffs without any authorisation or consent of the Plaintiffs.
- Hence the present suit for injunction against D

CASE NO. 6

CS (OS) 564/2021

I.A. 14056/2021- O39 R 1 & 2 restrain D's from making any construction on the wall pf P in respect of property bearing WZ- 29, Mansarovar Garden, Ring Road, New Delhi-110015.

I.A. 14057/2021- Sec 151 for exemption from filing Typed/Clear copies.

VINOD KUMAR SARDA & ANR. VS ANIL KUMAR BHAKKAR & ORS.

NOTE:

- This is a fresh matter
- The present suit has been filed by P to restrain D's from making any construction on the wall of P in respect of property bearing WZ- 29, Mansarovar Garden, Ring Road, New Delhi-110015.

RELIEF SOUGHT:

- Decree declaring MOU dated 03.12.1998 as null and void
- Decree declaring GPA and will dated 18.09.2000 as null and void
- Decree declaring sale deed dated 29.09.2000 as null and void
- Permanent and Mandatory Injunction
- Cost of suit

BRIEF FACTS:

- The P2 was the sole and absolute owner of the built-up free hold property bearing No. WZ- 29, in Block-D, situated in the residential colony Mansarovar Garden, village Bassai Darapur, New Delhi which was purchased from Sh. Narinder Ahluwalia through GPA.
- P's, D1 and D3 are carrying on their business of sale of marble stone etc. in their premises and the 10'-4" wide was being used jointly.
- P2 and D1 and 3 signed and executed an MOU dated 03.12.1998 whereby it was agreed that 2/3rd of the right of way of 10'4" wide way from Road to Gate of the P and in exchange P gave part of the land of his plot to D1.
- It was further agreed that the D3 would relinquish his 1/3rd right in the common way in favour of D1, for which he shall be compensated by D1 for a sum of Rs 1 Lakh.
- Will dated 18.09.2000 was executed by the P2 in favor of D1 in respect of the suit property and GPA dated 18.09.2000 was executed by P2 in favour of D2 to look after the suit property.
- Will dated 18.09.2000 was executed by D1 in favour of P2 in respect of the 1/3RD rights of Common Way for property bearing No. WZ-29 situated at Mansarovar Garden, New Delhi. In said will was stated that property was self- acquired property.
- 14.05.2007- P2 executed a registered Gift deed in favour of P1
- December 2017- D's made encroachment of "3-4" on adjacent wall of southern side of portion.
- P1 sent legal notice dated 08.01.2018 to D's to remove the illegal encroachment.
- P1 made a complaint dated 23,02,2018 at P.S Kirti Nagar for illegal encroachment made by Ds
- P1 issued further legal notice on 01.05.2018 and 21.06.2018 to D's to remove illegal encroachment.

- P1 filed suit for injunction before Ld. Civil judge, Tis Hazari court
- D1 filed WS and it came to the knowledge of p's that D1 was not the owner of the suit property and not competent to enter and execute MOU.
- P1 sent legal notice to D1,2,4 to cancel the sale deed dated 28.09.2000 as the sale deed was not in terms of the MOU dated 03.12.1998.
- 1.01.2020- P1 and 2 moved an application seeking an order to restraint the unauthorized construction by D1
- 28.02.2020- The Ld. Lower court dismiss the said application
- 16.06.2020- On the said order an appeal has been made and was also dismissed.
- 17.08.2020- D1 along with 6-7 other persons entered P1 business premises and threatened P1 for dire consequences if he did not stop coming to work. P1 and his son were attacked on the same day by D1 and his goons whereby complaint made by P1 against D1
- Hence this suit.

CASE NO.7-

TEST.CAS. 87/2021

I.A. 12496/2021- Section 151 exemption from filing originals.

SHRI NIRANJAN MOOLCHANDANI & ORS. Vs. NCT OF DELHI & ORS

NOTE:

- This is a fresh matter
- The present suit has been filed for grant of administration/succession certificate to the applicants as administrators of the estate of the deceased Ms Sarla Moolchandani having effect throughout Delhi.

RELIEF SOUGHT:

- Grant letter of administration

BRIEF FACTS:

- 20.04.1978- Jairam Moolchandani died leaving behind his wife, 3 Sons & 2 Daughters.
- 25.05.1989- Jairam's Son Hariram died
- 26.03.1996- Devi Moolchandani, wife of Jairam, died
- May2000- Moti unmarried son of jairam died
- 27.11.2014- Anand unmarried son of Jairam, died
- 10.08.2016- Meera daughter of Jairam died
- **20.01.2021-** Sarla Moolchandani the last children of Jairam, died without leaving a will.

- 1.06.2021- As the entire family of Jairam died leaving behind no will the present suit is filed by relatives of deceased family.
 - Applicant 1 – Son of Jairam’s Brother
 - Applicant 2 – Son of Jairam’s Brother
 - Applicant 3 – Son of Jairam’s Sister

CASE NO.8-

CS (COMM) 468/2021

I.A. 12423/2021- O39 R1 & 2 filed by P restraining the D’s to infringe the copyrights of P’s including NUKE, NUKE X and NUKE studio software and its various versions or any other software programs developed by P.

I.A. 12424/2021- O11 R (4) Seeking leave to file additional documents.

I.A. 12425/2021- Section 151 for exemption from filing originals.

I.A. 12426/2021- Section 12A allow the prayers of application under O39 R1 & 2.

THE FOUNDRY VISIONMONGERS LIMITED VS. LIVING PIXELS ENTERTAINMENT PRIVATE LIMITED & ANR.

NOTE:

- This is fresh matter.
- The present suit is filed by P seeking permanent injunction restraining D’s from copying, reproducing, storing, installing and/or using pirated/unlicensed software programs of Plaintiff including “NUKE” and “NUKE X” and its various versions or any other software programs developed by the P.

BRIEF FACTS:

- The P, Foundry Visionmongers Limited is a company incorporated in 1996 under the laws of England and Wales having its registered office at 5 Golden Square, London, W1F 9HT, United Kingdom.
- The Plaintiff is the owner of copyright in its software programs including “NUKE”, “NUKE X”, “NUKE STUDIO” and “NUKE RENDER”.
- P was established in the year 1996 and is leading innovator of visual effects (VFX) and image processing technologies for motion pictures, animations, commercials, broadcast post-production among others.
- In 1993 the software NUKE was developed by the digital Domain.
- 2007 the P took over the Digital Domain and became the proprietor of NUKE software.

- D1, Living Pixels Entertainment Private limited appears to company having its address at H.no 8-1-284/0.U/351, 2nd floor, O.U Colony, Shaikpet, Hyderabad, Telangana.
- D1 is VFX company engaged in providing 2-D and 3-D animation.
- D2 is the director and founder of D1
- August 2020- P received information that D's are using pirated/ unauthorized versions of P's NUKE and NUKE X software.
- 19.08.2020- P representative sent Email to discuss the amicable way to resolve the said license compliance issue, however D's never replied the said email.
- September 2021- P discovered D's are using the Pirated/ unauthorized versions of P's NUKE and NUKE X on at least 20 computer systems
- Hence this present suit.

CASE NO.9

CS (COMM) 470/2021

I.A. 12451/2021- O39 R1 & 2 restraining D's from using P's suit trademark RAMADA or any other mark deceptively similar any mark or trademark, including, but not limited to, the Impugned Marks "LA RAMADA", "LA RAMADA WORLD" "LA RAMADA WORLD, RESORT & SPA", and any other mark featuring "RAMADA"

I.A. 12452/2021- O11 R 1(4) filed by P seeking leave to file additional documents.

I.A. 12453/2021- Sec 151 exemption from filing Clearer/Re-formatted copies of document.

I.A. 12454/2021- O11 R2 filed by P seeking interrogatories.

I.A. 12455/2021- Section 151 for exemption from requiring the P to first exhaust the remedy of Pre-mediation mediation and settlement.

RAMADA INTERNATIONAL, INC VS. LA-RAMADA WORLD PRIVATE LIMITED & ANR.

NOTE:

- This is a fresh matter.
- The present suit has been filed by P seeking permanent injunction restraining D's from using in any manner P's trademark RAMADA which is deceptively or confusingly similar thereto as part of or in relation to any mark or trademark, including, but not limited to, the Impugned Marks "LA RAMADA", "LA RAMADA WORLD", "LA RAMADA WORLD RESORT & SPA"



RELIEF SOUGHT:

- Permanent Injunction
- Delivery
- Rendition of accounts
- Decree for damage of Rs. 2,00,05,000/-
- Punitive damages
- Decree declaring RAMADA well-known trademark

BRIEF FACTS:

- P is using the trademark "RAMADA" for its hotel chains since 1954 in USA.
- In India, Plaintiff's filed its first trademark application for the RAMADA device mark on December 23, 1970 which was registered on January 29, 1972 and the trademark has been maintained by P till December 23, 2015.
- In 1980s, P launched one of the first hotels in India under the trademark "RAMADA".
- February 2021: P learnt that D has been using marks "LA RAMADA", "LA RAMADA WORLD" and other similar marks to P's mark in respect of services related to hotel and hospitality industry.

	<u>PLAINTIFF</u>	<u>DEFENDANTS</u>
Marks	RAMADA RAMADA HOTELS	LA RAMADA LA RAMADA WORLD RESORT & SPA
Company Name	Ramada International, Inc.	La-Ramada World Private Limited
Domain Names	<ramada.com> <ramada.biz> <ramada.us>	<laramadaworld.com> <laramadaworld.online> <laramadaworld.net.in>

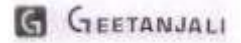
Plaintiff's Logo	Defendant's Logo
	

- P sent cease and desist letter to D from using the impugned marks.
- On private investigation by P, it was discovered that no presence of D or any entity related to them were found under the impugned marks or company name. P also discovered that various consumers had reported instances of fraud, cheating and false promises against D.
- Hence P has filed the present suit for permanent injunction.

CASE NO. 10-
CS (COMM) 462/2021

I.A. 12313/2021- O 39 R1 & 2 for interim injunction restraining the D's or their agents under the marks of

“GEETANJALI”, GEETANJALI SALON, GEETANNJALI STUDIO
which are deceptively similar to P's trademark.



I.A. 12314/2021- O 11 R 1(4) filed by P seeking leave to file additional documents.


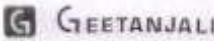
I.A. 12315/2021- Section 151 exemption from filing certified copies

I.A. 12316/2021- Section 12A grant leave to file present suit without exhausting the remedy of pre-institution mediation.

GEETANJALI STUDIO PRIVATE LIMITED & ANR VS. NUXI TO KUT N KURL PRIVATE LIMITED THROUGH ITS DIRECTORS & ORS.

NOTE:

- This is a fresh matter
- The present suit has been filed by P restraining the D's or any associated or affiliated entities under

the marks, ,  or any other mark which is deceptively similar or identical to the P's trademark.

RELIEF SOUGHT:

- Permanent Injunction
- Rendition of accounts
- Delivery
- Damages of 2,00,01,000/-
- Order declaring P trademark well-known trademark

BRIEF FACTS:

- P1 is a company established named “GEETANJALI BEAUTY PARLOUR” in 1989 and P2 is the director of P1.
- The P1 is one of the most well-known salons based out of New Delhi, specializing in hair dressing, styling and make-up services, catering to national and international customers and eminent personalities of the fashion industry.

- On 11.04.2016, P2 formed a partnership firm “M/s GEETANJALI STUDIO” in collaboration with Mr. Sachin Manchanda and continued till 2021 and was taken over by a newly incorporated company “Geetanjali Studio Private Limited” by way of business transfer agreement dated 17.03.2021.
- In may, 2018, D1 through their directors D2-5 approached P’s to open a franchise of P1 in Lajpat nagar-2, New delhi.
- Franchise agreement was executed on 17.05.2018
- As per agreement D’s are obliged to pay 1,00,000/- plus GST and continuing Franchise Fee(CFF) of Rs. 50,000/- per month or 10% of new value.
- Placer of business was shifted and fresh to a new address and previous agreement dated 17.05.2018 was terminated and fresh franchise agreement was executed between P1 and D’s on 18.08.2020.
- D’s started defaulting on payment of CFF and other charge from Feb 2020.
- P’s compelled to send an e-mail to D’s to make the payment of Rs. 3,11,820/- but D’s not bother to make payment.
- P’s sent reminder e-mail on 22.01.2021, 13.02.2021, but D’s failed to make payment.
- 6.04.2021- P’s Sent legal notice to the D’s for terminating the franchise agreement and to make to due payment.
- April 2021- Govt imposed lockdown and ordered salons to closed
- June 2021- When commercial activities allowed by government P was shocked to find out D’s were still using P’s trademark and running the studio.
- 28.06.2021- P sent legal notice to D’s for infringement
- Hence this present suit

**CASE NO.11-
CS (OS) 449/2021**

I.A. 12210/2021- O 39 R1 & 2 seeking ex-parte ad-interim injunction order restraining the D’s from creating any third party right.

I.A. 12211/2021- Exemption from filing certified of documents.

SH. SANDEEP SINGH VS. SMT. SARVJEET KAUR & ORS.

NOTE:

- The present suit has been filed by P seeking decree of partition against D’s in both the suit properties.
 - a) Ground floor Premises, area measuring 73.50 sq. yards i.e. 664 sq. fts. Approx., alongwith First Floor and Second Floor premises, with all its land and roof/terrace rights, each floor area measuring 94 sq. yds. i.e. 846 sq. fts. Approx Khasra No.453 situated in the area of village Tihar, abadi known as Guru Nanak Pura, Jail Road, New Delhi.

- b) Property bearing no. D-58, built on portion of plot no. 58, in block D, area measuring 90 sq. yds. Part of Khasra No. 445, situated in the area of Village Tihar, abadi known as Fateh Nagar, New Delhi.

RELIEF SOUGHT:

- Partition
- Appoint local commissioner
- Permanent Injunction

BRIEF FACTS:

- P and D's are the class 1 legal heirs of Late Sh. Joginder singh and late Smt. Lajwant Kaur who had expired on 28.12.2019 and 25.11.2011.
- Smt. Lajwant kaur was the sole and absolute owner of the above suit properties.
- Smt. Lajwant Kaur executed a Will dated **01.06.2011** duly registered with Sub Registrar- II, Janakpuri, and Delhi in respect of the suit properties thereby bequeathing all her rights of the suit properties.
- After her death, Late Sh. Joginder Singh inherited the suit properties and become the sole and absolute owner of the suit properties.
- Late Sh. Joginder Singh and late Smt. Lajwant Kaur were having two sons namely Sandeep (P) and Sundeep singh which got expired on 15.06.2020 leaving behind D1 to 3 only legal heirs.
- P visited at the house of D1 after the death of his brother and the factum of the execution of will dated 1.06.2011 was revealed to P by D1 alleged her to be owner of suit property.
- P requested D's to divide and partition of the suit properties and D's refuse to do so.
- On July 2021 P through his sources came to know that D's have contacted some local property dealers to sell out the suit property
- Hence the present suit.

CASE NO-12

TEST.CAS. 83/2021

I.A. 12208/2021- Section 151 seeking exemption from filing certified documents.

VIJAY BHUSHAN BHARDWAJ AND RAVI BHUSHAN BHARDWAJ VS. STATE

NOTE:

- The present suit has been filed for grant of probate to the last Will and Testament dated April 26, 1977 of Late Sh. Satya Dev Bhardwaj with respect to his properties/ assets.

RELIEF SOUGHT:

- Grant of probate

BRIEF FACTS:

- Sale deed dated 23.02.1968, the rights, titles and interest as lessees in perpetuity in plot No.4 Block No. K Connaught Place, New Delhi and building constructed thereon (hereinafter referred to C.P. Property) was purchased by late Sh. Satya Dev Bhardwaj in his name and names of his five children
- Late Sh. Satya Dev used to live at Nairobi, Kenya in connection with business activities. While living in Nairobi, Late Sh. Satya Dev executed his last and testament dated 26.04.1977 in the presence of two witnesses who are local residents of Nairobi.
- In terms of the said Will, the testator bequeathed his 25% share in the G.K. Property to his sons and in case, any son predeceased him, to son or sons of the predeceased son in the manner laid down in clause 4(b) of the said Will.
- Sh. Satya Dev shifted from Nairobi and settled down in India in the year 1984.
- Sh.Satya Dev passed away in the year 2007.
- On 06.11.2026- Sh. Priya Bhushan expired (Eldest son of testator) expired in London leaving behind his wife and 3 daughters.
- On 1.09.2017- Smt. Gayatri Devi wife of deceased Testator passed away at New Delhi
- On 24.05.2019- Smt. Usha Bhardwaj W/o Late Sh. Priya Bhushan passed away and after her death surviving legal heirs of Late Sh. Priya Bhushan are R2a, R2d

CASE NO.13-**CS (OS) 443/2021**

I.A. 12108/2021- O 39 R1 & 2 filed by P for grant of stay

I.A. 12109/2021- O 32 R 3 to appoint D3 as guardian of D3B for contesting the present case on behalf of D3B

KAVITA DAGAR VS. DHARAM SINGH AND ORS.

NOTE:

- This is a fresh matter
- The present suit has been filed by P seeking decree of partition against D's in the ancestral property to the extent of 1/5th share in respect of the following properties
 - a. House no.267, street no.6, Jagat Pur Village, Delhi- 110084.
 - b. House no.184, street no.5, Jagat Pur Village, Delhi- 110084.
 - c. Kh.No.675-682, Plot measuring 200 Sq.yd. Street no.5, Jagat Pur Extn., Delhi-110084.
 - d. Kh.No.628-629, Plot measuring 339 Sq.yd. Streetno.25, Jagat Pur Extn., Delhi-110084.
 - e. Kh.No.0-1198, Plot measuring 150 Sq.yd. Street no.10A, Jagat Pur Extn., Delhi-110084.

RELIEF SOUGHT:

- Decree of partition
- Permanent Injunction

BRIEF FACTS:

- The great grandfather of the P namely Sh. Aman Singh had 5 children namely Sh.Ram Singh, Sh.Yaadu, Sh. Bihari Lai Sh.Bhikari & Sh.Surjan
- Sh. Bihari Lai was in possession of the property received by him from his father as an ancestral property in the year 1940
- Grandfather of P purchased agricultural land, Khasra no. 84-85 and Kh. No. 127/15/16/ 17/18, situated in village Burari, Delhi
- In 1973 grandfather of P distributed the ancestral land between his two sons Sh. Hari Ram & sh. Dharam Singh (D1).
- In 1973 the father of P Sh. Dharam Singh has been in possession of the properties mentioned below.
 - i. House no.267,street no.6,Jagat Pur Village, Delhi- 110084.
 - ii. House no.184,street no.5,Jagat Pur Village, Delhi-110084.
 - iii. Kh.No.675-682, Plot measuring 200 Sq.yd. Street no.5, Jagat Pur Extn., Delhi-110084.
 - iv. Kh.No.628-629, Plot measuring 339 Sq.yd. Street no.25, Jagat Pur Extn., Delhi-110084.
 - v. Kh.No.0-1198, Plot measuring 150 Sq.yd. Street no.10A, Jagat Pur Extn., Delhi-110084.
- After partition the father acted like a karta of the family and handled all family affairs.

- Sh. Dharam Singh is the father of the plaintiff, defendant No.2 & 4 and father in-law of the defendant No.3 and grandfather of defendant No.3a & 3b.
- Sh. Dharam Singh has four children Sh. Jitender (D2), Sh. Virender who died in the year 2006 intestate leaving behind three legal heirs' i.e D3, 3a & 3b, P herself & Sh. Jagvinder i.e D4.
- The marriage of the P was solemnised on 14th Feb 1994 but whenever she came to her house, she was occasionally subjected to misdeed and misbehaviour conducted by her father.
- In Oct 2019 a quarrel was raised by D2 for partition of ancestral properties and wanted to grab all the properties which belonged to grandfather and father of P.
- Due to intervention of family members relatives, the oral partition took place amongst the family members and was agreed that P shall get 1/5th share in properties.
- It was further settled that grandmother of P had given gold ornaments worth Rs. 75 lakhs and silver jewellery weighing 5kgs shall be distributed amongst all members.
- On 5.07.2021 D1 &2 started raising construction at the property situated in Gali No.5, Village Jagatpur Extension opposite to the house of Sh.Jagat Singh admeasuring 200 Sq.Yards and came to knowledge of P that they have entered into agreement for disposing of the said property to third party which was opposed by the P.
- D1 being a Delhi Police official managed local officials and started raising construction on the said property on 18.07.2021 but due to intervention of neighbours he could not do the same.
- Hence the suit is filed by P for partition and permanent Injunction.

CASE NO.14

CS (OS) 444/2021

I.A. 12110/2021- O39 R1 & 2 filed by P seeking Ex-parte to restrain D1 to 3 to create third party interest in the suit property bearing no. 234, Street No. 7, Bholanath Nagar, Shahdara, Delhi 110032

I.A. 12111/2021- Section 151 filed by P for exemption from filing certified copies.

MR RAJIV KUMAR BHATIA VS. MRS RITU BHATIA AND ORS

NOTE:

- This is a fresh matter
- The present suit has been filed by P seeking Final partition decree with respect to the property bearing no. 234, Street No. 7, Bholanath Nagar, Shahdara, Delhi-110032

RELIEF SOUGHT:

- Preliminary decree for declaring the shares of P and D's
- Decree for partition

BRIEF FACTS:

- After the partition of India in the year 1947, Mr. Kundan Lal Bhatia who was displaced from East Pakistan, applied for the claim against his properties left behind in Pakistan to the Govt. of India.
- Ministry of Rehabilitation, Office of Custodian of Evacuees Property, allotted the suit property to Shri Kundan Lal Bhatia on 11.12.1952
- before the said property could be transferred in the name of Mr. Kundan Lal Bhatia, he died intestate on 06.08.1960, leaving behind the following Class
I Legal Heirs.
- That all the children agreed to substitute the name of their Mother, Smt. Suhagwanti Bhatia in place of their father Late Shri Kundan Lal Bhatia, however the said property was not transferred in her favour.
- While during the process of transfer Smt. Suhagwati Bhatia died on 22.05.1969.
- All the legal heirs mentioned above, decided that in place of Smt. Suhagwati Bhatia, the name of Sh. Amrish Bhatia, be substituted in claim.
- The above claim was transferred in the name of Amrish Bhatia (D5) on 03.07.1972.
- After death of Mr. Dinesh Kumar Bhatia, his widow Mrs. Neelam Bhatia and children (D4-6) and after death of Mr. Shiv Kumar Bhatia, his widow Mrs. Sunita Bhatia and children (D7-9) are presently residing in the aforesaid premises
- Family members had agreed that all the sons will inherit the Said Property as the daughters were well settled and did not want any share in the Said Property.
- With the passage of time except for Ms. Pushpa Bhatia all the children of late shri Kundan Lal Bhatia and Late Smt. Suhagwati Bhatia died.
- The Plaintiff has inherited 2. 7 % approx. share in the aforesaid property.
- On March 2021 P approached Mrs. Neelam Bhatia and Mrs. Sunita Bhatia to get his share in the suit property, they informed P that legal heirs of Sh. Amrish Bhatia (D5) is claiming absolute right in the suit property which is pending in Karkardooma court.
- 26.08.2021- Property dealer of the suit property told P that the suit property has come to him for sale and D1 to 9 are planning to sell the suit property.

- 10.09.2021- Hence this present suit.

CASE NO.15-

C.A. (COMM.IPD-PAT) 3/2021

I.A. 11986/2021- Exemption from filing certified copies of documents

AUDERTEC SOLUTIONS LLP VS. CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADE MARKS & ANR.

NOTE:

- This is a fresh matter
- The present suit has been filed by P to set aside the impugned order dated January 08, 2021 in Indian Patent Application No. 202011011938 passed by the Assistant Controller of Patents and Designs Delhi.

RELIEF SOUGHT:

- Set aside the impugned order
- Call for the record of the matter before the Assistant Controller of patents.
- Pass an order granting patent in Indian Patent Application No. 202011011938

BRIEF FACTS:

- 31.01.2019- Appellant is registered as a Limited Liability Partnership on having a place of business at SCO 315-316, First Floor, Himalaya Marg, Sector 35B, Chandigarh 160036.
- 19.03.2020- Appellant filed an Indian Patent application bearing no 202011011938 for an invention titled 'A method and system for detecting road anomalies'
- 04.04.2021: Appellant made a request under sec 11A (2) of patents act for early publication as well as request for expedient examination under sec 11B and 24C.
- 29.05.2020- Application was published under 11A in Patent journal.
- 15.06.2020- R2 issued first examination report in Patent application no. 202011011938
- 23.10.2020- Appellant filed the reply of first examination report.
- 23.11.2020- R2 informed the appellant that hearing under sec 14 of patents act had been schedule on 18.12.2020 with respect to application no 202011011938
- 18.12.2020- Appellate agent attended hearing before Ast. Controller of patents& design
- 31.12.2020- Appellate submitted WS of arguments to the hearing With the office of R1
- 08.01.2021- R2 passed the impugned order refusing the grant of Patent application no. 202011011938.
- Sept, 2021- Hence the present appeal.

- **ITEM NO. 16**

CS (COMM) 447/2021

I.A. 11972/2021- O 39 R1 & 2 filed by P to restrain the D or on their behalf from providing services under the name of "**OM EXPRESS LOGISTICS**" and / or using the said name or any other deceptive similar name in any manner.

I.A. 11973/2021- Section 151 filed by P for exemption from filing certified copies

I.A. 11974/2021- Section 151 filed by P for exemption from made advance service to D

OM LOGISTICS LTD VS. SH MAHENDRA PANDEY

NOTE:

- This is a fresh matter
- The suit is for a permanent injunction restraining D from using the name "**OM EXPRESS LOGISTICS**" and / or using the said name or any other deceptive similar name in any manner

RELIEF SOUGHT:

- Permanent injunction restraining D from using the said name
- Direct the D to destroy all the advertising materials, letter heads, bills etc. bearing the infringing mark "OM EXPRESS LOGISTICS"
- Direct the D to remove the said mark from search engine
- Damage of 2,00,00,000/-

BRIEF FACTS:

- The P is a reputed service provider engaged in Air Cargo, Train Cargo, Concorde Cargo Service, Car / Tractor / Motor Cycle Transportation, third party logistics provider, surface cargo, truck load service / parcel service / warehousing in India and transportation of house hold goods as well as industrial goods from one place to another.

- P is a registered proprietor of the trade mark " OM LOGISTICS LTD",



- P has also registered proprietor of following trademark
 - i. LOGO “Om Logistics Ltd.”
 - ii. OM LOGISTICS LTD.
 - iii. Om Logistics solutions.
- The trademark “OM LOGISTICS LTD” was adopted by P in 1990 and has applied for registration of trademark on 09.08.2020 and is still in use.
- Volume of the service provided under the aforesaid trademark by P in India from 2007 is almost 959335 lakhs.
- In the month of April 2021 P during a search on google search engine came to know similar to P mark name “OM LOGISTICS LTD”
- D is running its business in the name and style of “OM EXPRESS LOGISTICS” which is deceptively similar to the P registered trademark.
- On 05 April, 2021, P has issued to the D cease and desist notice in respect of the use of the Trade Mark “OM EXPRESS LOGISTICS”
- 27.04.2021- D sent the reply to the legal notice raising false and frivolous objection.
- August, 2021- Hence this present suit.

CASE NO.17-

TEST.CAS. 78/2021

I.A. 11769/2021- Application filed by P for condonation of delay

SH. RISHI KUMAR VS. STATE & ANR.

NOTE:

- The present suit has been filed by P for grant of letter of administration on the basis of the Authenticated WILL as granted by the Ld. Trial Court, Tis Hazari, Delhi dated 13/11/2019 in respect of movable property of the testatrix Smt. Ratna Devi.

RELIEF SOUGHT:

- Grant of letter of administration

BRIEF FACTS:

- P filed a petition for grant of probate u/sec 276 of ISA, 1925 before Ld. Trial Court, Tis Hazari.
- The Trial court rejected the prayer for grant of letter of administration.
- The will was proved before the trial court, hence an authenticated copy of will was granted by the court
- P approached R2 for release of amount in FDR and savings bank account but branch manager of R2 refused to do the same as P failed to produced Letter of Administration
- The present petition is filed for grant of letter of administration.

CASE NO. 18-**C.O. (COMM.IPD-TM) 6/2021**

I.A. 11270/2021- O39 R1 & 2 filed by P for staying the Effect and operation of R1 registered trademark no. 3469037

I.A. 11271/2021- Section 151 seeking for exemption from filing typed/certified copies.

DELHI PUBLIC SCHOOL SOCIETY VS. DEEPAK KUMAR PAL**NOTE:**

- The present suit is file by P against R1 for cancellation of trademark “DELHI PUBLIC INTERNATIONAL SCHOOL” registered in the name of R1.

RELIEF SOUGHT:

- Cancellation of trademark
- Not to give effect to any transfer of the impugned trademark.

BRIEF FACTS:

- 1949: P established school under the name of “DELHI PUBLIC SCHOOL” at Mathura road, New Delhi.
- 31.03.2009- Trademark DPS got registered under clause 42 only.
- 21.12.2012: P obtained registration of its work under copyright act.
- 21.08.2014: Petitioner obtained registration of its logo under Copyright Act.

- April 2016: P trade mark "Delhi Public School" got registered under Trade Mark Act.
- 22.05.2021: P received information that a school in Nagpur is running under the name and style of "Delhi Public School" which are deceptively similar to theirs.
- 22-23.05.2021: Personnel from P's school in Nagpur visited the R1 School and came to know that R1 is misrepresenting to parents "Initially, DPIS was under the DPS Society but now they have separated and there are over 200 branches of DPIS all over India."
- 24.05.2021: P's Nagpur venture served a cease and legal notice upon DPIS Nagpu.
- 20.06.2021: Reply to the said legal notice was stated that "Delhi Public International School" is owned and registered by Mr. Deepak Kumar Pal, Madhubani, Bihar, and DPIS Nagpur is the "permitted user" of the said trade mark.
- 22.06.2021: R1 got published a public notice in a newspaper, Hitavada, Nagpur that Delhi Public International School, Nagpur is functioning for past 40 years and is permitted user of impugned trademarks, registered in the name of R1.
- Therefore, the present petition is filed by P against D1 for cancellation of the trademark.

CASE NO.19

CS (COMM) 414/2021

I.A. 11331/2021- O39 R1 & 2 filed by P for permanent injunction restraining infringement of trademark against the D's.

I.A. 11332/2021- O 11 R1 (4) along with supporting affidavit for seeking time to file original copies of documents.

LEGRAND FRANCE & Ors. VS. SECUTECH SWITCH GEAR AND ELECTRICALS PRIVATE LIMITED & Ors.






NOTE:

- The present is suit filed for seeking a decree of permanent injunction restraining the D's from manufacture, selling, importing, exporting or any other goods bearing the impugned trademark **LIGUARD / liguard** / as may be identical to or deceptively similar with the P.

RELIEF SOUGHT:

- Injunction
- Delivery
- Rendition of accounts
- Decree for Rs. 2,00,00,000 towards damage

BRIEF FACTS:

- 1953: P1 was formed as Legrand France.
- 1968: The Plaintiffs adopted the unique and distinctive logo/trademark  for their business.
- 1974: P redefined its logo .
- 1986: P1 applied for trademark  and registered in class 09 in India with validity 27/10/2027.
- 1995. P1 registered its domain name www.legrand.com.
- 1996: P1 brought this business in trademark LEGRAND for electrical products.
- 2004: P1 applied for its trademark  / LEGRAND 3D in class 09, 11, 16 in India with validity 01/12/2004.
- 2008: D2 filed application for LIGUARD, which the same granted registration.
- 2010: P'2 was incorporated under the name of 'Era Electricals Private Limited'.
- 2012: The P'2s name was changed to its present name 'Novateur Electrical & Digital Systems Private Limited.
- 2018: License agreement entered between P1 and P2 permitting P2 (licensee) to commercially exploit the P1's trade mark LEGRAND in India
- 2019: Legrand Group reported its sales of Euro 6,662 million worldwide.
- 2020: P's aware of infringing products under deceptively trademarks LIGUARD/ which was obtained by D2.
- 28.08.2020: P's issued cease and desist notice to D1 to refrain from manufacture of any product under the trademark of P's and notice to D2 for withdraw the trademark in order to resolve the dispute.D2 has not responded to the said notice till date.
- 06.10.2020: D1 sent response to the said notice refusing to comply and claiming to be the authorized user of the trademark.

- 24.10.2010: Assignment deed entered between D2 and D3 whereby D3 (Assignee) became the subsequent proprietor of the trade mark **liguard** bearing registration no. 3715674 in Class 11 in India.
- August, 2021: the P's are constrained to institute the present proceedings.

CASE NO. 20-

CS (OS) 416/2021

I.A. 11175/2021- O 39 R 1 and 2 filed by P for Ad- Interim Exparte Injunction restraining D from creating 3rd party interest.

I.A. 11176/2021- O 26 R 11 filed by P for appointment of local commissioner.

I.A. 11177/2021- Section 151 seeking exemption from filing original copies of document.

RAJIV KUMAR & ANR. VS. SANJEEV KUMAR & ORS.

Note:

- The present suit is filed seeking a decree for seeking cancellation of gift deeds. One being dated 26.08.2018 and another gift deed dated 06.05.2019.

Relief Sought:

- Cancellation of gift deeds
- Injunction

Brief Facts:

- D3 is the mother of three brothers P1, P2 and D1.
- Father of P's and D1 purchased the property in dispute in 12.08.1976.
- Father of P's and D1 Executed a will in favour of D3 and after death of D3 it was to be devolved among all 3 Brothers/Legal heirs.
- On 04.12.2017 D3 applied for mutation
- In 2019 D1 and D2 in collusion with D3 Changed or closed the nomenclature of FDRs in SBI, PNB and YES Bank.

- On 4.08.2021 D3 gifted entire property to D2.
- P filed the suit for cancellation of gift deeds.

CASE NO.21-

CS (COMM) 101/2021

I.A. 3169/2021- O39 R1&2 to restrain D in dealing in any mark similar to that of P “MANTHAN/ PREMIER MANTHAN”

I.A. 5199/2021- O39 R4 for vacation of injunction granted vide order dated 03.03.2021

I.A. 6405/2021 – Filed by D seeking de-sealing and release of goods

I.A. 6406/2021 – Exemption from filing notarized affidavits

I.A. 8224/2021- Exemption from filing certified copies

PREMIER NUTRITIONS PVT LTD VS. AMIT PRODUCT A PROPRIETARY CONCERN

Note:

- Matter has been listed for arguments on **I.A. 5199/2021 & I.A. 3169/2021**
- The matter is also listed to hear **Rev. Pet. 98/2021** to review the order dated 20.05.2021 direction to seal the infringing and counterfeit products to prevent the Defendants and their affiliates from selling the goods with the impugned trademarks, trade names and trade dress,
- P filed the suit against D seeking an injunction from using the alleged impugned trademark “DOODH MANTHAN” of D1-3 deceptively similar to P’s “MANTHAN/ PREMIER MANTHAN”, trade name, Artwork/Packaging trade dress and logo.

Prayer:

- Permanent Injunction
- Passing off
- Declare Manthan/ Premier Manthan as a well-known trademark
- Delivery
- Rendition of accounts


Facts:

- 1989 –P’s company was established and is in “Milk and dairy product business”.

- 27.06.1994 – Ps predecessor obtained registered trademark, trade dress, trade name and logo, photograph with artistic work under name and style of “Manthan/ Premier Manthan” (details along with photographs are given on page 27 of the PDF)
- 17.10.2013 – P applied for registration of logo and trade dress
- 17.09.2018 – P sent a legal notice to D to stop using impugned trademark, which is similar to P’s trademark, trade name, Artwork/ Packaging trade dress
- 29.11.2018 – This court passed a decree in favour of P and awarded relief of permanent injunction and damages, for infringement of its intellectual property, trademark, trade dress “Manthan/ Premier’s Manthan”, logo, trade name and artistic work
- 19.12.2018 – P has also filed an FIR against Ds for passing off and infringement activities of Ds.
- 7.12.2020 – Deepak Agency vide invoice number 6639 whose proprietor is Mr Suresh Chettija (Father of D1) sold 25 liters of skimmed milk to Piyush Traders while using 25 bags which had impugned trademark and trade name “Doodh Manthan” which is deceptively similar to P’s trademark and trade dress “Manthan/ Premier Manthan”

CASE NO.22-


CS(COMM) 257/2021

I.A. 6984/2021 – O.39 R. 1 & 2 to restrain D from using impugned mark PAMOIST/  or mark similar to Ps registered PAMOIST



I.A. 14009/2021- O.1 R.10 on behalf of D2 deletion from array of parties

KULVINDER SINGH KOHLI AND ANR. VS. M/S JASMEET SINGH ENTERPRISES AND ANR.


Note:

- The matter is listed as parties have been referred before Mediation on 16.09.2021 as parties try and settle the matter.
- The suit is for a permanent injunction to restrain the D from using the impugned mark “PAMOIST”/  and from infringing on the registered trademark and copyright of the by P being “PAMOIST” under classes 9, 35, 41 and 45

Prayer

- Permanent injunction restraining D dealing with the impugned mark PAMOIST/  which is similar to P's mark "PAMOIST" registered under class 9, 35, 41 and 45
- Decree of mandatory injunction to remove the goods of D1 under the impugned trademark "PAMOIST"/  from websites
- Rendition of accounts/ damages
- Delivery up

Facts

- **2008:** P1 is an advocate and a Non-Executive Chairman of Frankfinn Group of Companies, P2 is a trust set up under the provisions of Indian Trust Act, 1882. P1 had set up a Non-Profit Organization under the name "Pamoist Charitable Trust" and the same was registered with Registrar of Societies. P1 has applied for registration of the mark "Pamoist" and "Pamoist International" in various class including 9, 35, 41 and 45. P1 is owner of the domain name www.kamtreen-e-kamtreen.com and kamtreen.com where the mark "Pamoist" is extensively used
- D1 is a partnership firm having Mr. Jasmeet Singh as its Sole Proprietor. D2 is a company running e-commerce website www.amazon.in wherein the goods under the impugned trademark "Pamoist"/  are sold. D1 has filed an application before the Registry seeking registration for Trademark "Pamoist" in Class 25 and claiming the use of the mark since 15.01.2020.
- The adoption of the mark "Pamoist" by D is identical to the trademark "Pamoist" of P which has been used since 2008 by P.

Order dt. 01.06.2021 IA 6984/2021

5. A perusal of the marks being used by the defendants shows that they are virtually identical/deceptively similar to the plaintiffs' trade mark "Pamoist".

6. The plaintiffs have made out a prima facie case. The defendants, etc. are restrained from manufacturing, selling, advertising or in any manner dealing in any goods using the trade mark/name "Pamoist"/as a trademark, label, device, trading style, etc. in any manner whatsoever or any other mark which is deceptively similar to the plaintiffs' trade mark "Pamoist" till the next date of hearing.

CASE NO. 23-

CS(COMM) 352/2021

I.A. 9632/2021- O.39 R.1 & 2 seeking an injunction against D from further infringing upon Ps trademark being “CVENT”

CVENT INC Vs. MR SHABEER KOKKARNI

Note:

- This matter is listed as D were restrained from infringing the P’s registered trademark and notices were issued to Ds.
- The present suit is filed against D for infringing upon registered trademark of P being “CVENT”

Prayer:

- Permanent injunction restraining D from using the trademark “CVENT”
- Rendition of accounts
- Delivery up
- Damages

Brief Facts:

- P is a US based company engaged in the business of providing integrated technology solutions to maximise the impact of meetings and events of all sizes
- P has been using the mark “CVENT” since its incorporation in the year 1999 the same has been registered in many countries
- P got the mark registered in India on 19.07.2019 but has been using the brand across India since 2006
- P also operates the website being www.cvent.com
- P employs over 4000 employees, has 30,000 plus customers across the globe and 268,000 plus hotels and venues listed on its supplier network
- P issued a cease and desist letter to D on 19.04.2019, 27.08.2020 & 27.10.2020
- D had filed the impugned mark “CVENT” for registration in 2017 claiming use since 2012
- 25.11.2020- D issued a response to P wherein D solely relied upon the registration of his mark “CVENT” under class 41 dated 26.04.2017

- D is also using the domain name www.cvent.in which is similar to that of Ps
- Hence the present suit

CASE NO. 24-

CS(COMM) 382/2021

I.A. 10335/2021- Under O39 R1 & R2 Restrain Ds from carrying on business under the name Yum Yum Chi which is deceptively similar to Ps trademark under class 43 being YUM YUM CHA

TUSAJ LIFESTYLE PRIVATE LIMITED & ANR. Vs. MS YUM YUM CHI & ANR.

Note:

- The matter is listed for the IA 10335/2021
- The present suit is filed as D1 is using the mark Yum Yum Chi deceptively similar to P's mark YUM YUM CHA registered under class 43 & 41.

Prayer:

- Restrain Ds from carrying on business under the name Yum Yum Chi which is deceptively similar to Ps trademark under class 43 being YUM YUM CHA

Brief Facts:

- P1 is a company started by P2
- 2014- the year the first restaurant by the name of YUM YUM CHA was opened through P2
- There are 4 outlets of the said restaurant in the Delhi NCR area
- 2014-2019- Ps turnover increased from INR 59,317,418/- to INR 397,647,522/- in 2019
- December 2020- P came across D1 and its use of the impugned mark being Yum Yum Chi for running a Chinese restaurant
- 23.12.2020- P sent a cease & desist letter to D1 however has not received a reply till date
- Hence the present suit

CASE NO. 25-

CS(COMM) 383/2021

I.A. 10356/2021 – O39 R1&2, For ex-parte interim injunction restraining D1 from selling etc. goods under the trademark of P or any other identical mark & ofr D2 to block access of D1 to its domain name.

PUMA SE VS. ASHOK KUMAR TRADING AS THE SHOES KART & ANR

Note –

- The matter is listed as injunction was passed against D1 infringing the mark/logo identical to P's mark.
- This is a suit filed by P for for permanent injunction from infringement or passing off of P's trademark





“PUMA”,  &  .

Relief Sought

- Permanent Injunction
- Delivery Up
- Rendition of Accounts
- Damages

Brief Facts

- P is a company PUMA SE marketing and selling its products in India since 1980s including in Delhi through its wholly owned subsidiary Puma Sports India Pvt. Ltd.
- D1 is The Defendant No.1 is engaged in the business of trading/ supplying/ marketing/ selling of footwear under P's mark without authorisation inter alia on his website www.theshoeskart.com.
- D2 is registrar id D1's website, GoDaddy.com, LLC

- 01.10.1948 – P’s trademark “PUMA” &  were coined, drawn and officially registered followed by a Distinctive Form Stripe Logo  in 1956 and started use in 1958.
- 15.02.1977 – P registered the mark PUMA in India bearing registration no. 323054 in Class 25.
- 11.07.1983– P registered the Form Stripe Logo  in India bearing registration no. 407833 in Class 25.
- 25.02.1986 – P registered the  logo in India bearing registration no. 450142 in Class 18.
- 2nd week of July, 2021 – P received a complaint from a customer based in Delhi regarding Puma shoes to be of poor quality, which he purchased from D1’s website.
- Thereafter, P collected and examined the product and found it to be counterfeit/fake.
- P submits that a vast number of registrations attained for the marks clearly reflects and indicates that the P is the prior adopter and exclusive proprietor thereof.
- D1 has been using the P’s mark PUMA & its logos and has been selling counterfeit products all without authorization and misleading the customers.
- P submits that the above activities are clearly to leverage the brand image and sales appeal of the Plaintiff and make illegal monetary gains.
- Hence, the present suit

RESEARCH WORK DONE UNDER INTERNSHIP:

- **JUDGEMENTS ON BEST RULE OF EVIDENCE**
- **STAMP DUTY ACT**

CONCLUSION

The internship opportunity I had with Hon'ble Justice Jayant Nath was a great chance for learning and professional development. Therefore, I consider myself as a very lucky individual as I was provided with an opportunity to be a part of it. I am also grateful for having a chance to work under such a wonderful and hard-working person. I perceive this opportunity as a big milestone in my career development. I will strive to use gained skills and knowledge in the best possible way, and I will continue to work on their improvement, in order to attain desired career objectives.

In the end I would like to conclude that internship under a justice helped me a lot to understand the court more effectively, specifically speaking Hon'ble Delhi High court and will help me a lot in developing my personal growth in the field of law.

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

तेजस्वि नावधीतमस्तु

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Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.)

BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - _____

ENROLLMENT NO. - _____

COURSE - _____

BATCH - _____



MUSKAAN GANDHI



DR. KEDAR NATH TRIPATHY
Advocate-on-Record
Supreme Court of India



TO WHOMSOEVER IT MAY CONCERN

This is to certify that Ms. Muskaan Gandhi, having Enroll. No. as 07390103817, a 4th year (8th Semester) student of B.A.LL.B., Fairfield Institute of Management and Technology (Guru Gobind Singh Indraprastha University) has interned with me from 29th June' 2021 till 27th July' 2021.

During the said period, I observed that she is a very responsible and dedicated student because of which I was able to rely on her with all types of tasks and duties. She is a keen and quick learner. She is a great task-master and managed her time well. She additionally engaged in lot of research work in different legal propositions and also prepared written submissions for a number of cases. Furthermore, she has assisted the office in the most efficient way and I am impressed by the way she has handled and performed all the tasks that were assigned to her.

She has an attitude of achieving great excellence and I wish her success for all her future endeavours.

Date: 27th July, 2021


(DR. K. N. TRIPATHY)

DECLARATION

I, MUSKAAN GANDHI (Admission No. **07390103817**) of 9th semester of BA-LLB (H) hereby declare that this report is compiled by me under 4 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to Fairfield Institute Of Management & Technology affiliated to GGSIP UNIVERSITY, New Delhi is a reliable document and is of bonafide nature.

It contains the work accomplished by me which was assigned to me during the internship. This work is done in respect of the partial fulfillment of the requirement for the award of degree of B.A.LLB (Hons.). This has not been submitted either in whole or in part to any Law University or Affiliated Institute under university, recognized by the Bar Council of India for the award of any law degree within the territories of India.

ACKNOWLEDGEMENT

I owe a great many thanks to a great many people who helped and supported me during the writing of this project. My sincere and humble thanks to Fairfield Institute of Management and Technology & School of Law for giving me the chance to carry out this project as part of B.A.LLB (Hons) programme.

I would like to thank and express my deep gratitude to respected Dr. K.N Tripathy where I undertook & completed my 4 weeks internship for Content Writing or Research work who has been my constant support, source of encouragement, inspiration, guided and helped me in successfully completing my Summer Internship.

Moreover, apart from court they give me a chance to get practical exposure by attending various conferences, seminars with various people. I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting of this report.

My deep sense of gratitude to other professionals of the legal field to whom I met during my internship period, as they were an important part of this experience and were also source of several practical knowledge in the field of law. I acknowledge their support during this internship period.

I also want to acknowledge the support from teachers and counselors of the law department of our college. I also extend my heart full thanks to my family and well-wishers without whom this project would have been a distant reality.

Muskaan Gandhi

OBJECTIVE

The Internship Program is not designed to teach us how to be good lawyers (or how to be lawyers at all) . It takes more than study at the University to do that. The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

This internship was valuable and a good work experience to start my legal career and had helped me to develop necessary understanding of this field in its future prospects. This experience taught me how actually the written laws are applied in actual or real life. It also showed the minute details of the court which are not either mentioned or overlooked.

Enable us to relate the different areas of legal practice to the importance of developing skills of legal research, communication, drafting, practice management and problem solving; and enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

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CASE NO-1

IN THE COURT OF Ms. GURMOHINA KAUR, METROPOLITAN MAGISTRATE

SAKET COURTS, DELHI

COMPLAINT CASE NO-96/18

IN THE MATTER OF:

BANK OF INDIA

...COMPLAINANT

VERSUS

NIRANKAR SINGH

... ACCUSED

Date Of Hearing - 20/08/21

THE BRIEF FACTS OF THE ABOVE CASE ARE AS FOLLOWS:

In this case, we are for the complainant Bank and the accused happened to be an account holder of the complainant, Bank Of India.

Primarily, the complainant bank has granted a loan of Rs.4,00,000/- (One Lakh) to the accused person Nirankar Singh son of Shri Omkar Singh , resident of Janakpuri , Delhi on certain fulfillment of legal formalities in which that the accused had made a promise that he will sell out his gold(asset) and mortgaged the same. Towards the clearance of the said liability of loan, the accused had issued two cheques for the sum of Rs.2, 00,000/- on 11-4-2019 and 15-4-2019 respectively.

The complainant bank presented the said cheques on various occasions but the same were returned by the paying bank with financial reasons “funds insufficient”.

Thus, the complainant sent a legal notice to the accused under section 138 of NIA i.e. Negotiable Instrument Act and has filed the complainant in the court. On the present day of hearing, it was prayed that either the aforesaid sum should be paid to the plaintiff bank or the mortgaged asset would be disposed of so as to recover the loan that was granted by the plaintiff, the Bank of India.

OBSERVATIONS

Now, the present matter is fixed for pre-summoning evidence of complainant bank for the next date i.e.06/08/21

CASE NO-02

IN THE MATTER OF:-

KAVITA SHARMA

...PLAINTIFF

VERSUS

MANOJ DIXIT AND OTHERS

...DEFENDANT

SUBJECT MATTER: - Application on behalf of the petitioner under Section. 151 CPC, seeking directions to demolish the illegal structure reconstructed by the Respondent No.1.

Date Of Hearing- 18/08/21

THE BRIEF FACTS OF THE ABOVE CASE ARE AS FOLLOWS:-

1. The applicant is the Respondent No.1 in the civil writ petition and is the owner of Flat bearing No.63, Pocket -11A, Sector-23, Rohini, Delhi.
2. Petitioner filed the present writ petition on the allegations that the Respondent No.1 has carried out illegal construction.
3. Petitioner filed an application under Section.151 CPC, alleging that the complete demolition of unauthorized structure has not taken place.
4. The counsel for the Respondent No.3 submitted that complete demolition could not take place since police assistance was not provided.
5. The officials of Respondent No.3 has demolished the alleged illegal construction as is evident from the latest photographs of the flat.
6. Respondent No.3 is still continuing the process of further demolition of the flat, whereas the orders were only to demolish the illegal construction.

OBSERVATIONS

I have learnt about the section 151 of the CPC which tells about the saving of inherent powers of court.

NDOH: 17/09/22

CASE NO-03

**IN THE COURT OF PRESIDING OFFICERS
DISTRICT CONSUMER FORUM,
ISBT, KASHMERE GATE, DELHI**

COMPLAINT CASE NO-186/18

IN THE MATTER OF:

DHEERAJLAL

....COMPLAINANT

VERSUS

BLAZEEFLASH COURIERS PVT. LTD

.....RESPONDENT

Date Of Hearing- 27/08/21

THE BRIEF FACTS OF THE ABOVE CASE ARE AS FOLLOWS:

It is a complaint case brought before the District Consumer Forum, ISBT, Kashmeri Gate, Delhi against Blaze flash Couriers Pvt. Ltd. for the compensation of Rs.2,00,000/-(Two lakhs) as the goods of the complainant never reached its destination and the same were lost by the opposite party. Despite calling several times, the courier boy and the other members of the Blaze flash Couriers Pvt. Ltd had never heard her client's voice.

Our client Dheerajlal suffered a loss of approx. Rs.1, 50,000/- due to the deficiency in services by Blazeflash Couriers Pvt. Ltd. The complainant also had suffered mental tension for the delaying and losing of the aforesaid .We are representing the complainant in the present suit.

OBSERVATIONS

The case is being fixed for final arguments on 22/10/21 as last time, the learned judge was on leave.

WEBINAR ON 'SECTION 149 IPC (UNLAWFUL ASSEMBLY): LAW ENACTED TO SUPPRESS THE FREEDOM MOVEMENT AFTER 1857- KRANTI AND RAMPANT

JULY 3, 2021

The webinar discussed the following –

The present day Indian Penal Code derives its genesis from the Draft Penal Code for India, 1837 commonly called the Macaulay Code. There is no discussion with regard to chapter relating to ‘Public Tranquillity’ in Appendix A to the Penal Code as prepared by Macaulay in 1837. By the said chapter relating to “Public Tranquility the concept of vicarious liability was introduced like the modern *section* 149, however the sentence was restricted from 1838 to 1857 there seems to be no change in clause 133 of the draft Penal Code so far as Sentence part was concern. During this period number of committees were appointed to consider sentence of five years (thought to be on the higher side but the discussion continued and no final conclusion was reached up to 1857.

The year 1857 witnessed the first organized attempt to gain independence – the Mutiny of 1857. In 1860 the British governance included Section 149 in Penal Code exactly in the fashion as it stands in the statute book today. Mr. Barnes Peacock, in Legislative Council on 24th Jan 1857 while introducing Criminal Procedures Bills, aptly observed:

“Throughout this whole chapter of offences against the Public Tranquillity, matters are carried with a high and determined hand. And it is necessary that they should be so, for the number of unlawful assemblies, “riots” and “affrays” that are occurring constantly throughout the country, is very great..... But for all that, it is impossible for any Government to recognize the right of looking after their own interests, after their own fashion, which is daily asserted by individuals. Public policy demands that such breaches of the peace should be put down, at whatever price, and it is right that they should be severely dealt with. If they are so dealt with, however, the duty of the Government to make proper arrangements for keeping the peace becomes more imperative than ever; and that such arrangements have yet been effectually made, no one will venture to assert.”

The aforesaid part of statement of Mr. Peacock clearly indicates that provisions with regard to Public Tranquillity were incorporated only with an object to suppress Indian Independence movement- *Kranti* of 1857. The underlined portion of the aforesaid speech clearly indicates that the new added section 149 which the Section was enacted as a tool to suppress the freedom movement with an “iron hand” and has continued in the statute book since then. *It served its object and purpose. Many of our freedom fighters were dealt with severely by use of this section and for suppression of our first independence movement*

CASE NO-4

**IN THE COURT OF SHRI D.S PUNIA, PRINCIPAL JUDGE
FAMILY COURTS, TIS HAZARI COURTS, DELHI**

COMPLAINT CASE NO-354/17

IN THE MATTER OF:

SANGEETA

...PETITIONER

VERSUS

SANJEEV

....RESPONDENT

Date Of Hearing - 05/09/21

THE BRIEF FACTS OF THE ABOVE CASE ARE AS FOLLOWS:

It is a case for maintenance under section 125 of CR.PC filed by the petitioner against the respondent whereby she is demanding the maintenance at the rate of Rs.7000/- per month. We are for petitioner Sangeeta in this suit. The matrimonial knot was tied between the petitioner Sangeeta and her husband Sanjeev s/o Rajiv Kumar resident of Tagore Garden who is respondent in the present matter. At the same time the marriage was also consummated between the husband and the wife but after sometime conflicts had started between the two. As a result of which the wife on the grounds of cruelty has filed a divorce petition and at the same time demanding maintenance as she has no other source of income.

So, it is respectfully prayed before the court to provide the maintenance to the petitioner on a monthly basis so that she could spend her life without stress.

OBSERVATIONS

Now, the case is fixed for petitioner's evidence before the learned judge for the next date i.e. 16/10/21

CASE NO-5

IN THE COURT OF JUSTICE V.K. SHALI.

IN THE MATTER OF:-

DR. BALDEV RAJ ANAND AND ANR.

...PLAINTIFF

VERSUS

DEWAN CHAND AND ORS.

...DEFENDANT

THE BRIEF FACTS OF THE ABOVE CASE ARE AS FOLLOWS:

1. Late Shri Tej Ram along with his family migrated to India from West Pakistan after partition of the country and settled in Delhi.
2. He illegally occupied government premises for his residence in Nai Basti, Paharganj, New Delhi and also started his jewelry business.
3. From the income of the said business, Late Shri Tej Ram purchased a plot of land bearing No.28, road No.1, Punjabi Bagh, New Delhi, measuring 2222.22 Sq. Yards in the year 1963.
4. The initial purchase money in the sum of Rs.7500/- was shown to be paid through Dewan Chand (Defendant no.2) S/o Late Shri Tej Ram although the cheque for the said amount was drawn up from the funds of the aforesaid business.
5. Dewan Chand claimed ownership over the property to the extent of 50% to himself after the death of his father.
6. Smt. Mayawati, wife of late Shri Tej ram executed a will bequeathing all her movable and immovable properties in favour of the appellant. Baldev Raj Anand and Defendant No.7 Ramesh Anand in whose favour as per her allegation in the written statement, she had already relinquished her interest in the suit property.

OBSERVATION:-

Cross-Examination of witnesses was held.

REVOCAION OF ARTICLE 370: TOWARDS NATION'S WELFARE OR A POLITICAL AGENDA

AUGUST 15 – 21, 2021

One of the country's most contentious subjects from last year was the abrogation of Article 370 which, as we all know, provides special status for Jammu and Kashmir. However, it is not the special status given to the J&K State but the Constitutional Status.

When India gained independence from the Colonials in 1947, the Indian Union was joined by many States such as the Deccan, Mysore region, and Madras Presidency. Some were required to enter and some were offered a choice of sorts. Seeing the Muslim population in the area, Kashmir was hesitant to join either of the forces on its sides, i.e. India or Pakistan. Under Maharaja Hari Singh and the Head of Congress, Sheik Abdulla, Article 370 was added to the Indian Constitution on a temporary basis in the year 1949.

Since then, Article 370 has been a part of the rule of Jammu and Kashmir until it was abrogated on August 5, 2019. The Central Government abrogated Article 370 and transformed the State of Jammu and Kashmir into two union territories, namely the union territory of Jammu and Kashmir and the Ladakh, the latter comprising districts Leh and Kargil.

Rationality Behind Such Abrogation Of Article 370

Prime Minister Narendra Modi in his speech stated that such abrogation is for better administration, good governance and economic development of the region. The move was further rationalized by stating it had allowed corruption & militancy in Jammu & Kashmir

CASE ANALYSIS - AMARDEEP SINGH V. HARVEEN KAUR

AUGUST 22- 30, 2021

The Hindu Marriage Act, 1955 is a landmark legislation in Indian legal history for Hindus. It provides comprehensive guidance for orderly and systematized Hindu marriages. Consequently, the concept of divorce was first introduced in the Hindu Marriage Act, 1955. Divorce, or the legal splitting of two spouses has always been a divisive subject in Indian law. Due to a prevalence of societal taboos and norms related to this issue, it has always remained an underutilised legal path, because of a variety of reasons. The religious and social undertones to a marriage in India, or more relevantly, to a Hindu marriage, have always been controversial and non-progressive, to say the least. However, the case at hand describes a couple wishing to ease the process of divorce.

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included promoting the work in different ways. All of which was an over the top experience.

Such summer training help a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was the prerequisite to our training.

During the summer training I visited different District Courts like Tis Hazari, Rohini, Saket and The High Court of Delhi with my mentor & observed various cases in it. There I observed how to present the case and how to address arguments before the Court. I also observed the manner of taking the brief information from the client which is the initial stage for starting a case. With my Senior Advocate I got an opportunity to learn about the professional ethics of a Counsel or Lawyer. Apart from this, I was subjected to research work and learned to fill many court forms, which are being used many times in daily court's routine.

During my training I got to know about some of the elementary things which may be glossed over but means a lot in daily court practices. Some of them are as follows:-

To make an affidavit and its purpose

Various posts and ranks of judicial official & their jurisdiction

Difference between civil and criminal matters & their proceedings

Court discipline and environment

Getting the next date of hearing from the reader

I also learnt about various basic terms that are prevalent in the day to day practice of law in the courts. I also tried to learn the formats of drafting. I used to represent my counsel in his absence for placing his request before the Court of law. I was given an opportunity to stand and observe each case that was represented by my mentor. Further, I was privileged to get

back the answers to my queries arising out of my observation during my internship. There, I prepared small and basic level documents which are required in the pleadings. My overall learning has been great on many basics of litigation at the various Courts.

With a vote of thanks and gratitude for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

MUSKAAN GANDHI

(07390103817)

SUMMER TRAINING REPORT

2017-2022



**FAIRFIELD INSTITUTE OF MANGEMENT AND
TECHNOLOGY,SCHOOL OF LAW, KAPASHERA,
NEW DELHI-110037**

SUBMITTED BY-

NAMAN JAIN

07490103817

B.A.LLB.

SEMESTER- 9TH



VIKAS SINGH
ADVOCATE
DELHI HIGH COURT

Dated: 02.09.2021

CERTIFICATE OF INTERNSHIP

This is to certify that Mr. Naman Jain, S/o Sh. Parveen Jain, student of BA.LLB. 9th Semester, Enrolment No. 07490103817 at Fairfield Institute of Management & Technology, Kapashera, Delhi, has successfully completed his 2 month i.e. 01.07.2021 to 31.08.2021 internship program under my guidance and supervision. He always stayed punctual and dedicated towards his work during the course of period. He has good capability to understand the court proceedings. He also has good command over the law. He had completed his internship program of 2 months with flying colour.

VIKAS SINGH
(Advocate)

VIKAS SINGH
ADVOCATE Enrl. No : D/4236/2019
Ch. No 430, Lawyers Chamber Block
Dwarka Court, Sec-10, Dwarka
N.D.-75 M +91-9718926929

DECLARATION

I NAMAN JAIN student of 9th semester B.B.A.LL.B.(Hons.) hereby declare that this report as compiled by me under summer internship program is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY affiliated to GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY , NEW DELHI is a reliable document and is of bonafide nature.

SIGNATURE-

NAMAN JAIN

9th SEM/B.A.LL.B. (HONS.)

07490103817

DECLARATION

I Adv. Sandeep Kumar hereby declare that this Summer Training Report submitted by NAMAN JAIN is an authentic work. The matter embodied in this report is original. This report is completed by him under my guidance and also this report as compiled by him under summer internship program is based on his own experiences and observations.

SIGNATURE

ACKNOWLEDGEMENT

I would like to acknowledge and express my deep gratitude to all the persons who have been my constant support, source of encouragement and inspiration and have helped me in successfully compiling and completing this Summer Internship Report for time bound and submission.

I take profound sense of pride to convey my gratefulness towards my university- Guru Gobind Singh Indraprastha University and my Institution Fairfield Institute of Management and Technology, for providing me this great opportunity to such an enlightening internship.

I am also extremely thankful to, Advocate Sandeep Kumar, for providing me with all the guidance, care and knowledge in the duration of my internship and I look forward to work again with her in the near future.

INTRODUCTION

I did my internship for four weeks. Throughout this period, I was cultured concerning the scheme to maintain a file, to fill diverse perform which were to be put forward before the Court of Law intended for satisfying various objectives. I also learnt with reference to hierarchy of courts. I attended a variety of court trials subsequent to summer vacations which helped me a lot to be aware of the running of court, furthermore, with reference to file the lawsuit.

Concept and Purpose of Internship

Internship is a process of education, to offer meaningful, career related work experience to students, while simultaneously providing an excellent source of highly motivated, career minded individuals for employers.

The internship program serves to:

- Reinforce and strengthen the student's personal values and career objectives through an improved understanding of themselves and the work environment.
- Assist students in identifying and acquiring the skills needed to enter a chosen field.
- Provide practical work experience to balance the student's theoretical training.
- Allow students to meet and learn from professional in the field and develop a network of contacts.

CASE LAW 1

IN THE COURT OF HON'BLE FAMILY COURT, SAKET, NEW DELHI

HMA No. 139 OF 2017

IN THE MATTER OF :

Jayati W/o Saurabh Singh

Complainant

Versus

Saurabh Singh S/o Pritam Singh

Respondent

PETITION U/S 125 OF CR.P.C FOR THE GRANT OF MAINTENANCE

BRIEF FACTS OF THE CASE:

1. Complainant was married to the respondent on 24/04/2016 in Delhi according to Hindu rites and customs in presence of various guests.
2. Complainant and respondent cohabited and consummated the marriage at house of respondent.
3. After sometime of marriage the respondent started misbehaving with the petitioner. There were incidents of cruelty and harassment.
4. After the marriage, the respondent and his family members started demanding additional dowry.

5. Complainant has a seven month pregnancy from the said marriage and the parents of the complainant are unable to take care of complainant financially.
6. Complainant was a poor lady and she has no source of income. The respondent is working as computer operator in BSES and earns Rs. 25000/- per month.
7. The respondent has no other liability except for the complainant. His father owns a motor repair shop and have an independent income.
8. Complainant pleaded the maintenance of Rs. 15000/- per month.

OBSERVATION

I observed that how the domestic violence has created the havoc in the life of women.

NEXT DATE: 17.09.2021

Case Law 2

IN THE COURT OF DISTRICT AND SESSION JUDGE, SAKET DISTRICT COURT,

NEW DELHI

DJ/653/2018

IN THE MATTER OF :

Shristi bensawal

Petitioner

VERSUS

Amrit Lal & Ors.

Respondents

APPLICATION UNDER ORDER 37 OF THE CODE OF CIVIL PROCEDURE, 1908

BRIEF FACTS OF THE CASE:

1. Present suit has been filed for recovery of Rs.1,50,00,000 under Order 37 CPC. Summons of the suit were sent to the defendants.
2. Plaintiff was partnership firm and the defendant being proprietorship firm are engaged in the business of construction work. The defendant had awarded various assignments of civil works to the plaintiff as its subcontractor.
3. The plaintiff executed the work for the defendant with respect to the contract awarded by defendant under various heads for total sum of Rs. 40,20,675/.

4. The defendant released a sum of Rs. 30,34,038/ and is still liable to pay a sum of Rs. 1,50,000/ in the form of a principal amount.
5. Plaintiff requested awarded interest @10% per annum on the said amount from the date of filing of the suit till the date of decree.

OBSERVATION

I read the case and came to know about dismissal of cases and Order 37 of CPC.

DATE OF FINAL ORDER: 16.06.2021

FINAL ORDER: The suit is dismissed as withdrawn against the defendant no.3.

Case Law 3

IN THE COURT OF CIVIL JUDGE, SAKET COURTS, SOUTH DISTRICT, NEW

DELHI

CS/686/2021

IN THE MATTER OF :

Corporation Bank

Petitioner

VERSUS

Manjot Gupta & Ors.

Respondents

SUIT FOR RECOVERY OF RS. 1,97,494.00/- ALONG WITH PENDENTE LITE AND

FUTURE INTEREST

BRIEF FACTS OF THE CASE:

1. Respondent approached the plaintiff bank for Housing Loan Facility to purchase under construction Flat vide loan application form dated 17/01/2014.
2. Subsequently the said request of respondents was considered by the Applicant Bank and Sanction the facility vide CSI dated 29/01/2014 vide tune of Rs. 12.00 Lakhs.
3. The respondents agreed to repay the aforesaid loan amount along with floating rate of interest, i.e., 10.25% p.a. and in case of default additional 2% p.a. shall be recovered separately.

4. In view of various defaults committed by the respondents in payment of principal, interest and other monies due under loan agreements, the plaintiff became entitled to recall the entire amounts.
5. The plaintiff called upon the defendants to pay the due amount vide Demand notice dated 9/03/2018 to which defendants neither raised objection nor liquidate the amount.

OBSERVATION

This was my first case so I observed the procedure of the court. Also, I came to know about Bankers Books of Evidence Act.

DATE OF NEXT HEARING: 18.02.2021

Case Law 4

IN THE COURT OF DISTRICT JUDGE, SAKET COURT, DELHI

CASE NO. 9925OF 2016

IN THE MATTER OF

M/s Hyundai Motor India Ltd.

Petitioners

VERSUS

Akash Grover

Respondent

SUIT FOR RECOVERY OF A SUM OF RS. FOUR LAKH ONE THOUSAND FIVE HUNDERED ALONG WITH PENDELITE INTEREST @18% PER ANNUM TILL REALISATION OF THE SUIT

BRIEF FACTS OF THE CASE ARE HEREUNDER:

1. The plaintiff is a company incorporated under Companies Act, 1956 having its corporate office in Jasola, New Delhi. They are engaged in business of manufacture and sales of light motor vehicles.
2. On 24.06.2006, pursuant to the booking made by the defendant, a Hyundai Getz car, registered in the name of the defendant was reported for delivery at a showroom cum workshop of the Plaintiff at Hyundai Motor Plaza.

3. The defendant turned up to take the delivery of the car but sooner refused to take the delivery on despicable and unfounded charges of old vehicle being delivered to it.
4. Plaintiff endeavored hard to impress and educate the defendant about the fact that vehicle being delivered is newly produced but the defendant have time and again failed and neglected to pay storage charges.
5. Plaintiff is stuck with the liability as well as the parking space is occupied by the Getz car which could be used for other customers car. The value of the car also depreciates every year and thus the plaintiff be permitted to sell the car through private auction
6. The defendant has to pay Rs. 4,01,500/- as of 24th February 2016 towards storage charges for 1606 days @250/- per day from 03.10.2011 and Rs.6300/- as Court Fees.

OBSERVATION

I observed the practical application of lien.

NEXT DATE : 16.09.2021

Case Law 5

IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURT, ROHINI, NEW DELHI

HMA PETITION NO. 858 OF 2018

IN THE MATTER OF

Ram Kohli

Petitioner

VERSUS

Hema W/o Bablu Singh

Respondent

PETITION UNDER SECTION 13(1)(i-a) OF HINDU MARRIAGE ACT, 1955 AS AMENDED UPTO DATE FOR DISSOLUTION OF MARRIAGE BETWEEN THE PARTIES BY WAY OF A DECREE OF DIVORCE

BRIEF FACTS OF THE CASE ARE HEREUNDER:

1. The marriage between the parties solemnized on 24/11/2016 at Delhi according to Hindu rites and customs in the presence of several witnesses. All the expenses were duly paid by the parents of the petitioners.
2. The marriage between the parties was duly consummated.
3. From the third day of marriage, the respondent started harassing the petitioner by using vulgar language towards mother and sister of the petitioner.
4. The petitioner was forced to adopt Christian religion because the respondent followed it.

5. The family members of the petitioners are forced to live separately which includes his mother and two unmarried sisters even though he is sole bread earner of the family.
6. The petitioner gave a complaint against the respondent to the Commissioner of Police, New Delhi.
7. The parties went to settlement through Delhi Govt. Mediation & Conciliation Center where the petitioner committed that she will do all household chores and comply to her duties towards the family of the petitioner
8. But then on 20.03.2018 the mother of the respondent filed a complaint against the petitioner and other family members.
9. The respondent has treated the petitioner with utmost cruelty and pain and she is not ready to settle in matrimonial home and does not love and respect the petitioner and his family. The marriage has broken irretrievably.
10. The parties were not cohabiting as husband and wife for more than past six months.

OBSERVATION:

I have observed the applications and essentials of Section 13(1) of Hindu Marriage Act, 1955

NEXT DATE : 09.10.2021

Case Law 6

**IN THE COURT OF HON'BLE CHIEF METROPOLITAN MAGISTRATE, TIS
HAZARI, DELHI**

COMPLAINT CASE NO. - 16991 OF 2018

IN THE MATTER OF :

M/s Om Building Material Supplier

Complainant

Versus

Unnati Fortune Holdings Ltd. & Ors.

Accused

**CRIMINAL COMPLAINT NAMED AGAINST THE ACCUSED FOR THE OFFENCE
PUNISHABLE U/S.138 READ WITH SECTION 142 OF NEGOTIABLE INSTRUMENTS
(AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT, 2002.**

BRIEF FACTS MENTIONED HEREUNDER:

1. The complainant is engaged in the business of Building Material Supplier and have its registered office at II Floor, Dharam Market, Atta, Sector-27, Noida and is engaged in supplying all the materials required in construction industry. It has gained a good reputation, status and goodwill in the market.

2. Accused No.1 is a Private Limited Company and accused no.2 to 8 are Directors of accused no.1. Thus accused no. 2 to 8 are jointly and severally liable for the day to day affairs of accused no.1.
3. Accused no.2 to 8 approached the complainant to sought his services of supplying the various raw materials. Complainant had a long standing commercial association with the accused.
4. During the course of business transaction, the accused managed to gain trust and confidence of the complainant and as such the complainant delivered the material to the accused persons on credit due to their mutual understanding.
5. In lieu of aforesaid relation, transaction of Rs. 500000/- along with applicable interest became due towards the accused and they are liable to release the same.
6. In order to discharge their aforesaid outstanding liability, the accused had issued the following cheque to be drawn on Vijaya Bank, MSME Noida Branch, Uttar Pradesh with the assurance and undertaking that the same shall be duly encashed on presentation. But when the cheque was presented at the bank, it was declined stating 'insufficient funds' as the reason.
7. Time and again dishonor of cheque prove the intention of accused to commit and perpetuate fraud on the complainant and indulge in cheating and misappropriation.

OBSERVATION

I came to know about the provisions of Negotiable Instrument Act, and how to file a case.

NEXT DATE: 12.09.2021

Case Law 7

**IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE, SAKET COURT
COMPLEX, NEW DELHI**

COMPLAINT CASE NO. 473143 OF 2016

IN THE MATTER OF :

Nikita Apparels

Complainant

VERSUS

May Five Apparels

Accused

**COMPLAINT UNDER SECTION 138 R/W 142 OF THE NEGOTIABLE
INSTRUMENTS (AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT, 2002**

BRIEF FACTS OF THE CASE:

1. The complainant is engaged in the business of manufacturing ladies garments and is running its business in the name of "Nikita Apparels".
2. Accused No.1 is a Private Limited Company and accused no.2 to 8 are Directors of accused no.1. Thus accused no. 2 &3 are jointly and severally liable for the day to day affairs of accused no.1.

3. Accused no.2 &3 approached the complainant to sought services to place order of 6000 pieces of ladies leggings in 2 different styles. The total cost of leggings are amount of Rs. 6,98,848/-. The accused again placed order for supply of 8000 pieces of different sportswear, the total cost of which amounted to Rs. 6,26,000/-. Hence, the total cost of Rs. 13,24,848/- is due against the accused.
4. During the course of business transaction, the accused managed to gain trust and confidence of the complainant and as such the complainant delivered the material to the accused persons on credit due to their mutual understanding.
5. As per the act and conduct of the accused, it is evident that the accused has no funds to honour the payment of cheques provided by the accused.
6. The accused time and again assured that the cheques were good for payments and shall be encashed upon presentation but the aforesaid cheques meted the same fate of dishonor.
7. The accused has committed an offence under section 138 of NI Act and u/s 406 of Indian Penal Code and is liable to be tried.

OBSERVATION

I came to know about the provisions of Negotiable Instrument Act, and how to file a case.

NEXT DATE: 10.10.2021

Case Law 8

TIS HAZARI, DELHI

IN THE COURT OF MS RUBY NEERAJ KUMAR , MM MAHILA COURT

IN THE MATTER OF :-

Smt. Rukmani Complainant

.Vs

Sh. Pawan Kumar & Ors. Respondents

Reply to Complainant U/S 12 of THE PROTECTION OF WOMEN FROM DOMESTIC
VIOLENCE ACT 2005, on the behalf of Respondents

DATE OF HEARING:- 02.07.2021

FACTS OF THE CASE:-

- Complainant narrated false story to harass respondents for extorting money and for accepting her unjustified demands.
- Complainant wants to live with her parents and pressurizing her husband to live with her at her parental house, respondents denial from accepting her demand that is why, complainant filed false case against respondents. complainant's parents demands Rs. Three Lakhs Only (Rs.3,00,000) from respondents to take back case.
- Respondents face lot of troubles in attending dates in this Hon'ble court and also at women cell in Delhi, where complainant filed another complaint which is being preceeded.
- Complainant conceal the fact that another complaint filed by her is already pending process at CAW Cell in Delhi, and she also concealed the fact that she carried her all jewelries and most of stridhan items with her when she came to live with her parents at her parental house.

OBSERVATION:-

When I went to TIS HAZARI COURT during my internship I observed the case of DOMESTIC VIOLENCE . The Hon'ble judge heard both the parties and she don't found any strong point against any of them. The Hon'ble judge ask for more evidences against respondent and she give next date to parties.

NEXT DATE OF CASE ON:- 03.10.2021

Case Law 9

SAKET COURT COMPLEX

IN THE COURT OF PRINCIPAL JUDGE: FAMILY COURT

IN THE MATTER OF :-

MS. Neetu Kumari Petitioner

Vs

Sh. Chandan Sharma Respondent

PETITION U/S 125 Cr.P.C. ON BEHALF OF OF PETITIONER MS. NEETU KUMARI FOR GRANT OF MAINTENANCE TO BE PAID BY THE RESPONDENT CHANDAN SHARMA

DATE OF HEARING :- 18.07.2021

FACTS OF THE CASE :-

- The marriage between parties was solemnised on 03.12.2017 as per hindu rites and rituals. Petitioner's parents gave all the household items, jewellery beyond their capacity, according to the demand made by respondent and his family.
- After marriage her welcome was done by taunting by her mother-in-law. Respondent and his family demands Rs. 4,00,000/- (four lacs) for car. When petitioner's father denial for not giving money, then respondent and his family members starts taunting or beating petitioner.
- Then petitioner told her parents about the behaviour of her in laws then her father take her to her paternal home from her matrimonial house. The respondent and his family are well settled and are not dependent on respondent for their economic needs. Respondent and his family also denial to return her stridhan and dowry articles.

OBSERVATION:-

During the proceedings petitioner disclose the earnings of respondent and her circumstances and demands maintenance of Rs.50,000 (fifty thousand) per month for her basic needs. Hon'ble court pass decree to respondent to represent the detail of his monthly income on next date.

NEXT DATE OF HEARING:- 15.10.2021

Case Law 10

IN THE HON'BLE COURT OF CHIEF METROPOLITAN MAGISTRATE , DWARKA
COURTS, NEW DELHI

IN THE MATTER OF:-

Shri Sanjeev Bahl Complainant

Vs.

Shri Pankaj Dayal Accused

COMPLAINT ON BEHALF OF COMPLAINANT UNDER SECTION 138 READ WITH
SECTION 142 OF THE NEGOTIABLE INSTRUMENT ACT, 1881

DATE OF HEARING:- 26.07.2021

FACTS OF THE CASE:-

Accused presented a lucrative proposal for purchasing an agriculture land. The accused & his associates lured the complainant to invest in purchasing of land. The accused & his associates shown false agreement & copies of notifications published by Ministry of Urban Development and approved map of 1 acre scheme by MCD. The accused had lured the complainant to invest ₹2,50,00,000/- & offered him 40% profit. After knowing that the accused was cheated on him complainant filed a FIR against accused. Accused requested him to resolve the dispute between them & he will refund his money. Accused gave cheque to complainant but cheque was dishonored & return unpaid with remark Insufficient Funds. When complainant found that the accused was failed to pay the amount he having no option and filed case against accused.

OBSERVATION:-

When I was in court room I observed that the complainant demands from the Hon'ble court to give order to pay complete amount and punishment of accused and his associates. Court gives last chance to accused to pay complete amount to complainant on the next date of hearing and the associates of accused also compensate to complainant.

NEXT DATE OF HEARING:- 14.11.2021

Case Law 11

**IN THE HON'BLE COURTS OF PUNEET NAGPAL, CHIEF METROPOLITAN
MAGISTRATE, DWARKA COURTS, NEW DELHI**

IN THE MATTER OF:

SANDEEP SOLANKICOMPLAINANT

VERSUS

NASEER MOHAMMEDACCUSED

COMPLAINT UNDER SECTION 138/142 OF NEGOTIABLE INSTRUMENT ACT

DATE OF HEARING: 1 JULY 2021

FACT OF THE CASE

Complainant and accused were having good family terms. Accused told to the complainant that he needs a friendly loan sum of RS. 23,50,000. On the same day accused issued two cheques bearing no.607110 & 607120 dated 02.08.2018 for 12 lakh and 5 lakh in discharge of his legal liability and assured that he accused would repay the remaining loan amount of 6.50 lakhs in cash to the complainant on or before 30.08.2018. The above said cheques for encashment returned dishonoured. Complainant informed the accused but the accused chose to avoid meetings with the complainant. Till the date of 30.08.2018 accused have not paid even a single penny out of the aforementioned friendly loan amount of RS. 23,50,000.

OBSERVATION

During the proceedings the plaintiff demands from a hon'ble court to compensate the amount. The court passes the order in favour of plaintiff and against the respondent and give order to the respondent to pay the remaining amount with interest to the plaintiff.

NEXT DATE OF HEARING: 19 SEPTEMBER 2021

Case Law 12

**IN THE HON'BLE COURT OF LD. PRINCIPAL JUDGE, FAMILY COURTS.
DWARKA COURTS, NEW DELHI**

IN THE MATTER OF:

SH. NEERAJ KUMAR

.....PETITIONER

VERSUS

SMT. ANJALI

.....RESPONDENT

**PETITION BY AND ON BEHALF OF THE PETITIONER UNDER SECTION 9 OF THE
HINDU MARRIAGE ACT, 1995 FOR THE RESTITUTION OF CONJUGAL RIGHTS.**

DATE OF HEARING: 02 JULY 2021

BRIEF FACTS OF THE CASE

Marriage between the petitioner and the respondent was solemnized according to Hindu rites and ceremonies on 03.03.2021 at New Delhi. From the very beginning of their marriage, respondent always commented that her marriage solemnized due to the undue pressure of her parents. Petitioner family fully supports her in adjustment but she never accepts the family members of the petitioner and she also misbehaving with the petitioner and his family members and even the respondent did not perform her conjugal duties towards her husband. Respondent always created quarrel scenes over pretty issues without any reason or rhymes. On 04.06.2021, in the morning the respondent created a quarrel scene in the house and after collecting all the gold and silver jewellery and cash amount of the rs. 60,000/- which were kept in the almirah deserted the company of the petitioner without any justified reason. That in spite of so many requests of the petitioner and his parents, till date the respondent has not returned to her matrimonial home.

OBSERVATION

I observed that the petitioner wants to lead a happy and peaceful marriage life and is still ready and willing to bring the respondent back to her matrimonial home.

By this petition, petitioner needs a decree of restitution of conjugal rights in favour of him whereby directing the respondent to join the company and society of the petitioner and to discharge her marital, social and more obligations.

NEXT DATE OF HEARING: 26 September 2021

Case Law 13

**IN THE COURT OF MS. SHIVANI CHAUHAN, CHIEF METROPOLITAN
MAGISTRATE, DWARKA COURT, NEW DELHI**

IN THE MATTER OF:-

JYOTICOMPLAINANT

VERSUS

SURESH KUMAR SEJWALRESPONDENT

**APPLICATION UNDER SECTION 12 OF DOMESTIC VIOLENCE ACT, 2005 (43 OF
2005) FOR THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE**

DATE OF HEARING: 6 JULY 2021

FACT OF THE CASE

- That on 08.03.2018 the complainant got married with the respondent. That in the marriage a substantial amount of approx. Rs. 55-60 lakhs was spent by the parents of the complainant in the said marriage.
- The parents of the complainant also gave fixed deposit of Rs.11 lakh in the name of complainant. Respondent always pressure on the complainant to break the FD of rs.11 lakh and convert the same in the name of respondent.
- Respondent ask the complainant to give them her atm card and got broke the FD which was given by the complainant father. Complainant refuse to break the FD then complainant was mercilessly beaten by the respondent. The harassment by the respondents increased day by day.
- Respondent also confined the complainant in her bedroom and did not provide any meal for two days in fact complainant is eighth month pregnant.

OBSERVATION

When I was in courtroom I noticed that now the complainant did not want to save her matrimonial life. Respondent side also don't want to accept complainant. But complainant demands the maintenance for herself and for her child. Complainant is eighth month pregnant, she needs rest but she attends all the hearings and demands justice for her in this condition.

NEXT DATE OF HEARING: 27 September 2021

Case Law 14

**IN THE HON'BLE COURTS OF CHIEF METROPOLITAN MAGISTRATE, DWARKA
DISTRICT COURTS, NEW DELHI**

IN THE MATTER OF:

MAMTA DAHIYA

.....COMPLAINANT

VERSUS

NARESH SHARMA & ORS.

.....ACCUSED

**APPLICATION UNDER SECTION 23 (2) OF PROTECTION OF WOMEN FROM
DOMESTIC VIOLENCE ACT, 2005 (43 OF 2005) FOR GRANT OF INTERIM AND EX-
PARTE ORDERS**

DATE OF HEARING: 1 JULY 2021

FACT OF THE CASE

- Respondents have been committing the series of acts which are covered under the definition of “domestic violence” of the act. Respondent is also likely to misappropriate the stridhan of the complainant.
- Respondent is to deprive the aggrieved person from her legitimate rights and has threatened her that they will very soon dispose off all assets and business establishment in India including the shared household.
- Complainant has no source of income, she has no moveable or immoveable property in her name and she is unemployed and destitute woman and she is at the verge of starvation. Respondent, on the other hand, is a man of means who is working as a gym instructor and drawing a monthly salary of rs. 1 lakh. Complainant person seek the ad-interim relief of seeking the direction of this hon’ble court to the respondent for the grant of rs. 40,000 per months towards the complainant and her minor son.

OBSERVATION

It was the first day of hearing of this case I observed that the judge takes the introduction about who are complainant and respondent and what's the problem between them. On that day the judge only read some documents and asks some basic facts from both parties and judge give them a next date for heard the deep facts from both side.

NEXT DATE OF HEARING: 1 October 2021

Case Law 15

IN THE HON'BLE COURTS OF PITAMBER DATT, PRINCIPAL JUDGE, FAMILY COURTS, DWARKA, NEW DELHI

IN THE MATTER OF:

PINKI RANA & BABY ANAYA

.....PETITIONERS

VERSUS

ANIL KUMAR

.....RESPONDENTS

PETITION UNDER SECTION 125 OF CRIMINAL PROCEDURE CODE, 1973, AS AMENDED UPTO DATE FOR THE GRANT OF MAINTENANCE

DATE OF HEARING: 1 JULY 2021

FACT OF THE CASE

The marriage between petitioner & respondent was solemnized according to the Hindu rites and customs on 28th January 2016. Both together cohabited together as husband and wife and their marriage was duly consummated. Petitioner no.2 namely baby Anaya was born on 10.10.2017 but after the birth of the female child baby Anaya, the respondent started picking up quarrels on pretty issues. The behaviour of the respondent became very rude and dominating in nature and the family members of the respondent always interfered in the matrimonial life of the petitioner no1. The respondent has deserted the petitioners on 10.06.2018 by leaving behind her and her minor daughter baby Anaya. Respondent is working as a gym instructor and earning more than rs. 80,000. Respondent has no other liability except to maintain the petitioners. Hence both the petitioners are entitled to be maintained by the respondent as per his status.

OBSERVATION

I observe, that's matter belongs to family matter and it can be solved by mutually with the help of mediator so judge sends them to mediation process.

NEXT DATE OF HEARING: 3 October 2021

CONCLUSION

In the end, I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, what we learned from the internship is the mechanism of this body.

I was surprised to see how the simplest of laws were applicable in the most difficult of situations and how loopholes leave so much scope of evolution and improvisation today in this field. I also observed that the law is everything but constant with the same soul as that of a human. In other words, or as that of our counsel, law may come and law may repeal, but they must always be faithful to the constitution, which is the most supreme law of the land and governs all equals and unequal in respect of each other.



SUMMER TRAINING REPORT

2017-2022



Fairfield Institute of Management and Technology

AFFILIATED TO GGSIP UNIVERSITY

1037, Kapashera Extension, Kapashera, New Delhi, Delhi 110037

SUBMITTED BY:

NAME: Nitin Sejwal

ENROLL: 07790103817

COURSE: BA.LLB

SEMESTER: 9th Sem

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SANJAY KUMAR RATHEE

ADVOCATE

CHAMBER NO 518, LAWYERS BLOCK , SAKET COURTS,
NEW DELHI


Mobile no. 9891777389

To whomsoever it may concern

This is to certify that Mr. Nitin Sejwal, Student of Ba.IIb(HONS), Fairfield Institute of Management and Technology, New Delhi, Enrolment No - 07790103817, has completed his internship in the office of undersigned during the month of August 2021.

During his tenure of internship he visited the Hon'ble high court of Delhi as well as district courts. he also helped in research work and preparing briefs. During his tenure we found him to be a competent hard working intern.

I wish him all the best for his future Endeavour.


SANJAY KUMAR RATHEE
Advocate
Ent. No. D/1158/92
Chamber No.-518, Lawyers Block
Saket Court Complex, Saket, New Delhi-17
M-9891777389
Sanjay Kumar Rathee

Advocate

DECLARATION

It is hereby certified that the work which is being presented in the Ba.llb entitled “**SUMMER TRAINING REPORT**” in partial fulfilment of the requirements for the award of the degree of **Bachelor of law** and submitted in **FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY, NEW DELHI (Affiliated to Guru Gobind Singh Indraprastha University, Delhi)** is an authentic record of our own work carried out under the guidance of **Adv. Vijay Sansalwal and Adv. Sanjay Rathi**

(Nitin Sejwal)

(07790103817)

ACKNOWLEDGEMENT

I would like to express my sincere gratitude to my supervisors Adv. Vijay Sansalwal & Adv. Sanjay Rathi for providing their invaluable guidance, comments and suggestions throughout the course of internship. I would specially thank Adv. Vijay Sansalwal for constantly motivating me in my research work.

Also I would like to thank Mr. Sanjay Rathi for his assistance in legal drafting and also to all my senior interns who helped me to understand the basic concepts of civil law.

OBJECTIVES OF INTERNSHIP

Internship/training involves the acquisition of knowledge, sharpening of skills, concepts, rules or changing of attitudes and behaviours to enhance the performance of law students. It is about knowing where you stand at present and where you will be after some point of time. The internship gives a touch of reality to the theory already learnt in the classroom.

The primary objective of internship/training is to gain through a sound appreciation and understanding of the theoretical principles through the practical approach. Summer training is oriented towards developing the skills, knowledge and attitude needed to make an effective start as a professional.

The objectives of summer internship include:

To provide law students with opportunities to apply the concepts learnt in the class room to real life situations. To sensitize them to the nuances of work place.

To provide them a platform to network this will be useful to further their career prospects.

Internship aids them in adjusting from college to full time employment.

Internships increase their sense of responsibility.

It aims at developing the practical skills, competence and experience directly related to the career goal.

It develops skills and techniques directly applicable to their careers.

Internship students have higher levels of academic performance.

Case1

IN THE COURT OF S.C TRIPATHI, HON'BLE

HIGH COURT,NEW DELHI

IN THE MATTER OF :

SADDAM PAUDA & ORS.

....APPELLANTS

Versus

STATE

....RESPONDENT

1. That the present appeal is being filed against the judgment of conviction dated 16.05.2021 and order dated 16.05.2021 on quantum of sentence by the Sh. Devender Kumar ASJ-03 (NE), KKD Courts, vide order/judgment dated 16.05.2021, in case bearing SC No. 44915/2019 arising out of FIR No. 699/2019 whereby and where under the present appellants are convicted under sections 452/307/323/34 IPC and sentenced to 5 years Rigorous imprisonment.
2. It is most respectfully submitted that the present case in hand is a case of self inflicting injury with complete contradictions between the depositions of PWs, thus the same is a fit case to set aside the conviction order passed by the Ld. Court below.
3. It is most respectfully submitted that the appellant no.1, Saddam is a young man aged 24 years having no past criminal antecedents. It is further submitted that the appellant no. 1, Saddam has already undergone a custody of approximately 4 months in the present case.

4. It is most respectfully submitted that the appellant no. 1, Saddam is a poor man and has a widow mother. He also has five brothers and three sisters to support and take care of.
5. It is most respectfully submitted that appellant n. 1, Saddam is innocent and the present case is a piece of self inflicting injury.
6. The appellant most respectfully submit that he has not misused the concession of regular bail during the course of trial.
7. That in the case of Kiran Kumar -vs- State of Madhya Pradesh JT 2000 Supp (1) SC 208 it has been held that where a person is sentenced to short term imprisonment, the normal rule is that pending appeal the sentence should be suspended and rejection is only way of exception.
8. That the present application is made bonafide and for the ends of justice.
9. That no prejudice shall be caused if the sentence is suspended by this Hon'ble Court during the pendency of appeal.

OBSERVATION

1. Applet appered with its council
2. Judge was on leave next date is given by reader 18 oct 2019

Case2

IN THE COURT OF PRASHANT KUMAR, ADJ

SAKET COURT, NEW DELHI

IN THE MATTER OF :

Bhagwan Das MadaanPlaintiff

versus

Dharampal Madaan & ors.Defendant

Order-39 rule-1&2 read along with section CPC,1908

BRIEF FACTS:

1. Bhagwan Das Madaan and Dharampal Madaan are brothers and son of Lt. Shri Tola Ram Madaan.

2. The defendants were carrying out their business at B-201 Azadpur Mandi on their ancestral property. This property belonged to Lt. Shri Tola Ram Madaan and his brother Shri Ved Prakash Madaan.

3. Ved Prakash took a loan from Tola Ram Madaan and was not able to pay back the loan as a result of that Shri Ved Prakash Madaan relinquished his share from the property on 29/11/1982. Since 1982 Shri Tola Ram Madaan became the exclusive owner of the property i.e. B-201. Ved Prakash neither visited nor carried out his business on that property.

4. Tola Ram expired on 20/10/1985 leaving behind 5 heirs : Krishna Murari Madaan, Bhagwan Das Madaan (plaintiff), Dharampal Madaan (defendant1), Ashok Madaan (defendant2), Ramesh Madaan (defendant3).

5. Shri Krishna Madaan expired on 16/11/1996.

6. During this time all the defendant were carrying out their business at the said property but not the plaintiff. Plaintiff asked defendants many to amicably divide the suit property. But defendants were not willing to acknowledge the share to the

plaintiff.

7. On 3/4/2016 plaintiff, his legal heirs along with defendants enter into a family settlement. The plaintiff and his legal heirs will take 5,00,000 each as the share of the suit property and in return will relinquish their share.

8. The plaintiff and his legal heirs signed the relinquish deed. But the defendants didn't paid the money and did not gave the copy to the relinquish deed.

9. Plaintiff filed a case against defendants for the recovery of suit of Rs. 5,00,000 along with interest from 2016 and court fee.

10. Or the plaintiff requested the court to declare him the owner of the said property.

11. And requested court for the temporary injunction of the property restraining the defendants and their legal heirs to sell the property.

Case-3

IN THE COURT OF SHRI RAJENDER SINGH M.M,

KARKARDOOMA COURT, NEW DELHI

IN THE MATTER OF:-

KAILASH CHAND

.....Complainant

V/S

INDERJEET SINGH

.....Accused

TITLE: - Complaint u/s 464, 465 of IPC.

FACTS: - In this case Inderjeet Singh had 1000 sq. yard plot out of which he sold 400 sq yard to father of Kailash Chand in 1984 along with 80 sq yard donated plot, for temple. Father of Kailash Chand made a temple in 1985, and in 1987 he passed away. After him, his son Kailash Chand took over the temple. In 2018 he told the colony people that he would repair the temple as the temple's "Murtis" got "Khandit". After that he demolished the temple and sold 276 sq yard of that temple to a person, after that 124+80 sq yard left, now Inderjeet made false papers for that said property and tried to sell it.

OBSERVATION: - On this date of hearing I saw how the cross arguments were proceeded between two opposite counsel on the facts of issues and I also learnt about the section 463, 464, 465 of IPC.

NEXT DATE OF HEARING & PURPOSE: - 1/10/2021 & Final Decision.

Case-4

IN THE COURT OF SHRI A.K. AGGARWAL M.M, SAKET COURT,
NEW DELHI

IN THE MATTER OF:-

RANVEER SINGH YADAV

.....Complainant

V/S

RAJESH GARG & OTHERS

.....Accused

TITLE:- Criminal Complaint u/s 307, 323, 325 of IPC.

FACTS :- In this matter there was a fight between two peoples who lives in same flat i.e ground floor and first floor regarding some leakage of pipe. One day the person who living in first floor threatened to the person who living on ground floor that “ ya floor mera hai tere baap ka nahi hai mujhe ya ground floor chahia tu isa khali kar de nahi to tujhe mar dunda”. After that complainant calls the police and said whole the incident and requesting for loged the FIR but the I.O (Rajesh Garg)refused the same and he also theartened him and demand for money

OBSERVATION: - In this matter I observed how the court hears and record the Statement of witness.

NEXT DATE OF HEARING: - 19/09/2021 and for evidence of accused

Case-5

IN THE COURT OF SHRI SHARAD GUPTA, ACMM, DWARKA COURT,
NEW DELHI

IN THE MATTER OF:-

UTTAM KUMAR OJHAcomplainant

V/S

SHEETAL AND OTHERaccused

TITLE :- Criminal Complainant u/s 464, 465 of IPC for forgery.

FACTS:- In this case complainant file a complain for forgery by husband of accused . As the complainant needs 4,lacs rupees for constructing his plot in Khajuri khas, Delhi, so Hottam Singh i.e husband of accused is relative of complainant and he gave 2,lac rupees to complainant on mortgage of his plot registry for 1 year and after 6 months, accused call complainant and at that time he takes signature of On a document which the complainant don't know because he is not Literate. After that nearer about 8-9 months when complainant go to The home of accused for returning his money back then he came in knowledge that his registry is transferred on the name of Sheetal i.e wife of Hottam Singh.

OBSERVATION:- In this matter I observed that how the evidences of person and how the court asked some question from that person and I also learnt the section 464 , 465 of IPC for forgery i.e making false document.

NEXT DATE OF HEARING & PURPOSE:- 30/10/2021& for evidence of accused.

Case-6

IN THE COURT OF Dr. P.S. MALIK, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

STATEComplainant

V/S

ASIF ANSARIAccused

TITLE :- Criminal Complaint u/s 307, 354, 323, 325, 509 of IPC.

FACTS: - In this case a complaint is filed u/s 307, 354, 323, 325, 509 of IPC, by Complainant one fine day when a person is going somewhere with his sister at that time accused came and start teasing his sister and due to this a fight begin and the accused took lathi and hit on the head of complainant and after he took a knife and hit on the chest of complainant 2-3 times. At that incident suddenly a police PCR van is coming at that side and after that police sent him to nearby hospital immediately.

OBSERVATION: - On this date of hearing of this matter I saw how the counsel cross examined the accused and how they ask the questions related to that offence which he committed and I also learnt that in which situation the above section i.e 308 of IPC is used.

NEXT DATE OF HEARING:- 26/09/2021& for cross examination.

Case-7

IN THE COURT OF SHRI PRADEEP CHADDA, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

MONIKAComplainant

V/S

SOHANAccused

TITLE: - Petition filed u/s 125 of CFr.P.C. for maintenance.

FACTS: - In this case a suit is filed u/125 of Cr. P.C. Monika and Sohan got married on 26, Nov2019. By this wedlock they have girl child of 1 year. He never maintains her properly and also not looks at to his daughter. She is live in the same house with him and her in- laws.

He is not too much educated and but has own business and earn good amount by this business. She is also educated but not doing job as if now because of child. She is unable to maintain herself and her child.

OBSERVATION:- In this matter I Saw that when the party compromise with each other then how the party withdrawal that matter and how the mediation center proceed the matter to dissolve without litigation and I also observed that how the advocate of mediation center counsel the parties.

Case-8

IN THE COURT OF Ms. RITU SINGH. M.M, SAKET COURT,

NEW DELHI

IN THE MATTER OF:

STATEComplainant

V/S

KAMAL KUMARAccused

TITLE :- Complaint u/s498A of IPC.

FACTS: - In this case a complaint is filed u/s 498A of IPC by complainant. One Day in morning when the complainant is ready to move her office at time her mother –in-law start abusing her that her parents not gave her a car , even though she neither reply nor react on that . After that in evening when she came back to home from her office then her mother-in-law, father-in-law and husband again stated that her parents not gave her a car or she demand for that from her parents . when she refused to do this then her husband beats her by a stick and throw her out of the house and after somehow, she reaches her parents home and told whole the incident to them.

OBSERVATION: - In this matter I saw that how the counsel move the bail application for bail of accused person and after that court keeps it consideration and to order for the next date for bail.

NEXT DATE OF HEARING: - 22/10/2021& for bail.

Case-9

IN THE COURT OF SHRI SHARAD GUPTA ACMM, DWARKA COURT,

NEW DELHI

IN THE MATTER OF:-

STATEComplainant

V/S

VIRENDERAccused

TITLE: - Complaint u/s 354, 509 of IPC.

FACTS: - In this matter a complaint is files against Virender for outraging the women modesty. As the complainant is a student of 12th class. One day when she coming back from her school to house at that time accused person tease her and threw her dupatta . After that the complainant shouts on him, and then he starts abusing her. Somehow she is running to reach her home , he is also following her and threatened her that if she state anything to anyone or complaint to police, I will kill you and your family members. After that she reaches her home and told whole incident. Her parents move to police station and gave the vehicle of that person.

OBSERVATION:- On this date of hearing I saw that how the court hears and recorded the evidence of complainant and when the Section 354 of IPC is used for outraging the women modesty i.e by teasing or by touching or by other mode.

NEXT DATE OF HEARING & PURPOSE: - 24/10/2021& for Evidence of complainant' parents.

Case-10

IN THE COURT OF Ms. HARLEEN SINGH, TEZ HAZARI COURT,

NEW DELHI

IN THE MATTER OF:-

SADHANA

.....Petitioner

V/S

SONU& OTHERSRespondent

TITLE :- Petition for Mutual Divorce.

FACTS:- In this case Sadhana and Sonu filed a petition for mutual divorce. They got married on 15, Feb2018, by this wedlock they don't any child and both of them are educated as well as well settled in their profession. Due to some misunderstandings or some bad situations in which they don't live together and they don't cooperate with each other, due to which some fights begin between them. She deny to take any kind of maintenance, share or any bother thing from her husband yet or in future.

OBSERVATION: - In this matter I saw how that the court grant the first motion divorce and gave other 6 months timing for neogiation if possible and learnt that how the first motion divorce is completed.

NEXT DATE OF HEARING & PURPOSE: - 15/02/2022& for Second motion.

Case-11

IN THE COURT OF SHRI T.R. NAND, ADJ, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

ANITAComplainant

V/S

BHUPENDERAccused

TITLE: - Petition filed u/s 125 of Cr.P.C. for maintenance.

FACTS: - In this case petitioner file a suit for maintenance u/s 125 of Cr.P.C. as Anita and Bhupender got married in 08, june2018, by this wedlock lock they have a boy child of 8 months and Bhupender is a auto-rickshaw driver and after taking alcohol he beats her due to which, she live in her mother house and she is not working due to baby and her parents are also living on rent so, they are also not able to maintain her and baby.

OBSERVATION: - In this matter I observed that in which condition court can impose cost on a person if he is fails to reach in the court as he waste the time of court and I learnt the proceeding regarding the above section of Cr.P.C

NEXT DATE OF HEARING & PURPOSE: - 13/11/2021& for appearance of respondent.

Case-12

IN THE COURT OF SHRI SHARAD GUPTA, ACMM, DWARKA COURT,

NEW DELHI

IN THE MATTER OF:-

ANJU JAIN

.....Plaintiff

V/S

VED PRAKASH

.....Defendant

TITLE: - Complaint u/s 138 of Negotiable Act for ChequeBouncing.

FACTS:- In this case Anju Jain filed a suit for cheque bouncing u/s138 of N.I Act, Anju Jain gave 1,8000/- Rs to Ved Prakash as a friendly loan and Ved Prakash gave her 5 cheques of amount i.e.40+40+40+40+20 thousands and said if, I will not return your money within 1year then you can withdrawn the cheques and get your amount back. After one 1year , when Anju Jain demanded her money back and the Ved Prakash said her to withdrawn the cheques, after that she withdrawn the cheques in SBI. She get the statement this account is closed.

OBSERVATION:- On this date of hearing, I saw that how the person gives the installments which were decided by court for returning back the money of complainant an I also learnt about cheques bouncing.

NEXT DATE OF HEARING & PURPOSE :- 19/08/2021& for paying the installment.

Case-13

IN THE COURT OF SHRI AJAY GUPTA, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

DINESH CHOPRA

.....Petitioner

V/S

KANTA ARORA

.....Respondent

TITLE: - Complaint u/s 138 of Negotiable Act for Cheque Bouncing.

FACTS: - In this case plaintiff files a suit for permanent injunction u/s 138 of Specific Relief Act, As plaintiff and respondent both are colleagues and working in same office and they purchase a flat in Mangalam, Delhi and the respondent shows some smartness and by fraud, she converts the property on her own name and that thing is not in the knowledge of petitioner, but by someone else colleague of office one day he came to know this thing. Then he asked this thing from respondent and she said "that property is mine not yours". Now she wants to sell that property.

OBSERVATION: - On this date of this matter, I saw that how the court exhibit the documents of a person and return back to him and I also know about above section i.e. 138 of Negotiable Instrument Act.

NEXT DATE OF HEARING & PURPOSE: - 20/10/2021 & for exhibition of other documents.

Case-14

IN THE COURT OF Ms. MAYURI SINGH, M.M, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

HARBEEER SINGH..... Complainant

V/S

PANKAJ MISHRA.....Accused

TITLE: - Complaint u/s 138 of Negotiable Act for chequebouncing.

FACTS:- In this matter Harbeer singh file a suit against Pankaj Mishra for cheque bouncing u/s138 of N.I. Act , as Harbeer Singh gave amount of 60,000/- Rupees to Pankaj Mishra on March 2015 , as they both are friends and Pankaj Mishra needs this amount for operation of her mother, and he gave 3 blank cheques to him and promise him to return back within 15 months and if , I fail to pay that money, then you can withdrawn these cheques. After completion of said period, Harbeer Singh demanded his money back from Pankaj Mishra , then he take some more time for return money but still he fails to pay. After that he say you can withdraw money by cheques and then Harbeer Singh moves to bank, there he came in knowledge that in this account there no balance., then he takes the statement of that account.

OBSERVATION: - In this matter I saw that how the court notice the bank manage for his evidence and the bank manager came, gave his statement regarding the account of that person and I also learnt about the cheque bouncing and the above section.

NEXT DATE OF HEARING & PURPOSE: - 18/10/2021& for Other witnesses.

Case-15

IN THE COURT OF SHRI SHARAD GUPTA, ACMM, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

JUNAIDComplainant

V/S

AJIT SINGHAccused

TITLE: - Complaint u/s 138 of Negotiable Act for cheque bouncing.

FACTS :- In this case Junaid filed a suit u/s 138 of Negotiable Instrument Act, against Ajit Singh , they both have a common friend who's name is Vijay Pal. In presence of Vijay Pal , Junaid gave 1,20000/- to Ajit Singh as Ajit needs money for repairing his house and he gave 4 cheques of PNB and promised him to return back the amount within 8 months and if, I falls to pay then you can withdrawn by cheques and this contract is also made on affidavit . after passing of 8 months when complainant asked him for amount , then accused person said you will take your money by cheque withdrawn. After that complainant moves to bank there he came in knowledge that this account is closed 5 months before.

OBSERVATION:- On this date of hearing I observed that how the evidence of witness is taken by court and that evidences were recorded by court and the court asked some question from that witness.

NEXT DATE OF HEARING:-11/11/2021& for evidence.

Case-16

IN THE COURT OF SHRI MUNISH GARG, M.M, DWARKA COURT,

NEW DELHI

IN THE MATTER OF:-

STATEComplainant

V/S

ANUJ GOELAccused

TITLE: - Complaint u/s 354, 509 of IPC.

FACTS: - In this case complainant is filed a complaint u/s 354, 509 of IPC. The complainant is at teacher of a school. When one day, she came back from her school, then the accused follow her and start teasing her, many time she ignored him but henever stop and follow her and tease her again and then she show on him and then he again abusing with her and touches her body, then she ran towards her house and between this some people saw her and ask her what happen, then she told that Anuj Goel is outraging her modesty.

OBSERVATION: - On this date of hearing, I observed that how the I.O submitted the charge sheet after completing the investigation and both the parties were present there along with there counsels and I also learnt about the sections of women modesty.

NEXT DATE OF HEARING & PURPOSE:- 04/11/2021& for appearance of accused.

Case-17

IN THE COURT OF SHRI RAKESH KUMAR, III CMM, SAKET COURT,

NEW DELHI

IN THE MATTER OF:-

SUDHAComplainant

V/S

KISHAN PALAccused

TITLE: - Complaint u/s 307, 323, 325 of IPC.

FACTS: - In this case complainant file a complaint against accused (Kishan Pal) u/s 307 , as they both are husband and wife .One day there is sudden fight between them, the family of both person came to settle their matter but Kishan Pal in aggression beats Sudha and family members try to stop him but, he took a rod and hit on the head of Sudha and faint down on the floor and got serious injury and her blood is flowing from her head. Family members took her into hospital and she is in serious condition.

OBSERVATION: - On this date of hearing, I observed that parents of complainant given there evidence and the court heard and recorded there evidence and I also know about the above section i.e 307 of IPC and also learnt that when this section can be used and I also observed that how the court ask questions from that person who is giving his evidence.

NEXT DATE OF HEARING & PURPOSE: - 25/09/2021&Witness of accuse.

CONCLUSION

Attending the court and watching the proceedings on a regular basis helped me a lot to learn about court ethics.

Being in my V year I got a idea of the major and most frequently used sections of the CrPC, IPC, The Indian Evidence Act, 1872 , CPC provisions, Arbitration and conciliation Act, 1996, The narcotics drugs and psychotropic substances act 1985, The Hindu Marriage act, 1955, The Dowry Prohibition act, 1961

Apart from this viewing the proceedings gave a practical knowledge about advocacy skills, the manner of pleading and how to present a case in court, court ethics and many more helped me a lot during my internship period.

I would conclude by this point that by doing internship it will give a practical view in the field of law.

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

तेजस्वि नावधीतमस्तु
ISO 9001:2015 & 14001:2015

Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

CONTACT DETAILS

EMAIL I.D

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - NITYA PILLAI
ENROLLMENT NO. - 07890103817
COURSE - BA LLB
BATCH - 2017-2022





STUDENT INTERNSHIP DIARY

5 YEARS BA-LLB (INTEGRATED) | BBA-LLB (INTEGRATED)

FIMT-SCHOOL OF LAW

NAAC ACCREDITED



तेजस्वि नावधीतमस्तु
ISO 9001:2015 & 14001:2015

FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

(Affiliated to Guru Gobind Singh Indraprastha University, Delhi)

KAPASHERA, NEW DELHI

Session 2017-2022

NAME OF THE STUDENT: NITYA PILLAI

CLASS: 2017-2022 SEMESTER: 9th SECTION: B ENRL. NO. 07890103817

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NAME OF THE ADVOCATE- ADVOCATE KANISHK AGARWAL

ADDRESS - R-514, New Ranjendra Nagar, New Delhi 110060

CONTACT NO- 011-49039166

E MAIL I.D - contact@crtaxcorp.com

Date: 31 July 2021


TO WHOMSOEVER IT MAY CONCERN

This is to certify that Ms. Nitya Pillai who is pursuing her B.A.LL. B (Hons.) currently in 4th Year from Guru Gobind Singh Indraprastha University (Enr.No.07890103817) has completed his internship. from **1st July 2021** to **31st July 2021** under my guidance and tutelage.

During her internship., she has researched extensively in matters relating to

- Research on Negotiable Instruments Act being silent on Stopped Payments and related Judgements.
- Research on Licenses required opening a Kitchen & Bar.
- Research on Disposal of Cases without Trial.
- Detailed research cases related to Consumer Protection Act 1986.
- Research on Companies (Amendment) Act,2015.
- Research on IT rules Amendments 2021.
- Research on MSME and how to get registered under the same.
- Research on how foreign investment can be made in EdTech sector in India and rules governing it.
- Detailed research on Bail is a rule, jail is an exception
- Visited District Consumer Dispute Redressal forum. Patiala House Court. High Court of Delhi, Tis Hazari Court. Legal Metrology Department as and when instructed by Senior Associates.
- Drafted Legal Notice (draft) for Pinnacle
- Attended seminar with associates on new labour codes and prepared a word brief
- Attended client call with associate to incorporate changes in agreement
- Prepared brief on Service Exports from India Scheme
- Detailed research on confidentiality in a contract
- Brief research on CC debentures and CC preference shares

Cri Tax Corp

 R-514, New Rajendra Nagar, New Delhi-110060

 911-49039166

 contact@critaxcorp.com

- How to file an online FIR
- Detailed research on Dual jurisdiction in a single agreement
- Detailed research on prohibited and controlled advertisement in India and brief on
- Advertisement Standard Council in India
- Framed an IT policy
- Detailed research on Manufacture, storage, and import of hazardous chemicals rules

Along with the above said activities, Nitya has also attended Court proceedings along with our legal team. She has been an integral part of the office environment for the duration of his internship. She also possesses great interpersonal skills and has excellent insight towards the applicability of laws. I am assured she has a bright future in the field of law and I wish her well for the same

For CriTaxCorp


Authorised Signatory

Kanishk Agarwal

Advocate

CriTaxCorp

Criminal-Taxation-Corporate



DECLARATION

I ***NITYA PILLAI*** of 9 th semester
B.A.LLB. (Hons.).

hereby declare that this report as compiled by me under summer internship program (4 weeks) is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to **Fairfield Institute Of Management & Technology** affiliated to **Guru Gobind Singh Indraprastha University, New Delhi** is a reliable document and is of bona fide nature.

Signature- *Nitya Pillai*
Date – 25.11.2021



ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected Sir, Advocate Kansihk Agarwal who has been my constant support, source of encouragement & inspiration and guided and helped me in successfully completing my 4 weeks Summer Internship.

Signature- *Nitya Pillai*

Date – 25.11.2021

Moreover, apart from court they give me a chance to get practical exposure by attending various conferences, seminars with various advocates. (If Attended)

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during the internship as well as at the time of drafting of this report.

OBJECTIVE

The objective of the internship was to get an exposure to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading and hearing about it.

Internship is a process of education, to offer meaningful career related work experience to students, while simultaneously providing a source of highly motivated, career minded individuals for employers. I

It allows us to perceive ways in which the formal learning we acquire at university maybe applied in practice and therefore to develop an appreciation of the practical dimensions of legal principles. It enables us to relate the different areas of legal practice to the importance of developing the skills of legal research, communication, drafting, practice management and problem solving which enables us to develop our own attitude of professional responsibility.

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CASE LAW I

In the court of Hon'ble Mr. Justice Rajiv Sahai Endlaw, Delhi High Court, New Delhi

In the matter of:

NATCO PHARMA

...PETITIONER

VERSUS

BAYER HEALTHCARE

...RESPONDENT

Subject Matter: Infringement of registered patent.

Facts of the case:

In this case the defendant had been found preparing for a commercial launch of an infringing REGORAFENIB product. Though as per the investigation conducted the defendant had not commercially launched the product. The defendant's entire conduct was tainted with malafide commercial operations involving the infringing product. The plaintiffs had filed the suit for permanent injunction stating infringement of Registered Indian Patent No, rendition of accounts, damages, deliver up etc. The suit was related to Indian Patent No (i.e the suit patent) that covers and claims, molecule which is a new chemical entity 4-{4-[3-(4-chloro-3-trifluoromethylphenyl)-ureido]-3-fluorophenoxy)-pyridine-2-carboxylic acid methyl amide. The said molecule had been assigned an International Non- Proprietary Name (INN), REGORAFENIB which is been used for the treatment of various types of cancer. The claims of the suit patent specifically cover REGORAFENIB. Also, the REGORAFENIB product had been approved for sale in more than 80 countries.

Observation:

I went to the court had an introduction with Sir and then his associates briefed me about the case after which I attended the hearing of this case and interacted with the briefing council and the client.

Next date of hearing: 20th August, 2021

CASE LAW II

**In the court of Hon'ble Justice Siddharth Mridul and Hon'ble Mr. Justice Talwant Singh
, Delhi High Court, New Delhi**

In the matter of:

RITU KHAITAN

...PETITIONER

VERSUS

UNION OF INDIA

...RESPONDENT

Subject Matter: Challenge to the vires of a central government notification.

Facts of the case:

The petitioner was an assessee under the Income Tax Act and had been fully filing his returns of income. In the respect of assessment years 2011-2012 to 2014-2015 the assessee was prosecuted under Section 276C (1)/277 of the Income Tax Act on the allegation of attempt to evade tax. The proceedings were in respect of alleged foreign income not disclosed in the Petitioner's income tax returns for the relevant years. When the said proceedings were pending the respondent through initiated proceedings under Section 10 of the Black Money (Undisclosed Foreign Income & Assets) and Imposition of Tax Act, 2015 in respect of assessment year 2020-2020, strangely even though before the end of the previous year 2018-2020. The proceedings were in respect of alleged undisclosed foreign assets which according to the Respondent existed till the assessment year 2014-2015 and ceased to exist before the Act came into force. The respondent for the grant of sanction to prosecute the petitioner for an offence under Section 51 of the Act for the alleged offence of attempting to evade tax under the act.

Observation:

I attended the hearing of the case and went through some related cases and had read all the Sections that were involved in this case and also read more cases related to the Tax laws.

Next date of hearing: 1st August, 2021

CASE LAW III

In the court of Hon'ble Justice Rajiv Sahai Endlaw, Delhi High Court, New Delhi

In the matter of:

MERCK SHARP & DOHME CROP&ORS

...PETITIONER

VERSUS

ZIFAM PINNACLE HEALTHCARE PVT LTD&ORS

...RESPONDENT

Subject Matter: Suit for permanent injunction restraining infringement.

Facts of the case:

In this the case petitioner had filed a suit for permanent injunction restraining infringement of registered rendition of accounts damages deliver up etc. The suit patent IN 209816 covered a new chemical entity (NCE), which had been given the International non-proprietary name (INN) sitagliptin. The petitioner is the inventor of the said NCE and holds patents for the same in 102 countries of the world further, the said patent has also been upheld by the hon'ble court .The petitioner also had a license of for marketing distributing and selling sitagliptin and sitagliptin & metformin combination, under the brands ISTAVEL and ISTAMET .Sitagliptin, the subject matter of the suit patent, helps lower blood sugar levels in people with type 2 diabetes. Sitagliptin functions as a DPP-4 inhibitor it inhibits the DPP enzyme resulting in increased production of insulin sitagliptin was the first in the class of DPP inhibitors to be approved for clinical use and has been approved by regulatory bodies the world over including the us FDA the EMEA etc. In this case the respondent, zifam pinnacle healthcare pvt ltd and its associated entities.

Observation:

I attended the hearing of the case and keenly observed the arguments of the case and made notes on how to prepare for an argument. I learnt how to make brief notes of the arguments that I attended.

Next date of hearing: 15th September, 2021

CASE LAW IV

In the court of Hon'ble Justice Ina Malhotra, National Company Law Tribunal, New Delhi

In the matter of:

PRS PACKTECH SYSTEMS PVT.LTD

...PETITIONER

VERSUS

SUBROS LTD

...RESPONDENT

Subject Matter: Dispute of agreement between an operational creditor and corporate debtor.

Facts of the case:

The petitioner was an operational creditor, a Small Enterprise in terms of service category under the Micro, Small & Medium Enterprise and the operation creditor who is the petitioner and the corporate debtor who is the respondent attended into an agreement in which the operational creditor would have to package the finished products of the corporate debtors. In the agreement it was specifically mentioned that the prices quoted in the bill had to exclude Sales Tax, Work Contracted Tax and Service Tax incidence to the corporate debtor's account. However, the corporate debtor failed to abide by the terms of agreement that was executed between parties and deducted some money. Also, the agreement entered into by the parties was for a period of 3 years, further renewable upon agreeable terms and the same was renewed verbally as per various meetings on the same terms and condition and the services continued uninterrupted thereafter.

Observation:

I attended the hearing in NCLT for the very first time and listened to other hearings that were going on in the same court room I also made brief acts of the case and read Patent bare acts and other similar cases.

Next day of hearing: 8th August, 2021

CASE LAW V

In the court of Honb'le Justice Thio Shen Yi, The Supreme Court, India

In the matter of:

GUMLINK

...PETITIONER

VERSUS

SANCORP CONFECTIONARY PVT.LTD& ANOTHER

...RESPONDENT

Subject Matter: An Arbitration case of a foreign company

Facts of the case:

In this case the notice of arbitration, the response to the notice of arbitration, the JVA and the debenture subscription and agreement are largely undisputed. The petitioner is a Danish Company and its principle business is the development, manufacturing, distribution and sale of chewing gum products and other confectionary products. The respondent no1 principle business is manufacturing confectionary products. The respondent no 2 is a majority shareholder of the 1 respondent. They are collectively referred to as parties. Under clause 10.1 of JVA, should the JVC be unable to meets its initial funding requirement valued at USD 6,050,000.00, the claimant and/or the 1 respondent had the option of subscribing to compulsory convertible debenture. On 21 april, 2015, the claimant and JVC entered into DSA. Under the DSA, the JVC would issue, and the claimant would subscribe Rs 46,686,780. The claimant alleged that on 7 may 2010, the respondent caused JVC to file form FC-GRP and a chartered accountant certificate in respect of the valuation of JVC and the conversion prices of CCDs. A letter was sent to the parties on the same date informing them of the constitution of tribunal.

Observation:

I attended the hearing of this case and made notes of the case and read the relevant sections in the Arbitration and Conciliation Act, 1996.

Next day of hearing: 3rd September, 2021.

CASE LAW VI

In the court of Honb'le Justice S.J. Mukhopadhaya and Honb'le Mr.Justice Bandai Lal Bhat, National Company Law Appellate Tribunal, New Delhi

In the matter of:

M/s M.NANDAGOPAL

...PETITIONER

VERSUS

VIRTUOUS URJA LTD

...RESPONDENT

Subject Matter: Appeal filed section 9 of the insolvency and bankruptcy code, 2016

Facts of the case:

In this case the appeal was filed against the orders passed by the Hon'ble NCLT, Chennai bench where in it has admitted the respondent's application under section 9 of the insolvency and bankruptcy code, 2016 (hereinafter referred to as code) and appointed as interim resolution professional vide the impugned order respectively. It was seen the learned NCLT, CHENNAI bench had failed to examine the mandatory requirement under section 8 and 9 of the code, before admitting the respondent's application and appointing an interim resolution professional. It was observed that submitted the Hon'ble NCLT, had not been followed in the present case. It was said that the provisions of section 8 and 9 are mandatory. The learned NCLT, Chennai had failed to appreciate that the respondent had failed to comply with all the requirement of section 8 and 9 of the code. In particular, the respondent had failed to enclose with their application a copy of the certificate from the financial institution maintaining accounts of the operational creditor confirming that there is no payment of an unpaid operational debt by the corporate debtor.

Observation:

I had gone to the NCLAT to attend the hearing of the case and made some brief notes about the case and keenly observed the atmosphere of the court room.

Next day of hearing: 3rd October, 2021.

CASE LAW VII

In the court of Hon'ble Justice M.M. Kumar and S.K. Mohapatra, National Company Law Tribunal, New Delhi

In the matter of:

SGGD PROJECTS DEVELOPERS PVT LTD&ORS ...PETITIONER

VERSUS

RELIGARE ENTERPRISE LTD. & ORS. ...RESPONDENT

Subject Matter: Case under Section 59 of the Companies Act,2013.

Facts of the case:

The case was filed under Section 59 of the Companies Act, 2013 which had a notification of the register records of the Respondents that has illegally and wrongfully, in violation of the application provisions of law, transferred the shares of the Petitioner to Respondent. The petitioner has issued certain Non- Convertible Debentures to the Respondent under a Debenture Trust Deed. To secure the obligations of the Petitioner under the DTD, the Petitioner had pledged shares owned by them in the Respondent's Company in favor of the Respondent. The shares had been transferred to other respondents. Such transfer of securities had been made in contravention of the applicable provisions of the law, particularly Section 176 of the Contract Act, 1872. The Respondent had also initiated proceedings under the provisions of Recovery of Debt due to Bank and Financial Institutions Act, 1993 for recovery of its alleged dues wherein it has also sought attached of the pledged shares. Having elected its remedy to file proceedings for recovery of alleged debt, Respondent was duty-bound to retain the Pledged Shares and couldn't sell them.

Observation:

I attended the hearing of the case and read the relevant Sections of the Contract Act,1872.

Next date of hearing: 17th September, 2021.

CASE LAW VIII

In the court of Hon'ble Justice Jayant Nath, High Court Delhi, New Delhi

In the matter of:

CENTRALPARK ESTATES PVT.LTD & ORS. ...PETITIONER

VERSUS

GODREJ SKYLINE DEVELOPERS PVT. ...RESPONDENT

Subject Matter: Infringement of Trademark case

Facts of the case:

The petitioners were engaged in developing land and constructing residential, leisure, recreation and real estate projects under several distinctive trademarks including their umbrella trademark/ house mark CENTRAL PARK had adopted the same since the year 1999. The petitioner is the proprietor of such registered trademarks having the word 'CENTRAL PARK' as its most prominent and leading feature. The petitioner was aggrieved on the account of the Defendants conduct, who purportedly are in the same line of business as that of the Petitioner, of malafidely adopting and using the trademark GODREJ CENTRAL PARK for its project which has been pre launched by the respondents, the said mark was phonetically, visually, structurally and conceptually, identical.

Observation:

I attended the hearing of the case and interacted with the clients and met with the briefing council too to know more details of the case.

Next date of hearing: 28th October, 2021.

CASE LAW IX

**In the court of Hon'ble Justice Anil Dev Singh, Hon'ble Justice Mr. A.P Shah and
Hon'ble Justice Mr. M.L. Varma before the Arbitral Tribunal**

In the matter of:

GLLE

...PETITIONER

VERSUS

DDA

...RESPONDENT

Subject Matter: Arbitration case under Section 34 of Arbitration and Conciliation Act,1996

Facts of the case:

In this case petition filed under section 34 of arbitration and conciliation act, 1996 impunges the award as being inter alia, perverse to the evidence on record, ex facie indicative of non-application of mind by the arbitrator and palpably contrary to the findings of facts as well as contrary to section 28(3) of the arbitration and conciliation act, 1996. The first conspicuous error that impugned award suffer from is that seems to had been passed on the erroneous premises that the petitioner did not submit any documentary evidence on the lower side .Further several claims of the petitioner had been rejected disregarding the term of the contract and in violation of section 28(3) of the arbitration and conciliation act, 1996. . Further the award itself was not passed within a responsible period after arguments were concluded. That the unexplainable and unpardonable delay of one and a half years in passing of the impugned award itself raises a strong livelihood of bias on the part of the arbitrator, as per settled law and the impugned award is liable to be set aside on this ground alone.

Observation:

I attended the hearing in the Arbitration centre and made notes of the case and read the relevant sections in the Arbitration and Conciliation Act, 1996.

Next date of hearing: 17th October, 2021.

CASE LAW X

In the court of Hon'ble Justice Pooja Talwar, Saket District Court, New Delhi

In the matter of:

STATE

...PETITIONER

VERSUS

SANJAY JAIN

...RESPONDENT

Subject Matter: Criminal Case under Section 509 of IPC

Facts of the case:

The prosecution, Ms. Ankita Kumar was employed at Batra Hospital, Medical Research Centre as Assistant Manager. On 31st July 2016 at about 12:30pm, prosecution in course of her duty at herb office was working when 3 men barged into her office of which, one introduced himself as Mr. Sanjay and others didn't mention their name. The 3 men had brought some papers and asked her to sign them. But to this the prosecution denied stating that she was a new joiner at the hospital and hence had no authority to sign those papers on hearing this, the defendant started screaming and then pulled her Id card during which he touched her breast and passed lewd comments. On her protest to the accused's act, he started staring at her breasts which made her uncomfortable due to which she got scared of the accused's intentions. After all this, in order to save herself she then made an attempt to get out of the place, but the accused along with his acquaintances stopped her and pushed her and then played with her modesty and started insulting her. An FIR was filed against Sanjay Jain for this incident on 1st August 2016.

Observation:

I attended the hearing after which I did some research work in the office.

Next date of Hearing: 30th September, 2021.

CASE LAW XI

In the court of Hon'ble Justice Mr. Vibhu Bakru, Delhi High Court, New Delhi

In the matter of:

STATE

...PETITIONER

VERSUS

ASIAN HOTELS (HYATT REGENCY)

...RESPONDENT

Subject Matter: Criminal Case under Section 32,336,338 of IPC

Facts of the case:

The petitioner Gaurav Rishi had fallen off a ledge under construction of the five-star hotel's sixth floor lobby on 1st October 2016. He had gone to the hotel to meet his friends and had stepped out on the terrace for a smoke and then he fell from the terrace. Medical Reports confirmed that he was not inebriated at the time of the fall. Rishi is still recuperating from the accident and was in coma for several months. Metropolitan Magistrate Sunil Kumar Sharma had summoned all the accused for allegedly committing offences under Section 336 (act endangering life or personal safety of others), section 338 (causing grievous hurt by act endangering life of personal safety of others) and section 32 (words referring to acts include illegal omissions) of the IPC. The accused were also summoned under Section 4 of the COPTA Act for allegedly failing to designate a public place as a non-smoking area. It had no emergency evacuation nor did anyone from the hotel inform local police or the control room about the incident. Emergency, lighting and self-luminescent markings were not in the terrace nor were emergency exits or staircases or any guard deployed on the terrace.

Observation:

I met the clients of the case and was even part of the discussion about the facts of the case. I attended the hearing and also made brief notes about the case.

Next date of hearing: 4th August, 2021

CASE LAW XII

In the court of Hon'ble Justice Jayant Nath, Delhi High Court, New Delhi

In the matter of:

SANJAY KUMAR

...PETITIONER

VERSUS

THE STATE

...RESPONDENT

Subject Matter: Application for bail under Section 438 of CrPC

Facts of the case:

The petitioner filed an anticipatory bail application in The High Court as it was earlier dismissed in the court of Sh. Paramjit Singh ASJ, Dwarka Court, New Delhi. The petitioner approached the High Court for the court to believe that the bonafide petitioner was ready and willing for equitable mortgage with the court to the satisfaction of court till the pendency of the proceedings and if, any case, the petitioner was found guilty the said property may fulfil the loses of aggrieved person without prejudice to any right the petitioner has falsely implicated in the case.

Observation:

I went to the hearing of the case and interacted with the clients after which I learnt how to draft the cases.

Next date of hearing: 26th August, 2021

CASE LAW XIII

In the court of Hon'ble Justice Valmiki J. Mehta, Delhi High Court, New Delhi

In the matter of:

SHANTI DEVI & ORS

...PETITIONER

VERSUS

LAXMI DEVI & ORS

...RESPONDENT

Subject Matter: Construction not properly done

Facts of the case:

In this case there were 6 plots with number 3, 4, 5, 6, 7 and 8. Plot 3, 4 and 5 belongs to Shanti Devi whereas plot no. 6, 7 and 8 belongs to Laxmi Devi. The plots were not properly marked and divided. After the construction of roads on both the sides of the plots, there were disputes between the parties related to whose plots were taken over by the government during construct of roads and whose plots were still there. The case was filled in the year 2020 and in the last proceeding the X counsel sent his junior counsel to take next date in the matter but the judge asked him to present the facts of the case and he was not able to present the facts of the case to the judge. The judge instead of dismissing the matter passed the order on the behalf of opposite party i.e. Laxmi Devi & ORS and gave them possession of the land. He even imposed a fine of Rs. 35000 on the appellant party for breach of code of conduct of proceedings.

Observation:

The party has changed their lawyer and our lawyer had filled the review petition (247/2017) but the judge dismissed the petition.

Next date of hearing: 4th August, 2021.

CASE LAW XIV

In the court of Hon'ble Justice Rekha Gupta, National commission, New Delhi

In the matter of:

IRSHAD

...PETITIONER

VERSUS

TATA AIG GENERAL INSURANCE Ltd

...RESPONDENT

Subject Matter: Claim on stolen items.

Facts: The Appellant challenged the decision of State Commission who rejected the Plaintiff's application for claiming insurance of his 2 trucks which was stolen when his 2 workers were sleeping at night. The trucks were parked on the road when 2 of his workers were travelling from Appellant's house to the warehouse of M/s xyz ltd. The workers parked the trucks on the highway and took the nap. When they woke up in the morning, they didn't find the truck then they immediately called the Appellant.

Observation:

The appeal was freshly filed; the Judge accepted the case and sent notice to the Respondent.

Next date of hearing: 6th October, 2021.

CASE LAW XV

In the court of Hon'ble Justice Sunil Gaur, Delhi High Court, New Delhi

In the matter of:

C.S. GREWAL

...PETITIONER

VERSUS

I.S. MANN & ORS

...RESPONDENT

Subject Matter: Fake loan instalments.

Facts: This case came into appeal. The judgement against which appeal was made was in favour of the Respondent. In the instant case, Respondent's company was involved in manufacturing plants. The petitioner purchased 50% shares of the Respondent's company. It was all going well and then the respondent settled abroad. At that time, Petitioner trusted Respondent and after sometime Respondent started selling plants through his name from his home and he also showed fake loan for which he takes regular instalment on his name. The company went in loss and was not able to clear its liabilities. The Petitioner filed case in the subordinate court but didn't satisfy with the order of the court.

Observation:

The case was for arguments but court didn't have enough time so court gave them date.

Next date of hearing: 9th October, 2021.

CASE LAW XVI

In the court of Hon'ble Justice Sube Singh, Learned Recovery Officer, Debts Recovery Tribunal-II, Delhi

In the matter of:

Punjab & Sind Bank

...PETITIONER

VERSUS

Arun & Rajiv Pvt. Ltd

...RESPONDENT

Subject matter: Application for filing of affidavit of assets of liability

Facts of the case:

In this case, the Applicant bank is a body corporate constituted under the Banking Companies Act, 1980. That the Defendant No. 1 is a well renowned company and the defendant No. 2 &3 are the directors of Defendant No. 1 Company. That the defendant No.1 Company had been operating a current account with the applicant bank and in September, 2006 had put in a request for grant of credit facilities to the bank in order to meet its working capital requirements. whereby Defendants No. 2 &3 had been authorized to deliver all documents and forms. That upon the request put in by defendant No.1, the applicant bank sanctioned the following credit facilities through letter of sanction dated 07.02.2007 bearing no.53/2007:

- 1) A CC (Hypothecation) Limit in the sum of Rs. 5 Lakh.
- 2) A term loan in the sum of Rs. 5 Lakh.

That upon Sanction of the facilities mentioned, Defendant No. 1 executed the loan security documents in favour of the bank on 07.02.2007. That after giving many notices by the applicant bank, Defendant No. 1 fail to maintain its account and is liable to pay 11,33,708/- (Eleven Lakh Thirty Three Thousand Seven Hundred Eight only) to the applicant bank.

Observation:

Matter listed today for the purpose of filing of Affidavit of Assets Liability. Assets Liability filed by the Debtor before Hon'ble Presiding Officer.

Next date of hearing: 6th September, 2021.

CASE LAW XVII

In the court of Hon'ble Justice B.C Gupta, National commission, New Delhi

In the matter of:

DLF HOMES PANCHKULA

...PETITIONER

VERSUS

RAJ RANI

...RESPONDENT

Subject Matter: Construction case

Facts of the case:

In this case the Respondent booked an independent flat from Appellant on 11.02.2011 at DLF Valley, Panchkula by giving an advance booking money of Rs. 4, 00,000 as booking amount. The Respondent was allotted floor no. B1/79-GF measuring 1500 sq. feet. The parties entered into a buying Agreement which contains terms and conditions with regard to booking. In clause 11(a) of the agreement, it was mentioned that the construction will get complete within 24 months unless there is a delay due to Force Majeure as mentioned in Clause 11(b) and (c) of the Agreement. The Hon'ble Supreme Court vide order dated 19.04.2014 in SLP No. 21786-88/2010 had stopped the construction of the property. Thereafter, vide order dated 12.12.2012, the Hon'ble Supreme Court dismissed the SLP and vacated the stay order dated 12.12.2012. The Appellant was not able to give possession to the Respondent even in the year of 2016. The respondent filed a Consumer Complaint No. 199 of 2016 before the Hon'ble State Commission and prayed for the refund of Rs. 52, 92,806 (total payment made) along with 18% interest from the date of initial deposit, Rs 5,00,000 as compensation for deficiency in service and 1,00,000 as litigation expenses.

Observation:

The National Commission gave time to Appellant to file reply on some applications.

Next date of hearing: 3rd November, 2021.

CASE LAW XVIII

In the court of Sh. KISHORE KUMAR, Dwarka District Court, New Delhi

In the matter of:

DELHI CANTONMENT BOARD

...PETITIONER

VERSUS

PRAMOD KUMAR

...RESPONDENT

Subject matter: Injunction on the illegal construction.

Facts of the case:

There are total of 21 cases of same type in which Delhi Cantonment Board had filed a petition in Dwarka District Court for injunction on the illegal and hazardous construction which is undergoing in the houses which are under the control of Delhi Cantonment Board. According to the Delhi Cantonment Act, no person can further construct the house which was allotted to them by the Delhi Government without the permission of the Delhi Cantonment Board and all of them were indulge in illegal construction of their house which was allotted to them free of cost by Delhi Government.

Observation:

19 of them pleaded guilty and paid their fine and DCB took the permission for demolishing their construction. 2 respondents didn't come and the matter was further transferred to National Lok Adalat.

Next date of hearing: 8th August, 2021.

CASE LAW-XIX

In the court of Hon'ble Justice Tanya Baniya, South District, Saket, New Delhi

In the matter of:

NCT OF DELHI

...PETITIONER

VERSUS

AMAN & OTHERS

...RESPONDENT

Subject Matter: Killing of a person.

Facts of the case:

The respondents are the resident of Dakshinpuri. they had a personal rivalry with the deceased (Parveen). The respondents then found out that Parveen was alone travelling to work they severely beat him and killed him. after killing him they all few from the place of incident police investigated the place and caught them at their home.

Observations:

The court has order the I/O for further investigation.

Next date of hearing: 15th October, 2021.

CASE LAW XX

In the court of Hon'ble Justice Asha Menon, South District, Saket, New Delhi

In the matter of:

INTEC CAPITAL LTD

...PETITIONER

VERSUS

M/S ATHARVA ASSOCIATES

...RESPONDENT

Subject Matter: Cheque bounced due to insufficient fund

Facts of the case:

In this case the plaintiff is a non-financial company registered under the Companies Act, 2013. the defendant is client of the plaintiff. The defendant has given a loan on Rs.1,30,00,000 to the plaintiff. The terms and condition of the loans are that the respondent will pay back in instalment of 2,80,906 for 84 months. The last cheque was bounced due to insufficient fund.

Observation:

I observed that the Court granted anticipatory bail to the defendant

Next date of hearing: 14th November, 2021.

CONCLUSION

In a nutshell, this internship has been an excellent and rewarding experience. The real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, but what I learnt from this internship was the mechanism of this body.

I was surprised to see how the simplest of laws were applicable in the most difficult of situations and how loopholes leave so much scope for evolution



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Date: 31.10.2021

Certificate of Excellency

This to certify that **Mr. Ojasvi Dhamija**, student of **Fairfield Institute of Management and Technology**, having **Enrollment No. 07990103817** of **B.A. LL.B.(H)** branch, have completed his internship of 5th year of 61 days i.e. the period of 01.09.2021 to 31.10.2021 under my guidance.



Sahil Mahajan, Advocate
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SUMMER TRAINING REPORT

2017-2021



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FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY,

SCHOOL OF LAW, KAPASHERA,

NEW DELHI-110037

SUBMITTED BY:

OJASVI

DHAMIJA

07990103817

9TH SEMESTER

DECLARATION OF GENUINITY

I, OJASVI DHAMIJA, student of 5th Year of B.A.LL.B. of Fairfield Institute of Management and Technology, affiliated to Guru Gobind Singh Indraprastha University having enrollment no. 07990103817, hereby declare that I did the summer internship with Mr. Sahil Mahajan on the basis of which I have prepared this summer training report.

This report is my own creation and truly genuine up to my knowledge.

OJASVI DHAMIJA

07990103817

9th SEMESTER

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ACKNOWLEDGEMENT

I would like to thank Mr. Sahil Mahajan, for granting me permission to undergo the summer training and allowing me to accompany them in the court proceedings.

He has been a great source of inspiring encouragement, interest in taking fortitude during the entire period of training. It has been a matter of great pride and satisfaction for me to work under them.

I would like to offer my due sense of gratitude to my teachers and friends who assisted me in providing the best of all possible facilities needed at hour.

I am very much thankful to my beloved parents and all my family members for their constant support, motivation, inspiration and love.

OJASVI

DHAMIJA

07990103817

9th SEMESTER

INTRODUCTION

I did my Summer Internship for a period of 8 weeks, i.e., from 1st September, 2021 to 31st October, 2021.

I was cultured concerning the scheme to maintain case dairy and judicial files, to fill diverse Performa, which were to be put forward before the Court of Law, intended for satisfying various objects. I also learnt with references to hierarchy of courts. I have attended various courts with reference to the modus operandi to file the cases and further making to respective appropriate magistrate.

Apart from this I attended various meetings with clients of my advocate which help me to understand the relationship between the advocate and clients and how to build mutual truth between them.

Through the summer internship training I got opportunity to visits various courts such as Dwarka District Court, Tees Hazari Court, etc. all the enables me to witness various courts hearing and get aware of different judicial and legal court proceedings.

TABLE OF CASES

S.NO	NAME OF THE COURTS	NAME OF THE CASES	NATURE
1.	DWARKA DISTRICT COURT	ISHWAR CHAND VERSUS DELHI MUNICIPAL CORPORATION	CIVIL
2.	DWARKA DISTRICT COURT	RAJBIR SINGH VERSUS YATISH CHAUDHARY	CIVIL
3.	TEES HAZARI COURT	ANIL KUMAR VERSUS SMT. JOYTI DAYAL	CRIMINAL
4.	TEES HAZARI COURT	STATE VERSUS SHYM LAL SHAHU	CRIMINAL
5.	DWARKA DISTRICT COURT	VIKAS MITTAL VERSUS STATE & ORS	CIVIL
6.	DWARKA DISTRICT COURT	MANISH GARG VERSUS ALOK SAKH, JAVED	CIVIL
7.	DWARKA DISTRICT COURT	POOJA KHANNA VERSUS SHIVAM KHANA&ORS	CIVIL
8.	DWARKA DISTRICT COURT	UMANG SINGLA VERSUS	CIVIL

		PANKAJ GOEL & ORS	
9.	DWARKA DISTRICT COURT	SHRI DAYANAND VERMA VERSUS SHRI AJY KUMAR JAIN & ANR	CIVIL
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11.	DWARKA DISTRICT COURT	STATE VERSUS NITISH	CRIMINAL
12.	DWARKA DISTRICT COURT	STATE V. PRATIKSHA	CRIMINAL
13.	DWARKA DISTRICT COURT	ADIDAS VERSUS KARAN ARORA	CIVIL
14.	DWARKA DISTRICT COURT	DHEERAJ MITTAL VERSUS STATE & ORS	CIVIL
15.	DWARKA DISTRICT COURT	MOHAMMAD TAUSEEQUE ASHRAF V. JAYA PRITAM	CIVIL
16.	DWARKA DISTRICT COURT	NAVEEN CHAND VERSUS PAWAN KUMAR	CIVIL
17.	DWARKA DISTRICT COURT	GESU JHA	CIVIL

		VERSUS ANIL JHA	
18.	DWARKA DISTRICT COURT	AVINASH JAIN VERSUS ISHWAR CHAND	CIVIL
19.	DWARKA DISTRICT COURT	TANYA KHANNA VERSUS BABITA KAPOOR AND ORS	CIVIL
20.	DWARKA DISTRICT COURT	ALIMEHMOOD VERSUS DUSDB	CIVIL

CASE NO - 1

**IN THE HON'BLE COURT OF MS. RENU BHATNAGAR,
LD.P.O.L.C. KKD COURTS, NEWDELHI**

IN THE MATTER OF:-

ISHWAR CHAND PLAINTIFF

VERSUS

DELHI MUNICIPAL CORPORATION DEFENDANT

FACTS-

- In this case, Ishwar Chand was initially appointed in 1992.
- Later on, he was transferred by Slum and J.J. Department to the (Conservancy Sanitation and Engineering) C.S.E. Department of DELHI MUNICIPAL CORPORATION as per the decisions taken in the meeting.
- When the workmen reached the DELHI MUNICIPAL CORPORATION office, the officials of the said management stated him that the service has not been received by the office staff. So, the staff do not allowed the said workmen to resume his duty.
- He was transferred by his job in 2010.
- Later on, he filed the case on DELHI MUNICIPAL CORPORATION U/S 25(g),(g),(h) of Industrial Dispute Act, while the DELHI MUNICIPAL CORPORATION connected that the suit is time barred.

OBSERVATION-

When I attended the hearing for the first time the Presiding Officer was on holiday.

N.D.O.H.01/12/12

CASE NO - 2

IN THE COURT OF SHRI S.S RATHI,

DWARKA DISTRICT COURT

IN THE MATTER OF:-

RAJBIR SINGH.....PLAINTIFF

VERSUS

YATISH CHAUDHARYDEFENDANT

FACTS-

- The plaintiff (Rajbir singh) who is senior citizen and physical handicapped person, who had retired from Northern Railway, board house, N.D as superintendent .
- The defendant (Yatish Chaudhary) age 44 is a businessman he had the business of electronics.
- Both the parties has family retaliations as being the resident in the near. The defendant had approach to the plaintiff for the loan for 80, 00,000/- for his personal need.
- The accused was able to arrange only 6,50,000/- ,but he gave only 2,00,000/- by cheque to the plaintiff. The cheque got bounced.
- Therefore, the plaintiff had filed the case for the recovery of 6, 50,000/- under order XXXVII of the code of civil procedure, 1908 along with affidavit.
- Summons was issued by the main council from plaintiff side as the accused does not appear any of the hearing.

OBSERVATION-

When I attended the hearing the defendant was absent, the next date was given by the court i.e., 18/11/2021

CASE NO - 3

IN THE COURT OF SH. SUDHIR KUMAR JAIN,

ADJ, PRINCIPAL JUDGE: FAMILY

COURT:

TEES HAZARI COURT

IN THE MATER OF:-

ANIL KUMAR

..... PLAINTIFF

VERSUS

SMT. JOYTI DAYAL

..... RESPONDENT

PETITION UNDER SECTION -13(1) (a) OF THE HMA, 1995

FACTS-

- The marriage between the husband and wife solemnized with the Hindu rites and ritual
- The male child was born out of their marriage named as Jash.
- After that the wife wants other child but husband refuses to consummate the marriage again.
- Wife filed case against him that he didn't fill his conjugal rights

COURT PROCEEDINGS-

The matter goes to the mediation centre to make compromise between them.

OBSERVATION: - Next date of hearing in the court: 18/10/2021.

CASE NO -4

IN THE COURT OF MRS SHILPI JAIN,

MM, TEES HAZARI COURT

IN THE MATER OE:-

STATE.....PLAINTIFF

VERSUS

SHYM LAL SHAHU DEFENDANT

UNDER SECTION -392/411IPC

FACTS-

- A Lady passing though the market in front of the temple at 9.00 P.M. approximately.
- A Boy came from outside and trying to snatch her gold chain that was very in weight and costly by the way of pulling that lady in very manner.
- After the incident occur the lady start shouting and public came across due to her voice and one police officer who is crossing his path hear the voice and caught the thief on the spot
- Due to this incident lady file FIR against him

COURT PROCEEDINGS-

The thief liable for the offence he did but rather matter goes to mediation if they want to settle their matter.

OBSERVATION-

In the mediation cell both the parties settle heir matter between them by their own will.

CASE NO- 5

IN THE COURT OF HARLEEN SINGH

DWARKA DISTRICT COURT

IN THE MATTER OF:

VIKAS MITTAL..... PLAINTIFF

VERSUS

STATE & ORS..... DEFENDANT

Indian Succession Act 1955

FACTS -

- We are from plaintiff side. The admitted facts of the case are that the plaintiff Vikas Mittal is the son of Late Sh. Mohan Lal, who was having property in Delhi.
- The plaintiff had filed the petition for the succession certificate under section 372 and he want the security amount which was in his father's bank account.

OBSERVATION-

According to my observation the arguments were going on the plaintiff won the case.

HELD-

The plaintiff Visas Mittal won the case of succession certificate, ITR refund the amount in saving bank account of the plaintiff with interest.

CASE NO – 6

**IN THE COURT OF MS. KIRAN GUPTA,
DWARKA DISTRICT COURT, DELHI**

IN THE MATTER OF:-

MANISH GARG PLAINTIFF

VERSUS

ALOK SAKH, JAVED.....DEFENDANT

UNDER SECTION-173 CrPC

FACTS:-

- The complaint is lodged against the three persons by the plaintiff who saw them to stole the car.
- The person is crossing a path and saw them to tries to open the lock of car.
- He complaint the police about the same.
- They stolen fortuner car with his two friends and driver on the road.
- The police officer stops them on the road and asks for papers but police officer recognizes it was fake.
- Police Officer sent him police station then they accept they took the car by theft.

COURT PROCEEDINGS-

They were liable under Sec. 379,411, 468,471,120b, 482IPC.

OBSERVATION:-

NDOH: 20/11/2021

CASE NO - 7

IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE,

DWARKA DISTRICT COURT

IN THE MATTER OF:-

POOJA KHANNA PLAINTIFF

V.S.

SHIVAM KHANA&ORS DEFANDANT

FACTS-

- This case was file under section 12 of domestic violence (D.C) read with section 18, 19, 20&22 of the protestation of women from domestic violence Act, 2005 by the plaintiff against her husband and her mother-in-law.
- The plaintiff was married on 15th april2016 according the rites and rituals of Hindu marriage.
- After 2 months marriage the mother-in law and sister-in law started asking for Dowry & if the complainant refuse to give more dowry as in marriage, they already had given enough gifts and money to them.
- Later on the mother in law and sister in law started torture her physically and mentally. They both beat her even the respondent snatch her ornaments. The complainant filed the case agents them.

OBSERVATION

Under this case I observed on date the main council was accent so next date was given i.e. on 16/11/2021.

CASE NO – 8

**IN THE COURT OF COURT OF MS. SURBHI SHARMAVATS,
DWARKA DISTRICT COURT**

IN THE MATTER OF:-

UMANG SINGLA..... PLAINTIFF

VERSUS

PANKAJ GOEL & ORS..... DEFENDANT

FACTS-

- In this case, we appear from the complainant's side. This was case of Domestic violence (D.V)
- This case was Filed by Umang Singla, on her husband Pankaj Goel & Ors U/S 12 of D.V. Act.

OBSERVATION-

Basically, it was a matrimonial dispute between the husband and the wife and her in laws. When I attended the case for the first time the arguments were going on and then the presiding Officer gave the next date, 26/11/2021.

CASE NO – 9

IN THE DWARKA DISTRICT COURT

IN THE MATTER OF:-

SHRI DAYANAND VERMA PETTIONER

V.S.

SHRI AJY KUMAR JAIN &ANRRESPONDENTS

THIS IS REVISION PETTION UNDER SEC.25(B)(8) UNDER CONTROL ACT, 1958

FACTS-

- The suit property is a 3 storey building and equal shares were owned by Nirmala Devi and Sh. Bashan Dayal.
- The shares which was owned by Nirmala Devi comprised of 5 tenants she got vacated all the rooms by all other tenants except Sh. Padam Chand.
- The owner Nirmala Devi died on 09.03.2008 leaving behind 3 sons and 2 daughter as legal heir. The 3 sons 2 petitioner and Vishal Jain, they were facing acute congestion.
- Thus Vishal Jain shifted to another place and locked one room to have his lien on the property.
- The premised available with the petitioner are absolutely insufficient for their need and they desperately and bonafide require the suit premised for residence to fulfill their needs.
- Thus filed for eviction of the respondent and filed a leave to defend eviction on ground that the petitioner have various rooms.

N.D.O.H – 11/10/2021

CASE NO - 10

IN THE COURT OF MS.JASJEET KAUR,

DWARKA DISTRICT COURT,

IN THE MATTER OF:-

STATE..... PLAINTIFF

VERSUS

AMRIT KAUR.....DEFENDANT

U/S 392 of IPC

FACTS-

- Under this case the plaintiff was passing the road the she was having the purse and mobile phone in her hand the accused was also passing with her.
- Thereafter the accused fell down then she asked for help from the plaintiff.
- The plaintiff give her hand the accused pulled her then she take her articles which she was carrying (purse and mobile phone) the accused run away the plaintiff shouted the two guys came and helped her by running after the accused .
- The finally the accused was caught by them and she was handover t the police.
- The FIR was filled by the plaintiff.

COURT OBSERVATION-

The court observed that the theft held for the offences under section 374 of IPC. But rather matter goes to mediation if they want to settle their matter.

N.D.O.H - 30/11/2021

CASE NO – 11

**IN THE COURT OF SHRI ABHILASH MALHOTRA,
MM, DWARKA DISTRICT COURT.**

IN THE MATTER OF :-

STATE.....PLAINTIFF

VERSUS

NITISH.....DEFANDANT

Complaint under section 173 of Cr.P.C

FACTS-

- The victim was an employer in a company.
- At 9:20 p.m. he was going by ring road.
- The accused was following the victim and the victim was unaware of this fact .The accused picked his pocket, and when plaintiff tries to stop the accused the accused snatched the wallet containing Rs. 11000/- and he threaten him.
- When all this going on two police constable were going from that road the plaintiff asked for the help the police constable run after the accused and caught him and take him to police station.

OBSERVATION-

The accused is made liable under section 34,329,411 of Indian Penal Code and the next date of hearing has been adjourned to 29/11/2021.

CASE NO – 12

IN THE COURT OF ANJALI MAHAJAN,

DWARKA DISTRICT COURT,

IN THE MATTER OF :-

STATE.....PLAINTIFF

VERSUS

PRATI KSHA.....DEFENDANT

Complaint under section 138 IPC.

Facts-

- It was the case of theft the plaintiff lived with her husband, two children and grandmother and grandfather.
- A maid name Parteksha who is accused who stole the jewellery from the house when there was no one in the house, the FIR was filed.
- Later on the made was traced by police then was send to Tihar jail.

Observation-

The next date of hearing has been adjourned to 25/11/2021.

CASE NO -13

IN THE COURT OF MUKESH KUMAR,

DWARKA DISTRICT COURT

IN THE MATTER OF:-

ADIDAS..... PLAINTIFF

VERSUS

KARAN ARORA DEFENDANT

FACTS-

- This case was of IPR (intellectual property right) we are from defendant side.
- Defendant no: 2 (Ritesh Arora). A raid was conducted by police officers they had information that defendant was using the trade mark of Adidas illegally.
- The defendant was using the trade mark of Adidas Company, which the defendant does not have any knowledge that the trade mark he is using is a trade mark of an international brand Adidas.
- Adidas is the multinational corporation that manufactures clothes, shoes and accessories. Status report is submitted by the Ld. Local commissioner.
- On the behalf of defendant our advocate had submitted the written statement along with the application of delay of coadunation.

OBSERVATION-I observe on the hearing date in the court the party from plaintiff side was absent and defendant. I has submitted written statement with the application of delay of coadunation was submitted to the court the next date was given by the court for the further arguments that is 22/11/21.

CASE NO- 14

IN THE COURT OF HARLEEN SINGH

DWARKA DISTRICT COURT

IN THE MATTER OF:

DHEERAJ MITTAL.....PLAINTIFF

VERSUS

STATE & ORS.....DEFENDANT

Indian Succession Act 1955

FACTS -

- We are from plaintiff side. The admitted facts of the case are that the plaintiff Dheeraj Mittal is the son of Late Sh. Mohan Lal, who was having property in Siwan.
- The plaintiff had filed the petition for the succession certificate under section 372 and he want the security amount which was in his father's bank account.

OBSERVATION-

According to my observation the arguments were going on the plaintiff won the case.

HELD-

The plaintiff Visas Mittal won the case of succession certificate, ITR refund the amount in saving bank account of the plaintiff with interest.

CASE NO -15

IN THE COURT OF SH. NAVEEN KR. KASHYAP,

DWARKA DISTRICT COURT

CIVIL SUIT NO: 195/2018

IN THE MATTER OF :

MOHAMMAD TAUSEEQUE ASHRAF PLAINTIFF

V.S.

JAYA PRITAM.....DEFENDANT

FACTS-

- In nutshell, when read with the main plaint, it is the case of plaintiff that defendant Jaya Priyam was married with plaintiff under the Special Marriage Act on 19.06.2010 at Dwarka, Delhi.
- That after marriage, they shifted to Delhi where they lived at rented accommodation at various places. But later on temperamental differences arose between them and they started living separately since 15.04.2015.
- Plaintiff tried to dissolve their marriage by mutual divorce, but same could not be materialized finally. It is the grievance of plaintiff that defendant visits his office and frequently call him on phone including on mobile number +91 8800512362 and she is creating unhealthy atmosphere for the plaintiff against his wishes.
- That defendant further calls unilaterally, the friends of plaintiff and is maligning the reputation of plaintiff.

- It is further alleged that defendant is threatening the plaintiff, that she would implicate him in false cases. It is further that plaintiff is at present posted at Gujarat.

HELD-

**This order shall dispose of an application under Order XXXIX Rules 1 & 2
r/w Section 151 CPC moved on behalf of the plaintiff dated 15.12.2021**

OBSERVATION-

I observe that the court pass the order XXXIX rules 1&2 read with section 151 of cpc.

CASE NO -16

IN THE COURT OF MS. SHEFALI BERNALA TANDON,

DWARKA DISTRICT COURT

IN THE MATTER OF :

NAVEEN CHAND PLAINTIFF

VERSUS

PAWAN KUMAR..... DEFENDANT

FORGERY OF DOCUMENTS

FACTS-

- The complaint filed a case against the accused that the accused has used a forged document i.e., a schedule caste certificate to get a TGT job in a government school.
- That it was alleged by the complainant forged a caste certificate which is not a SC in Delhi.
- That an undue gain has been given to accused by the issuance of that certificate by the competent authority.
- That the accused belonged to DEVA caste which is not a schedule caste in the area of Delhi.

COURT OBSERVATION

The accused said that there is a property dispute in U.P, he himself defended by claiming that there is no personal harm caused to the complainant.

OBSERVATION -

The judge asked for the mediation between the parties aggrieved next date was given.

Next date 29/11/2021.

CASE NO-17

IN THE COURT OF PRINCIPAL JUDGE

DWARKA DISTRICT COURT

IN THE MATTER OF :

GESU JHAPLAINTIFF

VERSUS

ANIL JHADEFENDANT

Mutual consent divorce u/s 13 B Hindu marriage act

FACTS-

- This is the case of mutual divorce.
- The parties were married one year back 2017 according to Hindu religion. But within a month the relationship between the parties does not work.
- Now at present situation the party does not want to live together any more.
- So now they want divorce by mutual consent.
- The first monition has been done. Second monition has to be done

OBSERVATION-

The presiding officer of the court was absent so the next date from reader was taken i.e., on 30/11/2021.

CASE NO – 18

IN THE COURT OF AMRIUTA TONK,

DWARKA DISTRICT COURT,

IN THE MATTER OF:-

AVINASH JAIN.....PLAINTIFF

VERSUS

ISHWAR CHAND DEFENDANT

FACTS-

- The case of complainant as per the complaint is that the complainant is a businessmen who has the business of saree and the accused is also in the same business, they both have friendly relationship, the accused had purchase the saree from the defendant of Rs 10,00,000/-
- The payment was made by the accused by cheques, he made half payment of Rs 40,00,000/-and half of Rs 60,00,000/-. But the cheque was bounce as the account had insufficient fund.
- Thereafter, separate notice u/s 138 of the [NI Act](#) was issued to the accused on 03.06.2019 in terms of provisions of [Section 251](#) of the Cr.P.C., to which he did not plead guilty and claimed trial.
- The accused moved an application u/s 145(2) of the [NI Act](#) seeking permission to cross examine the complainant's witness which was allowed vide order dated 03.06.2021.
- Thereafter, AR of the complainant was cross examined by ld. Counsel for the accused on various dates and finally on a separate statement of AR of the complainant CE was closed vide order dated 08.11.2021. Complainant has relied upon the documents in its evidence

OBSERVATION-

Counsel for the accused on various dates and finally on a separate statement of AR of the complainant CE was closed vide order dated 08.11.2019. I observed that the arguments were going on and the defendant failed to show the evidence so the case was gone in the favour of plaintiff.

CASE NO- 19

IN THE COURT OF M/S MONA T. KARKETTA,

DWARKA DISTRICT COURT

C.S. NO.____/2009

IN THE MATTER OF:

TANYA KHANNA.....PLAINTIFF

VERSUS

BABITA KAPOOR AND ORS.....DEFENDANT

APPLICATION FOR RESTORATION OF THE AFORESAID SUIT

FACTS-

- That the suit was filed for mandatory injunction towards the defendant.
- That the defendants tried to confine the plaintiff in a house by keeping heavy material like heavy boxes on the stairs of the house of the plaintiff.
- That the plaintiff was a tenant to the defendants.
- That after filing the suit the plaintiff settled the matter with the defendants and the suit was dismissed.
- That the plaintiff was no longer the tenant of the defendant.

OBSERVATION-

- The judge gave pass over to 11:30 on condition, if not present, cost of Rs.2000/- will be imposed for wasting of judicial time.
- After Passover, the Ld. Judge asked about the case of both the sides from the non-applicant since the opposite counsel was not present.

- The non-applicant briefed up the facts of both the sides and the applicant had filed the application for restoration of the suit.
- The non-applicant contended that the application is not maintainable since the appropriate mandatory injunction has been granted by this Honorable Court and the non-applicant has vacated the said property.

- Applicant says they have got to know about this case in 2016. But they have filed the certified copy of year 2011. There is no application of condonation of delay.
- Also, the non-applicant contended that if the suit is restored, it will frustrate since there is no possession by the non-applicant. It was also contended that this is non-applicant's original suit which has been decided and the applicant holds no right to restore this suit.
- NDOH- 10/11/21

CASE NO-20

IN THE COURT OF SH. V.K. GAUTAM,

DWARKA DISTRICT COURT.

IN THE MATTER OF:

ALIMEHMOOD.....PLAINTIFF

VERSUS

DELHI URBAN SHETTER DEVELOPEMENT BOARD.....DEFENDANT

SUIT FOR DECLARATION

FACTS-

- The plaintiff is the owner of H.NO. 2870 via sale deed dated 22/12/94. It is in the books of sub-registrar.
- Syed Mohd.Syed Iqbal Ahmed was only legal heir of Mmawar Jahan Begum & Syed Mubashar Ali, who was the only owner of above house no.
- Mukhtar Ahmed, Mohd. Salim, Babu Sharif are tenants of Iqbal Ahmed.
- Mukhtar Ahmed sold the property to Abdul Rahim.
- Mukhtar Ahmed forged a will and got an ex-parte probate order.
- Iqbal Ahmed filed revocation of probate which was allowed on 04/04/2012.
- Iftikhar Ahmed filed an appeal on High Court which was withdrawn.
- Sale deed to be declared null and void.

Court observation:

- Application of Order 41 Rule 27, CPC was filed by the petitioner.
- The opposite counsel seek time to file reply to the application.

NDOH- 12/12/2021

OBSERVATION

The summer internship training, through which I have gone from 1st September , 2021 to 31st October, 2021, will be fruitful and beneficiary not for only my academic but for my future carrier also.

The summer training gave me the opportunity to gain practical exposure of the professional field of law. It enabled me to carefully and crucially observe the legal environment of courts, tribunals and forums, the professional life the advocates and other aspects of law. Visit to courts and libraries, close examination of the interaction of my advocate with his clients enabled me to expand my legal knowledge immensely.

During this summer internship, I got to visit and learn in Tiss Hazari District Court and Dwarka District Court.

In the end, I would like to opine that legal practice is entirely different from the theoretical knowledge of law. Without the exposure to the real world, one cannot understand the analytical function and positive application of law and jurisprudence and actual function and structure of law.

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

तेजस्वि नावधीतमस्तु

ISO 9001:2015 & 14001:2015

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME -	PALAK BABBAR
ENROLLMENT NO. -	08090103817
COURSE -	BA LLB
BATCH -	2017- 2022



STUDENT INTERNSHIP DIARY

5 YEARS BA-LLB (INTEGRATED) | BBA-LLB (INTEGRATED)

FIMT-SCHOOL OF LAW

NAAC ACCREDITED



तेजस्वि नावधीतमस्तु

ISO 9001:2015 & 14001:2015

FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

(Affiliated to Guru Gobind Singh Indraprastha University, Delhi)

KAPASHERA, NEW DELHI-110037

Session : 2017- 2022

NAME OF THE STUDENT : PALAK BABBAR

YEAR : 5TH YEAR SEMESTER : 9TH SECTION : B ENRL. NO : 08090103817

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Email:- Jitendersingh.advocate@gmail.com

Ref. No. _____

Dated. 02/08/21

TO WHOMSOEVER IT MAY CONCERN

CERTIFICATE OF INTERNSHIP

This is to certify that Ms. Palak Babbar, student of B.A-LL.B. (Session 2017-2022) 4th year (8th Semester), Enrolment No. 08090103817 of Fairfield Institute Of Management and Technology, Kapashera, New Delhi, has completed 1 month's online Internship under my supervision, at Dwarka District Courts, Sector-10, New Delhi from 01/07/2021 to 31/07/2021. I have given her research work and she has made legal drafts in her internship during this covid-19 pandemic while staying at home.

She worked diligently with dedication and discipline. She has strong communication skills and legal Aptitude.

I wish her good luck and best wishes for her academics and professional career.

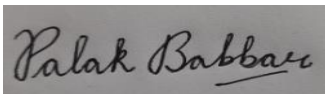


Jitender Singh Pundir,
JITENDER SINGH PUNDIR
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Ch. No. 605, Lawyer's Chamber Block
Dwarka Courts Complex, Sec-10, New Delhi-75
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DECLARATION

I, PALAK BABBAR of 9th semester of BA-LLB (H) hereby declare that this report is compiled by me under 4 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to **Fairfield Institute Of Management & Technology** affiliated to **GGSIIP UNIVERSITY, New Delhi** is a reliable document and is of bonafide nature.

Signature

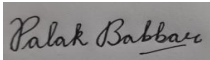
A rectangular box containing a handwritten signature in cursive script that reads "Palak Babbar".

Date : 26/11/2021

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected Mentor Advocate **JITENDER SINGH PUNDIR, where I undertook & completed my 4 weeks internship for Content Writing or Research work** who has been my constant support, source of encouragement, inspiration, guided and helped me in successfully completing my Summer Internship.

Signature



Date : 26/11/2021

Moreover, apart from court he give me a chance to get practical exposure by attending various conferences, seminars with various people.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 pandemic for completing my internship as well as at the time of drafting of this report.

OBJECTIVE

The objectives of the Legal Internship are to expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

It allows us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

It enables us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving. It also enables us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

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CASE NO.1

**IN THE COURT OF SH. SIRISH AGARWAL, METROPOLITAN MAGISTRATE,
ROHINI DISTRICT COURT, NEW DELHI**

IN THE MATTER OF:-

MEGHNATH CHOUDHARY**COMPLAINANT**

Vs.

KHUSHAL CHAND**ACCUSED**

SUBJECT MATTER: COMPLAINT UNDER SECTION 138 AND SECTION 141 OF NEGOTIABLE INSTRUMENTS ACT, 1881.

BRIEF FACTS: The complainant in this case is a teacher in MCD School, Delhi and the accused is running a business of jeans. That the complainant advanced a friendly loan of Rs. 5 lakhs on 16.09.2014 only on the condition that the accused issue a cheque against the loan amount as security to the complainant and the accused agreed to issue cheque as a security against the loan amount. Later on, the accused issued a postdated cheque in the month of October, 2014 stating that on presentation of this cheque, it shall be honoured. The said cheque was dishonoured for the reasons and remarks as “Funds Insufficient” when presented by the complainant for encashment.

OBSERVATION: The accused was present without the bail bond therefore, the Honourable Magistrate extended his term of judicial custody.

DATE OF HEARING: 1st July, 2021

NEXT DATE OF HEARING: 15 November, 2021

CASE NO.2

IN THE COURT OF SH. RAJ KUMAR, ADDITIONAL DISTRICT JUDGE,

TIS HAZARI COURT, NEW DELHI

IN THE MATTER OF:-

NARESH RAGHAV

.....PLAINTIFF

Vs.

GAURAV BANSAL

.....DEFENDANT

SUBJECT MATTER: SUIT FOR RECOVERY UNDER ORDER XXXVII OF THE CIVIL PROCEDURE CODE, 1908.

BRIEF FACTS: That the Plaintiff is the proprietor of Metro Enterprises Pvt. Ltd. gave Rs.10 lakhs to Defendant who is the manufacturer in Idea Craft Eventures Pvt. Ltd. through HDFC bank through RTGS for purchasing of material. Although Defendant has acknowledged the receipt of such amount sent by Plaintiff but he did not make any effort to fulfill his promise. The Plaintiff had requested several times through telephonic messages and by sending messages to Defendant at his office for the release of said payment but the Defendant always been delaying the same.

OBSERVATION: The defendant was called to appear before the court.

DATE OF HEARING: 2 July, 2021

NEXT DATE OF HEARING: 12 November, 2021

CASE NO.3

**IN THE COURT OF SH DEVENDER KUMAR, ADMINISTRATIVE CIVIL JUDGE
CUM ADDITIONAL RENT CONTROLLER (WEST DELHI), TIS HAZARI COURT,
DELHI**

IN THE MATTER OF

SOMNATH

.....PETITIONER

Vs

S. SOHAN SINGH SANDH

.....RESPONDENT

SUBJECT MATTER: APPLICATION FOR DEPOSIT OF RENT AS PER RULE 10 OF
DELHI RENT CONTROL RULES, 1959

BRIEF FACTS: In this case, the Respondent is the owner of the property bearing no. 4/28A, Kirti Nagar, New Delhi in which the Petitioner, lawful tenant since 1975 was residing and the landlord has been receiving rent from tenant since the inception of tenancy of applicant in the year 1975. That it is further submitted that the rate of rent of the aforesaid tenanted premises is Rs 1000/- per month excluding of electricity and water charges which the landlord is accepting regularly per month and has accepted the advance rent of the said tenanted premises for a period of five months i.e. Rs 5000/- from 01/04/2012 to 31/08/2012. That now son of the Respondent is bent upon to create false and frivolous grounds of eviction of tenant and also he has extended threats of all kinds to the tenant that he would sell the tenanted premises to the buyers. Also Son of the Respondent has filed a case of eviction vide Eviction Petition No. E-239/2011 under Section 14(i)(e) of Delhi Rent Control Act against the petitioner. That there is an imminent threat to the tenant that the son of the respondent might sell out the rented property without due process of law. Now, when tenant sent him the rent for a period of Five Months from 01/09/2012 to 31/01/2013, Landlord refused to accept the rent sent to him.

OBSERVATION: Today, Petitioner filed the rent deposit application. Application was allowed and the respondent was directed to take the rent.

DATE OF HEARING: 3 July, 2021

NEXT DATE OF HEARING: 10 January, 2022

CASE NO. 4

IN THE COURT OF SH. R.P.S. TEJI, PRESIDING OFFICER, MACT,

TIS HAZARI COURT, NEW DELHI

IN THE MATTER OF

RAM CHANDER

.....PETITIONER

V

SATENDER & OTHERS

.....RESPONDENTS

SUBJECT MATTER: APPLICATION UNDER SECTION 166 & 140 OF THE MOTOR VEHICLE ACT, 1988 FOR GRANT OF COMPENSATION

BRIEF FACTS: In this case, on 30/08/2014 at about 9 am in the broad day time near Village Ghevra, Nizampur Road, Respondent no. 1, Satender who was driving a Light Goods Vehicle, bearing Registration No. DL 8C AW 8404 had reversed the offending vehicle in a rash and negligent manner without blowing any horn and without observing any traffic rules, hit the petitioner, Ram Chander, who was going towards bus stop. As a result of accident, the petitioner suffered many grievous injuries. The impact of the said accident was such that the deceased had immediately taken to SGM Hospital, Mangol Puri. Local Police thereafter registered a FIR bearing No. 672/2014 U/S 279/337 IPC against the Respondent No. 1. The accident has put immense financial burden on the petitioner and his family. It is pertinent to mention herein that the Petitioner was working as a Tailor at Boutique at Ghevra Village. His salary was Rs. 15000/- (Fifteen Thousand) and he is only working person in his family. The whole family was dependent on his income. The deceased was assessed to income tax.

OBSERVATION: The matter is listed for settlement before the LokAdalat. Insurance company refused the proposal of the injured/petitioner no. 1. Matter sent back to concerned court on the already fixed date.

DATE OF HEARING: 6 July, 2021

NEXT DATE OF HEARING: 24 September, 2021

CASE NO.5

IN THE COURT OF A.C.M.M., DWARKA COURT, NEW DELHI

IN THE MATTER OF

RAJ SINGH

.....COMPLAINANT

Vs.

M/s PIYUSH SHELTERS INDIA PVT. LTD.

.....ACCUSED

SUBJECT MATTER: COMPLAINT U/S 156(3) READ WITH SECTION 190 of CR.P.C. FOR CHEATING AND CRIMINAL BREACH OF TRUST PUNISHABLE U/S 420/406 IPC

BRIEF FACTS: That the accused deceived the complainant by giving false assurance that they shall give the assured return . The assured return shall begin to run from 17th may 2015 and the assured return shall only be paid up to three years i.e. from 17.5.2015 to 17.5.2018 of said Office/Unit. In the event the complainant is willing to quit out of this agreement/project after three years from date of signing of the agreement, then in that case the accused shall give Rs. 65,08,237/- with service tax to the complainant . only to the complainant after deducting TDS. The last installment the accused have paid on 17.10.2016 and started defaulting the installment thereafter. The accused has not paid the remaining 21 installments of assured return of amount Rs. 48,675/-each per month i.e amount Rs 10,22,176/- (ten lakh twenty two thousand one hundred seventy six rupee) as well as amount Rs 65,08,237/- The accused has done fraud with the complainant and have cheated the complainant by giving him false representation and false assurance of assured return .

OBSERVATION: The hon'ble court heard the argument and has sought action taken report (ATR) from the police station after considering the action taken report the court will give direction to the SHO to register FIR or to dismiss the complaint u/s 156(3) and will take cognizance as complaint case.

DATE OF HEARING: 7 July, 2021

NEXT DATE OF HEARING: 15 November, 2021

CASE NO.6

**IN THE COURT OF DR. REKHA G. DHAKAR, PRESIDING OFFICER, DEBTS
RECOVERY TRIBUNAL-1, DELHI**

IN THE MATTER OF:

PUNJAB & SIND BANK

.....**PLAINTIFF**

VS.

B & B LEATHERS & ORS

.....**DEFENDANT**

SUBJECT MATTER: SUIT FOR RECOVERY OF AN AMOUNT OF Rs. 78,96,528/-

BRIEF FACTS: In this case, the complainant bank is a body corporate constituted under the Banking Companies Act, 1980. That the Defendant No.1 is a well renowned company and the defendant No. 2 &3 are its partners and defendant No. 4 &5 are guarantor in personal capacity in the aforesaid loan facility. On February, 2012 the defendant No. 2 &3 on behalf of defendant No. 1 approached the applicant bank for grant of Cash Credit Facility for Rs. 40,00,000/- (Forty Lakhs) for the purpose of using the sum in MSE Business. At the request of defendant No.1 to 3, the applicant bank sanctioned the loan facility on 13.02.2012. Defendant No.1 to 3 executed necessary documents on 14.02.2012. It has further been stated that upon request of the defendants, the said CC limit of Rs. 40 lakhs was enhanced to Rs. 65 lakhs. The Defendant No.1 to 3 executed and delivered the various security documents on 22.01.2013 which include Demand Promissory Note, Letter of Waiver, Request Letter, Letter of Continuity and Undertaking for Disclosure in CIBLE etc. The defendants were agreed to repay the entire amount with interest @13.25% p.a. with monthly rests. However, after availing the said loan facility, defendants failed and neglected to pay the said outstanding amount to the applicant bank. As such the applicant bank declared the account of the defendants as NPA on 31.03.2013. Hence the present OA has been filed by the applicant bank for claiming an amount of Rs. 78,96,528/- (Seventy Eight Lakh Ninety Six Thousand Five Hundred Twenty Eight) with pendent lite and future interest and for issuance of the recovery certificate for the said amount.

OBSERVATION: On hearing of this case, I observed that, Today case is listed for Final Arguments.

DATE OF HEARING: 8 July, 2021

NEXT DATE OF HEARING: 6 October, 2021

CASE NO.7

**IN THE COURT OF JUSTICE POOJA TALWAR, SAKET DISTRICT COURT,
NEW DELHI**

**IN THE MATTER OF
STATE**

...PETITIONER

VS.

SANJAY JAIN

...RESPONDENT

SUBJECT MATTER : CRIMINAL CASE UNDERSECTION 509 OF IPC

BRIEF FACTS: The prosecution, Ms. Ankita Kumar was employed at Batra Hospital, Medical Research Centre as Assistant Manager. On 31st July 2016 at about 12:30pm, prosecution in course of her duty at herb office was working when 3 men barged into her office of which, one introduced himself as Mr. Sanjay and others didn't mention their name. The 3 men had brought some papers and asked her to sign them. But to this the prosecution denied stating that she was a new joiner at the hospital and hence had no authority to sign those papers on hearing this, the defendant started screaming and then pulled her Id card during which he touched her breast and passed lewd comments. On her protest to the accused's act, he started staring at her breasts which made her uncomfortable due to which she got scared of the accused's intentions. After all this, in order to save herself she then made an attempt to get out of the place, but the accused along with his acquaintances stopped her and pushed her and then played with her modesty and started insulting her .An FIR was filed against Sanjay Jain for this incident on 1st August 2016.

OBSERVATIONS: I have made myself aware about the facts of the instant case.

DATE OF HEARING: 9 July, 2021

NEXT DATE OF HEARING: 30th September 2021

CASE NO. 8

**IN THE COURT OF HON'BLE JUSTICE VALMIKI J. MEHTA, DELHI
HIGH COURT, NEW DELHI**

IN THE MATTER OF

SHANTI DEVI & ORS

.....Appellant

VS.

LAXMI DEVI & ORS

..... Accused

BRIEF Facts: In this case there were 6 plots with number 3, 4, 5, 6, 7 and 8. Plot 3, 4 and 5 belongs to Shanti Devi whereas plot no. 6, 7 and 8 belongs to Laxmi Devi. The plots were not properly marked and divided. After the construction of roads on both the sides of the plots, there were disputes between the parties related to whose plots were taken over by the government during construct of roads and whose plots were still there. The case was filled in the year 2020 and in the last proceeding the X counsel sent his junior counsel to take next date in the matter but the judge asked him to present the facts of the case and he was not able to present the facts of the case to the judge. The judge instead of dismissing the matter passed the order on the behalf of opposite party i.e. Laxmi Devi & ORS and gave them possession of the land. He even imposed a fine of Rs. 35000 on the appellant party for breach of code of conduct of proceedings.

OBSERVATION: The party has changed their lawyer and our lawyer had filled the review petition but the judge dismissed the petition.

DATE OF HEARING: 10 July, 2021

NEXT DATE OF HEARING: 11 November, 2021

CASE NO.9

IN THE COURT OF SH. KISHORE KUMAR, DWARKA DISTRICT COURT, NEW DELHI

IN THE MATTER OF:-

DELHI CONTONMENT BOARD.

..... PETITIONER

VS.

PRAMOD KUMAR

..... RESPONDENT

SUBJECT MATTER: ILLEGAL HAZARDOUS CONSTRUCTION

BRIEF FACTS: There are total of 21 cases of same type in which Delhi Cantonment Board had filed a petition in Dwarka District Court for injunction on the illegal and hazardous construction which is undergoing in the houses which are under the control of Delhi Cantonment Board. According to the Delhi Cantonment Act, no person can further construct the house which was allotted to them by the Delhi Government without the permission of the Delhi Cantonment Board and all of them were indulge in illegal construction of their house which was allotted to them free of cost by Delhi Government.

Observation: 19 of them pleaded guilty and paid their fine and DCB took the permission for demolishing their construction. 2 respondents didn't come and the matter was further transferred to National Lok Adalat.

DATE OF HEARING: 12 July, 2021

NEXT DATE OF HEARING: 9 November, 2021

CASE NO.10

**IN THE COURT OF HON'BLE SUNIL GAUR, DELHI HIGH COURT,
NEW DELHI**

IN THE MATTER OF:

C.S. GREWAL **PETITION**

Vs.

I.S. MANN & ORS **RESPONDENT**

SUBJECT MATTER: This is an appeal.

BRIEF FACTS: This case came into appeal. The judgement against which appeal was made was in favour of the Respondent. In the instant case, Respondent's company was involved in manufacturing plants. The petitioner purchased 50% shares of the Respondent's company. It was all going well and then the respondent settled abroad. At that time, Petitioner trusted Respondent and after sometime Respondent started selling plants through his name from his home and he also showed fake loan for which he takes a regular installments on his name. The company went in loss and was not able to clear its liabilities. The Petitioner filed case in the subordinate court but didn't satisfy with the order of the court.

OBSERVATION: The case was for arguments but defendant didn't appear and court gave next date.

DATE OF HEARING: 13 July, 2021

NEXT DATE: 9 October, 2021

CASE NO.11

**IN THE COURT OF HON'BLE JUSTICE REKHA GUPTA, NATIONAL
COMMISSION, NEW DELHI**

IN THE MATTER OF:

IRSHAD APPELLANT

Vs.

TATA AIG GENERAL INSURANCE Ltd RESPONDANT

SUBJECT MATTER: This is an appeal.

BRIEF FACTS: The Appellant challenged the decision of State Commission who rejected the Plaintiff's application for claiming insurance of his 2 trucks which was stolen when his 2 workers was sleeping at night. The trucks were parked on the road when 2 of his workers were travelling from Appellants house to the warehouse of M/s xyz ltd. The workers parked the trucks on the highway and took the nap. When they woke up in the morning they didn't find the truck then they immediately called the Appellant.

OBSERVATION: The appeal was freshly filed; the Judge accepted the case and sent notice to the Respondent.

DATE OF HEARING: 14 JULY, 2021

NEXT DATE: 6 October, 2021

CASE NO.12

IN THE COURT OF SH. AJAY KUMAR JAIN, SOUTH DISTRICT, SAKET, NEW DELHI

IN THE MATTER OF:

STATE

.....COMPLAINANT

VS.

SANJEEV SEJWAL @ SANJU & ORS

..... ACCUSED

SUBJECT MATTER : U/s 307/201/34 IPC

BRIEF FACTS: In this case there was a firing took place between the two groups in office of the property dealer where one person got murdered and some got injured the case was registered and the suspected were arrested but given bail on behalf of surety on the date of hearing, the court puts accused under the section 307//201/34 and the case was adjourned

OBSERVATION: The case was handed over the police for further investigation and finding proof . The case is still in the process

DATE OF HEARING: 15 July, 2021

NEXT DATE: 3 December, 2021

CASE NO.13

**IN THE COURT OF HON'BLE JUSTICE DK JAIN, NATIONAL COMMISSION,
NEW DELHI**

IN THE MATTER OF:

MANISH MITTAL

..... APPELLANT

Vs.

PARASNATH Ltd. & Anr

..... RESPONDENT

SUBJECT MATTER: This case is filed for the possession of Flat.

BRIEF FACTS: In this case Manish Mittal is an engineer and is working in a company and he booked a flat from Parasnath Builders in Noida. He booked a flat of 2081 sq. feet by giving Rs. 2,00,000 as a confirmation for booking out of total amount of Rs. 35, 49, 181(actual amount of Flat) along with the onetime payment of Rs.20,000 against the lease to the NOIDA (Defendant No. 2) authority for acquiring the property. For purchasing the flat Manish Mittal took a loan from Housing Finance Company of Rs 24, 00, 000 at the interest of 13.5% p.a. The Parasnath Builders also charged 24% on the late payment made by Manish Mittal. After giving full payment of the Flat Parasnath Ltd didn't gave him the possession of the flat. The plaintiff approached the District Forum of Noida and his wife approached to State Form of Uttar Pradesh and took the order from the State Commission of UP for the possession of the flat. After taking the possession he send various complaints related to the flats like broken tiles, electricity, uncovered windows, etc. The appellant didn't get any response from the builders. Later on the appellant requested the Parasnath Builders to give him the actual measurement of the Flat but the defendant keeps on denying that and didn't gave him the actual measurement plan. The appellant filed an RTI to the NOIDA authority for the actual measurement of the land that they had given on lease to the Parasnath Builders. The NOIDA authority denied to give information of the land and said they cannot provide the information because of Security reasons. The appellant appointed a civil engineer and got his flat measured and it was 550 sq. feet short. The plaintiff filed a fresh appeal for getting his money back for the flat in Delhi State Forum. The Delhi Consumer Court dismissed the case on the ground that this case is not maintainable in Delhi State Commission because they have already filed that case in UP state commission and they cannot file case on that property on which they have already got possession.

PROCEEDING: The matter was freshly filed in National Commission to get due returns of the flat. The National Commission said that this case is of subsequent events and it can be heard on merits. Hence, this case is maintainable and it will be taken on due course with no further date of listing of matter.

DATE OF HEARING: 16 July, 2021

NEXT DATE: Listed on due course

CASE NO.15

**IN THE COURT OF SH. SUBE SINGH, LEARNED RECOVERY OFFICER, DEBTS
RECOVERY TRIBUNAL-II, DELHI**

IN THE MATTER OF

PUNJAB & SIND BANK

.....CERTIFICATE HOLDER

Vs

ARUN & RAJIV PVT. LTD

.....CERTIFICATE DEBTORS

SUBJECT MATTER: APPLICATION FOR FILING OF AFFIDAVIT OF ASSETS OF
LIABILITY

BRIEF FACTS: In this case, the Applicant bank is a body corporate constituted under the Banking Companies Act, 1980. That the Defendant No. 1 is a well renowned company and the defendant No. 2 &3 are the directors of Defendant No. 1 Company. That the defendant No.1 Company had been operating a current account with the applicant bank and in September, 2006 had put in a request for grant of credit facilities to the bank in order to meet its working capital requirements.

In this regard, the company submitted a certified copy of its Board Resolution dated 30.09.2006 whereby Defendants No. 2 &3 had been authorized to deliver all documents and forms.

That upon the request put in by defendant No.1, the applicant bank sanctioned the following credit facilities through letter of sanction dated 07.02.2007 bearing no.53/2007:

- 1) A CC (Hypothecation) Limit in the sum of Rs. 5 Lakh.
- 2) A term loan in the sum of Rs. 5 Lakh.

That upon Sanction of the facilities mentioned, Defendant No. 1 executed the loan security documents in favour of the bank on 07.02.2007.

That after giving many notices by the applicant bank, Defendant No. 1 fail to maintain its account and is liable to pay 11,33,708/- (Eleven Lakh Thirty Three Thousand Seven Hundred Eight only) to the applicant bank.

OBSERVATION: Matter is listed for the purpose of filing of Affidavit of Assets Liability. Assets Liability filed by the Debtor before Hon'ble Presiding Officer and gave the direction to the Certificate Holder bank to file the reply before the next date of hearing.

DATE OF HEARING: 19 July, 2021

NEXT DATE OF HEARING: 27 November, 2021

CASE NO.16

**IN THE COURT OF SH. GAURAV GUPTA, METROPOLITAN MAGISTRATE,
SOUTH DISTRICT, SAKET, NEW DELHI**

IN THE MATTER OF:-

STATE**COMPLAINANT**

VS.

LALIT GIDWANI **ACCUSED**

SUBJECT MATTER : Under Section 287 & 337 IPC

BRIEF FACTS: The accused is running a factory and the present case has been registered against him U/s 287 and 337 of IPC alleging the complainant got injured in the factory premises of the accused while working in the factory. The case was listed before charges , however the Accused could not appear in the person before the court due to the certain reasons. Accordingly an application from his personal appearance was moved which was allowed by the court and the case was adjourned for further hearing.

OBSERVATION: The accused did not appear in personal therefore the case is adjourned.

DATE OF HEARING: 20 July, 2021

NEXT DATE OF HEARING: 30 September , 2021

CASE NO.17

IN THE COURT OF SMT. RENU SOLKE, DISTRICT COURT, GURGAON

IN THE MATTER OF:

FALKEN TYRES

.....**PLAINTIFF**

Vs.

ANIL SUKHIJA

.....**DEFENDANT**

SUBJECT MATTER: Section 138 of Negotiable Instrument Act, 1881.

BRIEF FACTS: In this case, Plaintiff delivered tyres to the Defendant but Defendant have not paid the money to the Plaintiff. Plaintiff through his agent in Gurugram visited Defendant's office several times in Sector 5, Gurugram but he was not there. Defendant then asked Plaintiff that he should give him an idea of amount to be paid after the dues of the Defendant as he has to return some defective tyres. As a result, the Defendant paid the amount by cheque to the Plaintiff. But later on, cheque was bounced. So, thereafter, the Plaintiff filed the instant suit.

DATE OF HEARING: 23 July, 2021

NEXT DATE OF HEARING: 4 October, 2021

CASE NO.18

IN THE COURT OF SMT. INDU BALA, DISTRICT COURT, GURGAON

IN THE MATTER OF:

rites

..... **PLAINTIFF**

Vs.

SUNIT SHARMA

..... **DEFENDANT**

BRIEF FACTS: In this case the Rites (Company) had sued Sunit Sharma for non payment of his dues which he was supposed to give the company. The employee Sunit Sharma left the job and told the company to deduct the dues from his (PF) Provident fund and return all the remaining money back to him. Sunit Sharma wants to settle the case by giving them the money due to him by deducting it from his Provident Fund.

OBSERVATION: The Defendant didn't went to the proceedings so the reader gave them date.

DATE OF HEARING : 27 July, 2021

NEXT DATE OF HEARING: 18 August, 2021

CASE NO.19

**IN THE COURT OF MRS. JUSTICE TANYA BAMANIYA, SOUTH DISTRICT,
SAKET, NEW DELHI**

IN THE MATTER OF:

NCT OF DELHI

..... COMPLAINANT

Vs.

AMAN & OTHERS

..... ACCUSED

BRIEF FACTS: The accusers are the resident of Dakshinpuri. they had a personal rivillary with the deceased (Parveen). The accusers when found out that Parveen was alone travelling to work they severely beated him and killed him. after killing him they all few from the place of incident police investigated the place and caught them at there home.

OBSERVATIONS: The court has order the IO for further investigation.

DATE OF HEARING: 28 JULY, 2021

NEXT DATE: 18 OCTOBER, 2021

CASE NO.20

IN THE COURT OF JUSTICE VIBHU BAKRU, DELHI HIGH COURT, NEW DELHI

IN THE MATTER OF

STATE

...PETITIONER

VS.

ASIAN HOTELS (HYATT REGENCY)

...RESPONDENT

SUBJECT MATTER: CRIMINAL CASE UNDER SECTION 32,336,338 OF IPC

BRIEF FACTS : The petitioner Gaurav Rishi had fallen off a ledge under construction of the five-star hotel's sixth floor lobby on 1st October 2016. He had gone to the hotel to meet his friends and had stepped out on the terrace for a smoke and then he fell from the terrace. Medical Reports confirmed that he was not inebriated at the time of the fall. Rishi is still recuperating from the accident and was in coma for several months. Metropolitan Magistrate Sunil Kumar Sharma had summoned all the accused for allegedly committing offences under Section 336 (act endangering life or personal safety of others), section 338 (causing grievous hurt by act endangering life of personal safety of others) and section 32 (words referring to acts include illegal omissions) of the IPC. The accused were also summoned under Section 4 of the COPTA Act for allegedly failing to designate a public place as a non-smoking area. If conflicted for the offence, the accused can be handed down a maximum punishment of two years imprisonment. "All the accused are summoned for supply of documents/bail/further proceeding.

According to the police, the hotel had not implemented several licensing conditions on the day of the incident. It had no emergency evacuation nor did anyone from the hotel inform local police or the control room about the incident. The charge sheet also proved emergency, lighting and self-luminescent markings were not in the terrace nor were emergency exits or staircases or any guard deployed on the terrace. Also, the terrace area under construction was made accessible to guests without any indication that the area was unsafe and no precaution was provided there.

OBSERVATIONS: I met the clients of the case and was even part of the discussion about the facts of the case.. I even got through all the Sections so that I am well aware of them and have the knowledge to know when to use the Sections.

DATE OF HEARING: 30 July, 2021

NEXT DATE OF HEARING: 7 October, 2021

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included promote the work in different ways. All of which was an over the top experience.

Such summer trainings help a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was the prerequisite to our training.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

SUMMER TRAINING REPORT

SESSION: 2017-2022



तेजस्वि नावधीतमस्तु
ISO 9001:2008 & 14001:2004



FAIRFIELD INSTITUTE OF MANAGEMENT
& TECHNOLOGY, SCHOOL OF LAW,
KAPASHERA, NEW DELHI-110037
AFFILIATED TO GURU GOVIND SINGH
INDRAPRASTHA UNIVERSITY

Submitted by:

PALAK SINGH
Enrollment no.:08190103817
Course: B.A.LLB
Semester: 9 B

JITENDER SINGH PUNDIR
ADVOCATE
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Chamber No. : 511, Western Wing Tis Hazari Courts, Delhi-110045.
Email:- Jitendersingh.advocate@gmail.com

Ref. No. _____

Dated. 02/08/21

TO WHOMSOEVER IT MAY CONCERN

CERTIFICATE OF INTERNSHIP

This is to certify that Ms. Palak Singh, student of B.A-LL.B. (Session 2017-2022) 4th year (8th Semester), Enrolment No. 08190103817 of Fairfield Institute Of Management and Technology, Kapashera, New Delhi, has completed 1 month's online Internship under my supervision, at Dwarka District Courts, Sector-10, New Delhi from 01/07/2021 to 31/07/2021. I have given her research work and she has made legal drafts in her internship during this covid-19 pandemic while staying at home.

She worked diligently with dedication and discipline. She has strong communication skills and legal Aptitude.

I wish her good luck and best wishes for her academics and professional career.



Jitender Singh Pundir,
Advocate

JITENDER SINGH PUNDIR
En.No. D/462-A/1998, ADVOCATE
Ch. No. 605, Lawyer's Chamber Block
Dwarka Courts Complex, Sec-10, New Delhi-75
Mob:- 9212679967
Email:- jitender.singh.advocate@gmail.com

DECLARATION

I, Palak Singh, hereby declare that the presented report of Internship is compiled by me. The report is based on my own experiences and observations to the best of my knowledge and understanding in its duration.

The Report which is therefore submitted to Fairfield Institute of Management Technology affiliated to Guru Govind Singh Indraprastha University is a reliable document and is bonafide nature.

ACKNOWLEDGEMENT

The Internship opportunity which I had with Advocate Mr. Jitender Singh Pundir was a great chance for learning and professional development. Therefore, I consider myself as a very lucky individual as I was provided with an opportunity to be apart of his office. I am also grateful to have chance to meet so many wonderful people a professionals who led me through this internship period.

I take profound sense of pride to convey my gratefulness towards my University- **Guru Govind Singh Indraprastha University** and my Institution- **Fairfield Institute of Management and Technology**.

I express my deepest thanks to all the persons who have been my constant support, source of encouragement throughout the internship programme.

I perceive this opportunity as a big milestone in my Career Development. I will strive to use gained skills and knowledge in the best possible way, and I will continue to work on their improvement.

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LIST OF ABBREVIATIONS

VS.	VERSUS
HON'BLE	HONOURABLE
F.I.R.	FIRST INFORMATION REPORT
H.M.A	HINDU MARRIAGE ACT
C.P.C	CIVIL PROCEDURE CODE
P.W.	PROSECUTING WITNESS
I.P.C.	INDIAN PENAL CODE
N.I. ACT	NEGOTIABLE INSTRUMENT ACT

OBJECTIVE OF INTERNSHIP

Internship is a process of education, to offer meaningful, career related work experience to students, while simultaneously providing an excellent source of highly motivated, career minded individuals for employers.

The Internship Programme serves to:

1. Reinforce and strengthen the students' personal values and career objectives through an improved understanding.
2. Assist students in identifying and acquiring the skills needed to enter a chosen field.
3. Provide practical work experience to balance the students' theoretical training.
4. Allow students to meet and learn from professionals in the field and development.

Hearing Date - 6th JULY

**CASE STUDY:
IN THE COURT OF SRI VISHNUDEO UPADHYAYA
DWARKA DISTRICT COURT,
DELHI**

IN THE MATTER OF:

Bhunath Singh ...PLAINTIFF

VS.

Suresh Vishal

Ashok Singh

Santosh Singh

Arvind Singh

Ramesh Singh

Santi Devi

Sunanada Devi ...DEFENDANTS

TITLE: Suit for mandatory and permanent injunction

FILED ON 20/07/2015

FACTS:-The defendant no. 1 to 3 is the cousin brother of plaintiff and the father of plaintiff and the father of defendant no. 1 to 3 are real brothers.

The father of plaintiff and the father of defendant no. 1 to 3 had purchased the suit property bearing municipal no. A-34, measuring about 350sq. yards with their joint funds. The father of plaintiff and father of defendant no. 1 to 3 have died interstate leaving behind their heirs who are parties in present suit.

The plaintiff's father paid the amount of his share to his brother to purchase the aforesaid suit property and thereafter father of defendant no. 1 to 3 had purchased the suit property and kept all documents related to the suit property in their possession.

The plaintiff has the right to get 1/4th share out 1/3rd share which comes in the name of the father of the plaintiff as per law. Father of plaintiff and his brother were having equal right in the property in question which was purchased from the joint funds of the father of the plaintiff is entitled to get 1/3rd share of the property in question.

OBSERVATION:-Argument was made under application Order 6 Rule 7 of CPC.

NEXT DATE OF HEARING & PURPOSE:NEXT DATE FIXED FOR HEARING IS 26/08/21 TO PUT UP FOR ORDER.

Hearing Date - 8th JULY

**CASE STUDY:
IN THE COURT OF SHRI RAM SURAT
DWARKA DISTRICT COURT DELHI**

IN THE MATTER OF:

Shyam Prasad ...PLAINTIFF

VS.

Smt. Rishali Devi ...DEFENDANT

Accused No. 1- Smt Rishali Devi (Mother)

Accused No. 2- Dharmveer (Brother)

Accused No. 3 – (Nephew)

Accused No. 4 –Dhirendra (Brother)

Accused No. 5 – (Real sister of complainant)

TITLE: Complaint U/ S 323/341/452/354/506/509/420/468/471/120-B/34 of IPC

FILED ON 24/08/2015

FACT: Complainant is permanent resident of house no. 4 Police Line Colony Dwarka. Complainant is residing in the house no.4 with his family. Due to some misunderstandings between accused and complainant, a suit for mandatory and permanent injunction was filed before Civil Judge of Dwarka District Court and the same was compromised between them before mediation centre, on the condition that none of the accused will interfere in the possession of the complainant. Case was withdrawn by both the parties after the order of mediation centre.

Both parties started living together but after sometime accused no.1-5 started quarrelling with complainant and his wife. All the accused started trespassing in house of complainant illegally and forcefully and also threaten them to dispose of the property, also they threaten them by saying that if they fail to leave the possession of the house, they would kill them, and also made forged documents regarding house.

Accused on the daily basis visit the place of complainant and used to abuse the complainant and his wife and also beat them. When complainant went to police station for complaint, police official refuse to file complaint by saying that “This is your family matter”.

After regular collusion, when complainant again made the complaint, police officials refuse to file complaint because they had took bribe from accused persons and told him (complainant) we will not file your complaint. Because accused and their associates are very rich and influential person and knew some police official too, so police officials always refuse to complaint against them.

Now, complainant and his family are living under the terror of accused.

OBSERVATION:- On the date hearing i.e. 10/07/2021, copy of charge sheet received.

NEXT DATE OF HEARING & PURPOSE:- THE NEXT DATE FIXED FOR HEARING IS 29/07/2021. THE CASE WILL FURTHER PROCEED FOR CONSIDERATION OF CHARGE.

**CASE STUDY:
IN THE COURT OF SRI DEVRAJ TRIPATHI
DWARKA DISTRICT COURT
DELHI**

IN THE MATTER OF:

Ajeet Dhawan ...Complainant

VS.

Anil Nagar

Dushyant Nagar

Rakesh Nagar ...Accused

U/S 147/148/308/325/395/397/193/195/504/506 IPC

**TITLE:-COMPLAINT CASE UNDER SECTION 200 Cr.P.C. ON BEHALF
OF THE COMPLAINANT**

FILED ON 25/03/2020

FACT: In the present matter, the in-laws of the complainant came to his house and at the same time, the accused came their and asked complainant to remove his car. On this, the complainant parked his car on the other side but the accused no. 1 started abusing the complainant in filthy language without any reason, on which the complainant tried to make him understand but the accused no.1 threatened the complainant to teach him a lesson. Thereafter, when the complainant and his cousin brothers went to see off his relatives outside the house, the accused persons with their 15-20 associates were standing at the corner of street and they started abusing the complainant and when the complainant and his cousin brothers objected for the

.....

same, then the aforesaid accused persons along with their 15-20 associates with their common conspiracy started beating the complainant and his cousin brothers with the sole intention to kill them and entered in their house and looted one gold chain of 40grams, one Roodraksh Mala of gold of 18 grams, one Samsung mobile and threaten them not to come in their way.

Thereafter, the complainant and his cousin brothers made their statement to the police but the police did not register the FIR against them according to the statement and the injuries but only registered an FIR No. 332/15 U/S 323/341/506/34 IPC. The accused persons are still threatening and pressurizing the complainant illegally to quash the said F.I.R. The complainant has no other option available except to approach this Hono'ble court for want of justice. The accused persons have committed the aforesaid offences:

U/S 147/148/149/308/325/395/397/392/193/195/504/506/ IPC

OBSERVATION:-In the present matter the court was on strike due to which the party took the next hearing date.

NEXT DATE OF HEARING:- THE NEXT DATE FOR HEARING IS
02/08/2021

.....
...

**CASE STUDY:
IN THE COURT OF SMT. LOVELY JAISWAL**

IN THE MATTER OF:

Ramesh Tiwari ...PETITIONER

VS.

State of U.P..... RESPONDENT

FILED ON 3/10/2018

FACT: Accused caused death of four persons and the injuries were inflicted in front of PW1, whose son, daughter-in-law and grandchildren were murdered related to property dispute.

OBSERVATION: In this case, the Hono'ble Court considers various aspects of "rarest of rare principle" in the light of judicial precedents in awarding death sentence. Wherein the court held considering the totality of the facts and circumstances of the case, we hold that imposition of the death sentence on the appellants was not warranted but while awarding life imprisonment to the applicant, we hold that they serve a minimum of thirty years in jail without remission. The sentence awarded by Trial court and confirmed by the District Court is modified as above. Approval partly allowed. The Hono'ble Court fixed the next date hearing of arguments on 15/08/2021.

NEXT DATE FOR HEARING & PURPOSE: THE COURT HAS GIVEN NEXT DATE OF 15/08/2021 FOR HEARING OF ARGUMENTS.

.....
...

CASE STUDY:
IN THE COURT OF SRI GUNJAN PANDEY
ADDITIONAL DISTRICT & SESSIONS JUDGE
DWARKA DISTRICT COURT
DELHI

IN THE MATTER:

State of U.P..... PETITIONER

VS.

Sameer..... RESPONDENT

TITLE: COMPLAINT U/S 376/377 IPC

FACTS: The prosecutrix along with his brother Sheru was studying in same school. Sheru told complainant that he has seen his sister (prosecutrix) with accused Sameer, upon which complainant made inquiry from the prosecutrix and came to know that prosecutrix has been raped by Sameer at night hours several time & she didn't disclose to her family because of fear. In examination of prosecutrix, she deposed before the court that accused was staying on the same footpath where she had been living. Accused took her to the market on one night and inserted his finger in her private parts & also inserted his private parts in her private parts. Prosecutrix felt pain but accused put his hands on her mouth & slapped her. Accused used to sleep in the footpath area and he had committed rape upon her no. of times as he used to take her when she was sleeping with her siblings on the offer of serving food.

The complainant informed the parents of the prosecutrix but they refused to take any action and accordingly she herself took the prosecutrix to the police upon which complaint was lodged. The accused alleged that he had been falsely implicated in the matter at the instance of complainant since some people used to distribute toffees & other eatables to the children of the locality including the prosecutrix & her siblings & because of this reason they didn't go to school. Once he slapped the prosecutrix upon this reason & with the intention she should not miss her school anymore, upon which the complaint was made against him. & thereafter he was falsely implicated at the instance of complainant. Moreover he was handicapped & walks with help of clutches.

OBSERVATION:-

ORDER:- According to the medical report and statement of all the witnesses & prosecution corroborates that she had been sexually assaulted.

The defense counsel pleaded that the accused was handicapped however this fact no way come to deter the evil intention of the accused.

Accused is held guilty & convicted for offence u/s 376(2) (f) and sec 377 of I.P.C.

PRESENT STATUS OF THE CASE:-Accused convicted.

CASE STUDY:
IN THE COURT OF HONA'BLE MR. SUNIL KUMAR SINGH
DWARKA DISTRICT COURT
DELHI

IN THE MATTER:-

Sumitranandan Pratishtan Parishad ...COMPLAINANT

Vs.

1. M/s Gallant Media Pvt. Ltd.

2. Sh. Sachin Kumar ...ACCUSED

TITLE: COMPLAINT UNDER SECTION 138/139/142 OF NEGOTIABLE INSTRUMENT ACT.

FILED ON 17/12/2017

FACT:-Under the contract it was agreed that the complainant would provide training regarding online help consultation on Indian system of medicine like Yoga, Naturopathy, and Ayurveda. It was agreed that the accused shall bear the electricity charges of the rooms used for the above mentioned reason. The accused failed to pay the electricity charges regularly after the repeated request of the complainant, the accused issued two cheques discharged its aforesaid liability for amount Rs. 20,000/- and Rs. 26,000/- dated 03/10/2019, both drawn on State Bank of India. The above mentioned cheques were presented by the complainant in the Bank of Baroda and the same were returned unpaid, the returned memos of the BOB, dated 04/10/2019 revealed that the reason for the non-payment was stop

their payment instruction issued by the accused to its bank of SBI.

After receipt of said bounced cheques my aforesaid client contacted the accused and asked the accused to make the payment, but the accused showed their financial hardship and ultimately refused to make payment. Thereafter, the complainant also sent legal notice dated 30/10/2019 to the accused through speed post, both dated 30/10/2019 on the above mentioned addresses and the service of the legal notice has been duly affected upon the accused, as AD card has been received back to the council for the complainant and despite that the accused neither sent any reply nor paid a single penny to the complainant till the date. The act of issuing the aforesaid cheques by the accused being bound is fraudulent and further the accused intentionally and deliberately want to deceive the complainant as such the complainant got a case against the accused U/S 420/138 Act.

OBSERVATION:-The present matter stands settle after the mediation.

NEXT DATE OF HEARING:-04/08/2021 was given for the payment of settled amount.

**CASE STUDY:
IN THE COURT OF MISS SHIV SHRUTIKADWARKA
DISTRICT COURT
DELHI**

IN THE MATTER:

**Ramesh Kumar & Others ...APPELLANT
VS.
State of U.P. & Others ...RESPONDENT**

FILED ON 18/02/2016

FACT:-Whether two F.I.R. can be lodged in the same incident alleging different fact, filed at the different time or can a counter F.I.R. can be lodged and whether the appellants had invoked the jurisdiction under Art.226 of the Constitution for cancellation of the F.I.R. on two courts. Whether the law prohibits the filing of second F.I.R. The principle is that person should not be vested twice the same incident.

OBSERVATION:-Court applied the principle that any further complaint by the same complainant & others against the same accused, subsequent to the registration of case is prohibited under the code because an investigation in this regard would have already started and further complaint against the accused will amount to an improvement on the facts mentioned in the original complaint, hence will be prohibited under Sec. 162 of code. The prohibition noticed by this court, in our opinion does not apply to counter complaint by the accused in the first complaint or on his behalf alleging a different version of the said incident. But to say that it is a second F.I.R reaction to the same cause of action and the same incident and there sameness of occurrence of and an attempt has been made to improvise the case is not correct. Hence, we conclude and hold that the submission of the F.I.R. lodged by the fourth respondent is second F.I.R. and is, therefore, liable to be quashed.

NEXT DATE OF HEARING & PURPOSE: THE COURT HAS FIXED THE NEXT DATE OF HEARING FOR 26/05/2022 FOR HEARING OF ARGUMENTS.

.....
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Day 9: 12th July

CASE STUDY:

IN THE COURT OF SUMIT PARASAR

DWARKA DISTRICT COURT,

DELHI

IN THE MATTER:

Manoj Jaiswal ...PLAINTIFF

VS.

Amit Shukla ...DEFENDANT

**TITLE:-COMPLAINT UNDER SEC.138 R/W SEC.142 OF NEGOTIABLE
INSTRUMENT ACT**

FILED ON 12/10/2018

FACT:-Complaint came into contact with accused through one common friend Mr. Neeraj in November 2014 and grew trust on accused and became friend of him in span of a year. The accused showed some earth work related project in Lucknow. Complainant believed in him and accepted to invest in the project. On being asked by the accused to submit Rs. 2,00,000/- as token amount, the complainant gave the amount in cash from October 2014 to March 2015. The accused never came with specific answer and also avoided the complainant on one pretext or another, on being asked by the complainant about the progress.

.....
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Later, not coming with any answer the accused assured the complainant to return the token amount. The accused gave three post- dated cheques of Rs. 1,50,000/- & Rs. 50,000/-, but which got disowned for the reason of insistent fund. It was alleged that the accused has caused wrongful loss to the complainant and wrongful gain to himself.

It has been prayed to summon the accused and punish him under Sec.26 of Negotiable Instrument Act and pass an order for compensation under Sec.357 Cr.P.C. & Sec.117 of Negotiable Instrument Act.

OBSERVATION:- Next date of hearing has been given.

NEXT DATE OF HEARING & PURPOSE:-The Court has given next date of hearing on 24/09/2021 for presentation of evidences.

Day 10: 14th July

**CASE STUDY:
IN THE COURT OF PRADEEP KUMAR SRIVASTAVA
DELHI HIGH COURT
DELHI**

IN THE MATTER:

**Malhotra Associates & Brothers ...PETITIONER
VS.
Dharmendra ...RESPONDENT**

FACT:- Civil action for the recovery of a total sum of Rs. 9,45,620/- alongwith pendent lite and future interest at @15% p.a. Plaintiff No.1 is a registered partnership firm carrying the business of commission agent for sale and purchase of food grains which advances money to the agriculturists and change commission on the sale price of the agricultural produce sold as determined by the market committee. The respondent defendant (herein after referred to as the defendant) had been maintaining regular and long standing current account with the plaintiffs. A sum of Rs. 4,50,000/- stood in the name of the defendant towards outstanding balance and he had acknowledged the same under his signature in the corresponding account entry in the account books of the plaintiffs.

FACT IN ISSUE:-

1. Whether a suit for recovery could be decreed when the pleadings and the evidence led by the plaintiffs were at substantial variance;
2. Whether the plaintiffs could be said to have established its case, particularly when the defendant had denied the factum of borrowing any sum and he signatures on the cash and no evidence including document/ finger print expert was led by the plaintiff to establish the signature of the defendant in the accounts books;
3. Whether it was obligatory on the part of the plaintiff to prove the alleged signatures of the defendant in the cash book when they had been disputed; &
4. Whether the admission of the defendant could be assumed in the absence of the clear and unambiguous admission of the party to the litigation.

.....

HELD:-

It is manifest that signatures are proven by the witness and they have been marked as exhibits without any objection. Thus, there was no plea whatsoever as regards the denial of signature or any kind of forgery or fraud. The present case is not one such case where the plaintiff has chosen not to adduce any evidence. They have examined witness, proven entries in the books of accounts and also proven the acknowledgement duly signed by the defendant. The defendant on the contrary, except making a bald denial of the averments had not stated anything else. That apart nothing was put to the witness in the cross examination when the documents were exhibited. He only came with the spacious plea in his evidence which was not pleaded. Thus, we have no hesitation in holding that the High Court has fallen into error in holding that it was obligatory on the part of plaintiff to examine the handwriting expert to prove the signature. The finding that the plaintiffs had failed to discharge the burden is absolutely misconceived in the facts of the case.

Day 11:- 16th July

**CASE STUDY:
IN THE COURT OF SRI RAJEEV PANDEY
DWARKA DISTRICT COURT
DELHI**

IN THE MATTER OF:

Shiv Shanker ...PETITIONER

VS.

Smt. Bimla Rani ...RESPONDENT

**TITLE: Petition filed under Section 9 of Hindu Marriage Act, 1955 for
Restitution of Conjugal Rights**

FILED ON 1/07/2017

FACT:- The Hindu Marriage was solemnized between petitioner and the respondent according to the Hindu rites and ceremonies on 30/01/2015 at Mirzapur. The marriage was duly consummated and both the petitioner and the respondent were cohabited as husband and wife in matrimonial house and no child was born from the wedlock. After marriage the behaviour of respondent was good but after sometime the behaviour of the respondent towards petitioner and his family changed. She started quarrelling with petitioner and disrespected his family members and she used to go to her paternal home without informing to him husband and used to remain there for many days. Every time petitioner has to take her back from her paternal home but the attitude of respondent remains the same and the petitioner used to remain silent in order to save their relationship. In the month of September 2015, the uncle of respondent approached petitioner and said to him “**Ladki alag rahna chahti hai**”. To save his matrimonial life, the petitioner started living separately from his parents but the behaviour of respondent did not

changed. Ultimately on 2/11/2019, the respondent left the house of petitioner after taking the valuable goods and silver jewellery and clothes without the consent of petitioner. Petitioner made calls and made all possible ways to bring her back but all in vain.

OBSERVATION:- On the date hearing , notice was issued to the respondent.

NEXT DATE OF HEARING & PURPOSE: THE HONA'BLE COURT HAS FIXED THE DATE OF NEXT HEARING ON 27/08/2021. THE ACCUSED HAS TO APPEAR ON THE PROVIDED DATE

Day 12: 17th July

**CASE STUDY:
IN THE COURT OF SRI RAJEEV PANDEY**

**DWARKA DISTRICT COURT
DELHI**

IN THE MATTER:

Meena Saxena ...PLAINTIFF

VS.

Sanjay Saxena ...DEFENDANT

**TITLE: PETITION FILED UNDER SECTION 13B(2) OF HINDU
MARRIAGE ACT, 1955**

FILED ON 11/09/2016

FACT:-In the instant case, the petitioners got married in September, 2007 and were living as husband and wife but after few years, due to some personal reason they got separated and were not cohabiting together for more than a year. After few years the wife shifted to Delhi for doing any job. So both the husband and wife decided for taking divorce by mutual consent under Sec. 13B(2) of Hindu Marriage Act, 1955.

OBSERVATION: On 27/02/2021 petitioner's statement was taken.

**NEXT DATE OF HEARING & PURPOSE:- THE COURT HAS GIVEN
NEXT DATE OF HEARING ON 17/08/2021 FOR HEARING AN
ARGUMENTS.**

Day 13: 17th July

**CASE STUDY:
IN THE COURT OF SRI RAVI KANT MANI TRIPATHI
DWARKA DISTRICT COURT
DELHI**

IN THE MATTER:

**Sagar Bhutani ...COMPLAINANT
VS.
Unknown ...RESPONDENT**

FILED ON 19/01/2018

FACT:-In the given case, the complainant got married to a lady named Seema and after marriage they gave birth to a son and after that to a girl child. The daughter was just 5 months when suddenly she died at midnight. The lady told everyone that she died due to the choking of throat while drinking milk and everyone believed in her words. After this, she used to go out with her six year old son without informing anyone due to which everyone doubted that he must be having an extramarital affair but it was never proved. One day when she was taking her child to the terrace which was on 8th floor, the maid asked that where she is going then she told that she is taking him on terrace for showing birds. The child fallen down from the terrace and the watchman took him to the hospital **and the lady came down calmly from the terrace and when she was asked about** the child she told that he was not there on terrace so she thought that he must have come down. Everyone believed that she has pushed the child from terrace because when the dummy was thrown from the terrace, it fallen down in the same position as the child fallen down and also the height of the railing of the terrace was equal to the height of the child.

OBSERVATION: On 24/07/2021 statement of the complainant was recorded.

NEXT DATE OF HEARING & PURPOSE:- THE COURT HAS GIVEN NEXT DATE OF HEARING ON 27/09/2021 FOR HEARING AN ARGUMENTS.

Day 14: 18th July

**CASE STUDY:
IN THE COURT OF SRI RAJEEV PANDEY
DWARKA DISTRICT COURT
DELHI**

IN THE MATTER:

**Smt. Phulkumari ...PETITIONER
VS.
Rajkumar Singh ...RESPONDENT**

**TITLE:- CASE FILED UNDER SEC.9 OF THE HINDU MARRIAGE ACT,
1955**

FACT:- Petition was filed by the wife for Restitution of Conjugal Rights under Sec.9 of the Hindu Marriage Act, 1955. Her husband consenting to the passing of a decree for the same was passed. After a period of one year, husband filed a petition under Sec.13 of the Hindu Marriage Act, 1955 against the appellant for divorce on the ground that though one year had lapsed from the date of passing the Restitution of Conjugal Rights as no actual cohabitation had taken place between the parties.

While the period of cohabitation, wife was taken to the husband by her parents one month after the decree and that the husband kept her in the house for two days and then again she turned out. Considering this, the District Court held that as the decree of Restitution of Conjugal Rights was passed by the consent of both the parties, the husband was not entitled for divorce. On appeal case came before Division Bench of High Court that a consent decree could not be termed to be collusive, decree so as to disentitle the petitioner to a decree of Restitution of Conjugal Rights and that in view of the language of Sec.23, if a court had tried to make conciliation between the parties and the conciliation had been ordered. The husband was not disentitled to get a decree. The appeal was allowed and the husband was granted a decree of Divorce.

HELD:-

1. Apart from the fact that there was no pleading which is a serious and fatal mistake, there is no scope of giving any opportunity of amending the pleadings. Therefore, NO AMENDMENT IN PLEADINGS.
2. The Sec.9 of the Hindu Marriage Act is held constitutional
3. Even after final decree of divorce has been passed, the husband would continue to pay maintenance to the wife until she remarries and would maintain the one living daughter of the marriage. Wife would be entitled to such maintenance only until she remarries and the daughter of her maintenance get married. Respondent would pay costs of this appeal to appellant assessed at Rs.1500.
4. Appeal dismissed.

Day 15: 20th July

**CASE STUDY:
IN THE COURT OF MANISH KUMAR-II
DELHI HIGH COURT
DELHI**

IN THE MATTER:

Arun Bhandari ...PETITIONER

VS.

State of U.P. & Others ...RESPONDENT

FACT:-Appellant, an N.R.I. living in Germany while looking for a property, came in contact of respondent no.2 and her husband, who claim to be the owner of the property. Agreement was executed, husband and the wife received a sum of Rs. 1, 05,00,000/- from appellant towards part payment of the sale consideration, on enquiry appellant came to know that the original allottee has executed a POA in the favour of respondent no.3. On instituting F.I.R., IO submits a closure report saying that it is a civil case & no criminal offence has been made out. Appellant has then filed a protest petition before a Magistrate, which took cognizance of case, however on representation before S.P. of that area, who transferred the case to another S.I., it came to know that both the S.I. has colluded and filed a closure report, but after seeing the case diary it seems that the offence has been made out. He made an entry to file a charge sheet against the respondent U/S 420,406,567,468 and 479 of IPC. At this stage, the accused persons again colluded with the previous investigating officer and the station house officer and got the investigation transferred to the previous investigating officer. However the Magistrate took the cognizance of the case after filing the protest petition, case diary and other documents under Se. 406,420 of IPC.

SESSION JUDGE:- Respondent alleged that it is a matter of Breach of Contract & not a case of Fraud or Cheating, however Session judge found that the allegation prima facie constitutes a criminal offence and it could not be said that it is a pure and simple dispute of civil nature

HIGH COURT:- Case to be filed before Hon'ble High Court.

Day 16: 21th July

**CASE STUDY:
IN THE COURT OF SRI RAJEEV PANDEY
DWARKA DISTRICT COURT
DELHI**

IN THE MATTER:

Shraddha Agrawal ...PETITIONER

VS.

Neeraj Agrawal and others ...RESPONDENT

FILED ON 18/07/2017

FACT:-In the present case, the respondent and his family members used to torture the plaintiff and when she tries to complain to the police, they insist her not to call police and apologise from her but after that also they used to beat her. After sometime she got pregnant and till the last month of her pregnancy, they force her to do each and every household work and when she gave birth to a baby child, their cruelty grew more on her. After few year, again she gave birth to a son but the situation remain same and she tries to file F.I.R., police does not files her F.I.R. After this they mutually decided that they will not torture her again but after sometime the same thing happened. Therefore, this time she threatens police to file her F.I.R. and this time police filed F.I.R. under compulsion. So the in-laws flew away from their home and after sometime they returned back but her husband and children did not returned though their school session started. So the petitioner demanded custody of her children as she was financially capable of bringing them up.

NEXT DATE OF HEARING & PURPOSE:- THE COURT HAS GIVEN NEXT DATE OF HEARING ON 16/04/2022 FOR HEARING AN ARGUMENTS.

Day 17: 23rd July

**CASE STUDY:
IN THE COURT OF SANJAY HARI SHUKLA
DWARKA DISTRICT COURT
DELHI**

IN THE MATTER:

**Brijesh Agrawal ...PETITIONER
VS.
Anil Kumar ...RESPONDENT**

TITLE:-DISPUTE OF PROPERTY

FILED ON 21/09/2017

FACT:- In the instant case, the plaintiff has filed a suit against his eldest son namely, Anil Kumar (Defendant). The Plaintiff has alleged that from the inception of the marriage the defendant with his wife creates problem in his entire family and pickup quarrel on small issues. On 22/12/2016 filed that the defendant picked up quarrel with the plaintiff and compelled the plaintiff to remove his younger son from the bigger room. The defendant did not stop here and did a rigid quarrel in order to remove his younger brother from the first room. Because of the bad behavior of the defendant, plaintiff lodged F.I.R. in order to protect himself and his family from creating resin of defendant. After been dishonored by the plaintiff defendant still acquires the other said promise forcefully because of which the plaintiff again lodged a police complaint. The plaintiff have alleged that the defendant threatens him out of the said property leading to which plaintiff is seeking a relief of Permanent Injunction against the defendant for restraining him to dispose the plaintiff from the suit property.

OBSERVATION:- On this day, in court hearing, the plaintiff sent a notice to the defendant. The defendant thereby submitted written statement alongwith the submitted application of Order 7 Rule 11 from the rejection of plaint.

NEXT DATE OF HEARING & PURPOSE:- The Court has given the next date of 07/08/2021 for hearing the argument on Order 7 Rule 11.

Day 18: 25th July

**CASE STUDY:
IN THE COURT OF SHAMIM AHMAD ANSARI
DELHI HIGH COURT
DELHI**

IN THE MATTER:

**Sunil Gupta ...PETITIONER
VS.
Kishore Chand ...RESPONDENT**

TITLE:- Complaint U/S 323,320,448,411,452 of IPC

FACT:- In the instant case, the plaintiff claims to occupy a plot bearing No.C-182, in the year 1975. Plaintiff claims he and his younger brother got constructed the whole suit property and started residing in the said property and the plaintiff got constructed one room in the demolished space. The plaintiff alleged that the defendant no.1 to 4 are having an evil eye on the premises of the plaintiff and are forcefully trying to stop the reconstruction and are threatening plaintiff and other family members. Thereby, plaintiff has filed the suit to pass a decree of Permanent Injunction against the defendant not to demolish the wall created by the plaintiff and not to enter the said property. On the other hand, defendant in his written statement to the suit filed by the plaintiff says that the plaintiff, who is the real brother defendant has filed the suit which is not maintained as the defendant and his family has been decided in the suit property since 1980 which is confirmed by the various documents such as ration card, the gas cylinder receipt and other documents and the defendant subsequently shifted to the other block and the plaintiff allegedly, in order to grab the property got a room constructed in the space of the defendant.

HELD:- The Hon'ble Court held that the property in which plaintiff build the room belonged to all the brothers as it was proofed through the various documents which was presented by the defendant. So the court restricted the plaintiff from constructing the room in the demolished space.

Day 19: 27th July

**CASE STUDY:
IN THE COURT OF SMT. ADESH NAIN
TIS HAZARI DISTRICT COURT
DELHI**

IN THE MATTER:

Ajay Kumar ...APPLICANT

VS.

State ...RESPONDENT

TITLE:- Complaint U/S 498A, 406, 354, 506 IPC

FILED ON 02/03/2021

FACT:-In the instant case, the wife filed case against her husband and his family members for dowry. They used to torture her physically and mentally for dowry. The relationship between the husband and wife was not normal, they had sexual intercourse for only four or six time after marriage and that also happened for proving that he is not impotent and he used to tell her that he is not interested in her, he is interested in some other woman. His family members used to torture her for bringing jewellery and cash from her parent home on every festivals. For this charges, the whole family members are in jail including husband, in-laws, brother-in-law and sister-in-law and they have applied for anticipatory bail but haven't yet got anticipatory bail.

NEXT DATE OF HEARING & PURPOSE:- THE COURT HAS GIVEN NEXT DATE OF HEARING ON 24/8/2021 FOR HEARING AN ARGUMENTS.

Day 20: 28th July

**CASE STUDY:
IN THE COURT OF MR. RAHUL
TIS HAZARI DISTRICT COURT
DELHI**

IN THE MATTER:

Suresh Chadda ...PLAINTIFF

VS.

Santosh Kumar ...DEFENDANT

FILED ON 27/04/2015

FACT:-In the present case, defendant brought a godown but after sometime he wanted to sell it. The plaintiff induced defendant to sell his godown to him as he has a well-established business and also has very many contacts, so he will used to providethe defendant with many contracts both private and government and as he was havingan interior design business, he got impressed by his proposal and agreed to sell his godown to him but he was not able to it as the godown was under rental property lease agreement. So the defendant paid the compensation amount to the plaintiff out of the court for his loss but then also plaintiff lodged a case against defendant claming compensation for the loss caused to him due to breach of agreement.

OBSERVATION:- On this date, the complainant was to submit the written submission

NEXT DATE OF HEARING & PURPOSE:- THE COURT HAS GIVEN NEXT DATE OF HEARING ON 17/9/2021 FOR HEARING AN ARGUMENTS.

Day 21: 30th July

**CASE STUDY:
IN THE COURT OF SUSHRI SALONI RASTOGI TIS
HAZARI DISTRICT COURT**

IN THE MATTER:

Kishanlal ...PLAINTIFF

VS.

Khurana & Sons ...DEFENDANT

FILED ON 15/03/2019

FACT:-In the given case, the workman used to work as a driver for the management for five years at a salary of Rs.10,500 which was less than the salary fixed by the government and no legal necessity was provided to him. Workmen used to ask for increasing his salary but they used to neglect his request and when he started demanding again and again, the management terminated him from his job without giving a prior notice. The workman complained under labour union. The labour union sent a notice to the management but they didn't replied. So the workman filed a petition under court for the reimbursement of his loss and all the charges of legal proceeding.

OBSERVATION:- On 25/07/2020 both the parties sat together for the compromise and both the counsel took one more date for compromise.

NEXT DATE OF HEARING & PURPOSE:- THE COURT HAS GIVEN NEXT DATE OF HEARING ON 7/10/2021 FOR HEARING AN ARGUMENTS.

CONCLUSION

In the end, I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, but what we have learned from this internship is the mechanism of this body.

I was surprised to see how the simplest of laws were applicable in the most difficult of situation and how loopholes leaves so much scope for evolution and improvisation today in this field. I also observed that law is everything but constant with same soul as that of a human. In other words or as that of our counsel, law may come and law may repel, but they must always be faithful to the Constitution, which is the most supreme law of the land and governs all equals and unequals in respect of each other.

With the vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow my vision in this field. I conclude this report with a great lot in my mind.

**WITH REGARDS:
PALAK SINGH
ENROLLMENT
NO: 08190103817**

SUMMER TRAINING REPORT

SESSION: 2017-2022



तेजस्वि नावधीतमस्तु
ISO 9001:2008 & 14001:2004



**FAIRFIELD INSTITUTE OF MANAGEMENT
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Submitted by:

PANKAJ OBEROI
08290103817
BALLB,9th sem

JITENDER SINGH PUNDIR
ADVOCATE
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Email:- Jitendersingh.advocate@gmail.com

Ref. No. _____

Dated. 02/08/21

TO WHOMSOEVER IT MAY CONCERN

CERTIFICATE OF INTERNSHIP

This is to certify that Mr. Pankaj Oberoi student of B.A.-LL.B. (Session 2017-2022) 4th year (8th Semester), Enrolment No. 08290103817 of Fairfield Institute Of Management and Technology, Kapashera, New Delhi, has completed 1 month's online Internship under my supervision, at Dwarka District Courts, Sector-10, New Delhi from 01/07/2021 to 31/07/2021. I have given her research work and she has made legal drafts in her internship during this covid-19 pandemic while staying at home.

He worked diligently with dedication and discipline. She has strong communication skills and legal Aptitude.

I wish her good luck and best wishes for her academics and professional career.



Jitender Singh Pundir,
Advocate

JITENDER SINGH PUNDIR
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DECLARATION

I, Pankaj Oberoi hereby declare that the presented report of Internship is compiled by me. The report is based on my own experiences and observations to the best of my knowledge and understanding in its duration.

The Report which is therefore submitted to Fairfield Institute of Management Technology & School of Law affiliated to Guru Govind Singh Indraprastha University is a reliable document and is bonafide nature.

ACKNOWLEDGEMENT

The Internship opportunity which I had with Advocate Mr. Jitender Singh Pundir was a great chance for learning and professional development. Therefore, I consider myself as a very lucky individual as I was provided with an opportunity to be apart of his office. I am also grateful to have chance to meet so many wonderful people a professionals who led me through this internship period.

I take profound sense of pride to convey my gratefulness towards my University- **Guru Govind Singh Indraprastha University** and my Institution- **Fairfield Institute of Management and Technology**.

I express my deepest thanks to all the persons who have been my constant support, source of encouragement throughout the internship programme.

I perceive this opportunity as a big milestone in my Career Development. I will strive to use gained skills and knowledge in the best possible way, and I will continue to work on their improvement.

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LIST OF ABBREVIATIONS

VS.
HON'BLE
F.I.R.
H.M.A
C.P.C
P.W.
I.P.C.
N.I. ACT

VERSUS
HONOURABLE
FIRST INFORMATION REPORT
HINDU MARRIAGE ACT
CIVIL PROCEDURE CODE
PROSECUTING WITNESS
INDIAN PENAL CODE
NEGOTIABLE INSTRUMENT ACT

OBJECTIVE OF INTERNSHIP

Internship is a process of education, to offer meaningful, career related work experience to students, while simultaneously providing an excellent source of highly motivated, career minded individuals for employers.

The Internship Programme serves to:

1. Reinforce and strengthen the students' personal values and career objectives through an improved understanding.
2. Assist students in identifying and acquiring the skills needed to enter a chosen field.
3. Provide practical work experience to balance the students' theoretical training.
4. Allow students to meet and learn from professionals in the field and development.

Hearing Date - 6th JULY

**CASE STUDY:
IN THE COURT OF SRI VISHNUDEO UPADHYAYA
DWARKA DISTRICT COURT,
DELHI**

IN THE MATTER OF:

Bhunath Singh ...PLAINTIFF

VS.

Suresh Vishal

Ashok Singh

Santosh Singh

Arvind Singh

Ramesh Singh

Santi Devi

Sunanada Devi ...DEFENDANTS

TITLE: Suit for mandatory and permanent injunction

FILED ON 20/07/2015

FACTS:-The defendant no. 1 to 3 is the cousin brother of plaintiff and the father of plaintiff and the father of defendant no. 1 to 3 are real brothers.

The father of plaintiff and the father of defendant no. 1 to 3 had purchased the suit property bearing municipal no. A-34, measuring about 350sq. yards with their joint funds. The father of plaintiff and father of defendant no. 1 to 3 have died interstate leaving behind their heirs who are parties in present suit.

The plaintiff's father paid the amount of his share to his brother to purchase the aforesaid suit property and thereafter father of defendant no. 1 to 3 had purchased the suit property and kept all documents related to the suit property in their possession.

The plaintiff has the right to get 1/4th share out 1/3rd share which comes in the name of the father of the plaintiff as per law. Father of plaintiff and his brother were having equal right in the property in question which was purchased from the joint funds of the father of the plaintiff is entitled to get 1/3rd share of the property in question.

OBSERVATION:-Argument was made under application Order 6 Rule 7 of CPC.

NEXT DATE OF HEARING & PURPOSE:NEXT DATE FIXED FOR HEARING IS 26/08/21 TO PUT UP FOR ORDER.

Hearing Date - 8th JULY

**CASE STUDY:
IN THE COURT OF SHRI RAM SURAT
DWARKA DISTRICT COURT DELHI**

IN THE MATTER OF:

Shyam Prasad ...PLAINTIFF

VS.

Smt. Rishali Devi ...DEFENDANT

Accused No. 1- Smt Rishali Devi (Mother)

Accused No. 2- Dharmveer (Brother)

Accused No. 3 – (Nephew)

Accused No. 4 –Dhirendra (Brother)

Accused No. 5 – (Real sister of complainant)

TITLE: Complaint U/ S 323/341/452/354/506/509/420/468/471/120-B/34 of IPC

FILED ON 24/08/2015

FACT: Complainant is permanent resident of house no. 4 Police Line Colony Dwarka. Complainant is residing in the house no.4 with his family. Due to some misunderstandings between accused and complainant, a suit for mandatory and permanent injunction was filed before Civil Judge of Dwarka District Court and the same was compromised between them before mediation centre, on the condition that none of the accused will interfere in the possession of the complainant. Case was withdrawn by both the parties after the order of mediation centre.

same, then the aforesaid accused persons along with their 15-20 associates with their common conspiracy started beating the complainant and his cousin brothers with the sole intention to kill them and entered in their house and looted one gold chain of 40grams, one Roodraksh Mala of gold of 18 grams, one Samsung mobile and threaten them not to come in their way.

Thereafter, the complainant and his cousin brothers made their statement to the police but the police did not register the FIR against them according to the statement and the injuries but only registered an FIR No. 332/15 U/S 323/341/506/34 IPC. The accused persons are still threatening and pressurizing the complainant illegally to quash the said F.I.R. The complainant has no other option available except to approach this Hono'ble court for want of justice. The accused persons have committed the aforesaid offences:

U/S 147/148/149/308/325/395/397/392/193/195/504/506/ IPC

OBSERVATION:-In the present matter the court was on strike due to which the party took the next hearing date.

NEXT DATE OF HEARING:- THE NEXT DATE FOR HEARING IS
02/08/2021

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...

**CASE STUDY:
IN THE COURT OF SMT. LOVELY JAISWAL**

IN THE MATTER OF:

Ramesh Tiwari ...PETITIONER

VS.

State of U.P..... RESPONDENT

FILED ON 3/10/2018

FACT: Accused caused death of four persons and the injuries were inflicted in front of PW1, whose son, daughter-in-law and grandchildren were murdered related to property dispute.

OBSERVATION: In this case, the Hono'ble Court considers various aspects of "rarest of rare principle" in the light of judicial precedents in awarding death sentence. Wherein the court held considering the totality of the facts and circumstances of the case, we hold that imposition of the death sentence on the appellants was not warranted but while awarding life imprisonment to the applicant, we hold that they serve a minimum of thirty years in jail without remission. The sentence awarded by Trial court and confirmed by the District Court is modified as above. Approval partly allowed. The Hono'ble Court fixed the next date hearing of arguments on 15/08/2021.

NEXT DATE FOR HEARING & PURPOSE: THE COURT HAS GIVEN NEXT DATE OF 15/08/2021 FOR HEARING OF ARGUMENTS.

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CASE STUDY:
IN THE COURT OF SRI GUNJAN PANDEY
ADDITIONAL DISTRICT & SESSIONS JUDGE
DWARKA DISTRICT COURT
DELHI

IN THE MATTER:

State of U.P..... PETITIONER

VS.

Sameer..... RESPONDENT

TITLE: COMPLAINT U/S 376/377 IPC

FACTS: The prosecutrix along with his brother Sheru was studying in same school. Sheru told complainant that he has seen his sister (prosecutrix) with accused Sameer, upon which complainant made inquiry from the prosecutrix and came to know that prosecutrix has been raped by Sameer at night hours several time & she didn't disclose to her family because of fear. In examination of prosecutrix, she deposed before the court that accused was staying on the same footpath where she had been living. Accused took her to the market on one night and inserted his finger in her private parts & also inserted his private parts in her private parts. Prosecutrix felt pain but accused put his hands on her mouth & slapped her. Accused used to sleep in the footpath area and he had committed rape upon her no. of times as he used to take her when she was sleeping with her siblings on the offer of serving food.

The complainant informed the parents of the prosecutrix but they refused to take any action and accordingly she herself took the prosecutrix to the police upon which complaint was lodged. The accused alleged that he had been falsely implicated in the matter at the instance of complainant since some people used to distribute toffees & other eatables to the children of the locality including the prosecutrix & her siblings & because of this reason they didn't go to school. Once he slapped the prosecutrix upon this reason & with the intention she should not miss her school anymore, upon which the complaint was made against him. & thereafter he was falsely implicated at the instance of complainant. Moreover he was handicapped & walks with help of clutches.

OBSERVATION:-

ORDER:- According to the medical report and statement of all the witnesses & prosecution corroborates that she had been sexually assaulted.

The defense counsel pleaded that the accused was handicapped however this fact no way come to deter the evil intention of the accused.

Accused is held guilty & convicted for offence u/s 376(2) (f) and sec 377 of I.P.C.

PRESENT STATUS OF THE CASE:-Accused convicted.

CASE STUDY:
IN THE COURT OF HONA'BLE MR. SUNIL KUMAR SINGH
DWARKA DISTRICT COURT
DELHI

IN THE MATTER:-

Sumitranandan Pratishthan Parishad ...COMPLAINANT

Vs.

1. M/s Gallant Media Pvt. Ltd.

2. Sh. Sachin Kumar ...ACCUSED

**TITLE: COMPLAINT UNDER SECTION 138/139/142 OF NEGOTIABLE
INSTRUMENT ACT.**

FILED ON 17/12/2017

FACT:-Under the contract it was agreed that the complainant would provide training regarding online help consultation on Indian system of medicine like Yoga, Naturopathy, and Ayurveda. It was agreed that the accused shall bear the electricity charges of the rooms used for the above mentioned reason. The accused failed to pay the electricity charges regularly after the repeated request of the complainant, the accused issued two cheques discharged its aforesaid liability for amount Rs. 20,000/- and Rs. 26,000/- dated 03/10/2019, both drawn on State Bank of India. The above mentioned cheques were presented by the complainant in the Bank of Baroda and the same were returned unpaid, the returned memos of the BOB, dated 04/10/2019 revealed that the reason for the non-payment was stop

their payment instruction issued by the accused to its bank of SBI.

After receipt of said bounced cheques my aforesaid client contacted the accused and asked the accused to make the payment, but the accused showed their financial hardship and ultimately refused to make payment. Thereafter, the complainant also sent legal notice dated 30/10/2019 to the accused through speed post, both dated 30/10/2019 on the above mentioned addresses and the service of the legal notice has been duly affected upon the accused, as AD card has been received back to the council for the complainant and despite that the accused neither sent any reply nor paid a single penny to the complainant till the date. The act of issuing the aforesaid cheques by the accused being bound is fraudulent and further the accused intentionally and deliberately want to deceive the complainant as such the complainant got a case against the accused U/S 420/138 Act.

OBSERVATION:-The present matter stands settle after the mediation.

NEXT DATE OF HEARING:-04/08/2021 was given for the payment of settled amount.

**CASE STUDY:
IN THE COURT OF MISS SHIV SHRUTIKADWARKA
DISTRICT COURT
DELHI**

IN THE MATTER:

**Ramesh Kumar & Others ...APPELLANT
VS.
State of U.P. & Others ...RESPONDENT**

FILED ON 18/02/2016

FACT:-Whether two F.I.R. can be lodged in the same incident alleging different fact, filed at the different time or can a counter F.I.R. can be lodged and whether the appellants had invoked the jurisdiction under Art.226 of the Constitution for cancellation of the F.I.R. on two courts. Whether the law prohibits the filing of second F.I.R. The principle is that person should not be vested twice the same incident.

OBSERVATION:-Court applied the principle that any further complaint by the same complainant & others against the same accused, subsequent to the registration of case is prohibited under the code because an investigation in this regard would have already started and further complaint against the accused will amount to an improvement on the facts mentioned in the original complaint, hence will be prohibited under Sec. 162 of code. The prohibition noticed by this court, in our opinion does not apply to counter complaint by the accused in the first complaint or on his behalf alleging a different version of the said incident. But to say that it is a second F.I.R reaction to the same cause of action and the same incident and there sameness of occurrence of and an attempt has been made to improvise the case is not correct. Hence, we conclude and hold that the submission of the F.I.R. lodged by the fourth respondent is second F.I.R. and is, therefore, liable to be quashed.

NEXT DATE OF HEARING & PURPOSE: THE COURT HAS FIXED THE NEXT DATE OF HEARING FOR 26/05/2022 FOR HEARING OF ARGUMENTS.

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Day 9: 12th July

CASE STUDY:

IN THE COURT OF SUMIT PARASAR

DWARKA DISTRICT COURT,

DELHI

IN THE MATTER:

Manoj Jaiswal ...PLAINTIFF

VS.

Amit Shukla ...DEFENDANT

**TITLE:-COMPLAINT UNDER SEC.138 R/W SEC.142 OF NEGOTIABLE
INSTRUMENT ACT**

FILED ON 12/10/2018

FACT:-Complaint came into contact with accused through one common friend Mr. Neeraj in November 2014 and grew trust on accused and became friend of him in span of a year. The accused showed some earth work related project in Lucknow. Complainant believed in him and accepted to invest in the project. On being asked by the accused to submit Rs. 2,00,000/- as token amount, the complainant gave the amount in cash from October 2014 to March 2015. The accused never came with specific answer and also avoided the complainant on one pretext or another, on being asked by the complainant about the progress.

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Page 14

Later, not coming with any answer the accused assured the complainant to return the token amount. The accused gave three post- dated cheques of Rs. 1,50,000/- & Rs. 50,000/-, but which got disowned for the reason of insistent fund. It was alleged that the accused has caused wrongful loss to the complainant and wrongful gain to himself.

It has been prayed to summon the accused and punish him under Sec.26 of Negotiable Instrument Act and pass an order for compensation under Sec.357 Cr.P.C. & Sec.117 of Negotiable Instrument Act.

OBSERVATION:- Next date of hearing has been given.

NEXT DATE OF HEARING & PURPOSE:-The Court has given next date of hearing on 24/09/2021 for presentation of evidences.

Day 10: 14th July

**CASE STUDY:
IN THE COURT OF PRADEEP KUMAR SRIVASTAVA
DELHI HIGH COURT
DELHI**

IN THE MATTER:

**Malhotra Associates & Brothers ...PETITIONER
VS.
Dharmendra ...RESPONDENT**

FACT:- Civil action for the recovery of a total sum of Rs. 9,45,620/- alongwith pendent lite and future interest at @15% p.a. Plaintiff No.1 is a registered partnership firm carrying the business of commission agent for sale and purchase of food grains which advances money to the agriculturists and change commission on the sale price of the agricultural produce sold as determined by the market committee. The respondent defendant (herein after referred to as the defendant) had been maintaining regular and long standing current account with the plaintiffs. A sum of Rs. 4,50,000/- stood in the name of the defendant towards outstanding balance and he had acknowledged the same under his signature in the corresponding account entry in the account books of the plaintiffs.

FACT IN ISSUE:-

1. Whether a suit for recovery could be decreed when the pleadings and the evidence led by the plaintiffs were at substantial variance;
2. Whether the plaintiffs could be said to have established its case, particularly when the defendant had denied the factum of borrowing any sum and he signatures on the cash and no evidence including document/ finger print expert was led by the plaintiff to establish the signature of the defendant in the accounts books;
3. Whether it was obligatory on the part of the plaintiff to prove the alleged signatures of the defendant in the cash book when they had been disputed; &
4. Whether the admission of the defendant could be assumed in the absence of the clear and unambiguous admission of the party to the litigation.

.....

HELD:-

It is manifest that signatures are proven by the witness and they have been marked as exhibits without any objection. Thus, there was no plea whatsoever as regards the denial of signature or any kind of forgery or fraud. The present case is not one such case where the plaintiff has chosen not to adduce any evidence. They have examined witness, proven entries in the books of accounts and also proven the acknowledgement duly signed by the defendant. The defendant on the contrary, except making a bald denial of the averments had not stated anything else. That apart nothing was put to the witness in the cross examination when the documents were exhibited. He only came with the spacious plea in his evidence which was not pleaded. Thus, we have no hesitation in holding that the High Court has fallen into error in holding that it was obligatory on the part of plaintiff to examine the handwriting expert to prove the signature. The finding that the plaintiffs had failed to discharge the burden is absolutely misconceived in the facts of the case.

Day 11:- 16th July

**CASE STUDY:
IN THE COURT OF SRI RAJEEV PANDEY
DWARKA DISTRICT COURT
DELHI**

IN THE MATTER OF:

Shiv Shanker ...PETITIONER

VS.

Smt. Bimla Rani ...RESPONDENT

**TITLE: Petition filed under Section 9 of Hindu Marriage Act, 1955 for
Restitution of Conjugal Rights**

FILED ON 1/07/2017

FACT:- The Hindu Marriage was solemnized between petitioner and the respondent according to the Hindu rites and ceremonies on 30/01/2015 at Mirzapur. The marriage was duly consummated and both the petitioner and the respondent were cohabited as husband and wife in matrimonial house and no child was born from the wedlock. After marriage the behaviour of respondent was good but after sometime the behaviour of the respondent towards petitioner and his family changed. She started quarrelling with petitioner and disrespected his family members and she used to go to her paternal home without informing to him husband and used to remain there for many days. Every time petitioner has to take her back from her paternal home but the attitude of respondent remains the same and the petitioner used to remain silent in order to save their relationship. In the month of September 2015, the uncle of respondent approached petitioner and said to him “**Ladki alag rahna chahti hai**”. To save his matrimonial life, the petitioner started living separately from his parents but the behaviour of respondent did not

changed. Ultimately on 2/11/2019, the respondent left the house of petitioner after taking the valuable goods and silver jewellery and clothes without the consent of petitioner. Petitioner made calls and made all possible ways to bring her back but all in vain.

OBSERVATION:- On the date hearing , notice was issued to the respondent.

NEXT DATE OF HEARING & PURPOSE: THE HONA'BLE COURT HAS FIXED THE DATE OF NEXT HEARING ON 27/08/2021. THE ACCUSED HAS TO APPEAR ON THE PROVIDED DATE

Day 12: 17th July

**CASE STUDY:
IN THE COURT OF SRI RAJEEV PANDEY**

**DWARKA DISTRICT COURT
DELHI**

IN THE MATTER:

Meena Saxena ...PLAINTIFF

VS.

Sanjay Saxena ...DEFENDANT

**TITLE: PETITION FILED UNDER SECTION 13B(2) OF HINDU
MARRIAGE ACT, 1955**

FILED ON 11/09/2016

FACT:-In the instant case, the petitioners got married in September, 2007 and were living as husband and wife but after few years, due to some personal reason they got separated and were not cohabiting together for more than a year. After few years the wife shifted to Delhi for doing any job. So both the husband and wife decided for taking divorce by mutual consent under Sec. 13B(2) of Hindu Marriage Act, 1955.

OBSERVATION: On 27/02/2021 petitioner's statement was taken.

**NEXT DATE OF HEARING & PURPOSE:- THE COURT HAS GIVEN
NEXT DATE OF HEARING ON 17/08/2021 FOR HEARING AN
ARGUMENTS.**

Day 13: 17th July

**CASE STUDY:
IN THE COURT OF SRI RAVI KANT MANI TRIPATHI
DWARKA DISTRICT COURT
DELHI**

IN THE MATTER:

**Sagar Bhutani ...COMPLAINANT
VS.
Unknown ...RESPONDENT**

FILED ON 19/01/2018

FACT:-In the given case, the complainant got married to a lady named Seema and after marriage they gave birth to a son and after that to a girl child. The daughter was just 5 months when suddenly she died at midnight. The lady told everyone that she died due to the choking of throat while drinking milk and everyone believed in her words. After this, she used to go out with her six year old son without informing anyone due to which everyone doubted that he must be having an extramarital affair but it was never proved. One day when she was taking her child to the terrace which was on 8th floor, the maid asked that where she is going then she told that she is taking him on terrace for showing birds. The child fell down from the terrace and the watchman took him to the hospital **and the lady came down calmly from the terrace and when she was asked about** the child she told that he was not there on terrace so she thought that he must have come down. Everyone believed that she has pushed the child from terrace because when the dummy was thrown from the terrace, it fell down in the same position as the child fell down and also the height of the railing of the terrace was equal to the height of the child.

OBSERVATION: On 24/07/2021 statement of the complainant was recorded.

NEXT DATE OF HEARING & PURPOSE:- THE COURT HAS GIVEN NEXT DATE OF HEARING ON 27/09/2021 FOR HEARING AN ARGUMENTS.

Day 14: 18th July

**CASE STUDY:
IN THE COURT OF SRI RAJEEV PANDEY
DWARKA DISTRICT COURT
DELHI**

IN THE MATTER:

**Smt. Phulkumari ...PETITIONER
VS.
Rajkumar Singh ...RESPONDENT**

**TITLE:- CASE FILED UNDER SEC.9 OF THE HINDU MARRIAGE ACT,
1955**

FACT:- Petition was filed by the wife for Restitution of Conjugal Rights under Sec.9 of the Hindu Marriage Act, 1955. Her husband consenting to the passing of a decree for the same was passed. After a period of one year, husband filed a petition under Sec.13 of the Hindu Marriage Act, 1955 against the appellant for divorce on the ground that though one year had lapsed from the date of passing the Restitution of Conjugal Rights as no actual cohabitation had taken place between the parties.

While the period of cohabitation, wife was taken to the husband by her parents one month after the decree and that the husband kept her in the house for two days and then again she turned out. Considering this, the District Court held that as the decree of Restitution of Conjugal Rights was passed by the consent of both the parties, the husband was not entitled for divorce. On appeal case came before Division Bench of High Court that a consent decree could not be termed to be collusive, decree so as to disentitle the petitioner to a decree of Restitution of Conjugal Rights and that in view of the language of Sec.23, if a court had tried to make conciliation between the parties and the conciliation had been ordered. The husband was not disentitled to get a decree. The appeal was allowed and the husband was granted a decree of Divorce.

HELD:-

1. Apart from the fact that there was no pleading which is a serious and fatal mistake, there is no scope of giving any opportunity of amending the pleadings. Therefore, NO AMENDMENT IN PLEADINGS.
2. The Sec.9 of the Hindu Marriage Act is held constitutional
3. Even after final decree of divorce has been passed, the husband would continue to pay maintenance to the wife until she remarries and would maintain the one living daughter of the marriage. Wife would be entitled to such maintenance only until she remarries and the daughter of her maintenance get married. Respondent would pay costs of this appeal to appellant assessed at Rs.1500.
4. Appeal dismissed.

Day 15: 20th July

**CASE STUDY:
IN THE COURT OF MANISH KUMAR-II
DELHI HIGH COURT
DELHI**

IN THE MATTER:

Arun Bhandari ...PETITIONER

VS.

State of U.P. & Others ...RESPONDENT

FACT:-Appellant, an N.R.I. living in Germany while looking for a property, came in contact of respondent no.2 and her husband, who claim to be the owner of the property. Agreement was executed, husband and the wife received a sum of Rs. 1, 05,00,000/- from appellant towards part payment of the sale consideration, on enquiry appellant came to know that the original allottee has executed a POA in the favour of respondent no.3. On instituting F.I.R., IO submits a closure report saying that it is a civil case & no criminal offence has been made out. Appellant has then filed a protest petition before a Magistrate, which took cognizance of case, however on representation before S.P. of that area, who transferred the case to another S.I., it came to know that both the S.I. has colluded and filed a closure report, but after seeing the case diary it seems that the offence has been made out. He made an entry to file a charge sheet against the respondent U/S 420,406,567,468 and 479 of IPC. At this stage, the accused persons again colluded with the previous investigating officer and the station house officer and got the investigation transferred to the previous investigating officer. However the Magistrate took the cognizance of the case after filing the protest petition, case diary and other documents under Se. 406,420 of IPC.

SESSION JUDGE:- Respondent alleged that it is a matter of Breach of Contract & not a case of Fraud or Cheating, however Session judge found that the allegation prima facie constitutes a criminal offence and it could not be said that it is a pure and simple dispute of civil nature

HIGH COURT:- Case to be filed before Hon'ble High Court.

Day 16: 21th July

**CASE STUDY:
IN THE COURT OF SRI RAJEEV PANDEY
DWARKA DISTRICT COURT
DELHI**

IN THE MATTER:

Shraddha Agrawal ...PETITIONER

VS.

Neeraj Agrawal and others ...RESPONDENT

FILED ON 18/07/2017

FACT:-In the present case, the respondent and his family members used to torture the plaintiff and when she tries to complain to the police, they insist her not to call police and apologise from her but after that also they used to beat her. After sometime she got pregnant and till the last month of her pregnancy, they force her to do each and every household work and when she gave birth to a baby child, their cruelty grew more on her. After few year, again she gave birth to a son but the situation remain same and she tries to file F.I.R., police does not files her F.I.R. After this they mutually decided that they will not torture her again but after sometime the same thing happened. Therefore, this time she threatens police to file her F.I.R. and this time police filed F.I.R. under compulsion. So the in-laws flew away from their home and after sometime they returned back but her husband and children did not returned though their school session started. So the petitioner demanded custody of her children as she was financially capable of bringing them up.

NEXT DATE OF HEARING & PURPOSE:- THE COURT HAS GIVEN NEXT DATE OF HEARING ON 16/04/2022 FOR HEARING AN ARGUMENTS.

Day 17: 23rd July

**CASE STUDY:
IN THE COURT OF SANJAY HARI SHUKLA
DWARKA DISTRICT COURT
DELHI**

IN THE MATTER:

**Brijesh Agrawal ...PETITIONER
VS.
Anil Kumar ...RESPONDENT**

TITLE:-DISPUTE OF PROPERTY

FILED ON 21/09/2017

FACT:- In the instant case, the plaintiff has filed a suit against his eldest son namely, Anil Kumar (Defendant). The Plaintiff has alleged that from the inception of the marriage the defendant with his wife creates problem in his entire family and pickup quarrel on small issues. On 22/12/2016 filed that the defendant picked up quarrel with the plaintiff and compelled the plaintiff to remove his younger son from the bigger room. The defendant did not stop here and did a rigid quarrel in order to remove his younger brother from the first room. Because of the bad behavior of the defendant, plaintiff lodged F.I.R. in order to protect himself and his family from creating resin of defendant. After been dishonored by the plaintiff defendant still acquires the other said promise forcefully because of which the plaintiff again lodged a police complaint. The plaintiff have alleged that the defendant threatens him out of the said property leading to which plaintiff is seeking a relief of Permanent Injunction against the defendant for restraining him to dispose the plaintiff from the suit property.

OBSERVATION:- On this day, in court hearing, the plaintiff sent a notice to the defendant. The defendant thereby submitted written statement alongwith the submitted application of Order 7 Rule 11 from the rejection of plaint.

NEXT DATE OF HEARING & PURPOSE:- The Court has given the next date of 07/08/2021 for hearing the argument on Order 7 Rule 11.

Day 18: 25th July

**CASE STUDY:
IN THE COURT OF SHAMIM AHMAD ANSARI
DELHI HIGH COURT
DELHI**

IN THE MATTER:

**Sunil Gupta ...PETITIONER
VS.
Kishore Chand ...RESPONDENT**

TITLE:- Complaint U/S 323,320,448,411,452 of IPC

FACT:- In the instant case, the plaintiff claims to occupy a plot bearing No.C-182, in the year 1975. Plaintiff claims he and his younger brother got constructed the whole suit property and started residing in the said property and the plaintiff got constructed one room in the demolished space. The plaintiff alleged that the defendant no.1 to 4 are having an evil eye on the premises of the plaintiff and are forcefully trying to stop the reconstruction and are threatening plaintiff and other family members. Thereby, plaintiff has filed the suit to pass a decree of Permanent Injunction against the defendant not to demolish the wall created by the plaintiff and not to enter the said property. On the other hand, defendant in his written statement to the suit filed by the plaintiff says that the plaintiff, who is the real brother defendant has filed the suit which is not maintained as the defendant and his family has been decided in the suit property since 1980 which is confirmed by the various documents such as ration card, the gas cylinder receipt and other documents and the defendant subsequently shifted to the other block and the plaintiff allegedly, in order to grab the property got a room constructed in the space of the defendant.

HELD:- The Hona'ble Court held that the property in which plaintiff build the room belonged to all the brothers as it was proofed through the various documents which was presented by the defendant. So the court restricted the plaintiff from constructing the room in the demolished space.

Day 19: 27th July

**CASE STUDY:
IN THE COURT OF SMT. ADESH NAIN
TIS HAZARI DISTRICT COURT
DELHI**

IN THE MATTER:

Ajay Kumar ...APPLICANT

VS.

State ...RESPONDENT

TITLE:- Complaint U/S 498A, 406, 354, 506 IPC

FILED ON 02/03/2021

FACT:-In the instant case, the wife filed case against her husband and his family members for dowry. They used to torture her physically and mentally for dowry. The relationship between the husband and wife was not normal, they had sexual intercourse for only four or six time after marriage and that also happened for proving that he is not impotent and he used to tell her that he is not interested in her, he is interested in some other woman. His family members used to torture her for bringing jewellery and cash from her parent home on every festivals. For this charges, the whole family members are in jail including husband, in-laws, brother-in-law and sister-in-law and they have applied for anticipatory bail but haven't yet got anticipatory bail.

NEXT DATE OF HEARING & PURPOSE:- THE COURT HAS GIVEN NEXT DATE OF HEARING ON 24/8/2021 FOR HEARING AN ARGUMENTS.

Day 20: 28th July

**CASE STUDY:
IN THE COURT OF MR. RAHUL
TIS HAZARI DISTRICT COURT
DELHI**

IN THE MATTER:

Suresh Chadda ...PLAINTIFF

VS.

Santosh Kumar ...DEFENDANT

FILED ON 27/04/2015

FACT:-In the present case, defendant brought a godown but after sometime he wanted to sell it. The plaintiff induced defendant to sell his godown to him as he has a well-established business and also has very many contacts, so he will used to providethe defendant with many contracts both private and government and as he was havingan interior design business, he got impressed by his proposal and agreed to sell his godown to him but he was not able to it as the godown was under rental property lease agreement. So the defendant paid the compensation amount to the plaintiff out of the court for his loss but then also plaintiff lodged a case against defendant claming compensation for the loss caused to him due to breach of agreement.

OBSERVATION:- On this date, the complainant was to submit the written submission

NEXT DATE OF HEARING & PURPOSE:- THE COURT HAS GIVEN NEXT DATE OF HEARING ON 17/9/2021 FOR HEARING AN ARGUMENTS.

Day 21: 30th July

**CASE STUDY:
IN THE COURT OF SUSHRI SALONI RASTOGI TIS
HAZARI DISTRICT COURT**

IN THE MATTER:

Kishanlal ...PLAINTIFF

VS.

Khurana & Sons ...DEFENDANT

FILED ON 15/03/2019

FACT:-In the given case, the workman used to work as a driver for the management for five years at a salary of Rs.10,500 which was less than the salary fixed by the government and no legal necessity was provided to him. Workmen used to ask for increasing his salary but they used to neglect his request and when he started demanding again and again, the management terminated him from his job without giving a prior notice. The workman complained under labour union. The labour union sent a notice to the management but they didn't replied. So the workman filed a petition under court for the reimbursement of his loss and all the charges of legal proceeding.

OBSERVATION:- On 25/07/2020 both the parties sat together for the compromise and both the counsel took one more date for compromise.

NEXT DATE OF HEARING & PURPOSE:- THE COURT HAS GIVEN NEXT DATE OF HEARING ON 7/10/2021 FOR HEARING AN ARGUMENTS.

CONCLUSION

In the end, I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, but what we have learned from this internship is the mechanism of this body.

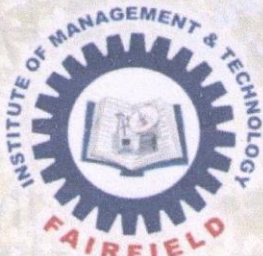
I was surprised to see how the simplest of laws were applicable in the most difficult of situation and how loopholes leaves so much scope for evolution and improvisation today in this field. I also observed that law is everything but constant with same soul as that of a human. In other words or as that of our counsel, law may come and law may repel, but they must always be faithful to the Constitution, which is the most supreme law of the land and governs all equals and unequals in respect of each other.

With the vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow my vision in this field. I conclude this report with a great lot in my mind.

WITH REGARDS:

PANKAJ OBEROI
08290103817
BALLB,9th semester

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

नेजस्वि नावधीतमस्तु

ISO 9001:2015 & 14001:2015

Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.)

BBA-LLB (HONS.)

FIMT

SCHOOL OF LAW

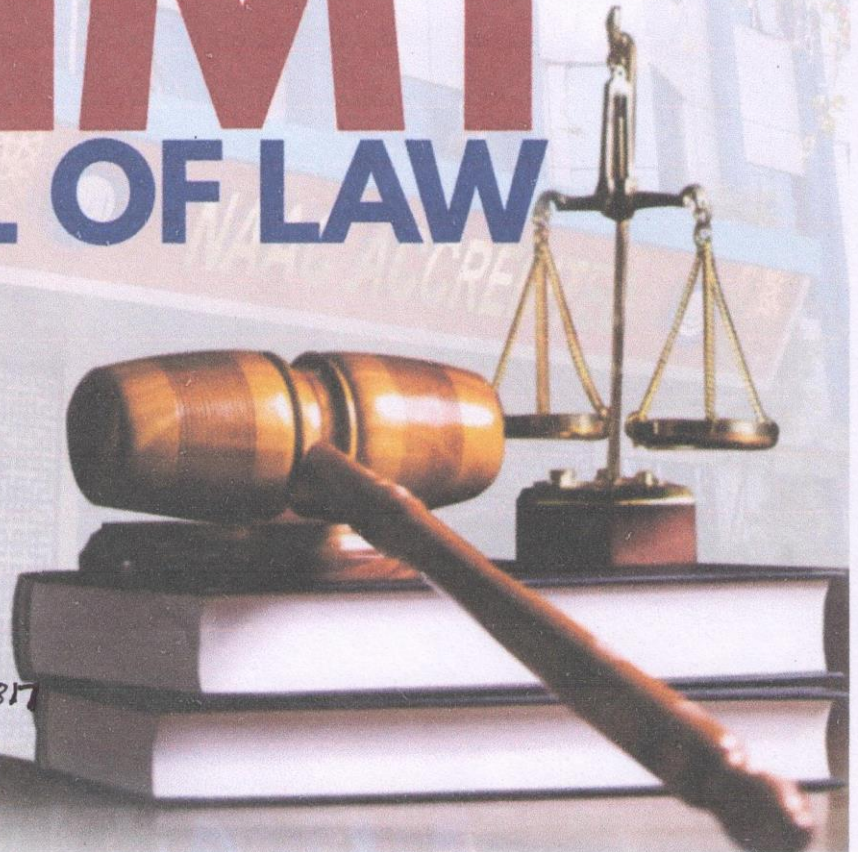
Submitted by:-

NAME - PANKAJ SINGH

ENROLLMENT NO. - 08390103857

COURSE - BA-LLB

BATCH - 2017-2022



STUDENT INTERNSHIP DIARY

5YEARS BA-LLB(INTEGRATED)

FIMT-SCHOOL OF LAW

FIMT-SCHOOL OF LAW

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FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

(Affiliated to Guru Gobind Singh Indraprastha University, Delhi)

KAPASHERA, NEW DELHI

Session 2017-2022

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INTERNSHIP CERTIFICATE

JAI PRAKASH

ADVOCATE

Chamber: 823, Lawyers Chamber, Dwarka Court Sec-10, New Delhi-110075

Mobile: 9910400877 Enrollment No: D/839/2004

TO WHOM SO EVER IT MAY CONCERN

Dated: 31st August 2021

It is certified that **PANKAJ SINGH S/o Sh. SURENDER SINGH**, R/o Village Bamnoli, House No. 43, Near Panchayat Ghar, Dwarka Sector-28, New Delhi-110077; has undergone internship programme during his **BA.LL.B(Hons.) 9th Sem.** at District Court Dwarka, New Delhi from **1st July 2021 to 31st August 2021**. He has successfully completed his tenure of internship under my supervision and guidance.

That during the above said period, **Mr. PANKAJ SINGH** from **FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY, AFFILIATED BY GGSIPU, KAPASHERA, NEW DELHI-110037** has successfully completed all the tasks assigned to him:

- Drafting of Divorce Petition, Application on under Section 482 of CRPC;
- Drafting of Maintenance under Section 125 of CRPC;
- Drafting of Sale Deed;
- Study of pending cases and presenting his views on it in discussions;
- Attended virtual hearings;
- Writing Legal Articles;

Throughout his internship he worked with dedication, commitment and displayed a desire to learn.

I wish him all the luck and success for his future endeavours and bright future.



JAI PRAKASH
(ADVOCATE)

JAI PRAKASH
Enrollment No: D/839/2004
Chamber: 823, Lawyers Chamber, Dwarka Court Sec-10, New Delhi-110075
Mobile: 9910400877

DECLARATION

I, **PANKAJ SINGH** of **9th Sem** of **BA.LLB(H)** hereby declare that this report is compiled by me under my Summer Internship Programme, is based on my own experience and observation to the best of my knowledge and understanding in its duration and the same which is submitted therefore to Fairfield Institute of Management and Technology (Affiliated with Guru Gobind Singh Indraprastha University) is a reliable document and is of bonafide nature.

Signature: Pankaj Singh

Date : 24th November 2021

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to **ADV. JAI PRAKASH** where I undertook and completed my summer internship, who has been my constant support, source of encouragement, inspiration, guided and helped me in successfully completing my Summer Internship.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities for completing my internship as well as at the time of drafting of this report.

OBJECTIVE

The legal internship program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to:

Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

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CASE LAW-1

**IN THE COURT OF SH. ARUN KUMAR GARG ACJ DWARKA DISTRICT
COURT, DELHI**

IN THE MATTER OF:

PUNJAB & SIND BANK

....CERTIFICATE HOLDER

VERSUS

ARUN & RAJIV PVT. LTD

.....CERTIFICATE DEBTORS

Date of Hearing: 28/07/2021

SUBJECT MATTER: APPLICATION FOR FILING OF AFFIDAVIT OF
ASSETS OF LIABILITY.

CASE FACTS:

In this case, the Applicant bank is a body corporate constituted under the Banking Companies Act, 1980. That the Defendant No. 1 is a well renowned company and the Defendant No. 2 & 3 are the directors of Defendant No. 1 Company. That the Defendant No.1 Company had been operating a current account with the applicant bank and in September, 2006 had put in a request for grant of credits facilities to the bank in order to meet its working capital requirements. In this regard, company submitted a certified copy of its Board Resolution dated 30.09.2006 whereby Defendants No. 2 &3 had been authorized to deliver all documents and forms. That upon the request put in by defendant No.1, the applicant bank sanctioned the following credit facilities through letter of sanction dated 07.02.2007 bearing no.53/2007:

- 1) A CC (Hypothecation) Limit in the sum of Rs. 5 Lakhs.
- 2) A term loan in the sum of Rs. 5 Lakhs.

That upon Sanction of the facilities mentioned, Defendant No. 1 executed the loan security documents in favour of the bank on 07.02.2007. That after giving many notices by the applicant bank, Defendant No. 1 fail to maintain its account and is

liable to pay 11,33,708/- (Eleven Lakhs Thirty Three Thousand Seven Hundred Eight only) to the applicant bank.

OBSERVATION:

Matter listed today for the purpose of filing of Affidavit of Assets Liability. Assets Liability filed by the Debtor before Hon'ble Residing Officer and give the direction to the Certificate Holder bank to file the reply before the next date of hearing.

Next Date of Hearing: 06/09/2021

CASE LAW-2

**IN THE COURT OF SH. UMESH KUMAR, METROPOLITAN
MAGISTRATE, DWARKA DISTRICT COURTS, DELHI**

IN THE MATTER OF:

AMIT DABAS

....COMPLAINANT

VERSUS

M/S BABA ENTERPRISES

....ACCUSED

Date of Hearing: 04/07/2021

SUBJECT MATTER: COMPLAINT UNDER SECTION 138 AND SECTION 141
OF NEGOTIABLE INSTRUMENT ACT, 1881.

CASE FACTS:

In this case, the complainant is a teacher in MCD School, Delhi and the accused is running a business of Jeans. That the complainant advanced a friendly loan of Rs. 5 lakhs on 16.09.2014 only on the conditions when the accused issue a Cheque against the friendly loan amount as security to the complaint and the accused agreed to issue the Cheque as security against the friendly loan amount. In order to get loan, the accused issued a postdated cheque, 51/3, DeshBandhu Gupta Road, Karol Bagh, Delhi-110005 in the month of October, 2014 stating that on the presentation of this Cheque, it shall be honored. The said Cheque was dishonored for the reasons and remarks as "Funds Insufficient" when presented by the complainant for encashment. It is also pertinent to mention here that whoever commits an offence u/s 138 of N.I. Act, he/she shall be punished with an imprisonment for a period of 2 years and has to pay double of the Cheque amount.

OBSERVATION:

On hearing of this case, I observed that the Accused was present without the bail bond. So, The Hon'ble Magistrate extended his term of Judicial Custody. Next Date is fixed for the Arguments of Charge.

Next Date of Hearing: Case Disposed off

CASE LAW-3

**IN THE COURT OF MS. VANDANA, CHIEF METROPOLITAN
MAGISTRATE, TIS HAZARI DISTRICT COURTS, DELHI**

IN THE MATTER OF:

PUNJAB & SIND BANK

....COMPLAINANT

VERSUS

SAROJ KUMARI

....ACCUSED

Date of Hearing: 09/07/2021

SUBJECT MATTER: COMPLAINT UNDER SECTION 138 OF NEGOTIABLE
INSTRUMENT ACT.

CASE FACTS:

In this case, the complainant bank is a body corporate and a Government of India Undertaking with perpetual Succession Constituted under the Banking Companies Act 40 of 1980. The accused person requested the bank for financial assistance for the purchase of House and upon the request the bank has sanctioned and allowed the Housing Loan facility for a total sum of Rs. 25,00,000/- (Twenty Five Lakhs) duly secured by way of equitable mortgage of property Bearing No. 1/9819, situated at West Gorakh Park , Delhi on 03.03.2012. In order to discharge his liability, the accused has issued a Cheque Bearing no. 146518 dated 24.03.2016 drawn on Dena Bank, Shahdara Branch, Delhi-110032 from her account no. 131010031994 for a sum of Rs. 50,000/- (Fifty Thousand) in favour of PSB i.e. complainant bank. The said Cheque was dishonored for the reasons and remarks as "Funds Insufficient" when presented by the complainant bank for encashment. Under the above mentioned facts and circumstances, accused has committed an offence U/s 138 of Negotiable Instruments Act, and accused is liable to be prosecuted as per provisions of law.

OBSERVATION:

On hearing of this case, I observed that, The Magistrate heard the complaint and issue summons against the accused person and give direction to the complainant counsel to file PF/RC within one week.

Next Date of Hearing: 22/09/2021

CASE LAW-4

**IN THE COURT OF SH. VIJAY KUMAR DAHIYA, ADJ-01, DWARKA
DISTRICT COURT, DELHI**

IN THE MATTER OF:

PUNJAB & SINGH BANK

....APPLICANT

VERSUS

PARVEEN KUMAR BABBAR & ORS.

....DEFENDANTS

Date of Hearing: 16/07/2021

SUBJECT MATTER: APPLICATION UNDER SECTION 19 OF THE RECOVERY OF DEBTS DUE TO BANKS AND FINANCIAL INSTITUTIONS ACT, 1993 FOR THE RECOVERY OF RS. 25,41,194/- (TWENTY FIVE LAKH FORTY ONE THOUSAND ONE HUNDRED AND NINETY FOUR ONLY) BEING THE PRINCIPAL SUM DUE INCLUSIVE OF INTEREST CALCULATED UPTO 31/12/2015 ALONG WITH PENDENTE LITE AND FUTURE INTEREST AND COSTS OF THIS APPLICATION.

CASE FACTS:

In this case, the complainant bank is a body corporate constituted under the Banking Companies Act, 1980. That the defendant No. 1&2 are the Principal Borrowers of the Applicant Bank and defendant No. 3 are guarantor in personal capacity in the aforesaid loan facility. On July, 2008 the defendant No. 1 &2 approached the applicant bank for Sanctioning loan under housing loan scheme facility for a sum of Rs. 15,50,000/- (Fifteen Lakh Fifty Thousand). The applicant bank after carefully examining the financial capability agreed to sanction the loan facility on 22.07.2008. Defendant No.1 & 2 executed necessary documents in favour of loan facility. The Defendant No.1 to 3 executed and delivered the various security documents on 2.07.2008 which include Demand Promissory Note, Letter of Waiver, Request Letter, Letter of Continuity and Undertaking for Disclosure in CIBLE etc. The defendants

were agreed to repay the entire amount with interest @11% p.a. with monthly rests. However, after availing the said loan facility, defendants failed and neglected to pay the said outstanding amount to the applicant bank. Hence the present OA has been filed by the applicant bank for claiming an amount of Rs. 25,41,194/- (Twenty Five Lakh Forty One Thousand One Hundred Ninety Four) with pendentelite and future interest and for issuance of the recovery certificate for the said amount.

OBSERVATION:

Today, none is present for the defendants so The Applicant Bank file Service Affidavit in respect of Defendant service. Now, matter will be listed before Presiding Officer for the purpose of further proceedings.

Next Date of Hearing: 12/08/2021

CASE LAW-5

**IN THE COURT OF SH. B.R. KEDIA, PRINCIPAL JUDGE, FAMILY
COURTS, DWARKA DISTRICT COURTS, DELHI**

IN THE MATTER OF:

AJAY SINGH RAWAT

....PETITIONER NO 1

VERSUS

PREETI RAWAT

....PETITIONER NO 2

Date of Hearing: 27/07/2021

SUBJECT MATTER: PETITION FOR DISSOLUTION OF MARRIAGE BY A
DECREE OF DIVORCE BY MUTUAL CONSENT U/S 13B (1) OF HINDU
MARRIAGE ACT 1955 AS AMENDED UPTO DATE.

CASE FACTS:

In this case, the marriage of the Petitioner No. 1 was solemnized with Petitioner No. 2 on 28/01/2007 in accordance of Hindu Rites and Ceremonies, Delhi. From this wedlock, one male child was born namely Lowell Rawat was born on 28/12/2009. The child was in the care and custody of Petitioner No. 1 and he is taking all care of child. That party to the petition could not live together as temperamental disputes and differences arose between the petitioners and they decided to live separately from each other since January 2015 and their marriage has been broken down irrevocably and there are no chances of their in future. That the accordingly pursuant to mutual settlement between the petitioners and both parties are agreed to divorce mutually. The mutual consent has not been obtained by Fraud, Force or Undue influence.

OBSERVATION:

Today Matter is listed for Second motion of the divorce. Both the parties were present and the Hon'ble Judge give three months of decree of judicial separation.

Next Date of Hearing: 29/09/2021

CASE LAW-6

**IN THE COURT OF MS. MEDHA ARYA, DWARKA DISTRICT COURTS,
DELHI**

IN THE MATTER OF:

CHHAYA CHAUDHARY

....COMPLAINANT

VERSUS

NISHA

....ACCUSED

Date of Hearing: 01/07/2021

SUBJECT MATTER: SUIT FOR RECOVERY U/O XXXVII RULE 1 AND 2
C.P.C. ON BEHALF OF PLAINTIFF OF RS. 6,00,000/- (RUPEES SIX LAKH)
ALONGWITH PENDENTILITE AND FUTURE INTEREST AND COST OF THE
SUIT.

CASE FACTS:

In this case, the complainant and the Accused is well known to each other and having good relations and due to some financial need in the end of month of January, 2013 the accused approached the complainant for an amount of Rs. 6,00,000/- (Six Lakhs). That on the repeated requests and demands of the accused, the Complainant has given her a friendly loan of Rs. 6,00,000/- (Six Lakhs). That after the completion of Six months, the Complainant requested the Accused to return the amount of Rs. 6,00,000/- (Six Lakhs) and in discharge of it, the Accused issued a Cheque bearing No. 051921 dated 20.06.2013 drawn on Union Bank Of India, MangolPuri Branch, Delhi stating that on the presentation of this Cheque, it shall be honored. The said Cheque was dishonored for the reasons and remarks as "Funds Insufficient" when presented by the complainant for encashment. That the Plaintiff approached so many times the Defendant to return her money but she did not made the payment. Then, the Plaintiff filed a suit u/o XXXVII Rule 1 and 2 of Code of Civil Procedure.

OBSERVATION:

Today mater is listed for Argument on Application u/s XXXVII RULE 3, C.P.C. Arguments were heard and Hon'ble judge pass a decree of Rs. 6,00,000/- (Six Lakhs) + 9% interest calculated at the time of filing the suit in favour of Petitioner. The decision is final and the case is closed.

Next Date of Hearing: Case Disposed off

CASE LAW-7

**IN THE COURT OF MS. MEDHA ARYA, DWARKA DISTRICT COURT,
DELHI**

IN THE MATTER OF:

PUNJAB & SIND BANK

...APPLICANT

VERSUS

B & B LEATHERS & ORS

...DEFENDANT

Date of Hearing: 02/07/2021

SUBJECT MATTER: SUIT FOR RECOVERY OF AN AMOUNT OF Rs.
78,96,528/- (Seventy Eight Lakh Ninety Six Thousand Five Hundred Twenty Eight)

CASE FACTS:

In this case, the complainant bank is a body corporate constituted under the Banking Companies Act, 1980. That the Defendant No. 1 is a well renowned company and the defendant No. 2 &3 are its partners and defendant No. 4 &5 are guarantor in personal capacity in the aforesaid loan facility. On February, 2012 the defendant No. 2 &3 on behalf of defendant No. 1 approached the applicant bank for grant of Cash Credit Facility for Rs. 40,00,000/- (Forty Lakhs) for the purpose of using the sum in MSE Business. At the request of defendant No.1 to 3, the applicant bank sanctioned the loan facility on 13.02.2012. Defendant No.1 to 3 executed necessary documents on 14.02.2012. It has further been stated that upon request of the defendants, the said CC limit of Rs. 40 lakhs was enhanced to Rs. 65 lakhs. The Defendant No.1 to 3 executed and delivered the various security documents on 22.01.2013 which include Demand Promissory Note, Letter of Waiver, Request Letter, Letter of Continuity and Undertaking for Disclosure in CIBLE etc. The defendants were agreed to repay the entire amount with interest @13.25% p.a. with monthly rests. However, after availing the said loan facility, defendants failed and neglected to pay the said outstanding amount to the applicant bank. As such the applicant bank declared the account of the

defendants as NPA on 31.03.2013. Hence the present OA has been filed by the applicant bank for claiming an amount of Rs. 78,96,528/- (Seventy Eight Lakh Ninety Six Thousand Five Hundred Twenty Eight) with pendente lite and future interest and for issuance of the recovery certificate for the said amount.

OBSERVATION:

On hearing of this case, I observed that, Today case is listed for Final Arguments. Arguments were heard and the Hon'ble PO passed Judgment/Order in favour of Applicant bank and direct the defendants to pay the applicant bank, within a period of 30 days, a sum of Rs. 78,96,528/- (Seventy Eight Lakh Ninety Six Thousand Five Hundred Twenty Eight) and parties are directed to appear before the Recovery Officer, DRT-1, Delhi on 16/09/2019.

Next Date of Hearing: 16/09/2021

CASE LAW-8

**IN THE COURT OF SH. ARUN KUMAR GARG ACJ, DWARKA DISTRICT
COURTS, DELHI**

IN THE MATTER OF:

SHAKUNTALA

....PETITIONER

VERSUS

THE MANAGER SBI DWARKA SEC 10

....RESPONDENT

Date of Hearing: 04/08/2021

SUBJECT MATTER: APPLICATION UNDER SECTION 166 & 140 OF THE
MOTOR VEHICLE ACT, 1988 FOR GRANT OF COMPENSATION

CASE FACTS:

In this case, On 31/05/2014 at about 11:30 am in the broad day time near the factory premises of Isolloyd factory, Kishanpura, Tehsil- BADDI, HP, the Respondent no. 1 viz Husan Chand who was driving a Light Goods Vehicle, bearing Registration No. HP 12B 6918 had reversed the offending vehicle in a rash and negligent manner without blowing any horn and without observing any traffic rules, hit the deceased Shri Darshan Singh, who was walking in opposite direction. As a result of accident, the deceased sustained multiple fracture of bones. The impact of the said accident was such that the deceased had immediately died on the spot. Local Police thereafter registered a FIR bearing No. 138/2014 U/S 279/304A IPC against the Respondent No. 1. The accident has put immense financial burden on the petitioners. It is pertinent to mention herein that the Petitioner No. 1 is a house wife and Petitioner No. 2 to 4 are pursuing their studies. It is also important to mention herein that the Deceased was working as Manager at Production Mechanical with Isolloyd Engineering Technologies Ltd. Village- Kishanpura, HP. His salary was Rs. 31528/- (Thirty One Thousand Five Hundred Twenty Eight). The deceased was assessed to income tax. The Petitioner No. 1 had also incurred huge expenses for hiring ambulance who took

the body of deceased from Himachal Pradesh to Delhi besides incurring other expenses towards funeral and performing final rites at Gurudwara Singh Sahib, Vikas Puri, Delhi.

OBSERVATION:

On hearing of this case, I observed that the Counsel for the Petitioner filed the application for the summoning of witness. Application was heard and the Hon'ble Judge issued summons to the witness and direct the Petitioner to deposit Diet Money of Rs. 1000/- and to file PF within 3 days.

Next Date of Hearing: 19/11/2021

CASE LAW-9

**IN THE COURT OF SH. PARAMJIT SINGH, PO MACT, DWARKA
DISTRICT COURTS, DELHI**

IN THE MATTER OF:

RAM CHANDER

...PETITIONER

VERSUS

SATENDER & OTHERS

...RESPONDENT

Date of Hearing: 04/07/2021

SUBJECT MATTER: APPLICATION UNDER SECTION 166 & 140 OF THE
MOTOR VEHICLE ACT, 1988 FOR GRANT OF COMPENSATION

CASE FACTS:

In this case, on 30/08/2014 at about 9 am in the broad day time near Village Chhawla, Najafgarh Road, Respondent no. 1, Satender who was driving a Light Goods Vehicle, bearing Registration No. DL 8C AW 8404 had reversed the offending vehicle in a rash and negligent manner without blowing any horn and without observing any traffic rules, hit the petitioner, Ram Chander, who was going towards bus stop. As a result of accident, the petitioner suffered many grievous injuries. The impact of the said accident was such that the deceased had immediately taken to SGM Hospital, MangolPuri. Local Police thereafter registered a FIR bearing No. 672/2014 U/S 279/337 IPC against the Respondent No. 1. The accident has put immense financial burden on the petitioner and his family. It is pertinent to mention herein that the Petitioner was working as a Tailor at Boutique at Gherva Village. His salary was Rs. 15000/- (Fifteen Thousand) and he is only working person in his family. The whole family was dependent on his income. The deceased was assessed to income tax. The Petitioner No. 1 is not able to go to his shop for the past 2 months and is facing many financial problems due to it.

OBSERVATION:

Today Matter is listed for settlement before the LokAdalat. Insurance company refused the proposal of the injured/petitioner no. 1. Matter sent back to concerned court on the already fixed date.

Next Date of Hearing: 27/09/2021

CASE LAW-10

**IN THE COURT OF SH. ARUN KUMAR GARG, ACJ, DWARKA DISTRICT
COURTS, DELHI**

IN THE MATTER OF:

JAGDISHLAL KALRA

...PETITIONER

VERSUS

PAWAN KUMAR DHANKHAD

...RESPONDENT

Date of Hearing: 12/07/2021

SUBJECT MATTER: APPLICATION FOR DEPOSIT OF RENT AS PER RULE
10 OF DELHI RENT CONTROL RULES, 1959

CASE FACTS:

In this case, the Respondent is the owner of the property bearing no. 4/28A, Kirti Nagar, New Delhi in which the Petitioner, lawful tenant since 1975 was residing and the landlord has been receiving rent from tenant since the inception of tenancy of applicant in the year 1975. That it is further submitted that the rate of rent of the aforesaid tenanted premises is Rs 1000/- per month excluding of electricity and water charges which the landlord is accepting regularly per month and has accepted the advance rent of the said tenanted premises for a period of five months i.e. Rs 5000/- from 01/04/2012 to 31/08/2012. That now son of the Respondent is bent upon to create false and frivolous grounds of eviction of tenant and also he has extended threats of all kinds to the tenant that he would sell the tenanted premises to the buyers. Also Son of the Respondent has filed a case of eviction vide Eviction Petition No. E-239/2011 under Section 14(i)(e) of Delhi Rent Control Act against the petitioner. That there is an imminent threat to the tenant that the son of the respondent might sell out the tenanted property without due process of law. Now, when tenant sent him the rent for a period of Five Months from 01/09/2012 to 31/01/2013, Landlord refused to accept the rent sent to him.

OBSERVATION:

Today, Petitioner filed the rent deposit application. Application was allowed and the respondent was directed to take the rent. The decision is final and the matter is disposed.

Next Date of Hearing: Case Disposed off

CASE LAW-11

**IN THE COURT OF SH. SIRISH AGARWAL, METROPOLITAN
MAGISTRATE, ROHINI DISTRICT COURTS, DELHI**

IN THE MATTER OF:

CHHAYA CHAUDHARY

....COMPLAINANT

VERSUS

NISHA

....ACCUSED

Date of Hearing: 16/07/2021

SUBJECT MATTER: COMPLAINT UNDER SECTION 138 AND SECTION 141
OF NEGOTIABLE INSTRUMENT ACT, 1881.

CASE FACTS:

In this case, the complainant and the Accused is well known to each other and having good relations and due to some financial need in the end of month of January, 2013 the accused approached the complainant for an amount of Rs. 6,00,000/- (Six Lakhs). That on the repeated requests and demands of the accused, the Complainant has given her a friendly loan of Rs. 6,00,000/- (Six Lakhs). That after the completion of Six months, the Complainant requested the Accused to return the amount of Rs. 6,00,000/- (Six Lakhs) and in discharge of it, the Accused issued a Cheque bearing No. 051921 dated 20.06.2013 drawn on Union Bank Of India, MangolPuri Branch, Delhi stating that on the presentation of this Cheque, it shall be honored. The said Cheque was dishonored for the reasons and remarks as "Funds Insufficient" when presented by the complainant for encashment.

OBSERVATION:

On hearing of this case, I observed that, the Complainant and the Accused have settled before the hon'ble court and the Accused, in presence of court stated that she will give Rs.50,000/- (Fifty Thousand) within 15 days and the remaining amount i.e. Rs. 5,50,000/- (Five Lakh Fifty Thousand) on the next date of hearing through DD.

Next Date of Hearing: 05/11/2021

CASE LAW-12

**IN THE COURT OF SH. SANDEEP GUPTA, METROPOLITAN
MAGISTRATE, ROHINI DISTRICT COURTS, DELHI**

IN THE MATTER OF:

STATE ...COMPLAINANT

VERSUS

ZAKIR HUSSAINACCUSED

F.I.R. No: 463/08

U/S: 279/338 IPC

P.S: NARELA

Date of Hearing: 20/07/2021

SUBJECT MATTER: APPLICATION FOR RELEASE OF THE VEHICLE
BEARING NO. DL-8CW-4226(SWIFT DEZIRE) ON BEHALF OF
APPLICANT/RIGHTFUL OWNER ON SUPERDARI.

CASE FACTS:

In this Case, the applicant is the proprietor of the M/s R.K Enterprises through its proprietor Sh. Sanjeev Singh, S/o RadheyShyam, R-125, Parmanand colony, Delhi, which is seized and impounded by the police of P.S. Narela in the above said case. The said vehicle is no more required by the police officials for the purpose of investigation or else. The applicant is ready to furnish the superdaginama to the satisfaction of this Hon'ble Court. The applicant is ready to abide all the terms and conditions imposed by this Hon'ble court. The applicant will produce the said vehicle as and when directed by this Hon'ble Court.

OBSERVATION:

On hearing of this case, Hon'ble judge decided to release the vehicle of the applicant on superdari. So the case stands disposed.

CASE LAW-13

IN THE COURT OF C.M.M., DWARKA DSTRIC COURTS, DELHI

IN THE MATTER OF:

SANGEETA GANDHARV

....COMPLAINANT

VERSUS

ANIL GANDHARV

....RESPONDENTS

P.S.: BINDAPUR

Date of Hearing: 23/07/2021

SUBJECT MATTER: APPLICATION UNDER SECTION 12 OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005 (43 OF 2005)

CASE FACTS:

In this case, the marriage was solemnized between the complainant and the respondent no. 1 on 17.06.2014. The marriage of the Petitioner with the Respondent was solemnized in the normal and decent manner and lots of dowry articles including cash, other gifts, cloths and gold ornaments etc. were given to the Respondents in the marriage by the Petitioner Family members. The Petitioner has always performed her all matrimonial duties, as devoted wife, but the Petitioner was treated with utmost cruelties by the Respondents causing great harm to the body and life of the Petitioner and endangering the health, safety and wellbeing of the Petitioner physically and mentally at her matrimonial house. Respondent and his in laws also asked the Petitioner to brought money from her father house to fulfill their needs. That it is not possible for the Petitioner to live with her in laws who always used to cruel her. That the Petitioner not feeling safe so she had to leave his house and is also at present in the depression state of mind as a result of violence meted upon her.

OBSERVATION: Today matter is listed for Service of Respondent No. 3 &5. Judge is on leave today, so matter is listed for the same on 05/11/2021

Next Date of Hearing: 05/11/2021

CASE LAW-14

**IN THE COURT OF SENIOR CIVIL JUDGE, DWARKA DISTRICT
COURTS, DELHI**

IN THE MATTER OF:

VINOD SOLANKI

....PLAINTIFF

VERSUS

M/S CIVIC MEDIA PVT. LTD.& ANR.

....DEFENDANT

Date of Hearing: 20/07/2021

SUBJECT MATTER:SUIT FOR RECOVERY OF RS. 61,811/- UNDER ORDER XXXVII OF CODE OF CIVIL PROCEDURE, 1908 AS AMENDED UPTO DATE.

CASE FACTS:

The plaintiff is a proprietorship concern and Sh. Vinod Solanki is the proprietor of the said concern. The plaintiff concern is dealing with Air Ticketing etc. The defendant No. 1 is private limited company and the defendant no. 2 is the managing director/ authorized signatory of the company and is looking after day to day works of the company. The defendant booked air ticket from the plaintiff worth amounting Rs. 61,811/-. The defendant no. 2 requested for credit for some time. The defendant no. 2 in discharge of his legal liability issued a cheque bearing no. "000013" for a sum total of Rs. 61,811/- dated 01-04-2016 on behalf of the defendant no. 1. The plaintiff got know that the cheque is dishonored with the reason "funds insufficient" vide the bank returned memo dated 05-04-2016. The suit is filed under Order XXXVII of the CPC, 1908 and no relief which does not fall within the ambit of this suit has been claimed in the present suit

OBSERVATION:

Judge is on leave. Next date is given i.e. 05/11/2021 and defendant no. 1 and 2 needed to be present.

Next Date of Hearing: 05/11/2021

CASE LAW-15

**IN THE COURT OF SH. KAPIL KUMAR, CHIEF METROPOLITAN
MAGISTRATE , ROHINI DISTRICT COURTS, DELHI**

IN THE MATTER OF:

KARAM SINGHCOMPLAINANT

VERSUS

SHAKTI SINGH YADAVACCUSED

Date of Hearing: 26/07/2021

SUBJECT MATTER: COMPLAINT UNDER SECTION 138 OF NEGOTIABLE
INSTRUMENT ACT, 1881 AS AMENDED UPTO DATE.

CASE FACTS:

In this case, the complainant was engaged in the business of Transport Contractor & Commission Agent and the said accused took services from the complainant for the purchase of various items such as diesel, tyres, spare parts, mechanical work of accused's Truck bearing No. UP 93 AT6562. For a total sum of Rs. 2,30,000/- (Two Lakh Thirty Thousand) for which the accused have issued a Cheque bearing no. 670055 dated 28.05.2019 in favour of Karam Singh i.e. complainant for a sum of Rs. 2,30,000/- (Two Lakh Thirty Thousand) drawn on State Bank of India, Defense Banking Branch, Station Road, Babina, District- Jhansi, Uttar Pradesh- 284401 from saving bank account no. 33465250038 of the accused in discharge of payment for the said items and mechanical work. The said Cheque was dishonored for the reasons and remarks as "Funds Insufficient" when presented by the complainant for encashment in his bank. Under the above mentioned facts and circumstances, accused has committed an offence U/s 138 of Negotiable Instruments Act, and accused is liable to be prosecuted as per provisions of law.

OBSERVATION:

On hearing of this case, I observed that it was the First date for service of the accused but because of his absence at that time, service was not done. Whereas, The Magistrate on this point issue fresh summons against the accused person and give direction to the complainant counsel to file PF/RC within one week.

Next Date of Hearing: 15/10/2021

CASE LAW-16

**IN THE COURT OF SH. M.M SHARMA, METROPOLITAN MAGISTRATE,
DWARKA DISTRICT COURTS, DELHI**

IN THE MATTER OF:

STATECOMPLAINANT

VERSUS

CHOTU MISHRAACCUSED

Date of Hearing: 05/07/2021

SUBJECT MATTER: PETITON FILED UNDER SECTION 12 OF POSCO.

CASE FACTS:

Chotu Mishra the defendent was accuse by the victim's mother that her daughter was molested and was touched with bad intention on her pubic area. chotu Mishra was rent hostile at the victims house.

OBSERVATION:

Court found the evidence to be not sufficient against Chotu Mishra, hence the proceedings were timed to next date of hearing.

Next Date of Hearing: 24/10/2021

CASE LAW-17

**IN THE COURT OF SH. SIRISH AGARWAL, METROPOLITAN
MAGISTRATE, ROHINI DISTRICT COURTS, DELHI**

IN THE MATTER OF:

MEGHNATH CHOUDHARY ...COMPLAINANT

VERSUS

KHUSHAL CHANDACCUSED

Date of Hearing: 04/07/2021

SUBJECT MATTER: COMPLAINT UNDER SECTION 138 AND SECTION 141
OF NEGOTIABLE INSTRUMENT ACT, 1881 AS AMENDED UPTO DATE

CASE FACTS:

In this case, the complainant is a teacher in MCD School, Delhi and the accused is running a business of Jeans. That the complainant advanced a friendly loan of Rs. 5 lakhs on 16.09.2014 only on the conditions when the accused issue a Cheque against the friendly loan amount as security to the complaint and the accused agreed to issue the Cheque as security against the friendly loan amount. In order to get loan, the accused issued a postdated Cheque , 51/3, DeshBandhu Gupta Road, Karol Bagh, Delhi-110005 in the month of October, 2014 stating that on the presentation of this Cheque, it shall be honored. The said Cheque was dishonored for the reasons and remarks as “Funds Insufficient” when presented by the complainant for encashment. It is also pertinent to mention here that whoever commits an offence u/s 138 of N.I. Act, he/she shall be punished with an imprisonment for a period of 2 years and has to pay double of the Cheque amount.

OBSERVATION:

On hearing of this case, I observed that the Accused was present without the bail bond. So, The Hon'ble Magistrate extended his term of Judicial Custody. Next Date is fixed for the Arguments of Charge.

Next Date of Hearing: 20/10/2021

CASE LAW-18

**IN THE COURT OF SH. NAROTTAM KAUSHAL, SESSION JUDGE
DWARKA DISTRICT COURTS, DELHI**

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

SATYANARAYAN

....ACCUSED

Date of Hearing: 02/07/2021

SUBJECT MATTER: PETITION FILED UNDER SECTION- 354,323,451 OF IPC
AND SECTION 6 OF POCSO ACT 2012.

CASE FACTS:

Mother and her two daughters ages 5 year and 3 year respectively living as Tennant in defendant's house. Mother accused Satyanarayan for molesting her elder daughter.

OBSERVATION:

The evidence provided by Satyanarayan were found genuine.

Next Date of Hearing: 08/08/2021

CASE LAW-19

**IN THE COURT OF SH. NAROTTAM KAUSHAL, DISTRICT AND SESSION
JUDGE, DWARKA DISTRICT COURTS, DELHI**

IN THE MATTER OF:

SAMTACOMPLAINANT

VERSUS

AMIT KUMARACCUSED

Date of Hearing: 05/07/2021

SUBJECT MATTER: APPEAL FILED UNDER SECTION 29 OF DOMESTIC
VIOLENCE ACT, 2003

CASE FACTS:

Samta aged 31 years has filed an appeal against the impugned judgement of The District Court in which her maintenance was denied on the ground her education and financial status stronger than her husband.

OBSERVATION:

On hearing of this case, I observed that the appeal was dismissed as the evidence provided by Samta was found to be inadequate.

Next Date of Hearing: 20/10/2021

CASE LAW-20

**IN THE COURT OF SH. NUROTTAM KAUSHAL, DISTRICT AND
SESSIONS JUDGE DWARKA COURT, DELHI**

IN THE MATTER OF:

SH. DINESH KUMAR BHARDWAJ

...APPELLANT

VERSUS

VANDITA SHARMA

...RESPONDENT

Date of Hearing: 19/07/2021

SUBJECT MATTER: Appeal under section 29 of Protection of Women against Domestic Violence Act.

CASE FACTS:

In this case appellant got married to respondent no. 1 on dated 20.11.2000 as per Hindu rites and ceremonies at Krishna Banquet Hall, Sec 17, Near M.C.D Water Tank, Rohini, Delhi-85 and they have a girl child out of this wedlock which was born on 24.08.2001. Respondent No. 1 has put allegations on the appellant and his family members for torturing and threatening and that they demanded cash of Rs. 5,00,000 for purchasing a plot.

OBSERVATION:

On hearing of this case, I observed that the Appellant was present with the documents. So, The Hon'ble Magistrate fixed next date for the Miscellaneous Arguments.

Next Date of Hearing: 20/10/2021

CONCLUSION

In the end I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one can't understand the analytical and positive application of law & jurisprudence & the actual function & structure of law. What we study is the body, but what we have learnt from this internship is the mechanism of this body.

I was surprise to see how the simplest of laws were applicable in the most difficult of situations & how loopholes leave so much scope for evolution & improvisation today in this field.

With a vote of thanks and gratefulness for reading this report thoroughly & for giving me this wonderful opportunity to grow my vision in this field, I conclude this report with a great lot in my mind.



SCHOOL OF PROFESSIONAL STUDIES

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FIMT-SCHOOL OF LAW- BBA-LLB(INTEGRATED), BA-LLB (INTEGRATED)
FIMT-SCHOOL OF JOURNALISM & MASS COMMUNICATION- BA-JMC
FIMT-SCHOOL OF BUSINESS ADMINISTRATION- BBA(GEN.)
FIMT-SCHOOL OF INFORMATION TECHNOLOGY- BCA
FIMT-SCHOOL OF COMMERCE- B.COM.(H)
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EMAIL I.D

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - PAWAN UPADHYAY

ENROLLMENT NO. - 08490103817

COURSE - BA LLB

BATCH - 2017-2022



STUDENT INTERNSHIP DIARY

5 YEARS BA-LLB (INTEGRATED) | BBA-LLB (INTEGRATED)

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(Affiliated to Guru Gobind Singh Indraprastha University, Delhi)

KAPASHERA, NEW DELHI

Session 2017-2022

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E MAIL I.D - contact@crtaxcorp.com

Date: 31 July 2021


TO WHOMSOEVER IT MAY CONCERN

This is to certify that Mr. Pawan Upadhyay who is pursuing his B.A LL.B (Hons.) currently in **4th Year** from Guru Gobind Singh Indraprastha University (Enr.No.08490103817) has completed his internship, from **1st July 2021 to 31st July 2021** under my guidance and tutelage.


During his internship, he has researched extensively in matters relating to

- Research on Negotiable Instruments Act being silent on Stopped Payments and related Judgements.
- Research on Licenses required opening a Kitchen & Bar.
- Research on Disposal of Cases without Trial.
- Detailed research cases related to Consumer Protection Act 1986.
- Research on Companies (Amendment) Act,2015.
- Research on IT rules Amendments 2021.
- Research on MSME and how to get registered under the same.
- Research on how foreign investment can be made in edtech sector in India and rules governing it.
- Detailed research on Bail is a rule, jail is an exception
- Visited District Consumer Dispute Redressal Forum, Patiala House Court, High Court of Delhi, Tis Hazari Court, Legal Metrology Department as and when instructed by Senior Associates.
- Drafted Legal Notice (draft) for Pinnacle
- Attended seminar with associates on New labour codes and prepared a word brief
- Attended client call with associate to incorporate changes in agreement
- Prepared brief on Service Exports from India Scheme
- Detailed research on confidentiality in a contract
- Brief research on CC debentures and CC preference shares
- Detailed research on Packaged Commodity rules 2017
- Research on how to edit personal details as LLP online

Cri Tax Corp

 R-514, New Rajendra Nagar, New Delhi-110060

 911-49039166

 contact@critaxcorp.com

- How to file an online FIR
- Detailed research on Dual jurisdiction in a single agreement
- Detailed research on prohibited and controlled advertisement in India and brief on Advertisement Standard Council in India
- Framed an IT policy
- Detailed research on Manufacture, storage, and import of hazardous chemicals rules

Along with the above said activities, **Pawan** has also attended Court proceedings along with our legal team. He has been an integral part of the office environment for the duration of his internship. He also possesses great interpersonal skills and has excellent insight towards the applicability of laws. I am assured he has a **bright future** in the field of law and I wish him well for the same.

For CriTaxCorp


Authorised Signatory

Kanishk Agarwal

Advocate

CriTaxCorp

Criminal-Taxation-Corporate




DECLARATION

I PAWAN UPADHYAY of 9 th semester
B.A.LLB. (Hons.)
hereby declare that this report as
compiled by me under summer
internship program (4 weeks) is based
on my own experiences and
observations to the best of my
knowledge and understanding in its
duration and the same which is
submitted therefore to **Fairfield
Institute Of Management &
Technology** affiliated to **Guru Gobind
Singh Indraprastha University, New
Delhi** is a reliable document and is of
bona fide nature.

Signature- *PAWAN UPADHYAY*

Date – 25.11.2021





ACKNOWLEDGEMENT


I would like to thank and express my deep gratitude to respected Sir, Advocate KANISHK AGARWAL work who has been my constant support, source of encouragement & inspiration and guided and helped me in successfully completing my 4 weeks Summer Internship.

Signature-*Pawan Upadhyay*

Date – 25.11.2021

Moreover, apart from court they give me a chance to get practical exposure by attending various conferences, seminars with various advocates. (If Attended)

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during the internship as well as at the time of drafting of this report.



OBJECTIVE

The objective of the internship was to get an exposure to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading and hearing about it.

Internship is a process of education, to offer meaningful career related work experience to students, while simultaneously providing a source of highly motivated, career minded individuals for employers. I

It allows us to perceive ways in which the formal learning we acquire at university maybe applied in practice and therefore to develop an appreciation of the practical dimensions of legal principles. It enables us to relate the different areas of legal practice to the importance of developing the skills of legal research, communication, drafting, practice management and problem solving which enables us to develop our own attitude of professional responsibility.

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CASE LAW I

In the court of Hon'ble Mr. Justice Rajiv Sahai Endlaw, Delhi High Court, New Delhi

In the matter of:

NATCO PHARMA

...PETITIONER

VERSUS

BAYER HEALTHCARE

...RESPONDENT

Subject Matter: Infringement of registered patent.

Facts of the case:

In this case the defendant had been found preparing for a commercial launch of an infringing REGORAFENIB product. Though as per the investigation conducted the defendant had not commercially launched the product. The defendant's entire conduct was tainted with malafide commercial operations involving the infringing product. The plaintiffs had filed the suit for permanent injunction stating infringement of Registered Indian Patent No, rendition of accounts, damages, deliver up etc. The suit was related to Indian Patent No (i.e the suit patent) that covers and claims, molecule which is a new chemical entity 4-{4-[3-(4-chloro-3-trifluoromethylphenyl)-ureido]-3-fluorophenoxy)-pyridine-2-carboxylic acid methyl amide. The said molecule had been assigned an International Non- Proprietary Name (INN), REGORAFENIB which is been used for the treatment of various types of cancer. The claims of the suit patent specifically cover REGORAFENIB. Also, the REGORAFENIB product had been approved for sale in more than 80 countries.

Observation:

I went to the court had an introduction with Sir and then his associates briefed me about the case after which I attended the hearing of this case and interacted with the briefing council and the client.

Next date of hearing: 20th August, 2021

CASE LAW II

**In the court of Hon'ble Justice Siddharth Mridul and Hon'ble Mr. Justice Talwant Singh
, Delhi High Court, New Delhi**

In the matter of:

RITU KHAITAN

...PETITIONER

VERSUS

UNION OF INDIA

...RESPONDENT

Subject Matter: Challenge to the vires of a central government notification.

Facts of the case:

The petitioner was an assessee under the Income Tax Act and had been fully filing his returns of income. In the respect of assessment years 2011-2012 to 2014-2015 the assessee was prosecuted under Section 276C (1)/277 of the Income Tax Act on the allegation of attempt to evade tax. The proceedings were in respect of alleged foreign income not disclosed in the Petitioner's income tax returns for the relevant years. When the said proceedings were pending the respondent through initiated proceedings under Section 10 of the Black Money (Undisclosed Foreign Income & Assets) and Imposition of Tax Act, 2015 in respect of assessment year 2020-2020, strangely even though before the end of the previous year 2018-2020. The proceedings were in respect of alleged undisclosed foreign assets which according to the Respondent existed till the assessment year 2014-2015 and ceased to exist before the Act came into force. The respondent for the grant of sanction to prosecute the petitioner for an offence under Section 51 of the Act for the alleged offence of attempting to evade tax under the act.

Observation:

I attended the hearing of the case and went through some related cases and had read all the Sections that were involved in this case and also read more cases related to the Tax laws.

Next date of hearing: 1st August, 2021

CASE LAW III

In the court of Hon'ble Justice Rajiv Sahai Endlaw, Delhi High Court, New Delhi

In the matter of:

MERCK SHARP & DOHME CROP&ORS

...PETITIONER

VERSUS

ZIFAM PINNACLE HEALTHCARE PVT LTD&ORS

...RESPONDENT

Subject Matter: Suit for permanent injunction restraining infringement.

Facts of the case:

In this the case petitioner had filed a suit for permanent injunction restraining infringement of registered rendition of accounts damages deliver up etc. The suit patent IN 209816 covered a new chemical entity (NCE), which had been given the International non-proprietary name (INN) sitagliptin. The petitioner is the inventor of the said NCE and holds patents for the same in 102 countries of the world further, the said patent has also been upheld by the hon'ble court .The petitioner also had a license of for marketing distributing and selling sitagliptin and sitagliptin & metformin combination, under the brands ISTAVEL and ISTAMET .Sitagliptin, the subject matter of the suit patent, helps lower blood sugar levels in people with type 2 diabetes. Sitagliptin functions as a DPP-4 inhibitor it inhibits the DPP enzyme resulting in increased production of insulin sitagliptin was the first in the class of DPP inhibitors to be approved for clinical use and has been approved by regulatory bodies the world over including the us FDA the EMEA etc. In this case the respondent, zifam pinnacle healthcare pvt ltd and its associated entities.

Observation:

I attended the hearing of the case and keenly observed the arguments of the case and made notes on how to prepare for an argument. I learnt how to make brief notes of the arguments that I attended.

Next date of hearing: 15th September, 2021

CASE LAW IV

In the court of Hon'ble Justice Ina Malhotra, National Company Law Tribunal, New Delhi

In the matter of:

PRS PACKTECH SYSTEMS PVT.LTD

...PETITIONER

VERSUS

SUBROS LTD

...RESPONDENT

Subject Matter: Dispute of agreement between an operational creditor and corporate debtor.

Facts of the case:

The petitioner was an operational creditor, a Small Enterprise in terms of service category under the Micro, Small & Medium Enterprise and the operation creditor who is the petitioner and the corporate debtor who is the respondent attended into an agreement in which the operational creditor would have to package the finished products of the corporate debtors. In the agreement it was specifically mentioned that the prices quoted in the bill had to exclude Sales Tax, Work Contracted Tax and Service Tax incidence to the corporate debtor's account. However, the corporate debtor failed to abide by the terms of agreement that was executed between parties and deducted some money. Also, the agreement entered into by the parties was for a period of 3 years, further renewable upon agreeable terms and the same was renewed verbally as per various meetings on the same terms and condition and the services continued uninterrupted thereafter.

Observation:

I attended the hearing in NCLT for the very first time and listened to other hearings that were going on in the same court room I also made brief acts of the case and read Patent bare acts and other similar cases.

Next day of hearing: 8th August, 2021

CASE LAW V

In the court of Honb'le Justice Thio Shen Yi, The Supreme Court, India

In the matter of:

GUMLINK

...PETITIONER

VERSUS

SANCORP CONFECTIONARY PVT.LTD& ANOTHER

...RESPONDENT

Subject Matter: An Arbitration case of a foreign company

Facts of the case:

In this case the notice of arbitration, the response to the notice of arbitration, the JVA and the debenture subscription and agreement are largely undisputed. The petitioner is a Danish Company and its principle business is the development, manufacturing, distribution and sale of chewing gum products and other confectionary products. The respondent no1 principle business is manufacturing confectionary products. The respondent no 2 is a majority shareholder of the 1 respondent. They are collectively referred to as parties. Under clause 10.1 of JVA, should the JVC be unable to meets its initial funding requirement valued at USD 6,050,000.00, the claimant and/or the 1 respondent had the option of subscribing to compulsory convertible debenture. On 21 april, 2015, the claimant and JVC entered into DSA. Under the DSA, the JVC would issue, and the claimant would subscribe Rs 46,686,780. The claimant alleged that on 7 may 2010, the respondent caused JVC to file form FC-GRP and a chartered accountant certificate in respect of the valuation of JVC and the conversion prices of CCDs. A letter was sent to the parties on the same date informing them of the constitution of tribunal.

Observation:

I attended the hearing of this case and made notes of the case and read the relevant sections in the Arbitration and Conciliation Act, 1996.

Next day of hearing: 3rd September, 2021.

CASE LAW VI

In the court of Honb'le Justice S.J. Mukhopadhaya and Honb'le Mr.Justice Bandai Lal Bhat, National Company Law Appellate Tribunal, New Delhi

In the matter of:

M/s M.NANDAGOPAL

...PETITIONER

VERSUS

VIRTUOUS URJA LTD

...RESPONDENT

Subject Matter: Appeal filed section 9 of the insolvency and bankruptcy code, 2016

Facts of the case:

In this case the appeal was filed against the orders passed by the Hon'ble NCLT, Chennai bench where in it has admitted the respondent's application under section 9 of the insolvency and bankruptcy code, 2016 (hereinafter referred to as code) and appointed as interim resolution professional vide the impugned order respectively. It was seen the learned NCLT, CHENNAI bench had failed to examine the mandatory requirement under section 8 and 9 of the code, before admitting the respondent's application and appointing an interim resolution professional. It was observed that submitted the Hon'ble NCLT, had not been followed in the present case. It was said that the provisions of section 8 and 9 are mandatory. The learned NCLT, Chennai had failed to appreciate that the respondent had failed to comply with all the requirement of section 8 and 9 of the code. In particular, the respondent had failed to enclose with their application a copy of the certificate from the financial institution maintaining accounts of the operational creditor confirming that there is no payment of an unpaid operational debt by the corporate debtor.

Observation:

I had gone to the NCLAT to attend the hearing of the case and made some brief notes about the case and keenly observed the atmosphere of the court room.

Next day of hearing: 3rd October, 2021.

CASE LAW VII

In the court of Hon'ble Justice M.M. Kumar and S.K. Mohapatra, National Company Law Tribunal, New Delhi

In the matter of:

SGGD PROJECTS DEVELOPERS PVT LTD&ORS ...PETITIONER

VERSUS

RELIGARE ENTERPRISE LTD. & ORS. ...RESPONDENT

Subject Matter: Case under Section 59 of the Companies Act,2013.

Facts of the case:

The case was filed under Section 59 of the Companies Act, 2013 which had a notification of the register records of the Respondents that has illegally and wrongfully, in violation of the application provisions of law, transferred the shares of the Petitioner to Respondent. The petitioner has issued certain Non- Convertible Debentures to the Respondent under a Debenture Trust Deed. To secure the obligations of the Petitioner under the DTD, the Petitioner had pledged shares owned by them in the Respondent's Company in favor of the Respondent. The shares had been transferred to other respondents. Such transfer of securities had been made in contravention of the applicable provisions of the law, particularly Section 176 of the Contract Act, 1872. The Respondent had also initiated proceedings under the provisions of Recovery of Debt due to Bank and Financial Institutions Act, 1993 for recovery of its alleged dues wherein it has also sought attached of the pledged shares. Having elected its remedy to file proceedings for recovery of alleged debt, Respondent was duty-bound to retain the Pledged Shares and couldn't sell them.

Observation:

I attended the hearing of the case and read the relevant Sections of the Contract Act,1872.

Next date of hearing: 17th September, 2021.

CASE LAW VIII

In the court of Hon'ble Justice Jayant Nath, High Court Delhi, New Delhi

In the matter of:

CENTRALPARK ESTATES PVT.LTD & ORS. ...PETITIONER

VERSUS

GODREJ SKYLINE DEVELOPERS PVT. ...RESPONDENT

Subject Matter: Infringement of Trademark case

Facts of the case:

The petitioners were engaged in developing land and constructing residential, leisure, recreation and real estate projects under several distinctive trademarks including their umbrella trademark/ house mark CENTRAL PARK had adopted the same since the year 1999. The petitioner is the proprietor of such registered trademarks having the word 'CENTRAL PARK' as its most prominent and leading feature. The petitioner was aggrieved on the account of the Defendants conduct, who purportedly are in the same line of business as that of the Petitioner, of malafidely adopting and using the trademark GODREJ CENTRAL PARK for its project which has been pre launched by the respondents, the said mark was phonetically, visually, structurally and conceptually, identical.

Observation:

I attended the hearing of the case and interacted with the clients and met with the briefing council too to know more details of the case.

Next date of hearing: 28th October, 2021.

CASE LAW IX

In the court of Hon'ble Justice Anil Dev Singh, Hon'ble Justice Mr. A.P Shah and Hon'ble Justice Mr. M.L. Varma before the Arbitral Tribunal

In the matter of:

GLLE

...PETITIONER

VERSUS

DDA

...RESPONDENT

Subject Matter: Arbitration case under Section 34 of Arbitration and Conciliation Act,1996

Facts of the case:

In this case petition filed under section 34 of arbitration and conciliation act, 1996 impunges the award as being inter alia, perverse to the evidence on record, ex facie indicative of non-application of mind by the arbitrator and palpably contrary to the findings of facts as well as contrary to section 28(3) of the arbitration and conciliation act, 1996. The first conspicuous error that impugned award suffer from is that seems to had been passed on the erroneous premises that the petitioner did not submit any documentary evidence on the lower side .Further several claims of the petitioner had been rejected disregarding the term of the contract and in violation of section 28(3) of the arbitration and conciliation act, 1996. . Further the award itself was not passed within a responsible period after arguments were concluded. That the unexplainable and unpardonable delay of one and a half years in passing of the impugned award itself raises a strong livelihood of bias on the part of the arbitrator, as per settled law and the impugned award is liable to be set aside on this ground alone.

Observation:

I attended the hearing in the Arbitration centre and made notes of the case and read the relevant sections in the Arbitration and Conciliation Act, 1996.

Next date of hearing: 17th October, 2021.

CASE LAW X

In the court of Hon'ble Justice Pooja Talwar, Saket District Court, New Delhi

In the matter of:

STATE

...PETITIONER

VERSUS

SANJAY JAIN

...RESPONDENT

Subject Matter: Criminal Case under Section 509 of IPC

Facts of the case:

The prosecution, Ms. Ankita Kumar was employed at Batra Hospital, Medical Research Centre as Assistant Manager. On 31st July 2016 at about 12:30pm, prosecution in course of her duty at herb office was working when 3 men barged into her office of which, one introduced himself as Mr. Sanjay and others didn't mention their name. The 3 men had brought some papers and asked her to sign them. But to this the prosecution denied stating that she was a new joiner at the hospital and hence had no authority to sign those papers on hearing this, the defendant started screaming and then pulled her Id card during which he touched her breast and passed lewd comments. On her protest to the accused's act, he started staring at her breasts which made her uncomfortable due to which she got scared of the accused's intentions. After all this, in order to save herself she then made an attempt to get out of the place, but the accused along with his acquaintances stopped her and pushed her and then played with her modesty and started insulting her. An FIR was filed against Sanjay Jain for this incident on 1st August 2016.

Observation:

I attended the hearing after which I did some research work in the office.

Next date of Hearing: 30th September, 2021.

CASE LAW XI

In the court of Hon'ble Justice Mr. Vibhu Bakru, Delhi High Court, New Delhi

In the matter of:

STATE

...PETITIONER

VERSUS

ASIAN HOTELS (HYATT REGENCY)

...RESPONDENT

Subject Matter: Criminal Case under Section 32,336,338 of IPC

Facts of the case:

The petitioner Gaurav Rishi had fallen off a ledge under construction of the five-star hotel's sixth floor lobby on 1st October 2016. He had gone to the hotel to meet his friends and had stepped out on the terrace for a smoke and then he fell from the terrace. Medical Reports confirmed that he was not inebriated at the time of the fall. Rishi is still recuperating from the accident and was in coma for several months. Metropolitan Magistrate Sunil Kumar Sharma had summoned all the accused for allegedly committing offences under Section 336 (act endangering life or personal safety of others), section 338 (causing grievous hurt by act endangering life of personal safety of others) and section 32 (words referring to acts include illegal omissions) of the IPC. The accused were also summoned under Section 4 of the COPTA Act for allegedly failing to designate a public place as a non-smoking area. It had no emergency evacuation nor did anyone from the hotel inform local police or the control room about the incident. Emergency, lighting and self-luminescent markings were not in the terrace nor were emergency exits or staircases or any guard deployed on the terrace.

Observation:

I met the clients of the case and was even part of the discussion about the facts of the case. I attended the hearing and also made brief notes about the case.

Next date of hearing: 4th August, 2021

CASE LAW XII

In the court of Hon'ble Justice Jayant Nath, Delhi High Court, New Delhi

In the matter of:

SANJAY KUMAR

...PETITIONER

VERSUS

THE STATE

...RESPONDENT

Subject Matter: Application for bail under Section 438 of CrPC

Facts of the case:

The petitioner filed an anticipatory bail application in The High Court as it was earlier dismissed in the court of Sh. Paramjit Singh ASJ, Dwarka Court, New Delhi. The petitioner approached the High Court for the court to believe that the bonafide petitioner was ready and willing for equitable mortgage with the court to the satisfaction of court till the pendency of the proceedings and if, any case, the petitioner was found guilty the said property may fulfil the loses of aggrieved person without prejudice to any right the petitioner has falsely implicated in the case.

Observation:

I went to the hearing of the case and interacted with the clients after which I learnt how to draft the cases.

Next date of hearing: 26th August, 2021

CASE LAW XIII

In the court of Hon'ble Justice Valmiki J. Mehta, Delhi High Court, New Delhi

In the matter of:

SHANTI DEVI & ORS

...PETITIONER

VERSUS

LAXMI DEVI & ORS

...RESPONDENT

Subject Matter: Construction not properly done

Facts of the case:

In this case there were 6 plots with number 3, 4, 5, 6, 7 and 8. Plot 3, 4 and 5 belongs to Shanti Devi whereas plot no. 6, 7 and 8 belongs to Laxmi Devi. The plots were not properly marked and divided. After the construction of roads on both the sides of the plots, there were disputes between the parties related to whose plots were taken over by the government during construct of roads and whose plots were still there. The case was filled in the year 2020 and in the last proceeding the X counsel sent his junior counsel to take next date in the matter but the judge asked him to present the facts of the case and he was not able to present the facts of the case to the judge. The judge instead of dismissing the matter passed the order on the behalf of opposite party i.e. Laxmi Devi & ORS and gave them possession of the land. He even imposed a fine of Rs. 35000 on the appellant party for breach of code of conduct of proceedings.

Observation:

The party has changed their lawyer and our lawyer had filled the review petition (247/2017) but the judge dismissed the petition.

Next date of hearing: 4th August, 2021.

CASE LAW XIV

In the court of Hon'ble Justice Rekha Gupta, National commission, New Delhi

In the matter of:

IRSHAD

...PETITIONER

VERSUS

TATA AIG GENERAL INSURANCE Ltd

...RESPONDENT

Subject Matter: Claim on stolen items.

Facts: The Appellant challenged the decision of State Commission who rejected the Plaintiff's application for claiming insurance of his 2 trucks which was stolen when his 2 workers were sleeping at night. The trucks were parked on the road when 2 of his workers were travelling from Appellant's house to the warehouse of M/s xyz ltd. The workers parked the trucks on the highway and took the nap. When they woke up in the morning, they didn't find the truck then they immediately called the Appellant.

Observation:

The appeal was freshly filed; the Judge accepted the case and sent notice to the Respondent.

Next date of hearing: 6th October, 2021.

CASE LAW XV

In the court of Hon'ble Justice Sunil Gaur, Delhi High Court, New Delhi

In the matter of:

C.S. GREWAL

...PETITIONER

VERSUS

I.S. MANN & ORS

...RESPONDENT

Subject Matter: Fake loan instalments.

Facts: This case came into appeal. The judgement against which appeal was made was in favour of the Respondent. In the instant case, Respondent's company was involved in manufacturing plants. The petitioner purchased 50% shares of the Respondent's company. It was all going well and then the respondent settled abroad. At that time, Petitioner trusted Respondent and after sometime Respondent started selling plants through his name from his home and he also showed fake loan for which he takes regular instalment on his name. The company went in loss and was not able to clear its liabilities. The Petitioner filed case in the subordinate court but didn't satisfy with the order of the court.

Observation:

The case was for arguments but court didn't have enough time so court gave them date.

Next date of hearing: 9th October, 2021.

CASE LAW XVI

In the court of Hon'ble Justice Sube Singh, Learned Recovery Officer, Debts Recovery Tribunal-II, Delhi

In the matter of:

Punjab & Sind Bank

...PETITIONER

VERSUS

Arun & Rajiv Pvt. Ltd

...RESPONDENT

Subject matter: Application for filing of affidavit of assets of liability

Facts of the case:

In this case, the Applicant bank is a body corporate constituted under the Banking Companies Act, 1980. That the Defendant No. 1 is a well renowned company and the defendant No. 2 &3 are the directors of Defendant No. 1 Company. That the defendant No.1 Company had been operating a current account with the applicant bank and in September, 2006 had put in a request for grant of credit facilities to the bank in order to meet its working capital requirements. whereby Defendants No. 2 &3 had been authorized to deliver all documents and forms. That upon the request put in by defendant No.1, the applicant bank sanctioned the following credit facilities through letter of sanction dated 07.02.2007 bearing no.53/2007:

- 1) A CC (Hypothecation) Limit in the sum of Rs. 5 Lakh.
- 2) A term loan in the sum of Rs. 5 Lakh.

That upon Sanction of the facilities mentioned, Defendant No. 1 executed the loan security documents in favour of the bank on 07.02.2007. That after giving many notices by the applicant bank, Defendant No. 1 fail to maintain its account and is liable to pay 11,33,708/- (Eleven Lakh Thirty Three Thousand Seven Hundred Eight only) to the applicant bank.

Observation:

Matter listed today for the purpose of filing of Affidavit of Assets Liability. Assets Liability filed by the Debtor before Hon'ble Presiding Officer.

Next date of hearing: 6th September, 2021.

CASE LAW XVII

In the court of Hon'ble Justice B.C Gupta, National commission, New Delhi

In the matter of:

DLF HOMES PANCHKULA

...PETITIONER

VERSUS

RAJ RANI

...RESPONDENT

Subject Matter: Construction case

Facts of the case:

In this case the Respondent booked an independent flat from Appellant on 11.02.2011 at DLF Valley, Panchkula by giving an advance booking money of Rs. 4, 00,000 as booking amount. The Respondent was allotted floor no. B1/79-GF measuring 1500 sq. feet. The parties entered into a buying Agreement which contains terms and conditions with regard to booking. In clause 11(a) of the agreement, it was mentioned that the construction will get complete within 24 months unless there is a delay due to Force Majeure as mentioned in Clause 11(b) and (c) of the Agreement. The Hon'ble Supreme Court vide order dated 19.04.2014 in SLP No. 21786-88/2010 had stopped the construction of the property. Thereafter, vide order dated 12.12.2012, the Hon'ble Supreme Court dismissed the SLP and vacated the stay order dated 12.12.2012. The Appellant was not able to give possession to the Respondent even in the year of 2016. The respondent filed a Consumer Complaint No. 199 of 2016 before the Hon'ble State Commission and prayed for the refund of Rs. 52, 92,806 (total payment made) along with 18% interest from the date of initial deposit, Rs 5,00,000 as compensation for deficiency in service and 1,00,000 as litigation expenses.

Observation:

The National Commission gave time to Appellant to file reply on some applications.

Next date of hearing: 3rd November, 2021.

CASE LAW XVIII

In the court of Sh. KISHORE KUMAR, Dwarka District Court, New Delhi

In the matter of:

DELHI CANTONMENT BOARD

...PETITIONER

VERSUS

PRAMOD KUMAR

...RESPONDENT

Subject matter: Injunction on the illegal construction.

Facts of the case:

There are total of 21 cases of same type in which Delhi Cantonment Board had filed a petition in Dwarka District Court for injunction on the illegal and hazardous construction which is undergoing in the houses which are under the control of Delhi Cantonment Board. According to the Delhi Cantonment Act, no person can further construct the house which was allotted to them by the Delhi Government without the permission of the Delhi Cantonment Board and all of them were indulge in illegal construction of their house which was allotted to them free of cost by Delhi Government.

Observation:

19 of them pleaded guilty and paid their fine and DCB took the permission for demolishing their construction. 2 respondents didn't come and the matter was further transferred to National Lok Adalat.

Next date of hearing: 8th August, 2021.

CASE LAW-XIX

In the court of Hon'ble Justice Tanya Baniya, South District, Saket, New Delhi

In the matter of:

NCT OF DELHI

...PETITIONER

VERSUS

AMAN & OTHERS

...RESPONDENT

Subject Matter: Killing of a person.

Facts of the case:

The respondents are the resident of Dakshinpuri. they had a personal rivalry with the deceased (Parveen). The respondents then found out that Parveen was alone travelling to work they severely beat him and killed him. after killing him they all few from the place of incident police investigated the place and caught them at their home.

Observations:

The court has order the I/O for further investigation.

Next date of hearing: 15th October, 2021.

CASE LAW XX

In the court of Hon'ble Justice Asha Menon, South District, Saket, New Delhi

In the matter of:

INTEC CAPITAL LTD

...PETITIONER

VERSUS

M/S ATHARVA ASSOCIATES

...RESPONDENT

Subject Matter: Cheque bounced due to insufficient fund

Facts of the case:

In this case the plaintiff is a non-financial company registered under the Companies Act, 2013. the defendant is client of the plaintiff. The defendant has given a loan on Rs.1,30,00,000 to the plaintiff. The terms and condition of the loans are that the respondent will pay back in instalment of 2,80,906 for 84 months. The last cheque was bounced due to insufficient fund.

Observation:

I observed that the Court granted anticipatory bail to the defendant

Next date of hearing: 14th November, 2021.

CONCLUSION

In a nutshell, this internship has been an excellent and rewarding experience. The real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, but what I learnt from this internship was the mechanism of this body.

I was surprised to see how the simplest of laws were applicable in the most difficult of situations and how loopholes leave so much scope for evolution.



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SUMMER TRAINING REPORT

2017-2022



**FAIRFIELD INSTITUTE OF MANGEMENT AND
TECHNOLOGY,SCHOOL OF LAW, KAPASHERA,
NEW DELHI-110037**

SUBMITTED BY-

P NIRANJOY SINGH

08590103817

B.A.LLB.

SEMESTER- 9TH

SANDEEP KUMAR
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Mob: 8010388690/8920586602
Email: adv.kr.sandeep@gmail.com

Ref.....

Dated 02/09/2021

TO WHOMSOEVER IT MAY CONCERN

This is to certify that Mr. **P. NIRANJOY SINGH**, University Enrollment no. 08590103817, who is pursuing BA.LL.B. 9th Semester at FAIRFEILD INSTITUTE OF MANAGEMENT AND TECHNOLOGY, DELHI, affiliated to GGSIPU, Dwarka, New Delhi has successfully completed his Eight weeks internship programme i.e. from 01.07.2021 to 30.08.2021 at Chamber No.-430, District Court, Sector-10, Dwarka, New Delhi-110075 under my guidance & supervision. He had been punctual in attending the court during the aforesaid period. He has excellent capability to understand and practice law. He also has excellent grasping power over law. He had done his internship programme with flying color.

SANDEEP KUMAR, Advocate

SANDEEP KUMAR
Enr. No. D/3749/2014 (ADVOCATE)
Ch. No.430, Lawyers Chamber Block,
Dwarka Court, Sector-10, Dwarka,
N.D.-75, M.. +91-8010388690

DECLARATION

I P NIRANJOY SINGH student of 9th semester B.B.A.LL.B.(Hons.) hereby declare that this report as compiled by me under summer internship program is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY affiliated to GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY , NEW DELHI is a reliable document and is of bonafide nature.

SIGNATURE-

P NIRANJOY SINGH

9th SEM/B.A.LL.B. (HONS.)

08590103817

DECLARATION

I Adv Sandeep Kumar hereby declare that this Summer Training Report submitted by P NIRANJOY SINGH is an authentic work. The matter embodied in this report is original. This report is completed by him under my guidance and also this report as compiled by him under summer internship program is based on his own experiences and observations.

SIGNATURE

ACKNOWLEDGEMENT

I would like to acknowledge and express my deep gratitude to all the persons who have been my constant support, source of encouragement and inspiration and have helped me in successfully compiling and completing this Summer Internship Report for time bound and submission.

I take profound sense of pride to convey my gratefulness towards my university- Guru Gobind Singh Indraprastha University and my Institution Fairfield Institute of Management and Technology, for providing me this great opportunity to such an enlightening internship.

I am also extremely thankful to, Advocate Sandeep Kumar, for providing me with all the guidance, care and knowledge in the duration of my internship and I look forward to work again with her in the near future.

INTRODUCTION

I did my internship for four weeks. Throughout this period, I was cultured concerning the scheme to maintain a file, to fill diverse perform which were to be put forward before the Court of Law intended for satisfying various objectives. I also learnt with reference to hierarchy of courts. I attended a variety of court trials subsequent to summer vacations which helped me a lot to be aware of the running of court, furthermore, with reference to file the lawsuit.

Concept and Purpose of Internship

Internship is a process of education, to offer meaningful, career related work experience to students, while simultaneously providing an excellent source of highly motivated, carrier minded individuals for employers.

The internship program serves to:

- Reinforce and strengthen the student's personal values and career objectives through an improved understanding of themselves and the work environment.
- Assist students in identifying and acquiring the skills needed to enter a chosen field.
- Provide practical work experience to balance the student's theoretical training.
- Allow students to meet and learn from professional in the field and develop a network of contacts.

CASE LAW 1

IN THE COURT OF CIVIL JUDGE, SAKET COURTS, SOUTH DISTRICT, NEW

DELHI

CS/686/2021

IN THE MATTER OF :

Corporation Bank

Petitioner

VERSUS

Manoj Gupta & Ors.

Respondents

SUIT FOR RECOVERY OF RS. 1,97,494.00/- ALONG WITH PENDENTE LITE AND

FUTURE INTEREST

BRIEF FACTS OF THE CASE:

1. Respondent approached the plaintiff bank for Housing Loan Facility to purchase under construction Flat vide loan application form dated 17/01/2014.
2. Subsequently the said request of respondents was considered by the Applicant Bank and Sanction the facility vide CSI dated 29/01/2014 vide tune of Rs. 12.00 Lakhs.
3. The respondents agreed to repay the aforesaid loan amount along with floating rate of interest, i.e., 10.25% p.a. and in case of default additional 2% p.a. shall be recovered separately.

4. In view of various defaults committed by the respondents in payment of principal, interest and other monies due under loan agreements, the plaintiff became entitled to recall the entire amounts.
5. The plaintiff called upon the defendants to pay the due amount vide Demand notice dated 9/03/2018 to which defendants neither raised objection nor liquidate the amount.

OBSERVATION

This was my first case so I observed the procedure of the court. Also, I came to know about Bankers Books of Evidence Act.

DATE OF NEXT HEARING: 18.02.2021

Case Law 2

IN THE COURT OF DISTRICT AND SESSION JUDGE, SAKET DISTRICT COURT,

NEW DELHI

DJ/653/2018

IN THE MATTER OF :

Shweta bensiwal

Petitioner

VERSUS

Amrit Lal & Ors.

Respondents

APPLICATION UNDER ORDER 37 OF THE CODE OF CIVIL PROCEDURE, 1908

BRIEF FACTS OF THE CASE:

1. Present suit has been filed for recovery of Rs.1,50,00,000 under Order 37 CPC. Summons of the suit were sent to the defendants.
2. Plaintiff was partnership firm and the defendant being proprietorship firm are engaged in the business of construction work. The defendant had awarded various assignments of civil works to the plaintiff as its subcontractor.
3. The plaintiff executed the work for the defendant with respect to the contract awarded by defendant under various heads for total sum of Rs. 40,20,675/.

4. The defendant released a sum of Rs. 30,34,038/ and is still liable to pay a sum of Rs. 1,50,000/ in the form of a principal amount.
5. Plaintiff requested awarded interest @10% per annum on the said amount from the date of filing of the suit till the date of decree.

OBSERVATION

I read the case and came to know about dismissal of cases and Order 37 of CPC.

DATE OF FINAL ORDER: 16.06.2021

FINAL ORDER: The suit is dismissed as withdrawn against the defendant no.3.

Case Law 3

IN THE COURT OF HON'BLE FAMILY COURT, SAKET, NEW DELHI

HMA No. 139 OF 2017

IN THE MATTER OF :

Jyoti W/o Saurabh Singh

Complainant

Versus

Saurabh Singh S/o Pritam Singh

Respondent

PETITION U/S 125 OF CR.P.C FOR THE GRANT OF MAINTENANCE

BRIEF FACTS OF THE CASE:

1. Complainant was married to the respondent on 24/04/2016 in Delhi according to Hindu rites and customs in presence of various guests.
2. Complainant and respondent cohabited and consummated the marriage at house of respondent.
3. After sometime of marriage the respondent started misbehaving with the petitioner. There were incidents of cruelty and harassment.
4. After the marriage, the respondent and his family members started demanding additional dowry.

5. Complainant has a seven month pregnancy from the said marriage and the parents of the complainant are unable to take care of complainant financially.
6. Complainant was a poor lady and she has no source of income. The respondent is working as computer operator in BSES and earns Rs. 25000/- per month.
7. The respondent has no other liability except for the complainant. His father owns a motor repair shop and have an independent income.
8. Complainant pleaded the maintenance of Rs. 15000/- per month.

OBSERVATION

I observed that how the domestic violence has created the havoc in the life of women.

NEXT DATE: 17.09.2021

Case Law 4

IN THE COURT OF HON'BLE CHIEF METROPOLITAN MAGISTRATE, TIS

HAZARI, DELHI

COMPLAINT CASE NO. - 16991 OF 2018

IN THE MATTER OF :

M/s Om Building Material Supplier

Complainant

Versus

Unnati Fortune Holdings Ltd. & Ors.

Accused

**CRIMINAL COMPLAINT NAMED AGAINST THE ACCUSED FOR THE OFFENCE
PUNISHABLE U/S.138 READ WITH SECTION 142 OF NEGOTIABLE INSTRUMENTS
(AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT, 2002.**

BRIEF FACTS MENTIONED HEREUNDER:

1. The complainant is engaged in the business of Building Material Supplier and have its registered office at II Floor, Dharam Market, Atta, Sector-27, Noida and is engaged in supplying all the materials required in construction industry. It has gained a good reputation, status and goodwill in the market.

2. Accused No.1 is a Private Limited Company and accused no.2 to 8 are Directors of accused no.1. Thus accused no. 2 to 8 are jointly and severally liable for the day to day affairs of accused no.1.
3. Accused no.2 to 8 approached the complainant to sought his services of supplying the various raw materials. Complainant had a long standing commercial association with the accused.
4. During the course of business transaction, the accused managed to gain trust and confidence of the complainant and as such the complainant delivered the material to the accused persons on credit due to their mutual understanding.
5. In lieu of aforesaid relation, transaction of Rs. 500000/- along with applicable interest became due towards the accused and they are liable to release the same.
6. In order to discharge their aforesaid outstanding liability, the accused had issued the following cheque to be drawn on Vijaya Bank, MSME Noida Branch, Uttar Pradesh with the assurance and undertaking that the same shall be duly encashed on presentation. But when the cheque was presented at the bank, it was declined stating 'insufficient funds' as the reason.
7. Time and again dishonor of cheque prove the intention of accused to commit and perpetuate fraud on the complainant and indulge in cheating and misappropriation.

OBSERVATION

I came to know about the provisions of Negotiable Instrument Act, and how to file a case.

NEXT DATE: 12.09.2021

Case Law 5

IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURT, ROHINI, NEW DELHI

HMA PETITION NO. 858 OF 2018

IN THE MATTER OF

Bablu Kohli

Petitioner

VERSUS

Hema W/o Bablu Singh

Respondent

PETITION UNDER SECTION 13(1)(i-a) OF HINDU MARRIAGE ACT, 1955 AS AMENDED UPTO DATE FOR DISSOLUTION OF MARRIAGE BETWEEN THE PARTIES BY WAY OF A DECREE OF DIVORCE

BRIEF FACTS OF THE CASE ARE HEREUNDER:

1. The marriage between the parties solemnized on 24/11/2016 at Delhi according to Hindu rites and customs in the presence of several witnesses. All the expenses were duly paid by the parents of the petitioners.
2. The marriage between the parties was duly consummated.
3. From the third day of marriage, the respondent started harassing the petitioner by using vulgar language towards mother and sister of the petitioner.
4. The petitioner was forced to adopt Christian religion because the respondent followed it.

5. The family members of the petitioners are forced to live separately which includes his mother and two unmarried sisters even though he is sole bread earner of the family.
6. The petitioner gave a complaint against the respondent to the Commissioner of Police, New Delhi.
7. The parties went to settlement through Delhi Govt. Mediation & Conciliation Center where the petitioner committed that she will do all household chores and comply to her duties towards the family of the petitioner
8. But then on 20.03.2018 the mother of the respondent filed a complaint against the petitioner and other family members.
9. The respondent has treated the petitioner with utmost cruelty and pain and she is not ready to settle in matrimonial home and does not love and respect the petitioner and his family. The marriage has broken irretrievably.
10. The parties were not cohabiting as husband and wife for more than past six months.

OBSERVATION:

I have observed the applications and essentials of Section 13(1) of Hindu Marriage Act, 1955

NEXT DATE : 09.10.2021

Case Law 6

IN THE COURT OF DISTRICT JUDGE, SAKET COURT, DELHI

CASE NO. 9925OF 2016

IN THE MATTER OF

M/s Hyundai Motor India Ltd.

Petitioners

VERSUS

Akash Grover

Respondent

SUIT FOR RECOVERY OF A SUM OF RS. FOUR LAKH ONE THOUSAND FIVE HUNDERED ALONG WITH PENDELITE INTEREST @18% PER ANNUM TILL REALISATION OF THE SUIT

BRIEF FACTS OF THE CASE ARE HEREUNDER:

1. The plaintiff is a company incorporated under Companies Act, 1956 having its corporate office in Jasola, New Delhi. They are engaged in business of manufacture and sales of light motor vehicles.
2. On 24.06.2006, pursuant to the booking made by the defendant, a Hyundai Getz car, registered in the name of the defendant was reported for delivery at a showroom cum workshop of the Plaintiff at Hyundai Motor Plaza.

3. The defendant turned up to take the delivery of the car but sooner refused to take the delivery on despicable and unfounded charges of old vehicle being delivered to it.
4. Plaintiff endeavored hard to impress and educate the defendant about the fact that vehicle being delivered is newly produced but the defendant have time and again failed and neglected to pay storage charges.
5. Plaintiff is stuck with the liability as well as the parking space is occupied by the Getz car which could be used for other customers car. The value of the car also depreciates every year and thus the plaintiff be permitted to sell the car through private auction
6. The defendant has to pay Rs. 4,01,500/- as of 24th February 2016 towards storage charges for 1606 days @250/- per day from 03.10.2011 and Rs.6300/- as Court Fees.

OBSERVATION

I observed the practical application of lien.

NEXT DATE : 16.09.2021

Case Law 7

**IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE, SAKET COURT
COMPLEX, NEW DELHI**

COMPLAINT CASE NO. 473143 OF 2016

IN THE MATTER OF :

Manya Apparels

Complainant

VERSUS

May Five Apparels

Accused

**COMPLAINT UNDER SECTION 138 R/W 142 OF THE NEGOTIABLE
INSTRUMENTS (AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT, 2002**

BRIEF FACTS OF THE CASE:

1. The complainant is engaged in the business of manufacturing ladies garments and is running its business in the name of "Manya Apparels".
2. Accused No.1 is a Private Limited Company and accused no.2 to 8 are Directors of accused no.1. Thus accused no. 2 &3 are jointly and severally liable for the day to day affairs of accused no.1.

3. Accused no.2 &3 approached the complainant to sought services to place order of 6000 pieces of ladies leggings in 2 different styles. The total cost of leggings are amount of Rs. 6,98,848/-. The accused again placed order for supply of 8000 pieces of different sportswear, the total cost of which amounted to Rs. 6,26,000/-. Hence, the total cost of Rs. 13,24,848/- is due against the accused.
4. During the course of business transaction, the accused managed to gain trust and confidence of the complainant and as such the complainant delivered the material to the accused persons on credit due to their mutual understanding.
5. As per the act and conduct of the accused, it is evident that the accused has no funds to honour the payment of cheques provided by the accused.
6. The accused time and again assured that the cheques were good for payments and shall be encashed upon presentation but the aforesaid cheques meted the same fate of dishonor.
7. The accused has committed an offence under section 138 of NI Act and u/s 406 of Indian Penal Code and is liable to be tried.

OBSERVATION

I came to know about the provisions of Negotiable Instrument Act, and how to file a case.

NEXT DATE: 10.10.2021

Case Law 8

TIS HAZARI, DELHI

IN THE COURT OF MS RUBY NEERAJ KUMAR , MM MAHILA COURT

IN THE MATTER OF :-

Smt. Rukmani Complainant

.Vs

Sh. Pawan Kumar & Ors. Respondents

Reply to Complainant U/S 12 of THE PROTECTION OF WOMEN FROM DOMESTIC
VIOLENCE ACT 2005, on the behalf of Respondents

DATE OF HEARING:- 02.07.2021

FACTS OF THE CASE:-

- Complainant narrated false story to harass respondents for extorting money and for accepting her unjustified demands.
- Complainant wants to live with her parents and pressurizing her husband to live with her at her parental house, respondents denial from accepting her demand that is why, complainant filed false case against respondents. complainant's parents demands Rs. Three Lakhs Only (Rs.3,00,000) from respondents to take back case.
- Respondents face lot of troubles in attending dates in this Hon'ble court and also at women cell in Delhi, where complainant filed another complaint which is being preceeded.
- Complainant conceal the fact that another complaint filed by her is already pending process at CAW Cell in Delhi, and she also concealed the fact that she carried her all jewelries and most of stridhan items with her when she came to live with her parents at her parental house.

OBSERVATION:-

When I went to TIS HAZARI COURT during my internship I observed the case of DOMESTIC VIOLENCE . The Hon'ble judge heard both the parties and she don't found any strong point against any of them. The Hon'ble judge ask for more evidences against respondent and she give next date to parties.

NEXT DATE OF CASE ON:- 03.10.2021

Case Law 9

SAKET COURT COMPLEX

IN THE COURT OF PRINCIPAL JUDGE: FAMILY COURT

IN THE MATTER OF :-

MS. Neetu Kumari Petitioner

Vs

Sh. Chandan Sharma Respondent

PETITION U/S 125 Cr.P.C. ON BEHALF OF OF PETITIONER MS. NEETU KUMARI FOR GRANT OF MAINTENANCE TO BE PAID BY THE RESPONDENT CHANDAN SHARMA

DATE OF HEARING :- 18.07.2021

FACTS OF THE CASE :-

- The marriage between parties was solemnised on 03.12.2017 as per hindu rites and rituals. Petitioner's parents gave all the household items, jewellery beyond their capacity, according to the demand made by respondent and his family.
- After marriage her welcome was done by taunting by her mother-in-law. Respondent and his family demands Rs. 4,00,000/- (four lacs) for car. When petitioner's father denial for not giving money, then respondent and his family members starts taunting or beating petitioner.
- Then petitioner told her parents about the behaviour of her in laws then her father take her to her paternal home from her matrimonial house. The respondent and his family are well settled and are not dependent on respondent for their economic needs. Respondent and his family also denial to return her stridhan and dowry articles.

OBSERVATION:-

During the proceedings petitioner disclose the earnings of respondent and her circumstances and demands maintenance of Rs.50,000 (fifty thousand) per month for her basic needs. Hon'ble court pass decree to respondent to represent the detail of his monthly income on next date.

NEXT DATE OF HEARING:- 15.10.2021

Case Law 10

IN THE HON'BLE COURT OF CHIEF METROPOLITAN MAGISTRATE , DWARKA
COURTS, NEW DELHI

IN THE MATTER OF:-

Shri Sanjeev Bahl Complainant

Vs.

Shri Pankaj Dayal Accused

COMPLAINT ON BEHALF OF COMPLAINANT UNDER SECTION 138 READ WITH
SECTION 142 OF THE NEGOTIABLE INSTRUMENT ACT, 1881

DATE OF HEARING:- 26.07.2021

FACTS OF THE CASE:-

Accused presented a lucrative proposal for purchasing an agriculture land. The accused & his associates lured the complainant to invest in purchasing of land. The accused & his associates shown false agreement & copies of notifications published by Ministry of Urban Development and approved map of 1 acre scheme by MCD. The accused had lured the complainant to invest ₹2,50,00,000/- & offered him 40% profit. After knowing that the accused was cheated on him complainant filed a FIR against accused. Accused requested him to resolve the dispute between them & he will refund his money. Accused gave cheque to complainant but cheque was dishonored & return unpaid with remark Insufficient Funds. When complainant found that the accused was failed to pay the amount he having no option and filed case against accused.

OBSERVATION:-

When I was in court room I observed that the complainant demands from the Hon'ble court to give order to pay complete amount and punishment of accused and his associates. Court gives last chance to accused to pay complete amount to complainant on the next date of hearing and the associates of accused also compensate to complainant.

NEXT DATE OF HEARING:- 14.11.2021

Case Law 11

**IN THE HON'BLE COURTS OF PUNEET NAGPAL, CHIEF METROPOLITAN
MAGISTRATE, DWARKA COURTS, NEW DELHI**

IN THE MATTER OF:

SANDEEP SOLANKICOMPLAINANT

VERSUS

NASEER MOHAMMEDACCUSED

COMPLAINT UNDER SECTION 138/142 OF NEGOTIABLE INSTRUMENT ACT

DATE OF HEARING: 1 JULY 2021

FACT OF THE CASE

Complainant and accused were having good family terms. Accused told to the complainant that he needs a friendly loan sum of RS. 23,50,000. On the same day accused issued two cheques bearing no.607110 & 607120 dated 02.08.2018 for 12 lakh and 5 lakh in discharge of his legal liability and assured that he accused would repay the remaining loan amount of 6.50 lakhs in cash to the complainant on or before 30.08.2018. The above said cheques for encashment returned dishonoured. Complainant informed the accused but the accused chose to avoid meetings with the complainant. Till the date of 30.08.2018 accused have not paid even a single penny out of the aforementioned friendly loan amount of RS. 23,50,000.

OBSERVATION

During the proceedings the plaintiff demands from a hon'ble court to compensate the amount. The court passes the order in favour of plaintiff and against the respondent and give order to the respondent to pay the remaining amount with interest to the plaintiff.

NEXT DATE OF HEARING: 19 SEPTEMBER 2021

Case Law 12

**IN THE HON'BLE COURT OF LD. PRINCIPAL JUDGE, FAMILY COURTS.
DWARKA COURTS, NEW DELHI**

IN THE MATTER OF:

SH. NEERAJ KUMAR

.....PETITIONER

VERSUS

SMT. ANJALI

.....RESPONDENT

**PETITION BY AND ON BEHALF OF THE PETITIONER UNDER SECTION 9 OF THE
HINDU MARRIAGE ACT, 1995 FOR THE RESTITUTION OF CONJUGAL RIGHTS.**

DATE OF HEARING: 02 JULY 2021

BRIEF FACTS OF THE CASE

Marriage between the petitioner and the respondent was solemnized according to Hindu rites and ceremonies on 03.03.2021 at New Delhi. From the very beginning of their marriage, respondent always commented that her marriage solemnized due to the undue pressure of her parents. Petitioner family fully supports her in adjustment but she never accepts the family members of the petitioner and she also misbehaving with the petitioner and his family members and even the respondent did not perform her conjugal duties towards her husband. Respondent always created quarrel scenes over pretty issues without any reason or rhymes. On 04.06.2021, in the morning the respondent created a quarrel scene in the house and after collecting all the gold and silver jewellery and cash amount of the rs. 60,000/- which were kept in the almirah deserted the company of the petitioner without any justified reason. That in spite of so many requests of the petitioner and his parents, till date the respondent has not returned to her matrimonial home.

OBSERVATION

I observed that the petitioner wants to lead a happy and peaceful marriage life and is still ready and willing to bring the respondent back to her matrimonial home.

By this petition, petitioner needs a decree of restitution of conjugal rights in favour of him whereby directing the respondent to join the company and society of the petitioner and to discharge her marital, social and more obligations.

NEXT DATE OF HEARING: 26 September 2021

Case Law 13

**IN THE COURT OF MS. SHIVANI CHAUHAN, CHIEF METROPOLITAN
MAGISTRATE, DWARKA COURT, NEW DELHI**

IN THE MATTER OF:-

JYOTICOMPLAINANT

VERSUS

SURESH KUMAR SEJWALRESPONDENT

**APPLICATION UNDER SECTION 12 OF DOMESTIC VIOLENCE ACT, 2005 (43 OF
2005) FOR THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE**

DATE OF HEARING: 6 JULY 2021

FACT OF THE CASE

- That on 08.03.2018 the complainant got married with the respondent. That in the marriage a substantial amount of approx. Rs. 55-60 lakhs was spent by the parents of the complainant in the said marriage.
- The parents of the complainant also gave fixed deposit of Rs.11 lakh in the name of complainant. Respondent always pressure on the complainant to break the FD of rs.11 lakh and convert the same in the name of respondent.
- Respondent ask the complainant to give them her atm card and got broke the FD which was given by the complainant father. Complainant refuse to break the FD then complainant was mercilessly beaten by the respondent. The harassment by the respondents increased day by day.
- Respondent also confined the complainant in her bedroom and did not provide any meal for two days in fact complainant is eighth month pregnant.

OBSERVATION

When I was in courtroom I noticed that now the complainant did not want to save her matrimonial life. Respondent side also don't want to accept complainant. But complainant demands the maintenance for herself and for her child. Complainant is eighth month pregnant, she needs rest but she attends all the hearings and demands justice for her in this condition.

NEXT DATE OF HEARING: 27 September 2021

Case Law 14

**IN THE HON'BLE COURTS OF CHIEF METROPOLITAN MAGISTRATE, DWARKA
DISTRICT COURTS, NEW DELHI**

IN THE MATTER OF:

MAMTA DAHIYA

.....COMPLAINANT

VERSUS

NARESH SHARMA & ORS.

.....ACCUSED

**APPLICATION UNDER SECTION 23 (2) OF PROTECTION OF WOMEN FROM
DOMESTIC VIOLENCE ACT, 2005 (43 OF 2005) FOR GRANT OF INTERIM AND EX-
PARTE ORDERS**

DATE OF HEARING: 1 JULY 2021

FACT OF THE CASE

- Respondents have been committing the series of acts which are covered under the definition of “domestic violence” of the act. Respondent is also likely to misappropriate the stridhan of the complainant.
- Respondent is to deprive the aggrieved person from her legitimate rights and has threatened her that they will very soon dispose off all assets and business establishment in India including the shared household.
- Complainant has no source of income, she has no moveable or immoveable property in her name and she is unemployed and destitute woman and she is at the verge of starvation. Respondent, on the other hand, is a man of means who is working as a gym instructor and drawing a monthly salary of rs. 1 lakh. Complainant person seek the ad-interim relief of seeking the direction of this hon’ble court to the respondent for the grant of rs. 40,000 per months towards the complainant and her minor son.

OBSERVATION

It was the first day of hearing of this case I observed that the judge takes the introduction about who are complainant and respondent and what's the problem between them. On that day the judge only read some documents and asks some basic facts from both parties and judge give them a next date for heard the deep facts from both side.

NEXT DATE OF HEARING: 1 October 2021

Case Law 15

IN THE HON'BLE COURTS OF PITAMBER DATT, PRINCIPAL JUDGE, FAMILY COURTS, DWARKA, NEW DELHI

IN THE MATTER OF:

PINKI RANA & BABY ANAYA

.....PETITIONERS

VERSUS

ANIL KUMAR

.....RESPONDENTS

PETITION UNDER SECTION 125 OF CRIMINAL PROCEDURE CODE, 1973, AS AMENDED UPTO DATE FOR THE GRANT OF MAINTENANCE

DATE OF HEARING: 1 JULY 2021

FACT OF THE CASE

The marriage between petitioner & respondent was solemnized according to the Hindu rites and customs on 28th January 2016. Both together cohabited together as husband and wife and their marriage was duly consummated. Petitioner no.2 namely baby Anaya was born on 10.10.2017 but after the birth of the female child baby Anaya, the respondent started picking up quarrels on petty issues. The behaviour of the respondent became very rude and dominating in nature and the family members of the respondent always interfered in the matrimonial life of the petitioner no1. The respondent has deserted the petitioners on 10.06.2018 by leaving behind her and her minor daughter baby Anaya. Respondent is working as a gym instructor and earning more than rs. 80,000. Respondent has no other liability except to maintain the petitioners. Hence both the petitioners are entitled to be maintained by the respondent as per his status.

OBSERVATION

I observe, that's matter belongs to family matter and it can be solved by mutually with the help of mediator so judge sends them to mediation process.

NEXT DATE OF HEARING: 3 October 2021

CONCLUSION

In the end, I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, what we learned from the internship is the mechanism of this body.

I was surprised to see how the simplest of laws were applicable in the most difficult of situations and how loopholes leave so much scope of evolution and improvisation today in this field. I also observed that the law is everything but constant with the same soul as that of a human. In other words, or as that of our counsel, law may come and law may repeal, but they must always be faithful to the constitution, which is the most supreme law of the land and governs all equals and unequal in respect of each other.

SUMMER TRAINING REPORT

2017-2022



**FAIRFIELD INSTITUTE OF MANGEMENT AND
TECHNOLOGY,SCHOOL OF LAW, KAPASHERA,
NEW DELHI-110037**

SUBMITTED BY-

PRABHJOT SINGH

08690103817

B..A. LL. B (H)

SEMESTER- 9TH-B

DECLARATION

I PrabhjotSingh student of 9thsemester B.A.LL.B.(Hons.) hereby declare that this report as compiled by me under summer internship program is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY affiliated to GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY , NEW DELHI is a reliable document and is of bonafide nature.

SIGNATURE-

Prabhjot Singh

9thSEM/B..A.LL.B. (HONS.)

08690103817



KJ LAW PARTNERS

ADVOCATES & SOLICITORS

SINCE 1984

Date: 11.08.2021

TO WHOMSOEVER IT MAY CONCERN

This is to certify that **Mr. PRABHJOT SINGH**, student of fifth year of BA LLB (Hons.) at *Fairfield Institute of Management and Technology, Guru Gobind Singh Indraprastha University, Delhi* has done eighteen weeks internship at *KJ LAW PARTNERS, Delhi* from 08.04.2021 to 11.08.2021

During the course of this internship, Prabhjot has worked on matters pertaining to criminal, civil, contract, commercial laws and also extracted multiple judicial precedents on the allotted research topics. I found him to be self-starter who is motivated, duty bound. He was found to be punctual, hardworking, inquisitive and worked on various aspects of drafting and assisted in research work. He has worked efficiently and we wish him all the best for his future endeavours.

For **KARWASRA AND JOON
LAW PARTNERS LLP**

PARTNER

M.S. KARWASRA

PARTNER

KARWASRA AND JOON LAW PARTNERS LLP

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DECLARATION

I Adv Sonali Karwasra Joon hereby declare that this Summer Training Report submitted by Prabhjot Singh is an authentic work. The matter embodied in this report is original. This report is completed by him under my guidance and also this report as compiled by him under summer internship program is based on his own experiences and observations.

SIGNATURE

Adv Sonali Karwasra Joon

ACKNOWLEDGEMENT

I would like to acknowledge and express my deep gratitude to all the persons who have been my constant support, source of encouragement and inspiration and have helped me in successfully compiling and completing this Summer Internship Report for time bound and submission.

I take profound sense of pride to convey my gratefulness towards my university- Guru Gobind Singh Indraprastha University and my Institution Fairfield Institute of Management and Technology, for providing me this great opportunity to such an enlightening internship.

I am also extremely thankful to, Advocate Sonali Karwasra Joon, for providing me with all the guidance, care and knowledge in the duration of my internship and I look forward to work again with her in the near future.

INTRODUCTION

I did my internship for four weeks. Throughout this period, I was cultured concerning the scheme to maintain a file, to fill diverse perform which were to be put forward before the Court of Law intended for satisfying various objectives. I also learnt with reference to hierarchy of courts. I attended a variety of court trials subsequent to summer vacations which helped me a lot to be aware of the running of court, furthermore, with reference to file the lawsuit.

Concept and Purpose of Internship

Internship is a process of education, to offer meaningful, career related work experience to students, while simultaneously providing an excellent source of highly motivated, carrier minded individuals for employers.

The internship program serves to:

- Reinforce and strengthen the student's personal values and career objectives through an improved understanding of themselves and the work environment.
- Assist students in identifying and acquiring the skills needed to enter a chosen field.
- Provide practical work experience to balance the student's theoretical training.
- Allow students to meet and learn from professional in the field and develop a network of contacts.

CASE LAW 1

**IN THE COURT OF CIVIL JUDGE, SAKET COURTS, SOUTH DISTRICT, NEW
DELHI**

CS/686/2019

IN THE MATTER OF :

Corporation Bank

Petitioner

VERSUS

Manoj Gupta & Ors.

Respondents

**SUIT FOR RECOVERY OF RS. 1,97,494.00/- ALONGWITH PENDENTE LITE AND
FUTURE INTEREST**

BRIEF FACTS OF THE CASE:

1. Respondent approached the plaintiff bank for Housing Loan Facility to purchase under construction Flat vide loan application form dated 17/01/2014.
2. Subsequently the said request of respondents was considered by the Applicant Bank and Sanction the facility vide CSI dated 29/01/2014 vide tune of Rs. 12.00 Lakhs.

3. The respondents agreed to repay the aforesaid loan amount alongwith floating rate of interest, i.e., 10.25% p.a. and in case of default additional 2%p.a. shall bde recovered separately.
4. In view of various defaults committed by the respondents in payment of principal, interest and other monies due under loan agreements, the plaintiff became entitled to recall the entire amounts.
5. The plaintiff called upon the defendants to pay the due amount vide Demand notice dated 9/03/2018 to which defendants neither raised objection nor liquidate the amount.

OBSERVATION

This was my first case so I observed the procedure of the court. Also, I came to know about Bankers Books of Evidence Act.

DATE OF NEXT HEARING: 18.09.2020

Case Law 2

IN THE COURT OF DISTRICT AND SESSION JUDGE, SAKET DISTRICT COURT,

NEW DELHI

DJ/653/2018

IN THE MATTER OF :

Shelaish Atrya

Petitioner

VERSUS

Amrit Lal & Ors.

Respondents

APPLICATION UNDER ORDER 37 OF THE CODE OF CIVIL PROCEDURE, 1908

BRIEF FACTS OF THE CASE:

1. Present suit has been filed for recovery of Rs.1,50,00,000 under Order 37 CPC. Summons of the suit were sent to the defendants.
2. Plaintiff was partnership firm and the defendant being proprietorship firm are engaged in the business of construction work. The defendant had awarded various assignments of civil works to the plaintiff as its subcontractor.
3. The plaintiff executed the work for the defendant with respect to the contract awarded by defendant under various heads for total sum of Rs. 40,20,675/.

4. The defendant released a sum of Rs. 30,34,038/ and is still liable to pay a sum of Rs. 1,50,000/ in the form of a principal amount.
5. Plaintiff requested awarded interest @10% per annum on the said amount from the date of filing of the suit till the date of decree.

OBSERVATION

I read the case and came to know about dismissal of cases and Order 37 of CPC.

DATE OF FINAL ORDER: 16.07.2020

FINAL ORDER: The suit is dismissed as withdrawn against the defendant no.3.

Case Law 3

IN THE COURT OF HON'BLE FAMILY COURT, SAKET, NEW DELHI

HMA No. 139 OF 2017

IN THE MATTER OF :

Jyoti W/o Saurabh Singh

Complainant

Versus

Saurabh Singh S/o Pritam Singh

Respondent

PETITION U/S 125 OF CR.P.C FOR THE GRANT OF MAINTENANCE

BRIEF FACTS OF THE CASE:

1. Complainant was married to the respondent on 24/04/2016 in Delhi according to Hindu rites and customs in presence of various guests.
2. Complainant and respondent cohabited and consummated the marriage at house of respondent.
3. After sometime of marriage the respondent started misbehaving with the petitioner. There were incidents of cruelty and harassment.
4. After the marriage, the respondent and his family members started demanding additional dowry.

5. Complainant has a seven month pregnancy from the said marriage and the parents of the complainant are unable to take care of complainant financially.
6. Complainant was a poor lady and she has no source of income. The respondent is working as computer operator in BSES and earns Rs. 25000/- per month.
7. The respondent has no other liability except for the complainant. His father owns a motor repair shop and have an independent income.
8. Complainant pleaded the maintenance of Rs. 15000/- per month.

OBSERVATION

I observed that how the domestic violence has created the havoc in the life of women.

NEXT DATE: 17.09.2020

Case Law 4

**IN THE COURT OF HON'BLE CHIEF METROPOLITAN MAGISTRATE, TIS
HAZARI, DELHI**

COMPLAINT CASE NO. - 16991 OF 2018

IN THE MATTER OF :

M/s Om Building Material Supplier

Complainant

Versus

Unnati Fortune Holdings Ltd. & Ors.

Accused

**CRIMINAL COMPLAINT NAMED AGAINST THE ACCUSED FOR THE OFFENCE
PUNISHABLE U/S.138 READ WITH SECTION 142 OF NEGOTIABLE INSTRUMENTS
(AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT, 2002.**

BRIEF FACTS MENTIONED HEREUNDER:

1. The complainant is engaged in the business of Building Material Supplier and have its registered office at II Floor, Dharam Market, Atta, Sector-27, Noida and is engaged in supplying all the materials required in construction industry. It has gained a good reputation, status and goodwill in the market.

2. Accused No.1 is a Private Limited Company and accused no.2 to 8 are Directors of accused no.1. Thus accused no. 2 to 8 are jointly and severally liable for the day to day affairs of accused no.1.
3. Accused no.2 to 8 approached the complainant to sought his services of supplying the various raw materials. Complainant had a long standing commercial association with the accused.
4. During the course of business transaction, the accused managed to gain trust and confidence of the complainant and as such the complainant delivered the material to the accused persons on credit due to their mutual understanding.
5. In lieu of aforesaid relation, transaction of Rs. 500000/- along with applicable interest became due towards the accused and they are liable to release the same.
6. In order to discharge their aforesaid outstanding liability, the accused had issued the following cheque to be drawn on Vijaya Bank, MSME Noida Branch, Uttar Pradesh with the assurance and undertaking that the same shall be duly encashed on presentation. But when the cheque was presented at the bank, it was declined stating 'insufficient funds' as the reason.
7. Time and again dishonor of cheque prove the intention of accused to commit and perpetuate fraud on the complainant and indulge in cheating and misappropriation.

OBSERVATION

I came to know about the provisions of Negotiable Instrument Act, and how to file a case.

NEXT DATE: 12.09.2020

Case Law 5

IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURT, ROHINI, NEW DELHI

HMA PETITION NO. 858 OF 2018

IN THE MATTER OF

Bablu Kohli

Petitioner

VERSUS

Hema W/o Bablu Kohli

Respondent

PETITION UNDER SECTION 13(1)(i-a) OF HINDU MARRIAGE ACT, 1955 AS AMENDED UPTO DATE FOR DISSOLUTION OF MARRIAGE BETWEEN THE PARTIES BY WAY OF A DECREE OF DIVORCE

BRIEF FACTS OF THE CASE ARE HEREUNDER:

1. The marriage between the parties solemnized on 24/11/2016 at Delhi according to Hindu rites and customs in the presence of several witnesses. All the expenses were duly paid by the parents of the petitioners.
2. The marriage between the parties was duly consummated.
3. From the third day of marriage, the respondent started harassing the petitioner by using vulgar language towards mother and sister of the petitioner.
4. The petitioner was forced to adopt Christian religion because the respondent followed it.

5. The family members of the petitioners are forced to live separately which includes his mother and two unmarried sisters even though he is sole bread earner of the family.
6. The petitioner gave a complaint against the respondent to the Commissioner of Police, New Delhi.
7. The parties went to settlement through Delhi Govt. Mediation & Conciliation Center where the petitioner committed that she will do all household chores and comply to her duties towards the family of the petitioner
8. But then on 20.03.2018 the mother of the respondent filed a complaint against the petitioner and other family members.
9. The respondent has treated the petitioner with utmost cruelty and pain and she is not ready to settle in matrimonial home and does not love and respect the petitioner and his family. The marriage has broken irretrievably.
10. The parties were not cohabiting as husband and wife for more than past six months.

OBSERVATION:

I have observed the applications and essentials of Section 13(1) of Hindu Marriage Act, 1955

NEXT DATE : 09.10.2020

Case Law 6

IN THE COURT OF DISTRICT JUDGE, SAKET COURT, DELHI

CASE NO. 9925OF 2016

IN THE MATTER OF

M/s Hyundai Motor India Ltd.

Petitioners

VERSUS

Ashok Grover

Respondent

SUIT FOR RECOVERY OF A SUM OF RS. FOUR LAKH ONE THOUSAND FIVE HUNDERED ALONG WITH PENDELITE INTEREST @18% PER ANNUM TILL REALISATION OF THE SUIT

BRIEF FACTS OF THE CASE ARE HEREUNDER:

1. The plaintiff is a company incorporated under Companies Act, 1956 having its corporate office in Jasola, New Delhi. They are engaged in business of manufacture and sales of light motor vehicles.
2. On 24.06.2006, pursuant to the booking made by the defendant, a Hyundai Getz car, registered in the name of the defendant was reported for delivery at a showroom cum workshop of the Plaintiff at Hyundai Motor Plaza.

3. The defendant turned up to take the delivery of the car but sooner refused to take the delivery on despicable and unfounded charges of old vehicle being delivered to it.
4. Plaintiff endeavored hard to impress and educate the defendant about the fact that vehicle being delivered is newly produced but the defendant have time and again failed and neglected to pay storage charges.
5. Plaintiff is stuck with the liability as well as the parking space is occupied by the Getz car which could be used for other customers car. The value of the car also depreciates every year and thus the plaintiff be permitted to sell the car through private auction
6. The defendant has to pay Rs. 4,01,500/- as of 24th February 2016 towards storage charges for 1606 days @250/- per day from 03.10.2011 and Rs.6300/- as Court Fees.

OBSERVATION

I observed the practical application of lien.

NEXT DATE : 16.09.2020

Case Law 7

**IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE, SAKET COURT
COMPLEX, NEW DELHI**

COMPLAINT CASE NO. 473143 OF 2016

IN THE MATTER OF :

Swati Apparels

Complainant

VERSUS

May Five Apparels

Accused

**COMPLAINT UNDER SECTION 138 R/W 142 OF THE NEGOTIABLE
INSTRUMENTS (AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT, 2002**

BRIEF FACTS OF THE CASE:

1. The complainant is engaged in the business of manufacturing ladies garments and is running its business in the name of "Swati Apparels".
2. Accused No.1 is a Private Limited Company and accused no.2 to 8 are Directors of accused no.1. Thus accused no. 2 &3 are jointly and severally liable for the day to day affairs of accused no.1.

3. Accused no.2 &3 approached the complainant to sought services to place order of 6000 pieces of ladies leggings in 2 different styles. The total cost of leggings are amount of Rs. 6,98,848/-. The accused again placed order for supply of 8000 pieces of different sportswear, the total cost of which amounted to Rs. 6,26,000/-. Hence, the total cost of Rs. 13,24,848/- is due against the accused.
4. During the course of business transaction, the accused managed to gain trust and confidence of the complainant and as such the complainant delivered the material to the accused persons on credit due to their mutual understanding.
5. As per the act and conduct of the accused, it is evident that the accused has no funds to honour the payment of cheques provided by the accused.
6. The accused time and again assured that the cheques were good for payments and shall be encashed upon presentation but the aforesaid cheques meted the same fate of dishonor.
7. The accused has committed an offence under section 138 of NI Act and u/s 406 of Indian Penal Code and is liable to be tried.

OBSERVATION

I came to know about the provisions of Negotiable Instrument Act, and how to file a case.

NEXT DATE: 10.10.2019

Case Law 8

TIS HAZARI, DELHI

IN THE COURT OF MS RUBY NEERAJ KUMAR , MM MAHILA COURT

IN THE MATTER OF :-

Smt. Rukmani Complainant

.Vs

Sh. Pawan Kumar & Ors. Respondents

Reply to Complainant U/S 12 of THE PROTECTION OF WOMEN FROM DOMESTIC
VIOLENCE ACT 2005, on the behalf of Respondents

DATE OF HEARING:- 02.07.2020

FACTS OF THE CASE:-

- Complainant narrated false story to harass respondents for extorting money and for accepting her unjustified demands.
- Complainant wants to live with her parents and pressurizing her husband to live with her at her parental house, respondents denial from accepting her demand that is why, complainant filed false case against respondents. complainant's parents demands Rs. Three Lakhs Only (Rs.3,00,000) from respondents to take back case.
- Respondents face lot of troubles in attending dates in this Hon'ble court and also at women cell in Delhi, where complainant filed another complaint which is being preceeded.
- Complainant conceal the fact that another complaint filed by her is already pending process at CAW Cell in Delhi, and she also concealed the fact that she carried her all jewelries and most of stridhan items with her when she came to live with her parents at her parental house.

OBSERVATION:-

When I went to TIS HAZARI COURT during my internship I observed the case of DOMESTIC VIOLENCE . The Hon'ble judge heard both the parties and she don't found any strong point against any of them. The Hon'ble judge ask for more evidences against respondent and she give next date to parties.

NEXT DATE OF CASE ON:- 03.10.2020

Case Law 9

SAKET COURT COMPLEX

IN THE COURT OF PRINCIPAL JUDGE: FAMILY COURT

IN THE MATTER OF :-

MS. Neetu Kumari Petitioner

Vs

Sh. Chandan Sharma Respondent

PETITION U/S 125 Cr.P.C. ON BEHALF OF OF PETITIONER MS. NEETU KUMARI FOR GRANT OF MAINTENANCE TO BE PAID BY THE RESPONDENT CHANDAN SHARMA

DATE OF HEARING :- 18.07.2020

FACTS OF THE CASE :-

- The marriage between parties was solemnised on 03.12.2017 as per hindu rites and rituals. Petitioner's parents gave all the household items, jewellery beyond their capacity, according to the demand made by respondent and his family.
- After marriage her welcome was done by taunting by her mother-in-law. Respondent and his family demands Rs. 4,00,000/- (four lacs) for car. When petitioner's father denial for not giving money, then respondent and his family members starts taunting or beating petitioner.
- Then petitioner told her parents about the behaviour of her in laws then her father take her to her paternal home from her matrimonial house. The respondent and his family are well settled and are not dependent on respondent for their economic needs. Respondent and his family also denial to return her stridhan and dowry articles.

OBSERVATION:-

During the proceedings petitioner disclose the earnings of respondent and her circumstances and demands maintenance of Rs.50,000 (fifty thousand) per month for her basic needs. Hon'ble court pass decree to respondent to represent the detail of his monthly income on next date.

NEXT DATE OF HEARING:- 15.10.2020

Case Law 10

IN THE HON'BLE COURT OF CHIEF METROPOLITAN MAGISTRATE , DWARKA
COURTS, NEW DELHI

IN THE MATTER OF:-

Shri Sanjeev Bahl Complainant

Vs.

Shri Pankaj Dayal Accused

COMPLAINT ON BEHALF OF COMPLAINANT UNDER SECTION 138 READ WITH
SECTION 142 OF THE NEGOTIABLE INSTRUMENT ACT, 1881

DATE OF HEARING:- 26.07.2020

FACTS OF THE CASE:-

Accused presented a lucrative proposal for purchasing an agriculture land. The accused & his associates lured the complainant to invest in purchasing of land. The accused & his associates shown false agreement & copies of notifications published by Ministry of Urban Development and approved map of 1 acre scheme by MCD. The accused had lured the complainant to invest ₹2,50,00,000/- & offered him 40% profit. After knowing that the accused was cheated on him complainant filed a FIR against accused. Accused requested him to resolve the dispute between them & he will refund his money. Accused gave cheque to complainant but cheque was dishonored & return unpaid with remark Insufficient Funds. When complainant found that the accused was failed to pay the amount he having no option and filed case against accused.

OBSERVATION:-

When I was in court room I observed that the complainant demands from the Hon'ble court to give order to pay complete amount and punishment of accused and his associates. Court gives last chance to accused to pay complete amount to complainant on the next date of hearing and the associates of accused also compensate to complainant.

NEXT DATE OF HEARING:- 14.11.2020

Case Law 11

**IN THE HON'BLE COURTS OF PUNEET NAGPAL, CHIEF METROPOLITAN
MAGISTRATE, DWARKA COURTS, NEW DELHI**

IN THE MATTER OF:

SANDEEP SOLANKICOMPLAINANT

VERSUS

NASEER MOHAMMEDACCUSED

COMPLAINT UNDER SECTION 138/142 OF NEGOTIABLE INSTRUMENT ACT

DATE OF HEARING: 1 JULY 2020

FACT OF THE CASE

Complainant and accused were having good family terms. Accused told to the complainant that he needs a friendly loan sum of RS. 23,50,000. On the same day accused issued two cheques bearing no.607110 & 607120 dated 02.08.2018 for 12 lakh and 5 lakh in discharge of his legal liability and assured that he accused would repay the remaining loan amount of 6.50 lakhs in cash to the complainant on or before 30.08.2018. The above said cheques for encashment returned dishonoured. Complainant informed the accused but the accused chose to avoid meetings with the complainant. Till the date of 30.08.2018 accused have not paid even a single penny out of the aforementioned friendly loan amount of RS. 23,50,000.

OBSERVATION

During the proceedings the plaintiff demands from a hon'ble court to compensate the amount. The court passes the order in favour of plaintiff and against the respondent and give order to the respondent to pay the remaining amount with interest to the plaintiff.

NEXT DATE OF HEARING: 19 SEPTEMBER 2020

Case Law 12

**IN THE HON'BLE COURT OF LD. PRINCIPAL JUDGE, FAMILY COURTS.
DWARKA COURTS, NEW DELHI**

IN THE MATTER OF:

SH. NEERAJ KUMAR

.....PETITIONER

VERSUS

SMT. ANJALI

.....RESPONDENT

**PETITION BY AND ON BEHALF OF THE PETITIONER UNDER SECTION 9 OF THE
HINDU MARRIAGE ACT, 1995 FOR THE RESTITUTION OF CONJUGAL RIGHTS.**

DATE OF HEARING: 02 JULY 2020

BRIEF FACTS OF THE CASE

Marriage between the petitioner and the respondent was solemnized according to Hindu rites and ceremonies on 03.03.2019 at New Delhi. From the very beginning of their marriage, respondent always commented that her marriage solemnized due to the undue pressure of her parents. Petitioner family fully supports her in adjustment but she never accepts the family members of the petitioner and she also misbehaving with the petitioner and his family members and even the respondent did not perform her conjugal duties towards her husband. Respondent always created quarrel scenes over pretty issues without any reason or rhymes. On 04.06.2019, in the morning the respondent created a quarrel scene in the house and after collecting all the gold and silver jewellery and cash amount of the rs. 60,000/- which were kept in the almirah deserted the company of the petitioner without any justified reason. That in spite of so many requests of the petitioner and his parents, till date the respondent has not returned to her matrimonial home.

OBSERVATION

I observed that the petitioner wants to lead a happy and peaceful marriage life and is still ready and willing to bring the respondent back to her matrimonial home.

By this petition, petitioner needs a decree of restitution of conjugal rights in favour of him whereby directing the respondent to join the company and society of the petitioner and to discharge her marital, social and more obligations.

NEXT DATE OF HEARING: 26 September 2020

Case Law 13

**IN THE COURT OF MS. SHIVANI CHAUHAN, CHIEF METROPOLITAN
MAGISTRATE, DWARKA COURT, NEW DELHI**

IN THE MATTER OF:-

JYOTICOMPLAINANT

VERSUS

SURESH KUMAR SEJWALRESPONDENT

**APPLICATION UNDER SECTION 12 OF DOMESTIC VIOLENCE ACT, 2005 (43 OF
2005) FOR THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE**

DATE OF HEARING: 6 JULY 2020

FACT OF THE CASE

- That on 08.03.2018 the complainant got married with the respondent. That in the marriage a substantial amount of approx. Rs. 55-60 lakhs was spent by the parents of the complainant in the said marriage.
- The parents of the complainant also gave fixed deposit of Rs.11 lakh in the name of complainant. Respondent always pressure on the complainant to break the FD of rs.11 lakh and convert the same in the name of respondent.
- Respondent ask the complainant to give them her atm card and got broke the FD which was given by the complainant father. Complainant refuse to break the FD then complainant was mercilessly beaten by the respondent. The harassment by the respondents increased day by day.
- Respondent also confined the complainant in her bedroom and did not provide any meal for two days in fact complainant is eighth month pregnant.

OBSERVATION

When I was in courtroom I noticed that now the complainant did not want to save her matrimonial life. Respondent side also don't want to accept complainant. But complainant demands the maintenance for herself and for her child. Complainant is eighth month pregnant, she needs rest but she attends all the hearings and demands justice for her in this condition.

NEXT DATE OF HEARING: 27 September 2020

Case Law 14

**IN THE HON'BLE COURTS OF CHIEF METROPOLITAN MAGISTRATE, DWARKA
DISTRICT COURTS, NEW DELHI**

IN THE MATTER OF:

MAMTA DAHIYA

.....COMPLAINANT

VERSUS

NARESH SHARMA & ORS.

.....ACCUSED

**APPLICATION UNDER SECTION 23 (2) OF PROTECTION OF WOMEN FROM
DOMESTIC VIOLENCE ACT, 2005 (43 OF 2005) FOR GRANT OF INTERIM AND EX-
PARTE ORDERS**

DATE OF HEARING: 1 JULY 2021

FACT OF THE CASE

- Respondents have been committing the series of acts which are covered under the definition of “domestic violence” of the act. Respondent is also likely to misappropriate the stridhan of the complainant.
- Respondent is to deprive the aggrieved person from her legitimate rights and has threatened her that they will very soon dispose off all assets and business establishment in India including the shared household.
- Complainant has no source of income, she has no moveable or immoveable property in her name and she is unemployed and destitute woman and she is at the verge of starvation. Respondent, on the other hand, is a man of means who is working as a gym instructor and drawing a monthly salary of rs. 1 lakh. Complainant person seek the ad-interim relief of seeking the direction of this hon’ble court to the respondent for the grant of rs. 40,000 per months towards the complainant and her minor son.

OBSERVATION

It was the first day of hearing of this case I observed that the judge takes the introduction about who are complainant and respondent and what's the problem between them. On that day the judge only read some documents and asks some basic facts from both parties and judge give them a next date for heard the deep facts from both side.

NEXT DATE OF HEARING: 1 October 2021

Case Law 15

IN THE HON'BLE COURTS OF PITAMBER DATT, PRINCIPAL JUDGE, FAMILY COURTS, DWARKA, NEW DELHI

IN THE MATTER OF:

PINKI RANA & BABY ANAYA

.....PETITIONERS

VERSUS

ANIL KUMAR

.....RESPONDENTS

PETITION UNDER SECTION 125 OF CRIMINAL PROCEDURE CODE, 1973, AS AMENDED UPTO DATE FOR THE GRANT OF MAINTENANCE

DATE OF HEARING: 1 JULY 2021

FACT OF THE CASE

The marriage between petitioner & respondent was solemnized according to the Hindu rites and customs on 28th January 2016. Both together cohabited together as husband and wife and their marriage was duly consummated. Petitioner no.2 namely baby Anaya was born on 10.10.2017 but after the birth of the female child baby Anaya, the respondent started picking up quarrels on pretty issues. The behaviour of the respondent became very rude and dominating in nature and the family members of the respondent always interfered in the matrimonial life of the petitioner no1. The respondent has deserted the petitioners on 10.06.2018 by leaving behind her and her minor daughter baby Anaya. Respondent is working as a gym instructor and earning more than rs. 80,000. Respondent has no other liability except to maintain the petitioners. Hence both the petitioners are entitled to be maintained by the respondent as per his status.

OBSERVATION

I observe, that's matter belongs to family matter and it can be solved by mutually with the help of mediator so judge sends them to mediation process.

NEXT DATE OF HEARING: 3 October 2021

CONCLUSION

In the end, I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, what we learned from the internship is the mechanism of this body.

I was surprised to see how the simplest of laws were applicable in the most difficult of situations and how loopholes leave so much scope of evolution and improvisation today in this field. I also observed that the law is everything but constant with the same soul as that of a human. In other words, or as that of our counsel, law may come and law may repeal, but they must always be faithful to the constitution, which is the most supreme law of the land and governs all equals and unequal in respect of each other.

SUMMER TRAINING REPORT

SESSION: 2017-2022



तेजस्वि नावधीतमस्तु
ISO 9001:2008 & 14001:2004



FAIRFIELD INSTITUTE OF MANAGEMENT
& TECHNOLOGY, SCHOOL OF LAW,
KAPASHERA, NEW DELHI-110037
AFFILIATED TO GURU GOVIND SINGH
INDRAPRASTHA UNIVERSITY

Submitted by:

PRAGYA KATARE
Enrollment no.:08890103817
Course: B.A.LLB
Semester: 9 B

JITENDER SINGH PUNDIR
ADVOCATE
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Email:- Jitendersingh.advocate@gmail.com

Ref. No. _____

Dated. 02/08/21

TO WHOMSOEVER IT MAY CONCERN

CERTIFICATE OF INTERNSHIP

This is to certify that Ms. Pragya Katare, student of B.A-LL.B. (Session 2017-2022) 4th year (8th Semester), Enrolment No. 08890103817 of Fairfield Institute Of Management and Technology, Kapashera, New Delhi, has completed 1 month's online Internship under my supervision, at Dwarka District Courts, Sector-10, New Delhi from 01/07/2021 to 31/07/2021. I have given her research work and she has made legal drafts in her internship during this covid-19 pandemic while staying at home.

She worked diligently with dedication and discipline. She has strong communication skills and legal Aptitude.

I wish her good luck and best wishes for her academics and professional career.



Jitender Singh Pundir,
Advocate

JITENDER SINGH PUNDIR
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DECLARATION

I, Pragya Katare, hereby declare that the presented report of Internship is compiled by me. The report is based on my own experiences and observations to the best of my knowledge and understanding in its duration.

The Report which is therefore submitted to Fairfield Institute of Management Technology affiliated to Guru Govind Singh Indraprastha University is a reliable document and is bonafide nature.

ACKNOWLEDGEMENT

The Internship opportunity which I had with Advocate Mr. Jitender Singh Pundir was a great chance for learning and professional development. Therefore, I consider myself as a very lucky individual as I was provided with an opportunity to be apart of his office. I am also grateful to have chance to meet so many wonderful people a professionals who led me through this internship period.

I take profound sense of pride to convey my gratefulness towards my University- **Guru Govind Singh Indraprastha University** and my Institution- **Fairfield Institute of Management and Technology**.

I express my deepest thanks to all the persons who have been my constant support, source of encouragement throughout the internship programme.

I perceive this opportunity as a big milestone in my Career Development. I will strive to use gained skills and knowledge in the best possible way, and I will continue to work on their improvement.

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LIST OF ABBREVIATIONS

VS.	VERSUS
HON'BLE	HONOURABLE
F.I.R.	FIRST INFORMATION REPORT
H.M.A	HINDU MARRIAGE ACT
C.P.C	CIVIL PROCEDURE CODE
P.W.	PROSECUTING WITNESS
I.P.C.	INDIAN PENAL CODE
N.I. ACT	NEGOTIABLE INSTRUMENT ACT

OBJECTIVE OF INTERNSHIP

Internship is a process of education, to offer meaningful, career related work experience to students, while simultaneously providing an excellent source of highly motivated, career minded individuals for employers.

The Internship Programme serves to:

1. Reinforce and strengthen the students' personal values and career objectives through an improved understanding.
2. Assist students in identifying and acquiring the skills needed to enter a chosen field.
3. Provide practical work experience to balance the students' theoretical training.
4. Allow students to meet and learn from professionals in the field and development.

Hearing Date - 6th JULY

**CASE STUDY:
IN THE COURT OF SRI VISHNUDEO UPADHYAYA
DWARKA DISTRICT COURT,
DELHI**

IN THE MATTER OF:

Bhunath Singh ...PLAINTIFF

VS.

Suresh Vishal

Ashok Singh

Santosh Singh

Arvind Singh

Ramesh Singh

Santi Devi

Sunanada Devi ...DEFENDANTS

TITLE: Suit for mandatory and permanent injunction

FILED ON 20/07/2015

FACTS:-The defendant no. 1 to 3 is the cousin brother of plaintiff and the father of plaintiff and the father of defendant no. 1 to 3 are real brothers.

The father of plaintiff and the father of defendant no. 1 to 3 had purchased the suit property bearing municipal no. A-34, measuring about 350sq. yards with their joint funds. The father of plaintiff and father of defendant no. 1 to 3 have died interstate leaving behind their heirs who are parties in present suit.

The plaintiff's father paid the amount of his share to his brother to purchase the aforesaid suit property and thereafter father of defendant no. 1 to 3 had purchased the suit property and kept all documents related to the suit property in their possession.

The plaintiff has the right to get 1/4th share out 1/3rd share which comes in the name of the father of the plaintiff as per law. Father of plaintiff and his brother were having equal right in the property in question which was purchased from the joint funds of the father of the plaintiff is entitled to get 1/3rd share of the property in question.

OBSERVATION:-Argument was made under application Order 6 Rule 7 of CPC.

NEXT DATE OF HEARING & PURPOSE:NEXT DATE FIXED FOR HEARING IS 26/08/21 TO PUT UP FOR ORDER.

Hearing Date - 8th JULY

**CASE STUDY:
IN THE COURT OF SHRI RAM SURAT
DWARKA DISTRICT COURT DELHI**

IN THE MATTER OF:

Shyam Prasad ...PLAINTIFF

VS.

Smt. Rishali Devi ...DEFENDANT

Accused No. 1- Smt Rishali Devi (Mother)

Accused No. 2- Dharmveer (Brother)

Accused No. 3 – (Nephew)

Accused No. 4 –Dhirendra (Brother)

Accused No. 5 – (Real sister of complainant)

TITLE: Complaint U/ S 323/341/452/354/506/509/420/468/471/120-B/34 of IPC

FILED ON 24/08/2015

FACT: Complainant is permanent resident of house no. 4 Police Line Colony Dwarka. Complainant is residing in the house no.4 with his family. Due to some misunderstandings between accused and complainant, a suit for mandatory and permanent injunction was filed before Civil Judge of Dwarka District Court and the same was compromised between them before mediation centre, on the condition that none of the accused will interfere in the possession of the complainant. Case was withdrawn by both the parties after the order of mediation centre.

Both parties started living together but after sometime accused no.1-5 started quarrelling with complainant and his wife. All the accused started trespassing in house of complainant illegally and forcefully and also threaten them to dispose of the property, also they threaten them by saying that if they fail to leave the possession of the house, they would kill them, and also made forged documents regarding house.

Accused on the daily basis visit the place of complainant and used to abuse the complainant and his wife and also beat them. When complainant went to police station for complaint, police official refuse to file complaint by saying that “This is your family matter”.

After regular collusion, when complainant again made the complaint, police officials refuse to file complaint because they had took bribe from accused persons and told him (complainant) we will not file your complaint. Because accused and their associates are very rich and influential person and knew some police official too, so police officials always refuse to complaint against them.

Now, complainant and his family are living under the terror of accused.

OBSERVATION:- On the date hearing i.e. 10/07/2021, copy of charge sheet received.

NEXT DATE OF HEARING & PURPOSE:- THE NEXT DATE FIXED FOR HEARING IS 29/07/2021. THE CASE WILL FURTHER PROCEED FOR CONSIDERATION OF CHARGE.

**CASE STUDY:
IN THE COURT OF SRI DEVRAJ TRIPATHI
DWARKA DISTRICT COURT
DELHI**

IN THE MATTER OF:

Ajeet Dhawan ...Complainant

VS.

Anil Nagar

Dushyant Nagar

Rakesh Nagar ...Accused

U/S 147/148/308/325/395/397/193/195/504/506 IPC

**TITLE:-COMPLAINT CASE UNDER SECTION 200 Cr.P.C. ON BEHALF
OF THE COMPLAINANT**

FILED ON 25/03/2020

FACT: In the present matter, the in-laws of the complainant came to his house and at the same time, the accused came their and asked complainant to remove his car. On this, the complainant parked his car on the other side but the accused no. 1 started abusing the complainant in filthy language without any reason, on which the complainant tried to make him understand but the accused no.1 threatened the complainant to teach him a lesson. Thereafter, when the complainant and his cousin brothers went to see off his relatives outside the house, the accused persons with their 15-20 associates were standing at the corner of street and they started abusing the complainant and when the complainant and his cousin brothers objected for the

.....

same, then the aforesaid accused persons along with their 15-20 associates with their common conspiracy started beating the complainant and his cousin brothers with the sole intention to kill them and entered in their house and looted one gold chain of 40grams, one Roodraksh Mala of gold of 18 grams, one Samsung mobile and threaten them not to come in their way.

Thereafter, the complainant and his cousin brothers made their statement to the police but the police did not register the FIR against them according to the statement and the injuries but only registered an FIR No. 332/15 U/S 323/341/506/34 IPC. The accused persons are still threatening and pressurizing the complainant illegally to quash the said F.I.R. The complainant has no other option available except to approach this Hono'ble court for want of justice. The accused persons have committed the aforesaid offences:

U/S 147/148/149/308/325/395/397/392/193/195/504/506/ IPC

OBSERVATION:-In the present matter the court was on strike due to which the party took the next hearing date.

NEXT DATE OF HEARING:- THE NEXT DATE FOR HEARING IS
02/08/2021

.....
...

**CASE STUDY:
IN THE COURT OF SMT. LOVELY JAISWAL**

IN THE MATTER OF:

Ramesh Tiwari ...PETITIONER

VS.

State of U.P..... RESPONDENT

FILED ON 3/10/2018

FACT: Accused caused death of four persons and the injuries were inflicted in front of PW1, whose son, daughter-in-law and grandchildren were murdered related to property dispute.

OBSERVATION: In this case, the Hono'ble Court considers various aspects of "rarest of rare principle" in the light of judicial precedents in awarding death sentence. Wherein the court held considering the totality of the facts and circumstances of the case, we hold that imposition of the death sentence on the appellants was not warranted but while awarding life imprisonment to the applicant, we hold that they serve a minimum of thirty years in jail without remission. The sentence awarded by Trial court and confirmed by the District Court is modified as above. Approval partly allowed. The Hono'ble Court fixed the next date hearing of arguments on 15/08/2021.

NEXT DATE FOR HEARING & PURPOSE: THE COURT HAS GIVEN NEXT DATE OF 15/08/2021 FOR HEARING OF ARGUMENTS.

.....
...

CASE STUDY:
IN THE COURT OF SRI GUNJAN PANDEY
ADDITIONAL DISTRICT & SESSIONS JUDGE
DWARKA DISTRICT COURT
DELHI

IN THE MATTER:

State of U.P..... PETITIONER

VS.

Sameer..... RESPONDENT

TITLE: COMPLAINT U/S 376/377 IPC

FACTS: The prosecutrix along with his brother Sheru was studying in same school. Sheru told complainant that he has seen his sister (prosecutrix) with accused Sameer, upon which complainant made inquiry from the prosecutrix and came to know that prosecutrix has been raped by Sameer at night hours several time & she didn't disclose to her family because of fear. In examination of prosecutrix, she deposed before the court that accused was staying on the same footpath where she had been living. Accused took her to the market on one night and inserted his finger in her private parts & also inserted his private parts in her private parts. Prosecutrix felt pain but accused put his hands on her mouth & slapped her. Accused used to sleep in the footpath area and he had committed rape upon her no. of times as he used to take her when she was sleeping with her siblings on the offer of serving food.

The complainant informed the parents of the prosecutrix but they refused to take any action and accordingly she herself took the prosecutrix to the police upon which complaint was lodged. The accused alleged that he had been falsely implicated in the matter at the instance of complainant since some people used to distribute toffees & other eatables to the children of the locality including the prosecutrix & her siblings & because of this reason they didn't go to school. Once he slapped the prosecutrix upon this reason & with the intention she should not miss her school anymore, upon which the complaint was made against him. & thereafter he was falsely implicated at the instance of complainant. Moreover he was handicapped & walks with help of clutches.

OBSERVATION:-

ORDER:- According to the medical report and statement of all the witnesses & prosecution corroborates that she had been sexually assaulted.

The defense counsel pleaded that the accused was handicapped however this fact no way come to deter the evil intention of the accused.

Accused is held guilty & convicted for offence u/s 376(2) (f) and sec 377 of I.P.C.

PRESENT STATUS OF THE CASE:-Accused convicted.

CASE STUDY:

IN THE COURT OF HONA'BLE MR. SUNIL KUMAR SINGH

DWARKA DISTRICT COURT

DELHI

IN THE MATTER:-

Sumitranandan Pratishtan Parishad ...COMPLAINANT

Vs.

1. M/s Gallant Media Pvt. Ltd.

2. Sh. Sachin Kumar ...ACCUSED

TITLE: COMPLAINT UNDER SECTION 138/139/142 OF NEGOTIABLE INSTRUMENT ACT.

FILED ON 17/12/2017

FACT:-Under the contract it was agreed that the complainant would provide training regarding online help consultation on Indian system of medicine like Yoga, Naturopathy, and Ayurveda. It was agreed that the accused shall bear the electricity charges of the rooms used for the above mentioned reason. The accused failed to pay the electricity charges regularly after the repeated request of the complainant, the accused issued two cheques discharged its aforesaid liability for amount Rs. 20,000/- and Rs. 26,000/- dated 03/10/2019, both drawn on State Bank of India. The above mentioned cheques were presented by the complainant in the Bank of Baroda and the same were returned unpaid, the returned memos of the BOB, dated 04/10/2019 revealed that the reason for the non-payment was stop

their payment instruction issued by the accused to its bank of SBI.

After receipt of said bounced cheques my aforesaid client contacted the accused and asked the accused to make the payment, but the accused showed their financial hardship and ultimately refused to make payment. Thereafter, the complainant also sent legal notice dated 30/10/2019 to the accused through speed post, both dated 30/10/2019 on the above mentioned addresses and the service of the legal notice has been duly affected upon the accused, as AD card has been received back to the council for the complainant and despite that the accused neither sent any reply nor paid a single penny to the complainant till the date. The act of issuing the aforesaid cheques by the accused being bound is fraudulent and further the accused intentionally and deliberately want to deceive the complainant as such the complainant got a case against the accused U/S 420/138 Act.

OBSERVATION:-The present matter stands settle after the mediation.

NEXT DATE OF HEARING:-04/08/2021 was given for the payment of settled amount.

**CASE STUDY:
IN THE COURT OF MISS SHIV SHRUTIKADWARKA
DISTRICT COURT
DELHI**

IN THE MATTER:

**Ramesh Kumar & Others ...APPELLANT
VS.
State of U.P. & Others ...RESPONDENT**

FILED ON 18/02/2016

FACT:-Whether two F.I.R. can be lodged in the same incident alleging different fact, filed at the different time or can a counter F.I.R. can be lodged and whether the appellants had invoked the jurisdiction under Art.226 of the Constitution for cancellation of the F.I.R. on two courts. Whether the law prohibits the filing of second F.I.R. The principle is that person should not be vested twice the same incident.

OBSERVATION:-Court applied the principle that any further complaint by the same complainant & others against the same accused, subsequent to the registration of case is prohibited under the code because an investigation in this regard would have already started and further complaint against the accused will amount to an improvement on the facts mentioned in the original complaint, hence will be prohibited under Sec. 162 of code. The prohibition noticed by this court, in our opinion does not apply to counter complaint by the accused in the first complaint or on his behalf alleging a different version of the said incident. But to say that it is a second F.I.R reaction to the same cause of action and the same incident and there sameness of occurrence of and an attempt has been made to improvise the case is not correct. Hence, we conclude and hold that the submission of the F.I.R. lodged by the fourth respondent is second F.I.R. and is, therefore, liable to be quashed.

NEXT DATE OF HEARING & PURPOSE: THE COURT HAS FIXED THE NEXT DATE OF HEARING FOR 26/05/2022 FOR HEARING OF ARGUMENTS.

.....
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Day 9: 12th July

CASE STUDY:

IN THE COURT OF SUMIT PARASAR

DWARKA DISTRICT COURT,

DELHI

IN THE MATTER:

Manoj Jaiswal ...PLAINTIFF

VS.

Amit Shukla ...DEFENDANT

**TITLE:-COMPLAINT UNDER SEC.138 R/W SEC.142 OF NEGOTIABLE
INSTRUMENT ACT**

FILED ON 12/10/2018

FACT:-Complaint came into contact with accused through one common friend Mr. Neeraj in November 2014 and grew trust on accused and became friend of him in span of a year. The accused showed some earth work related project in Lucknow. Complainant believed in him and accepted to invest in the project. On being asked by the accused to submit Rs. 2,00,000/- as token amount, the complainant gave the amount in cash from October 2014 to March 2015. The accused never came with specific answer and also avoided the complainant on one pretext or another, on being asked by the complainant about the progress.

.....
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Later, not coming with any answer the accused assured the complainant to return the token amount. The accused gave three post- dated cheques of Rs. 1,50,000/- & Rs. 50,000/-, but which got disowned for the reason of insistent fund. It was alleged that the accused has caused wrongful loss to the complainant and wrongful gain to himself.

It has been prayed to summon the accused and punish him under Sec.26 of Negotiable Instrument Act and pass an order for compensation under Sec.357 Cr.P.C. & Sec.117 of Negotiable Instrument Act.

OBSERVATION:- Next date of hearing has been given.

NEXT DATE OF HEARING & PURPOSE:-The Court has given next date of hearing on 24/09/2021 for presentation of evidences.

Day 10: 14th July

**CASE STUDY:
IN THE COURT OF PRADEEP KUMAR SRIVASTAVA
DELHI HIGH COURT
DELHI**

IN THE MATTER:

**Malhotra Associates & Brothers ...PETITIONER
VS.
Dharmendra ...RESPONDENT**

FACT:- Civil action for the recovery of a total sum of Rs. 9,45,620/- alongwith pendent lite and future interest at @15% p.a. Plaintiff No.1 is a registered partnership firm carrying the business of commission agent for sale and purchase of food grains which advances money to the agriculturists and change commission on the sale price of the agricultural produce sold as determined by the market committee. The respondent defendant (herein after referred to as the defendant) had been maintaining regular and long standing current account with the plaintiffs. A sum of Rs. 4,50,000/- stood in the name of the defendant towards outstanding balance and he had acknowledged the same under his signature in the corresponding account entry in the account books of the plaintiffs.

FACT IN ISSUE:-

1. Whether a suit for recovery could be decreed when the pleadings and the evidence led by the plaintiffs were at substantial variance;
2. Whether the plaintiffs could be said to have established its case, particularly when the defendant had denied the factum of borrowing any sum and he signatures on the cash and no evidence including document/ finger print expert was led by the plaintiff to establish the signature of the defendant in the accounts books;
3. Whether it was obligatory on the part of the plaintiff to prove the alleged signatures of the defendant in the cash book when they had been disputed; &
4. Whether the admission of the defendant could be assumed in the absence of the clear and unambiguous admission of the party to the litigation.

.....

HELD:-

It is manifest that signatures are proven by the witness and they have been marked as exhibits without any objection. Thus, there was no plea whatsoever as regards the denial of signature or any kind of forgery or fraud. The present case is not one such case where the plaintiff has chosen not to adduce any evidence. They have examined witness, proven entries in the books of accounts and also proven the acknowledgement duly signed by the defendant. The defendant on the contrary, except making a bald denial of the averments had not stated anything else. That apart nothing was put to the witness in the cross examination when the documents were exhibited. He only came with the spacious plea in his evidence which was not pleaded. Thus, we have no hesitation in holding that the High Court has fallen into error in holding that it was obligatory on the part of plaintiff to examine the handwriting expert to prove the signature. The finding that the plaintiffs had failed to discharge the burden is absolutely misconceived in the facts of the case.

Day 11:- 16th July

**CASE STUDY:
IN THE COURT OF SRI RAJEEV PANDEY
DWARKA DISTRICT COURT
DELHI**

IN THE MATTER OF:

Shiv Shanker ...PETITIONER

VS.

Smt. Bimla Rani ...RESPONDENT

**TITLE: Petition filed under Section 9 of Hindu Marriage Act, 1955 for
Restitution of Conjugal Rights**

FILED ON 1/07/2017

FACT:- The Hindu Marriage was solemnized between petitioner and the respondent according to the Hindu rites and ceremonies on 30/01/2015 at Mirzapur. The marriage was duly consummated and both the petitioner and the respondent were cohabited as husband and wife in matrimonial house and no child was born from the wedlock. After marriage the behaviour of respondent was good but after sometime the behaviour of the respondent towards petitioner and his family changed. She started quarrelling with petitioner and disrespected his family members and she used to go to her paternal home without informing to him husband and used to remain there for many days. Every time petitioner has to take her back from her paternal home but the attitude of respondent remains the same and the petitioner used to remain silent in order to save their relationship. In the month of September 2015, the uncle of respondent approached petitioner and said to him “**Ladki alag rahna chahti hai**”. To save his matrimonial life, the petitioner started living separately from his parents but the behaviour of respondent did not

changed. Ultimately on 2/11/2019, the respondent left the house of petitioner after taking the valuable goods and silver jewellery and clothes without the consent of petitioner. Petitioner made calls and made all possible ways to bring her back but all in vain.

OBSERVATION:- On the date hearing , notice was issued to the respondent.

NEXT DATE OF HEARING & PURPOSE: THE HONA'BLE COURT HAS FIXED THE DATE OF NEXT HEARING ON 27/08/2021. THE ACCUSED HAS TO APPEAR ON THE PROVIDED DATE

Day 12: 17th July

**CASE STUDY:
IN THE COURT OF SRI RAJEEV PANDEY**

**DWARKA DISTRICT COURT
DELHI**

IN THE MATTER:

Meena Saxena ...PLAINTIFF

VS.

Sanjay Saxena ...DEFENDANT

**TITLE: PETITION FILED UNDER SECTION 13B(2) OF HINDU
MARRIAGE ACT, 1955**

FILED ON 11/09/2016

FACT:-In the instant case, the petitioners got married in September, 2007 and were living as husband and wife but after few years, due to some personal reason they got separated and were not cohabiting together for more than a year. After few years the wife shifted to Delhi for doing any job. So both the husband and wife decided for taking divorce by mutual consent under Sec. 13B(2) of Hindu Marriage Act, 1955.

OBSERVATION: On 27/02/2021 petitioner's statement was taken.

**NEXT DATE OF HEARING & PURPOSE:- THE COURT HAS GIVEN
NEXT DATE OF HEARING ON 17/08/2021 FOR HEARING AN
ARGUMENTS.**

Day 13: 17th July

**CASE STUDY:
IN THE COURT OF SRI RAVI KANT MANI TRIPATHI
DWARKA DISTRICT COURT
DELHI**

IN THE MATTER:

**Sagar Bhutani ...COMPLAINANT
VS.
Unknown ...RESPONDENT**

FILED ON 19/01/2018

FACT:-In the given case, the complainant got married to a lady named Seema and after marriage they gave birth to a son and after that to a girl child. The daughter was just 5 months when suddenly she died at midnight. The lady told everyone that she died due to the choking of throat while drinking milk and everyone believed in her words. After this, she used to go out with her six year old son without informing anyone due to which everyone doubted that he must be having an extramarital affair but it was never proved. One day when she was taking her child to the terrace which was on 8th floor, the maid asked that where she is going then she told that she is taking him on terrace for showing birds. The child fallen down from the terrace and the watchman took him to the hospital **and the lady came down calmly from the terrace and when she was asked about** the child she told that he was not there on terrace so she thought that he must have come down. Everyone believed that she has pushed the child from terrace because when the dummy was thrown from the terrace, it fallen down in the same position as the child fallen down and also the height of the railing of the terrace was equal to the height of the child.

OBSERVATION: On 24/07/2021 statement of the complainant was recorded.

NEXT DATE OF HEARING & PURPOSE:- THE COURT HAS GIVEN NEXT DATE OF HEARING ON 27/09/2021 FOR HEARING AN ARGUMENTS.

Day 14: 18th July

**CASE STUDY:
IN THE COURT OF SRI RAJEEV PANDEY
DWARKA DISTRICT COURT
DELHI**

IN THE MATTER:

**Smt. Phulkumari ...PETITIONER
VS.
Rajkumar Singh ...RESPONDENT**

**TITLE:- CASE FILED UNDER SEC.9 OF THE HINDU MARRIAGE ACT,
1955**

FACT:- Petition was filed by the wife for Restitution of Conjugal Rights under Sec.9 of the Hindu Marriage Act, 1955. Her husband consenting to the passing of a decree for the same was passed. After a period of one year, husband filed a petition under Sec.13 of the Hindu Marriage Act, 1955 against the appellant for divorce on the ground that though one year had lapsed from the date of passing the Restitution of Conjugal Rights as no actual cohabitation had taken place between the parties.

While the period of cohabitation, wife was taken to the husband by her parents one month after the decree and that the husband kept her in the house for two days and then again she turned out. Considering this, the District Court held that as the decree of Restitution of Conjugal Rights was passed by the consent of both the parties, the husband was not entitled for divorce. On appeal case came before Division Bench of High Court that a consent decree could not be termed to be collusive, decree so as to disentitle the petitioner to a decree of Restitution of Conjugal Rights and that in view of the language of Sec.23, if a court had tried to make conciliation between the parties and the conciliation had been ordered. The husband was not disentitled to get a decree. The appeal was allowed and the husband was granted a decree of Divorce.

HELD:-

1. Apart from the fact that there was no pleading which is a serious and fatal mistake, there is no scope of giving any opportunity of amending the pleadings. Therefore, NO AMENDMENT IN PLEADINGS.
2. The Sec.9 of the Hindu Marriage Act is held constitutional
3. Even after final decree of divorce has been passed, the husband would continue to pay maintenance to the wife until she remarries and would maintain the one living daughter of the marriage. Wife would be entitled to such maintenance only until she remarries and the daughter of her maintenance get married. Respondent would pay costs of this appeal to appellant assessed at Rs.1500.
4. Appeal dismissed.

Day 15: 20th July

**CASE STUDY:
IN THE COURT OF MANISH KUMAR-II
DELHI HIGH COURT
DELHI**

IN THE MATTER:

Arun Bhandari ...PETITIONER

VS.

State of U.P. & Others ...RESPONDENT

FACT:-Appellant, an N.R.I. living in Germany while looking for a property, came in contact of respondent no.2 and her husband, who claim to be the owner of the property. Agreement was executed, husband and the wife received a sum of Rs. 1, 05,00,000/- from appellant towards part payment of the sale consideration, on enquiry appellant came to know that the original allottee has executed a POA in the favour of respondent no.3. On instituting F.I.R., IO submits a closure report saying that it is a civil case & no criminal offence has been made out. Appellant has then filed a protest petition before a Magistrate, which took cognizance of case, however on representation before S.P. of that area, who transferred the case to another S.I., it came to know that both the S.I. has colluded and filed a closure report, but after seeing the case diary it seems that the offence has been made out. He made an entry to file a charge sheet against the respondent U/S 420,406,567,468 and 479 of IPC. At this stage, the accused persons again colluded with the previous investigating officer and the station house officer and got the investigation transferred to the previous investigating officer. However the Magistrate took the cognizance of the case after filing the protest petition, case diary and other documents under Se. 406,420 of IPC.

SESSION JUDGE:- Respondent alleged that it is a matter of Breach of Contract & not a case of Fraud or Cheating, however Session judge found that the allegation prima facie constitutes a criminal offence and it could not be said that it is a pure and simple dispute of civil nature

HIGH COURT:- Case to be filed before Hon'ble High Court.

Day 16: 21th July

**CASE STUDY:
IN THE COURT OF SRI RAJEEV PANDEY
DWARKA DISTRICT COURT
DELHI**

IN THE MATTER:

Shraddha Agrawal ...PETITIONER

VS.

Neeraj Agrawal and others ...RESPONDENT

FILED ON 18/07/2017

FACT:-In the present case, the respondent and his family members used to torture the plaintiff and when she tries to complain to the police, they insist her not to call police and apologise from her but after that also they used to beat her. After sometime she got pregnant and till the last month of her pregnancy, they force her to do each and every household work and when she gave birth to a baby child, their cruelty grew more on her. After few year, again she gave birth to a son but the situation remain same and she tries to file F.I.R., police does not files her F.I.R. After this they mutually decided that they will not torture her again but after sometime the same thing happened. Therefore, this time she threatens police to file her F.I.R. and this time police filed F.I.R. under compulsion. So the in-laws flew away from their home and after sometime they returned back but her husband and children did not returned though their school session started. So the petitioner demanded custody of her children as she was financially capable of bringing them up.

NEXT DATE OF HEARING & PURPOSE:- THE COURT HAS GIVEN NEXT DATE OF HEARING ON 16/04/2022 FOR HEARING AN ARGUMENTS.

Day 17: 23rd July

**CASE STUDY:
IN THE COURT OF SANJAY HARI SHUKLA
DWARKA DISTRICT COURT
DELHI**

IN THE MATTER:

**Brijesh Agrawal ...PETITIONER
VS.
Anil Kumar ...RESPONDENT**

TITLE:-DISPUTE OF PROPERTY

FILED ON 21/09/2017

FACT:- In the instant case, the plaintiff has filed a suit against his eldest son namely, Anil Kumar (Defendant). The Plaintiff has alleged that from the inception of the marriage the defendant with his wife creates problem in his entire family and pickup quarrel on small issues. On 22/12/2016 filed that the defendant picked up quarrel with the plaintiff and compelled the plaintiff to remove his younger son from the bigger room. The defendant did not stop here and did a rigid quarrel in order to remove his younger brother from the first room. Because of the bad behavior of the defendant, plaintiff lodged F.I.R. in order to protect himself and his family from creating resin of defendant. After been dishonored by the plaintiff defendant still acquires the other said promise forcefully because of which the plaintiff again lodged a police complaint. The plaintiff have alleged that the defendant threatens him out of the said property leading to which plaintiff is seeking a relief of Permanent Injunction against the defendant for restraining him to dispose the plaintiff from the suit property.

OBSERVATION:- On this day, in court hearing, the plaintiff sent a notice to the defendant. The defendant thereby submitted written statement alongwith the submitted application of Order 7 Rule 11 from the rejection of plaint.

NEXT DATE OF HEARING & PURPOSE:- The Court has given the next date of 07/08/2021 for hearing the argument on Order 7 Rule 11.

Day 18: 25th July

**CASE STUDY:
IN THE COURT OF SHAMIM AHMAD ANSARI
DELHI HIGH COURT
DELHI**

IN THE MATTER:

**Sunil Gupta ...PETITIONER
VS.
Kishore Chand ...RESPONDENT**

TITLE:- Complaint U/S 323,320,448,411,452 of IPC

FACT:- In the instant case, the plaintiff claims to occupy a plot bearing No.C-182, in the year 1975. Plaintiff claims he and his younger brother got constructed the whole suit property and started residing in the said property and the plaintiff got constructed one room in the demolished space. The plaintiff alleged that the defendant no.1 to 4 are having an evil eye on the premises of the plaintiff and are forcefully trying to stop the reconstruction and are threatening plaintiff and other family members. Thereby, plaintiff has filed the suit to pass a decree of Permanent Injunction against the defendant not to demolish the wall created by the plaintiff and not to enter the said property. On the other hand, defendant in his written statement to the suit filed by the plaintiff says that the plaintiff, who is the real brother defendant has filed the suit which is not maintained as the defendant and his family has been decided in the suit property since 1980 which is confirmed by the various documents such as ration card, the gas cylinder receipt and other documents and the defendant subsequently shifted to the other block and the plaintiff allegedly, in order to grab the property got a room constructed in the space of the defendant.

HELD:- The Hon'ble Court held that the property in which plaintiff build the room belonged to all the brothers as it was proofed through the various documents which was presented by the defendant. So the court restricted the plaintiff from constructing the room in the demolished space.

Day 19: 27th July

**CASE STUDY:
IN THE COURT OF SMT. ADESH NAIN
TIS HAZARI DISTRICT COURT
DELHI**

IN THE MATTER:

Ajay Kumar ...APPLICANT

VS.

State ...RESPONDENT

TITLE:- Complaint U/S 498A, 406, 354, 506 IPC

FILED ON 02/03/2021

FACT:-In the instant case, the wife filed case against her husband and his family members for dowry. They used to torture her physically and mentally for dowry. The relationship between the husband and wife was not normal, they had sexual intercourse for only four or six time after marriage and that also happened for proving that he is not impotent and he used to tell her that he is not interested in her, he is interested in some other woman. His family members used to torture her for bringing jewellery and cash from her parent home on every festivals. For this charges, the whole family members are in jail including husband, in-laws, brother-in-law and sister-in-law and they have applied for anticipatory bail but haven't yet got anticipatory bail.

NEXT DATE OF HEARING & PURPOSE:- THE COURT HAS GIVEN NEXT DATE OF HEARING ON 24/8/2021 FOR HEARING AN ARGUMENTS.

Day 20: 28th July

**CASE STUDY:
IN THE COURT OF MR. RAHUL
TIS HAZARI DISTRICT COURT
DELHI**

IN THE MATTER:

Suresh Chadda ...PLAINTIFF

VS.

Santosh Kumar ...DEFENDANT

FILED ON 27/04/2015

FACT:-In the present case, defendant brought a godown but after sometime he wanted to sell it. The plaintiff induced defendant to sell his godown to him as he has a well-established business and also has very many contacts, so he will used to providethe defendant with many contracts both private and government and as he was havingan interior design business, he got impressed by his proposal and agreed to sell his godown to him but he was not able to it as the godown was under rental property lease agreement. So the defendant paid the compensation amount to the plaintiff out of the court for his loss but then also plaintiff lodged a case against defendant claming compensation for the loss caused to him due to breach of agreement.

OBSERVATION:- On this date, the complainant was to submit the written submission

NEXT DATE OF HEARING & PURPOSE:- THE COURT HAS GIVEN NEXT DATE OF HEARING ON 17/9/2021 FOR HEARING AN ARGUMENTS.

Day 21: 30th July

**CASE STUDY:
IN THE COURT OF SUSHRI SALONI RASTOGI TIS
HAZARI DISTRICT COURT**

IN THE MATTER:

Kishanlal ...PLAINTIFF

VS.

Khurana & Sons ...DEFENDANT

FILED ON 15/03/2019

FACT:-In the given case, the workman used to work as a driver for the management for five years at a salary of Rs.10,500 which was less than the salary fixed by the government and no legal necessity was provided to him. Workmen used to ask for increasing his salary but they used to neglect his request and when he started demanding again and again, the management terminated him from his job without giving a prior notice. The workman complained under labour union. The labour union sent a notice to the management but they didn't replied. So the workman filed a petition under court for the reimbursement of his loss and all the charges of legal proceeding.

OBSERVATION:- On 25/07/2020 both the parties sat together for the compromise and both the counsel took one more date for compromise.

NEXT DATE OF HEARING & PURPOSE:- THE COURT HAS GIVEN NEXT DATE OF HEARING ON 7/10/2021 FOR HEARING AN ARGUMENTS.

CONCLUSION

In the end, I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, but what we have learned from this internship is the mechanism of this body.

I was surprised to see how the simplest of laws were applicable in the most difficult of situation and how loopholes leaves so much scope for evolution and improvisation today in this field. I also observed that law is everything but constant with same soul as that of a human. In other words or as that of our counsel, law may come and law may repel, but they must always be faithful to the Constitution, which is the most supreme law of the land and governs all equals and unequals in respect of each other.

With the vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow my vision in this field. I conclude this report with a great lot in my mind.

**WITH REGARDS:
PRAGYA KATARE
ENROLLMENT
NO: 08890103817**

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

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Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT

SCHOOL OF LAW

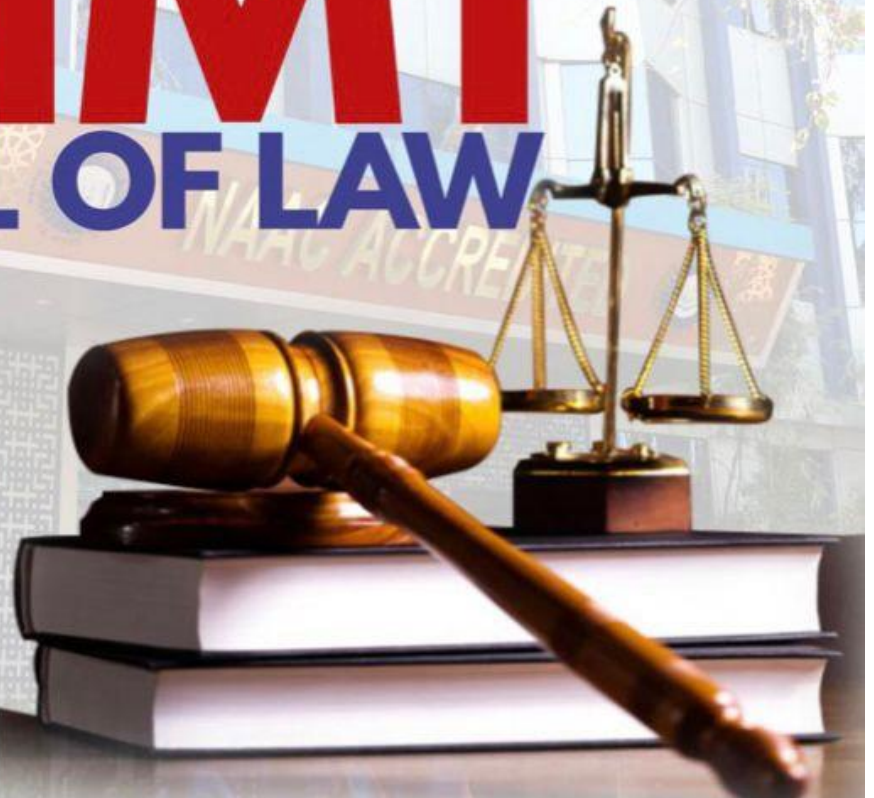
Submitted by:-

NAME - Pranjal Hans

ENROLLMENT NO. - 08990103817

COURSE - BA LL B IX-B

BATCH - 2017-2022





STUDENT INTERNSHIP DIARY

5 YEARS BA-LLB (INTEGRATED) | BBA-LLB (INTEGRATED)

FIMT-SCHOOL OF LAW

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Session 20.17.....-20.22.....

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Advocates & Legal Consultants

DELHI HIGH COURT & SUPREME COURT OF INDIA

Ref. No.

Date:- 08.11.2021

TO WHOMSOEVER IT MAY CONCERN

This is to certify that Ms. PRANJAL HANS, D/o Sh. Ravish Hans, R/o House No. - H-70, second floor, Lajpat Nagar-1, New Delhi-110024, a student of B.A. LL.B. IXth Sem., (Five years course), Batch 2017-2022, at Fairfield Institute of Management and Technology, (Affiliated to GGSIP University), Kapasehra, Delhi, has successfully completed her internship w.e.f. 06.09.2021 to 25.10.2021, in my office under my supervision.

During the internship, she worked on various Civil and Criminal case analysis and drafts.

She is a very sincere, dedicated and hard working girl.

I wish her all the success in her life and career.



SANJIV SHARMA
Advocate
DELHI HIGH COURT
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Page 1 of 1

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DECLARATION

I *PRANJAL HANS* of 9th semester, section B of BA-LLB(H) here by declare that this report is compiled by me under 4weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to **Fairfield InstituteOf Management & Technology** affiliated to **GGSIIP UNIVERSITY, New Delhi** is are liable document and is of bona fidenature.

Signature-Pranjal Hans

Date– 26th November 2021

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected Mentor

Mr. Sanjiv Sharma **where I undertook & completed my 4 weeks internship for Content Writing or Research work** who has been my constant support, source of encouragement, inspiration, guided and helped me in successfully completing my Summer Internship.

Moreover, apart from Court they gave me a chance to get practical exposure by attending various conferences, seminars with various advocates online.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting of this report.

OBJECTIVE

The Legal Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to:

Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

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Case No. 1

L.C. Golaknath & Ors. Vs. State of Punjab

(1967 AIR 1643, 1967 SCR (2) 762)

Division Bench: Subba Rao, K.N. Wanchoo, M. Hidayatullah, J.C. Shah, S.M. Sikri, R.S. Bachawat, V. Ramaswami, J.M. Shelat, Vihishtha Bhargava, G.K. Mitter & C.A Vaidiyalingam

Provision Applied: Article 19(f),(g), Article 14, Article 32, Article 13(2)

Facts: The facts of the case were that the family of one William Golak Nath had over 500 acres of property in Punjab. Acting under Punjab Security and Land Tenures Act, 1953 which was placed in 9th Schedule by the 17th Constitutional Amendment Act, 1964 the state government intimated to petitioner that he can now only possess 30 acres of land & rest will be treated as surplus. Aggrieved by this intimation of the state government petitioner filed a writ petition u/a 32 of Indian constitution and pleaded the violation of his FR's mentioned U/A 19(1)(f) i.e. Right to Hold & acquire property, 19(1)(f) Right to practice any profession & 14 (Equality before Law & Equal protection of laws

Issues Raised:

1. Whether Amendment is a law under the meaning of Article 13(2).

2. Whether Fundamental Rights can be Amended or not.

Contentions by Petitioner:

- The petitioner argued that the constitution of India was drafted by the constituent assembly and it is of permanent nature. No one can change or can try to bring change in the constitution of India.
- They argued that the word “amendment” in question only implies a change in accordance with the basic structure but not altogether a new idea.
- Further, the petitioner contended that the fundamental rights enshrined under part III of the constitution cannot be taken away by the parliament. They are the essential and integral part of the constitution without which constitution is like a body without a soul.
- The petitioner also argued that Article 368 of our constitution only defines the procedure for amending the constitution. It does not give the power to the parliament to amend the constitution.
- The last thing on which the petitioner argued before the court was that Article 13(3)(a) in its definition of “law” covers all types of law i.e. statutory and constitutional etc. And by virtue of Article 13(2), which says that the state cannot make any law which takes away the rights mentioned under Part 3, any constitutional amendment which takes away the Fundamental rights will be unconstitutional and invalid.

Contentions by Respondent :

- The respondent contended before the court that constitutional amendment is a result of the exercise of its sovereign power. This exercise of sovereign power is different

from the legislative power which parliament exercises to make the laws.

- Our constitution makers never wanted our constitution to be rigid in its nature. They always wanted that our constitution to be flexible in its nature.
- The object of the amendment is to change the laws of the country as it deems fit for the society. They argued that if there won't be any provision for amendment then, it would make constitution a rigid and non-flexible one.
- They further argued that there is no such thing of basic structure and non-basic structure.
- All the provisions are equal and of equal importance. There is no hierarchy in the constitutional provisions.

Judgement:

In this case, at that time the supreme court had the largest bench ever.

The ratio of the judgement was 6:5.

The majority opinion of Golak Nath case doubt that if the parliament has power to amend laws which are against the Fundamental Rights, a time can come when all fundamental rights adopted by our constituent assembly will be changed through amendments.

The majority said that the parliament has no right to amend the fundamental rights. These are fundamental rights are kept beyond the reach of parliamentary legislation. Therefore, to save the democracy from an autocratic actions of the parliament the majority held that parliament cannot amend the fundamental rights enshrined under Part III of the Constitution of India The majority said

that fundamental rights are the same as natural rights. These rights are important for the growth and development of a human being.

Case No. 2

TIPS INDUSTRIES LIMITED VS WYNK MUSIC LIMITED & ANR

IN ITS COMMERCIAL DIVISION

NOTICE OF MOTION (L) NO. 197 OF 2018

IN

COMMERCIAL IP SUIT (L) NO. 113 OF 2018

AND

NOTICE OF MOTION (L) NO. 198 OF 2018

IN

COMMERCIAL IP SUIT (L) NO. 114 OF 2018

DIVISION BENCH: S.J. KATHAWALLA

Provision Applied: Section 31-D, Section 52(1)

Facts:

Tips Limited Industries is the owner of over 25000 sound recordings and whereas Wynk Music is owned by Bharti Airtel which provides an Over The Top service making it available on the internet through which, the subscriber, upon payment of a subscription fee, can listen to many sounds recording and an audio-visual recordings including Tips industries repertoire Wynk had license from the Tips industries (a written license agreement) dated August 22,2014 and expired on August 31, 2016 for a sum of Rs. 1.31 Crore per year. However on a

condition that written agreement would be executed by them and on failing which they would stop using the music of tips, they extended their agreement to October 31,2016. Tips industries demanded a minimum guarantee for a sum of Rs. 4.5 crores for 2 year which is rejected by the Wynn.

After Negotiation broke down, Tips Industries requested Wynn to deactivate its Repertoire from their platform, which was not complied with by Wynn.

Thereafter, Tips Industries issue a cease notice to Wynn on 17th November 2017, In reply, Wynn invoked a Section 31-D of Copyright Act,1957, they claimed that Wynn is a broadcasting organization which is entitled to statutory license under the said section to communicate the work to public by way of broadcasting of Tips industries musical work and recordings. Consequently on 29 January, 2018 , Tips Industries filed two suits against Wynn i.e. (i) Infringement of Copyright disputing Wynn's right to avail statutory license provided for by Section 31-D (ii) Permanent Injunction against restraining them from communicate to public. Tips sounds and sound recordings and to give tips songs on commercial rental/ sale by way of providing download feature.

Issue Raised :

(i) Whether the defendants are infringing upon the Plaintiff's copyright within the Plaintiff's repertoire as provided for Section 14(1) (e) of the Act.

(ii) Whether the Storage of sound recordings upon the Defendant customers devices can be considered transient or incidental to the services provided by the Defendant's , as provided in Section 52 (1) (a)(b) of the Act.

(iii) Whether the Defendant can invoke section 31-D of the Act to exercise a statutory license in respect of their download or purchase business.

(iv) Whether Rule 29 of the Copyright Rules,2013 and the third proviso are invalid.

Petitioner's Contentions:

- i. Tips industries claims to be the owner of 25000 sound recordings.
- ii. On October 31, 2016 Tips industries asked for a minimum guarantee for a sum of Rs. 4.5 crore which was rejected by the Wynk.
- iii. Plaintiff issued a cease notice on 17th November 2017 to remove the Plaintiff's repertoire from their Wynk Platform.

Defendant's Contentions:

- i. Wynk invoked a Section 31-D of the Copyright Act, 1957 claiming themselves to be a broadcasting organization
- ii. Wynk argued that allowing the user to retain an electronic copy of sound recording for personal use or enjoyment on the Wynk application constitutes "fair dealing" and does not amount to copyright infringement of Tips industries under section 52(1) (a) (i) of the copyright Act.

Observation:

The internet broadcasting organizations cannot enjoy the benefits of a statutory license under section 31-D. The intention of the Legislature while enacting the Copyright (Amendment) Act, 2012, was to restrict the grant of statutory license under section 31-D to radio and television broadcasting organizations. Therefore, the Court

considered it necessary to grant reliefs in favour of Tips industries in terms of the permanent injunction claimed by it.

Held:

Insofar as the download and purchase feature of Wynk's activities are concerned, the same amount to infringement of Tips' rights provided under Section 14(1)(e)(ii) of the Copyright Act; insofar as the on-demand streaming services are concerned, the same amount to infringement of Tips' rights provided in Section 14(1)(e)(iii) of the Copyright Act; and the provisions of Section 31-D of the Act are not applicable to internet broadcasting.

The Court considered its necessary to grant reliefs in favour of Tips industries in terms of the permanent injunction claimed by it as mentioned above. The present notice of motion were therefore allowed.[Tips Industries Ltd. v. Wynk Music Ltd., Notice of Motion (L) No. 197 of 2018 in Commercial Suit IP (L) No. 114 of 2018, decided on 23-04-2019]

In view of a Supreme Court decision, Justice Kathawalla observed for the present, the Appellate Board lacks jurisdiction to fix rate of royalty for internet broadcasting.

Bearing these observations in mind, the Court also held that a September 2016 Government Memorandum stating that internet broadcasting would also be covered by Section 31D appeared contrary to the Copyright Act. Justice Kathawalla therefore declined to accept that the memorandum was binding on the Court. He held,

The Court, therefore, granted an interim injunction in favour of Tips.

Case No. 3

Joseph Shine V Union Of India

Writ Petition (Criminal) no. 194 of 2017

Bench Division: Justice D.Y. Chandrachud, Deepak Misra, Justice A.M. Khanwilkar, Justice R.F. Nariman and Justice Indu Malhotra

Facts : In October 2017, Joseph Shine, a non-resident of Kerala, had filed a PIL under Article 32 of the Constitution of India. The petitioner had challenged the constitutionality of the offence of adultery under Section 497 of Indian Penal Code read with Section 198(2) of the Criminal Procedure Code.

Section 497 of the Indian Penal Code: Adultery.—Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an abettor.”

Section 198(2) of Criminal Procedure Code: “For the purposes of subsection (1), no person other than the husband of the woman shall be deemed to be aggrieved by any offence punishable under section 497 or section 498 of the said Code: Provided that in the absence of the husband, some person who had care of the woman on his behalf at the time when such offence was committed may, with the leave of the Court, make a complaint on his behalf.”

Adultery was punishable with with a maximum imprisonment of 5 years.

Issue Raised:

1. Whether Section 497 of the Indian Penal Code, is unconstitutional being unjust, illegal, arbitrary and violative of fundamental rights?
2. Whether Section 198(2) of the Criminal Procedure Code, is unconstitutional being unjust, illegal and violative of fundamental rights?

Petitioner's Contention:

1. The past background when Section 497 IPC was framed, is no longer relevant for for today's society.
2. Section 497 IPC and Section 198 (2) CrPC is arbitrary and also a violative of Article 14 of the Constitution Of India as it offends the requirement of equality and it discriminates on the basis of marriage status.
3. Section 497 criminalizes adultery based on a classification that made on gender alone.
4. Under Section 497, only the male person is punishable for the offence of adultery. The woman, is not punishable, even as an 'abettor'".
5. Under Section 497 of the Indian Penal Code, if the adulterous relationship between a man and a married woman, takes place with the consent and connivance of her husband, it would not constitute the offence of adultery.

Respondent's Contention :

1. Since Sec 497 of the Indian Penal Code was a special provision for the benefit of women, it is saved by Article 15(3) of the Constitution of India which is an enabling provision providing for protective discrimination.
2. Any act which outrages the morality of society should be punished as crime.
3. "Family" is the main unit in the society, if the same thing is disturbed it would cause the stability and progress.
4. Adultery also affects the growth of children.
5. Adultery violates the sanctity of marriage, right of spouse and breaks the unit of Family and affects the growth of children as well as society.

Judgement :

The Court struck down Section 497 of Indian Penal Code as an unconstitutional being violative of Article 14, 15 and 21 of the Constitution Of India and held that Section 198(2) of CrPC shall be unconstitutional to the extent that it is applicable to Section 497 Indian Penal Code.

The court also observed that the Section 497 IPC law is based on "Societal Presumption".

The court also declared that the Husband cannot be the master of his wife, and mainly highlight that the women cannot be the property of his husband or father, they should have equal status in the society.

The court also observed that the "crime" is committed against the whole society whereas adultery is a private issue, adultery does not

fit in the category of crime , so it should not be considered as an criminal offence.

The autonomy of an individual person to make his/her choices of life with respect to his/her sexuality is the most important choice of life and the same should be protected from public censure through criminal sanction.

Section 497 of Indian Penal Code is a pre-constitutional law which was enacted in 1860. There would be no presumption of constitutionality in a pre-constitutional law (like Section 497) framed by a foreign legislature.

The 156th report of the Law Commission of India, recommended to introduce an amendment “to incorporate the concept of equality between gender in marriage “ i.e. the offence of adultery.

Article Writing

Is Rape Limited to only Female? If no, is there any need of amendment to include men's Rape as an offence in IPC?

What is Rape?

Rape is a kind of "sexual assault" which usually include sexual intercourse and other types of sexual penetrations which is carried out against a woman without her consent. This Act can be done by use of physical force, coercion or against a person who is unable to give a valid consent to the person example a person who is not in his conscious or is below the legal age of giving consent.

Section 375 of IPC: Rape.—A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions:—

(Firstly)— Against her will.

(Secondly) —Without her consent.

(Thirdly)— With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt.

(Fourthly) —With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

(Fifthly)— With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

(Sixthly) — With or without her consent, when she is under sixteen years of age.

Is Rape Limited to female only?

No, Rape is not limited to female only, but to all humans, all genders.

According to Section 375 of IPC, rape is something which only a man can do to a woman, but there is no room for the male victims. Although child survivors of both the genders are covered in Protection of Children from Sexual Offences Act, 2012, but the present rape laws leave the large number of male victims, who cannot come forward because of the lack of laws in our country.

Why the “rape of male victims” has given a word “sodomy” ?

According to Indian Laws man cannot be raped at all, they can only be “sodomised” which is covered in Section 377 of IPC.

The definition of rape is limited to only “ the penetration of vagina by a man” , woman cannot be punished for rape , they can only be punished for sexual assault or forcefully unnatural sex under S.377 IPC.

So according to this definition a male cannot be legally rape and even socially many people believe that a man cannot be raped by woman.

But yet, a rape is essentially just a non consensual sex.

There was a case once where a man was sexually harassed by his boss and when he went to human resources department to complain about his boss, what the officials told him was to “enjoy it”.

Here, what I’m trying to tell you is that in our country people believes that a man cannot be raped.

This will be very familiar to many women --- they are often told that verbal harassment should be taken as compliment , and they should “enjoy it”, however women are not pleased by such behaviour or men , so we should not expect men to be either to please such behaviour.

Men themselves are hesitate to report being raped for fear of being judged by a society with iron-clad notions about masculinity. “Aren’t you a man? Why didn’t you hit back? Were you enjoying it,” are some of the questions survivors are often asked, “pushing them further into a closet by their own kind,”

Maneka Gandhi, minister of women and child development, is reportedly to amend the Protection of Children from Sexual Offences (POSCO) law in response to the petition on Change.org. But there is , yet no dialogue about the rape of adult man by another man or woman.

I didn't expect a response so soon, because we don't recognise male or even transgender victims in our rape laws and even we don't have any data on male rape in India.

Rape by women or Rape of Men

In present time, If a man files a complaint against a woman for committing any offence like sexual harassment, voyeurism , stalking or outraging the modesty , the woman will get free without suffering any punishment by our laws as our Indian Penal Code believes that this offence can only be done by male genders.

In this time we are thinking about Protection of woman from sexual violence and number of laws have enacted for their protection , but what about the protection of male genders? How can we protect their dignity and how can we protect the male gender from the attack of sexual violence ? Even our Indian Penal Code defines the offence Rape as an offence which can only be done by male gender against the female but in my views rape is something which is a sex without consent irrespective of their gender.

Rape is not amount to penetration of penis into the vagina but inserting anything or applying mouth also constitutes rape. These acts can also be done by the female gender to the male without his consent which also must be criminalized.

Conclusion :

It is very important to note that rape is a gender-neutral crime.

Finally, when I spent my time for researching about making a rape a gender-neutral crime, in this I am not claiming that women and men both the genders suffer rape in equal ratio and I am not even claiming that men and women do commit the rape in equal numbers.

However, the view that rape narrative as exclusively that of a man violating a women does an injustice to those people who own a rape stories does not fit the typical mould that is easier for us to understand. As these survivors of rape have finally found the courage to share their stories with us, legislating on such as itself a criminal act.

**NABHA POWER Ltd. (NPL) VS PUNJAB STATE POWER
CORPORATION Ltd.**

CIVIL APPEAL NO. 179 OF 2017

COURT: SUPREME COURT OF INDIA

BENCH: SANJAY KISHAN KAUL, J.

FACTS:

The claimant, Nabha Power Ltd. was incorporated as a Special Purpose Vehicle by the Punjab State Electricity Board through an international competitive bidding process for selection of a developer for power procurement. Later it was succeeded by Punjab State Power Corporation Limited (PSPCL). This was all done for setting up a power procurement plant in Rajpura, Punjab.

As a result, Nabha Power Limited then entered into a 25-year Power Purchase Agreement with Punjab State Power Corporation Limited (PSPCL). And, due to this agreement NPL was held responsible for supplying coal to PSPCL.

Problem arose when few costs of NPL; such as that of washing of coal, road and surface transportation for bringing coal to the project site, liaising for procurement of coal, third-party analysis of coal, and transit and handling losses in transportation of coal, were not reimbursed by the PSPCL which were not expressly covered under the Agreement.

The claimant was aggrieved by PSPCL's stance of denying reimbursement of expenses spent by the Appellant, and hence, filed a petition before the State Electricity Regulatory Commission. The same was dismissed.

The second and equally considerable injury of NPL pertained to the measurement of the Gross Calorific (GCV) of coal at the project site and not at the 'mine-end' where the property is supposed to pass on to the claimant as urged by the PSPCL.

The claimant's case was based on the contention that the washing of coal was crucial as only coal of a specified quality could be used in its plant due to extant MoEF notifications and that the reference to coal and fuel in the Power Purchase Agreement (PPA) could only mean washed coal.

Therefore, the actual cost of purchasing, transporting and unloading of coal specifically referred to in Article 1,2,3 of Schedule 7 of the Power Purchase Agreement, must refer to such actual cost of coal. The question which arose for the consideration before the Bench was whether the assurance of reimbursement of the actual cost of purchasing coal would not withstanding the express provision of the contract, include by the implication the additional cost incurred towards, inter alia, washing of the coal necessary to raise it to the grade of "Fuel" as defined under Power Purchase Agreement.

If the aforesaid were to be answered in the affirmative, the appellant would automatically get entitled to reimbursement for all the costs incurred by it for getting coal of required quality to its project site including, washing charged and all transportation costs, irrespective of the mode of the transport i.e. rail or road.

The second, unfairness of the Claimant stemmed from the fact that the GCV of coal undergoes deterioration when transported for the purpose of washing. As the coal was being transported over a distance of approx. 1000 kms, there was a notable disparity between the GCV of coal measured at the mine end and the GVC of coal at the project site end.

It was the case of the claimant that the formula for calculating energy charge contemplates that GCV of the coal be measured at the project site and not at the mine-end.

CONTENTIONS OF THE APPELLANT

In its claim for costs under the Agreement, Nabha Power Limited included the cost of,

- (a) Washing coal,
- (b) Transporting, storage and handling of coal along-with
- (c) Certainly, ancillary charges such as crushing and sizing of coal

NPL therefore, contended that the Charges Formula Clause included all costs incurred by NPL until transportation project site.

CONTENTIONS OF THE RESPONDENT

PSPCL contended that the term 'washing' was not an express part of the energy charges formula.

PSPCL further argued that the coal to be supplied could not be 'washed' coal and that the obligation of washing fell on NPL. If the parties intended, they would have expressly stipulated payment for the 'actual' cost of coal used for generation of power.

Under the Power Purchase Agreement, there were only three distinct identifiable components of coal recognised for tariff i.e. (a) Purchase; (b) Transportation and (c) Unloading.

Thus, until and unless the claims squarely fall under one of the above, mentioned heads, the same cannot be included in the monthly energy charges.

JUDGEMENT

The decision in Nabha Power Limited's appeal is a step towards ensuring that the contractual rights of private individuals, as well as the state, are based on equity.

In this case it was observed that the formula broadly refers to three components i.e. (a) purchasing, (b) transporting, (c) unloading the coal.

These three components are used with the term most recently supplied to and at the project.

In this case, the bench applied the principle of *Reddendo Singula Singulis* and held that the word 'to' obviously would have reference to transporting while the word 'at' would have a relationship with unloading. And, since the coal would be transported to and unloaded at the project, therefore, the weighted average actual cost spent by the claimant of purchasing the coal and transporting it to the project site and thereafter unloading the coal at the project site.

And, so, it was held that a reading of the Energy Charges formula leads to only one conclusion, that all the costs of coal up to the point of the Project site have to be paid to the successful bidder and the GCV of the coal ought to be necessarily measured at the project site.

Accordingly, the appeal filed by Nabha Power Limited was partially allowed.

The reasoning employed by the Apex Court in Nabha's appeal is a welcome departure from the judiciary's general reluctance against enforcing contractual terms against the State.

It is considered, that it is only fair that the State should be bound by the terms of the agreement as any other private party would be under similar circumstance.

THANK YOU,
PRANJAL HANS

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included dimensions of criminal medico legal experts to civil corporate litigation. All of which was an over the top experience.

Such summer trainings help a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was the pre-requisite to our training.

When it comes to observance of trials in the courts, it was one of the most essential parts of learning for an intern. Observance of trials and court proceedings help in understanding the very root of the law in India. Proceedings are the whole mechanism into whose analysis is always advisable.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind



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SUMMER TRAINING REPORT

SESSION : 2017-2022

SUBMITTED TO:

FIMT-SCHOOL OF LAW

SUBMITTED BY:

NAME: PRASHANT SOLANKI

COURSE: BA LLB(H)

ENROLLMENT NO: 09090103817

SEMESTER: IX(B)

ENROLL. NO. D/1522/1995

11th October, 2021

To Whomsoever It May Concern

This is to certify that Mr. Prashant Solanki, S/o Sh. Charan Singh Solanki Student of Fifth year of FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY, NEW DELHI, Enroll No. 09090103817 has worked as an intern under me from 24th August, 2021 to 07th October, 2021. During the internship he attended the court proceedings of different trial courts cases, civil or criminal and also attended appellat courts including the High court of India with me and my other associates. he has also worked on number of pending court cases. assisted me in drafting of the applications and reply of new cases. rejoinders and applications and also very honestly and sincerely assisted in the inspection of the pending judicial files, obtaining certified copies from the pending cases, translation several complaints and documents in English with lots of research in finding precedents and latest authorities, as per the requirement of the cases. He is very much regular, punctual, sincere and hard working promising intern, who took keen interest in the court proceedings and also curious to know more and more about the different stages of litigation and the legal consequences. I wish him all success and pray to be a successful lawyer in his coming future.



(Lal Singh Thakur and Associates)

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DECLARATION

I **PRASHANT SOLANKI** student of 9th semester B.A.LL.B.(Hons.) do hereby declare that this report as compiled by me under summer internship program is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to **Fairfield Institute Of Management & Technology** affiliated to **Guru Gobind Singh Indraprastha University, New Delhi** is a reliable document and is of bona fide nature.

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to Sir **Adv. Lal Singh Thakur**, who has been my constant support.

Throughout my internship period he has been a great source of inspiration to me, and still continues to be so.

Working under him was not only a great opportunity but educational as well. He has guided and helped me in successfully completing my Summer Internship.

Moreover, apart from court he gave me a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during the internship as well as at the time of drafting of this report

I would also thank my parents for supporting me dearly throughout this period of internship & for adjusting their already busy schedule to suit mine & making it as much comfortable for me as they could possibly do. I also pay my sincere regards to the office staff of Sir **Adv. Lal Singh Thakur** for always being helpful & supportive to me as an intern in order to facilitate the efficient completion of tasks assigned.

OBJECTIVE

Clinical education programs for law students have been of great advantage to them. The objective of such programs is to provide an understanding of the human, social and policy contexts of law and legal practice. This objective is met through the Legal Internship. Internships fulfill an important component of both academic and practical education in law. The integration of professional experience into the learning process is highly effective in developing the understanding of law in action, as you are able to observe and perceive the relevance and application of theory to practice. Consequently, the program is not simply 'work experience' but a significant educational experience.

In a workplace setting one will be exposed to the reality of the practice of law in all its dimensions –

- The integration of different areas of law, policy issues;
- The application and development of skills to the analysis and resolution of client concerns;
- Ethical responses to situations which arise unexpectedly and spontaneously;
- Issues of professional responsibility including responsibility to clients and case management;
- The operations of the government and court system in the legal process.

These subjects provide the theoretical knowledge and ethical framework necessary for you to appreciate the operation of the 'law in action'.

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**IN THE COURT OF Ms. NEHA PALIWAL,MM
DWARKA COURTS , NEW DELHI**

IN THE MATTER OF:

SH. SATISH KUMAR

.....PETITIONER

VERSUS

SMT. RISHALI DEVI

.....DEFENDANT

Accused No.- 1 Smt. Rishali Devi (Mother)

Accused No.- 2 Rajveer (Brother)

Accused No.- 3 Nephew

Accused No. - 4 Devender (Brother)

Accused No.- 5 Real sister of complainant

Complainant U/S: 323/341/452/354/506/509/420/468/471/120-B/34 of Indian Penal Code

BRIEF FACTS:

Complaint is permanent resident of 4/45, ground floor, Khichripur, Delhi.

Complainant is residing on the ground floor with his family. Due to some misunderstanding between the accused and the complainant , a suit for mandatory and permanent injunction was filed before Civil Judge of Dwarka and the same was compromised between them before the mediation centre, Dwarka on the condition that none of the accused will interfere in the possession of the complainant. Case was withdrawn by both the parties after order of the mediation centre.

Both the parties started living together but after sometimes accused no.- 1-5 started quarrelling with the complainant and his wife. All the accused started trespassing in the house of the complainant illegally and forcefully and also threatened them to dispose of the property , also they threatened them by saying that if they failed to leave the possession of property, they would kill them, and also made forged documents regarding property .

Accused on a daily basis visit the place of the complainant and used to abuse the complainant and his wife also beat them. When the complainant went to the Police Station for complaint, police officials refused to file a complaint by saying that “ this is your family matter.”

After regular collusion, when the complainant again made the complaint, police officials refused to file a complaint because they had taken bribes from the accused person and told them (complainant) we will not file your complaint. Because the accused and their association are very rich and influential people and knew some police officials too, so police officials always refuse to register complaints against them.

Now , the complainant and his family are living under the terror of the accused.

OBSERVATION: On date of hearing i.e. 24/08/2021 , Copy of charge sheet received.

NEXT DATE OF HEARING :- 04/10/2021

PURPOSE- On the next date of hearing the case will further proceed for consideration of charge.

IN THE COURT OF HON'BLE PRINCIPAL JUDGE OF FAMILY COURT

VISHWAS GARG, DWARKA COURTS, DELHI.

IN THE MATTER OF:

SH. SONU BREJMOHAN

.....PETITIONER

VERSUS

SMT. HIMANI

.....RESPONDENT

Petition filed under section 9 of Hindu Marriage Act, 1995 for Restitution of conjugal rights.

BRIEF FACTS:

The Hindu Marriage was solemnized between petitioner and respondent according to Hindu rites ceremonies on 23/04/2012 at Ghaziabad. The marriage was duly consummated and both petitioner and respondent were cohabitated as husband and wife in matrimonial house and no child was born from the wedlock. After marriage the behaviour of respondent was good but after sometime the behaviour of respondent towards petitioner and his family was changed she started quarrelling with petitioner and also disrespected petitioner and his family and she used to go to her parental home without informing to her husband and used to remain there for many days, every time petitioner used to take her back from her parental house but the attitude of respondent remains same and the petitioner remains silent in order to save his relationship in the month of May 2013, the uncles of respondent approach the petitioner and said to the petitioner "Ladki alag rehna chahti hai." To save his matrimonial life, the petitioner started living separately from his parents but the behaviour of the respondent was not changed. Ultimately on 17-06-2015, the respondent left the house of the petitioner after

taking the valuable goods and gold jewellery and clothes without the consent of the petitioner.

Petitioner made calls and made all possible ways to bring her back but all in vain.

OBSERVATION:

On the date of hearing, notice was issued to the respondent.

NEXT DATE OF HEARING: 20/11/2021

PURPOSE: Next date for hearing is fixed for appearance of respondent.

**IN THE COURT OF SH. RAMNIVAS GARG, DISTRICT COURTS DWARKA,
NEW DELHI**

IN THE MATTER OF :-

STATE

.....COMPLAINANT

VERSUS

VINOD SHARMA

.....ACCUSED

Subject Matter:- complaint under section 498A of Indian Penal Code,1860.

BRIEF FACTS:

1. That the marriage between the revisionist and respondent no. 1 was solemnized on 15/02/2009. They both lived together and out of their wedlock a minor child namely baby Propi was born to them on 11/07/2010. During the period, the revisionist lived with the respondent no. 1. She committed all sorts of acts of cruelty, harassment, torture and humiliation.
2. That the F.I.R was lodged on 17/05/2016 in a crime (women) cell. F.I.R no. as 73/13 was filed u/s 498A /406/34 by Pooja wife of the accused against the family also.
3. The pooja also filed a petition for divorce u/s 13(1)(a) of hindu marriage Act, against the revisionist on 24/08/2016.
4. That the pooja have put the false allegation on vinod sharma and his family u/s 468A/406/34 as accused never done any cruelty act on pooja, whereas she was careless and egoist person, she never took care of his parents and use to give answers in founding way.

5. That the pooja with filing the false F.I.R abuses the procedure and law as well wasted the time of court.
6. On 05/07/2020, the anticipatory bail was also filed in the dwarka court which was also accepted by the court.

OBSERVATION:-

On 30/08/2021 that matter was fixed before the hon'ble court for hearing on this day P.P was absent and Pooja was also not present in person, summon was issued for here on the next date of 15/10/2021.

I have learned about the provision of section 498A & 34 of IPC.

NEXT DATE OF HEARING: 16/10/2021

**IN THE COURT OF Mr. SUNIL KUMAR
PATIALA HOUSE, NEW DELHI**

IN THE MATTER OF:-

SUDHA BISHT

.....COMPLAINANT

VERSUS

S.K. THAPAR

.....ACCUSED

Subject Matter: complaint under section 420 and 120B of the Indian Penal Code,1860.

BRIEF FACTS:-

1. That the complainant is the resident of s/1007 of Ghaziabad sector 5 booked a plot in the scheme of the builder, the plot booked was of 200sq. yards. The complainant was also given the token money for booking the plot as an amount of Rs. 5, 00, 000/- on 04/07/2019.
2. That at the time of booking the builder promised to give the plot in the 7 or 8 months from the date of booking. The plot and the project was of Haridwar, Uttrakhand but was subject to the jurisdiction of New Delhi.
3. But after waiting a long time of one and half years the plaintiff didn't get the plot, although they received a letter of confirmation of the payment but after a long time.
4. That plaintiff then, along with her husband, had gone to meet the builder personally, but when they reached the builder they were asked not to come back here again.

5. After going through this humiliation the plaintiff lodged an FIR no. as 275/17 in police station under the section of cheating, criminal conspiracy and other offences related to property.

6. The S.K. Thaper was arrested and after that released on bail.

OBSERVATION:-I have come to know about the provision of bail and arrest as stated in the Code Of Criminal Procedure,1973

NEXT DATE OF HEARING:- 2/11/2021

**IN THE COURT OF SH. VIRENDER MALIK LD. ASJ, DISTRICT DWARKA
COURTS , NEW DELHI.**

IN THE MATTER OF:

STATE

.....COMPLAINANT

V.

ANKUR & ANR

.....ACCUSED

U/S – 332, 353, 307, 120B, 349 of Indian Penal Code

BRIEF FACTS:

In this case the complainant was the Sarpanch of the village Barana, Panipat. It was decided by the villagers that the land of the Thakur mandir will be in possession of Sarpanch and he will act as a caretaker of that Land. The accused forced the complainant to transfer the land of Thakur Mandir in their name but the complainant refused to do so. Because of this the accused lost his temper and on 19/05/2016 the accused along with his friends entered the house of Complainant and started open fire which caused injuries to the complainant as well as his family members. When villagers gathered the accused ran away from the place of incident by open firing in the sky. Police started investigation and caught accused Ankur along with 2 pistols with live cartridges in the pocket. Accused Amit and Ravinder were also caught with cartridges and 9 mm pistols.

OBSERVATION: RECORDED THE STATEMENT OF PWD 1& 2

NEXT DATE OF HEARING: 20.11.2021

IN THE COURT OF SH. MADHUR BAJAJ , DWARKA COURTS , NEW DELHI

IN THE MATTER OF :

DR. MADHUKAR BALA

..... PETITIONER

VERSUS

PRITI & OTHERS

.....RESPONDENT

BRIEF FACTS:

Complainant is a qualified doctor running a clinic under a name & style 'BHAWNA CLINIC' in pnp.

Accused no.1 gave birth to a female child on 17.6.14@ 10:50 a.m. they were discharged from the same day as both were healthy. But after reaching home accused 2 to 6 spread rumors that accused no 1 has given birth to a male child but the complainant has replaced the baby with the female child on this basis the accused made a false report to the police . All the accused put pressure on the complainant by making false publications in newspapers.

On investigation the complainant was found innocent. DNA test was also conducted there also it found that the child is born out from the accused 1&2. Complainant suffered great harassment & lost the reputation . The accused also demanded Rs 5 lacs from the complainant to withdraw the complaint.

NEXT DATE OF HEARING: 20.12.21

PURPOSE: For Consideration On Charge

**IN THE COURT OF SHRI GIRISH KATHPALIA, LD. ADDL.SESIONS JUDGE
(SE) SAKET, NEW DELHI**

IN THE MATTER OF:

STATE

.....COMPLAINANT

VERSUS

AKASH MALHOTRA

.....ACCUSED

BRIEF FACTS:

An anticipatory bail application was listed in this court. According to the conspectus of the case, the appellant/accused was charged under Section 7/3 of Essential Commodities Act. He was charged with the offence of LPG Cylinder meant for domestic purposes being recovered from his Utensils Shop. It was his plea that a raid was conducted at his shop in a split of second and one commercial cylinder was recovered. His point of contention was that the domestic LPG Cylinder recovered was not kept by him deliberately for profit motive but out of emergency. On that day the delivery boy of that area kept it at his shop temporarily as he had to leave for some urgent personal work.

OBSERVATIONS: Seeing the above facts and circumstances application was allowed. The applicant was admitted to bail on furnishing of personal bond in the sum of Rs.1000/- and surety amount of the like amount in the event of arrest taking place.

**IN THE COURT OF SHRI JITENDER MISHRA, LD. ADDL. SESSIONS JUDGE (SE)
SAKET, NEW DELHI**

IN THE MATTER OF:

STATE

..... PETITIONER

VERSUS

ASHLEY

.....RESPONDENT

BRIEF FACTS:

In a cheating case for bail listed before the Court of Shri Jitendra Mishra, Additional Sessions Judge, SE, Saket, accused was involved in the business of fake investment policy. According to that policy all those who were in immediate need of money were deceived by the accused by making them fake promises to return their valuable assets in the form of money with double the amount of money invested by them. By hatching the conspiracy he gained a huge sum of money wrongfully without even returning a penny of investment made. So accordingly, he was charged for cheating under Section 420 IPC. Presently, he filed a bail application before the court taking the following grounds:

- I That he is the sole bread earner for his family and their survival will become an uphill task if he continues to be in jail.
- Ii That he has been in judicial custody for the very beginning.
- Iii That as the investigation has already been completed in this case no useful purposes will be served by keeping him behind the bars.

Iv That matter is of the year 2007 and the same is pending before the court for years thus restraining individual liberty of the accused.

OBSERVATION: Keeping in view the arguments and the facts and circumstances of the case, the bail application was allowed by the Ld. Judge

IN THE COURT OF Ms. SHIVANI CHUHAN, LD. METROPOLITAN MAGISTRATE

(SE) SAKET:

NEW DELHI

IN THE MATTER OF:

STATE

.....PETITIONER

VERSUS

SURINDER

.....RESPONDENT

BRIEF FACTS:

In this case a complaint was being filed against the husband by the wife under Section 498-A, 406 IPC, leveling the allegations of alleged cruelty & breach of trust at the hands of the husband for the demand of dowry articles. The wife also complained that the family is also being mentally harassed by making regular phone calls for fulfilling the demand of dowry. Then the court observed that the main bone of contention between the parties i.e. dowry can be solved which can certainly save the marriage ties from being broken down. So accordingly matter was referred to the Mediation Cell where an amicable settlement took place with regard to dowry articles.

The matter was listed: Before the Mediation Cell for amicable settlement.

OBSERVATION: On settlement being arrived at between the parties, quashing of FIR can be initiated before the Hon'ble High Court under Section 482 Cr.P.C. at the instance of the Wife coming to the court and making a statement that settlement has been arrived at.

NEXT DATE OF HEARING: 22.10.2021

**IN THE COURT OF SH.NAVEEN BUDHIRAJA, METROPOLITAN MAGISTRATE,
SAKET COURT COMPLEX, SAKET, NEW DELHI**

IN THE MATTER OF:

STATE

..... PETITIONER

VERSUS.

SHYAM SUNDER

.....RESPONDENT

BRIEF FACTS :

A Criminal case was listed before the Learned Magistrate for framing of Charge. On hearing the Ld. Addl. Public Prosecutor for the State and the counsel for the accused the Ld. Judge framed the charge and then asked the accused if he pleads guilty or claims trial. Accused pleaded guilty and also bargained for giving him lesser punishment than that provided under the Code for the offence committed by him.

OBSERVATION:

The difference between the Criminal Trial at the state of inquiry and that at the stage of conviction is made only through the process of plea bargaining. Once an innocent person is proved guilty on trial, he/she is supposed to be sentenced according to the Indian Penal Code. But in a plea bargaining process, the difference is that a particular person who has been accused pleads guilty before the Judge who reads over the charge framed against him/her and then puts a question to him whether he pleads guilty or claims trial. If the accused pleads guilty and in exchange for his pleading guilty bargains for a lesser punishment than that provided in the code, the Presiding Officer, by looking into the previous record of the

offender, gives him leniency in sentencing. In this way you can infer that the process of plea bargaining takes place at an early stage of trial. Given that an additional plea bargaining application needs to be filed by the accused through his counsel before the same Judge where charges were framed. Purpose of Adjournment: The case was posted for moving an appropriate application.

NEXT DATE OF HEARING: 25.11.2021

**IN THE COURT OF SHRI GIRISH KATHPALIA, LD.ADDL. SESSIONS JUDGE
(SE) SAKET:NEW DELHI**

IN THE MATTER OF:

State

.....**PETITIONER**

VERSUS

Rama Nandaum

..... **RESPONDENT**

BRIEF FACTS:

A bail application was listed in the Court. In this case there were three prime accused charged with the same offence under the Indian Penal Code, but two of the prime accused were able to create a reasonable doubt in the mind of the Judge and prosecution failed to prove the charges against those two. Due to this reason they were acquitted by the Court and the remaining one prime accused still facing the trial sought bail on the ground that investigation has already been completed in the matter and no useful purpose will be served by keeping him behind the bars. Moreover he takes an additional plea that as the other co –accused in the same case were acquitted, he may be granted bail.

OBSERVATIONS: Keeping the facts and circumstances in mind bail application was allowed and accordingly, the accused was admitted to bail and directed to furnish bail bond in the sum of Rs.10,000/- with two sureties in the like amount.

**IN THE COURT OF JUSTICE HIMA KOHLI
HIGH COURT OF DELHI**

IN THE MATTER OF:-

M/s Ahluwalia Contracts (India) Pvt. Ltd

.....Petitioner

Versus

M/s MGF Developments Ltd.

.....Respondent

Subject matter: Application under section 151 CPC for appropriate direction on behalf of the petitioner.

BRIEF FACTS :-

1. That the present petition is filed by the petitioner for an order that the respondent company be wound up by this Hon'ble Court under the provisions of the Companies Act, 1956.
2. As per books of the account of the petitioner, the total outstanding dues against the works done in terms of the contracts as entered in between the parties and the respondent is shown as Rs. 15,27,79,696/- (Rupees Fifteen crores Twenty Seven Lakhs Seventy Nine thousand Six hundred and Ninety Six only).
3. It is submitted that the vide order dated May 27, 2020-
“The Managing Director of the Respondent is directed to file Balance of Sheet and Loss account for the last three years along with an affidavit in support thereof”
4. The said order is not complied by the respondent.

5. It is submitted herein that the respondent has to comply with the order with direction in respect of filing of the affidavit.

OBSERVATION:

In terms of the said order the respondent were mandatorily directed to file the balance of sheet and the profit and loss account for the last three years along with an affidavit.

NEXT DATE OF HEARING: 11/12/2021

IN THE COURT OF SH. RAGHUBIR SINGH,ASJ

DISTRICT COURT,DWARKA,NEW DELHI

IN THE MATTER OF:

STATE

.....COMPLAINANT

V/S

SATISH

.....ACCUSED

Complaint U/s : 452/354/354-B/323/341 IPC & 8 POCSO ACT

BRIEF FACTS :-

Complainant Anjali along with her sister Shamma coming back after taking the birthday cake. There was a dispute with Barkha near Aggarwal Sweets due to a cream issue & Barkha threatened them. Complainant along with her sister returned home. After sometime at about 7:15pm, brothers of Barkha namely Ajjunatholi & Satish came into the house of the complainant & started abusing them.

Complainant objected to this act but all the three above-mentioned persons entered forcefully into the house of complainant & Ajjunatholi caught complainant's sister Shamma & started abusing & misbehaving with her. When the complainant opposed the same then Satish & Natholi caught the complainant & started beating her.

Ajjunatholi warned Shamma to teach a lesson & tore her T-shirt & pressed her breast. When they(complainant) obstructed the same all the three accused persons started beating

complainant & her sister Shamma. When the complainant shouted all the three accused persons fled away & Natholi also threatened them to kill.

OBSERVATION :

Accused remained in jail about 14 days & thereafter Hon'ble Court granted the bail.

NEXT DATE OF HEARING : 8/11/2021

PURPOSE : The matter is fixed for evidence.

IN THE COURT OF Ms.RICHA PARIHAR,MM

DISTRICT COURTS DWARKA,NEW DELHI

IN THE MATTER OF :

STATE

.....COMPLAINANT

V/s

PARAMJEET @ GOLA

.....ACCUSED

COMPLAINT U/s 354/341/509 INDIAN PENAL CODE

BRIEF FACTS :-

Complainant & Joginder Kaur were residing with her sister Nanki Kaur. When Joginder Kaur went outside to call her son Sumit, at that time accused Paramjeet, Manjeet, Hemant came there & started abusing her & asked her about Vinod when she refused to tell about Vinod, Manjeet held her hand & Hemant & Paramjeet tore her clothes, & when her sister Nanki came to save her, all the 3 accused ran away from there. Nanki made a call at 100 number & police came on the spot.

The police then recorded the statement of the complainant & took the accused person to the police station for further questioning.

OBSERVATION : The charge has been framed.

NEXT DATE OF HEARING : 27/10/2021

**IN THE COURT OF SH. SUSHIL GARG, ADDITIONAL DISTRICT AND SESSIONS
JUDGE, DWARKA COURTS ,NEW DELHI**

IN THE MATTER OF:

VINOD

.....Petitioner

VERSUS

MANJU

.....Respondent

Complaint U/s : 13-B of Hindu Marriage Act , 1955

BRIEF FACTS:

Marriage took place on 18/06/17. No child was born out of this Wedlock. For a few months everything went good but after that both the parties started fighting with each other on trivial matters also. Soon they realized that they cannot live together because of clashes so they decided to live separately and on 21/01/2020 they got separated.

OBSERVATION- On this Date (05/10/21) the petitioner's statement was taken.

NEXT DATE OF HEARING : 04/12/21

PURPOSE : 2nd Motion Statement Retained For Vinod

CONCLUSION :

The Legal Internship Program is designed to teach students how to be good lawyers.

The objectives are to:

- expose you to the law in operation in contexts where you will come to perceive aspects of law which cannot be learned from reading or hearing about it
- allow you to perceive ways in which the formal learning you acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimensions of legal principles
- enable you to relate the different areas of legal practice to the importance of developing the skills of legal research, communication, drafting, practice management and problem solving
- enable you to observe and reflect upon the values, ethical standards and conduct of the legal profession in practice and to develop your own attitudes of professional responsibility.

In the end, I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, what we learned from the internship is the mechanism of this body.

I was surprised to see how the simplest of laws were applicable in the most difficult of situations and how loopholes leave so much scope of evolution and improvisation today in this field. I also observed that the law is everything but constant with the same soul as that of a human. In other words or as that of our counsel, law may come and law may repeal, but they must always be faithful to the constitution, which is the most supreme law of the land and governs all equals and unequal in respect of each other.

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

तेजस्वि नावधीतमस्तु
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Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

SUMMER INTERNSHIP REPORT

BA-LLB (HONS.) BBA-LLB (HONS.)

FIMT SCHOOL OF LAW

Submitted by:-

NAME - Prateek
ENROLLMENT NO. - 09190103817
COURSE - BALLB
BATCH - 2017-2022



DECLARATION

I, **Prateek(09190103817)**, 5th year, B.A. LL.B (H) FIMT (affiliated to GGSIPU), have interned at Advocate Parvat Singh Thakran & Associates for a period of 30 days from 1st August, 2021 to 31st August, 2021.

This declaration is made on 3-9-21 at New Delhi that, this Internship Report is prepared and drafted by me, Prateek under the aegis of Adv. Parvat Singh Thakran.

It contains the work that was assigned to me during this internship, and successfully accomplished from my side.

This report is a sincere attempt at compilation of the aforementioned work. Its submission is a partial fulfilment of the requirement for the award of Bachelor of Arts & of Law [B.A. LL.B (Hons.)] degree.

This has not been submitted, either in whole or in part, to any other Law University or affiliated Institute under any University as recognized by the Bar Council of India, for the award of any other law degree or diploma, within the territory of India.

Date: 3-9-21

Prateek.

Enrollment No.: 09190103817

B.A. LL.B. (Hons.)

5th Year

Fairfield Institute of Management and Technology.

Guru Gobind Singh Indraprastha University


Parvat Singh Thakran
9516431300
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ADVOCATE

Parvat Singh Thakran Advocate

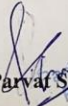
To whomsoever it may concern

This is to certify that Prateek son of Shri Basant, student of 5th year at **Fairfield Institute Of Management & Technology** affiliated to GGSIPU has successfully undergone internship in criminal cases w.e.f 01.08.2021 to 31.08.2022 at District Courts, Gurugram & at our law office.

We have found him to be intelligent, positive learner, active listener, motivated, duty bound & hard working intern. He worked sincerely on his case studies, assignments & his performance was par excellence.

He was very attentive & polite to his fellow interns and seniors. He is very obedient & soft spoken to all his seniors. We totally appreciate his conduct, positivity & zeal to learn more.

We wish him best of luck for his future.


Parvat Singh Thakran
Advocate (Enr. P-741-1993)

District: Gurugram

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to **Advocate Parvat Singh Thakran**, who have been my constant support. Throughout my internship period he has been a great source of inspiration to me, and still continues to be so. Working under him was not only a great opportunity but educational as well. He have guided and helped me in successfully completing my Summer Internship.

Moreover, apart from court he gave me a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to express my sincere gratitude to our **Director Dr. B.R SAINI** for initiating this internship project for students of 5th year. We students who previously had just theoretical knowledge of the procedures, through this project were exposed to the practical aspects of the laws we studied in the classroom. I hereby thank him for this opportunity that he provided us for practical exposure of the subjects. I would also like to reiterate my thanks to **Adv. Prashant Thakran**, for being my mentor in this endeavour.

I would also thank my parents for supporting me dearly throughout this period of internship & for adjusting their already busy schedule to suit mine & making it as much comfortable for me as they could possibly do. I also pay my sincere regards to office staff of **Adv. Parvat SinghThakran** for always being helpful & supportive to me as an intern in order to facilitate the efficient completion of tasks assigned.

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OBJECTIVE

Clinical education programs for law students have been of great advantage to them. The objective of such programs is to provide an understanding of the human, social and policy contexts of law and legal practice. This objective is met through the Legal Internship. Internships fulfill an important component of both academic and practical education in law. The integration of professional experience into the learning process is highly effective in developing the understanding of law in action, as you are able to observe and perceive the relevance and application of theory to practice. Consequently, the program is not simply 'work experience' but a significant educational experience.

In a workplace setting one will be exposed to the reality of the practice of law in all its dimensions –

- The integration of different areas of law, policy issues;
- The application and development of skills to the analysis and resolution of client concerns;
- Ethical responses to situations which arise unexpectedly and spontaneously;
- Issues of professional responsibility including responsibility to clients and case management;
- The operations of the government and court system in the legal process.

These subjects provide the theoretical knowledge and ethical framework necessary for you to appreciate the operation of the 'law in action'.

CASES OBSERVED

CASE NO. – 1

**IN THE COURT OF SHRI ASHWANI KUMAR MEHTA, ADJ
SESSIONS COURT, GURUGRAM**

DOH: 02/08/2021

U/s: 420/166/167/384/405/467/468/471/120B IPC

7/8/10/12/13/15 PC Act

F.I.R.: 32/18

P.S.: Palam Vihar, Gurugram

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

BABULAL

....DEFENDANT

Complaint U/S: 420/166/167/384/405/467/468/471/120B IPC AND

7/8/10/12/13/15 PC Act

BRIEF FACTS: The accused is a government servant and has allegedly taken Rs.10,000. The accused took this amount to perform an authorized task in an unauthorized manner. For some reason the accused could not perform the task in accordance with the instructions of the complainant and hence the complainant has filed the current suit.

OBSERVATION: The PW was examined by the defence counsel.

NEXT DATE OF HEARING :- 17/08/2021

PURPOSE- On next date of hearing case will further proceed for

consideration of charge and PW will be further examined as the examination of the PW on the previous date could not be concluded.

CASE NO. – 2

IN THE COURT OF Ms. RAJ RANI, ADJ (fast track court for rape cases)

SESSIONS COURT, GURUGRAM

DOH: 03/08/2021

U/s: 6 and 12 of the POCSO Act

F.I.R.: 12/2019

P.S.: Sector-14, Gurugram

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

NITESH

....DEFENDANT

Complaint U/S: 6 and 12 of the POCSO Act

BRIEF FACTS: The Prosecutrix in the present case is about 17 years old and the accused is her distant cousin. On the day of the incident the Prosecutrix was attending a wedding at the house of the accused. The accused allegedly took the Prosecutrix to his room on the pretext of having a friendly conversation with her. The accused then gave her a soft drink which made the Prosecutrix a little dizzy at first and then completely unconscious.

After the incident when the Prosecutrix came to her senses, she realised what had happened but remained silent as she claims that the accused had clicked pictures of her and was blackmailing her. The Prosecutrix also claims that he used to threaten her regularly over phone calls. They also met a few times a week and during one of such meetings, the brother of the Prosecutrix saw them and informed her parents. When the parents started questioning her, she got scared, slit her wrist and ran away with the accused to Haridwar where they were caught by the police. When their parents came to the police station, The

Prosecutrix told them everything truthfully and hence the complaint was filed.

OBSERVATION: The Prosecutrix was cross examined by the defence counsel and evidence in contradiction to her complaint were presented in the court.

NEXT DATE OF HEARING :- 22/08/2021

PURPOSE:- Further cross examination of the Prosecutrix.

CASE NO. – 3

**IN THE COURT OF SHRI ANIL KUMAR BHISHNOI, ADJ
SESSIONS COURT, GURUGRAM**

DOH: 03/08/2021

U/s: 370/370A/372 read with 34/506 IPC

F.I.R.: 42/18

P.S.: Sector 51, Gurugram

IN THE MATTER OF:

STATE

....PETITIONER

VERSUS

SAGAR JAIN

....DEFENDANT

Complaint U/S: 370/370A/372 read with 34/506 IPC

BRIEF FACTS: The complainant in this matter is an NGO working to prevent the exploitation of minors employed as domestic help. The defendant is a married man who lives in Gurugram with his wife and twin children. The defendants were unable to take care of the twin babies on their own and hence they contacted an agency to get a domestic help in order to get assistance.

The agency sent a girl to the house of the defendants within 15 days and also provided her documents stating that she is over 18 years of age (which was false). One day the girl was alone in the house and was lying on the floor unconscious. A neighbour saw her through an open window and tried calling her, when she did not respond, the neighbour called the police. She had a few injuries on her head and her elbow. The accused and his wife were both arrested and were charged under the above mentioned sections. The accused claims that the girl had a health condition due to which she gets fits and becomes unconscious.

OBSERVATION: The counsels were arguing on the definition of the word 'exploitation' and on the fact that the agency is at fault as they falsely presented the girl to be an adult.

NEXT DATE OF HEARING :- 03/08/2021

PURPOSE- On next date of hearing case will further proceed for consideration of charge and PW will be examined.

CASE NO. – 4

IN THE COURT OF SHRI RAJ KUMAR JAIN, ADJ, ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT,
GURUGRAM

DOH: 03/08/2021
U/s: 13 of HMA

IN THE MATTER OF:

RUCHIB

....PETITIONER

VERSUS

MEENAKSHI

....DEFENDANT

Petition U/S: 13 of the Hindu Marriage Act, 1965

BRIEF FACTS: The Hindu Marriage was solemnized between petitioner and respondent according to Hindu rites ceremonies on 23/04/2012 at Gurugram. The marriage was duly consummated and both petitioner and respondent were cohabitated as husband and wife in matrimonial house and no child was born from the wedlock. After marriage the behaviour of respondent was good but after sometime the behaviour of respondent towards petitioner and his family was changed, she started quarrelling with petitioner and also disrespected petitioner and his family and she used to go to her parental home without informing to her husband and used to remain there for many days, every time petitioner used to take her back from her parental house but the attitude of respondent remains same and the petitioner remains silent in order to save his relationship in the month of May 2013, the uncles of respondent approach the petitioner and said to the petitioner “Ladkialagrehnachaitihai.” To save his matrimonial life, the petitioner started living separately from his parents but the

behaviour of respondent was not changed. Ultimately on 17-06-2015, the respondent left the house of petitioner after taking the valuable goods and gold jewellery and clothes without the consent of the petitioner.

Petitioner made calls and made all possible ways to bring her back but all in vain.

OBSERVATION: On the date of hearing, notice was issued to the respondent.

NEXT DATE OF HEARING: 20/08/2021

PURPOSE: Next date for hearing is fixed for appearance of respondent.

CASE NO. – 5

IN THE COURT OF Ms. RAJ RANI, ADJ (fast track court for rape cases)

SESSIONS COURT, GURUGRAM

DOH: 04/08/2021

U/s: 376/506/328 IPC

F.I.R.: 85/6/7/18

P.S.: Sector-51, Gurugram

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

MANGESH

....DEFENDANT

Complaint U/S: 376/506/328 IPC

BRIEF FACTS: The Prosecutrix is 20 years old, she was at a restaurant with a few friends on the night of the incident. At 11:00 pm when they were leaving the restaurant, the Prosecutrix decided to stay at her friend's place for the night to which her parents agreed as they were family friends. All of them were a little drunk and reached the house of the accused as he was the father of Prosecutrix's friend. After they all went to sleep, the accused came inside the Prosecutrix's room and had forceful intercourse with her.

OBSERVATION: PW-1 was examined and the evidence provided by him by way of affidavit was taken on record.

NEXT DATE OF HEARING :- 18/09/2021

PURPOSE:- Examination of PW-2

CASE NO. -6

**IN THE COURT OF SHRI RAJ KUMAR JAIN, ADJ, ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT,
GURUGRAM**

DOH: 04/08/2021

U/s: 498A IPC

F.I.R.: 71/8/9/18

P.S.: Sector-14, Gurugram

IN THE MATTER OF :-

STATE

...COMPLAINANT

VERSUS

VINOD SHARMA

...DEFENDANT

Subject Matter:- Complaint under section 498A of Indian Penal Code,1860.

BRIEF FACTS:

- That the marriage between the revisionist and respondent no.1 was solemnized on 15/02/2014. They both lived together and out of their wedlock a minor child namely baby Prophi was born to them on 11/07/2015. During the period, the revisionist lived with the respondent no. 1. She committed all sorts of acts of cruelty, harassment, torture and humiliation.
- That the F.I.R was lodged on 17/05/2018 in crime (women) cell. F.I.R no. as 73/10 was filed u/s 498A /406/34 by Pooja wife of the accused against the family also.
- That Pooja also filed a petition for divorce u/s 13(1)(a) of Hindu Marriage Act, against the revisionist on 24/08/2019.

- That Pooja has put the false allegation on Vinod Sharma and his family u/s 468A/406/34 as accused never done any cruelty act on Pooja, whereas she was careless and egoist person, she never took care of his parents and use to give answers in founding way.
- That the pooja with filing the false F.I.R abuses the procedure and law as well wasted the time of court.
- That on 05/07/2015, the anticipatory bail was also file in the of Dwarka court which was also there in accepted by the court.

OBSERVATION:-

On 04/07/2020 that matter was fixed before the Hon'ble court for hearing on this day P.P. was on a leave and Pooja was also not present in person, summon was issued for here on the next date.

NEXT DATE OF HEARING: 18/09/2021

PURPOSE: The defendant has been given last and final opportunity to file replication to the complaint.

CASE NO. – 7

IN THE COURT OF Ms. RAJ RANI, ADJ (fast track court for rape cases)

SESSIONS COURT, GURUGRAM

DOH: 05/08/2021

U/s: 354D IPC

F.I.R.: 19/2019

P.S.: Sukhrali, Gurugram

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

AJAY KR. GUPTA

....ACCUSED

Complaint U/S: 354D IPC

BRIEF FACTS:

The accused is an astrologer and the complainant is a dentist. The accused has his office in the same area as that of the complainant's clinic. One day the complainant came to the office of the accused in order to consult him as she was facing a crisis in her personal life. Their official appointments turned into more personal ones as they started going out for movies, shopping etc.

After a while they had a serious argument and the complainant started threatening the accused with a false case as she was habitual of filing false cases against a person to blackmail them. She was already in the middle of more than 4 litigations. The accused was then framed under section-354-D IPC and the substantial question of law which lies here is whether the case is maintainable in the court of law under the said section even though there was a pre existing relation between the accused and the complainant.

OBSERVATION: The Prosecutrix was cross examined by the defence counsel and evidence in contradiction to her complaint were presented in the

court.

NEXT DATE OF HEARING :- 23/09/2021

PURPOSE:- Further cross examination of the Prosecutrix.

CASE NO. – 8

**IN THE COURT OF Mr. BALWANT RAI BANSAL, ADJ
DWARKA COURT, NEW DELHI**

DOH: 09/08/2021

IN THE MATTER OF:

RAJ KR. BHARTI

....COMPLAINANT

VERSUS

BINDU PRAJAPATI & ORS.

....DEFENDANT

Suit for possession

BRIEF FACTS:

The defendant no. 2 Mrs. Neelam Sharma had entered into an agreement with defendant no. 1 on 09/08/2010 for developing and construction of her property bearing no. RZF 99/11 situated at gali no. 41A, Sadh Nagar Part-II, Palam Colony, New Delhi wherein it was agreed upon between defendant no. 1 and 2 that defendant no. 1 shall construct 8 flats admeasuring 77.25 sq. yards of each flat, 5 shops and a one BHK flat on the ground floor/stilt floor out of which 5 flats bearing no. U1, F1, S1, T1 and T2 shall be in the possession of defendant no. 2 while flats no. U2, F2, and S2 out of 8 flats will be in the possession of defendant no. 2 along with three reserved car parking. Apart from 5 flats the defendant no. 2 would also have 5 shops, a 1 BHK flat and car parkings on the ground/stilt floor. It was further agreed upon that before construction of the said building, the defendant no. 2 shall execute sale deeds in favour of defendant no. 1 in respect of flat nos. U2, F2 and S2. It was further agreed upon that the defendant no. 1 shall complete the building as per map and time schedule as mentioned in the agreement dated 09/08/2010. If the defendant no. 1 will not complete the building in time and according to the map, the defendant no. 2 will have full right to cancel the above mentioned sale deeds and the defendant no. 1 will have no objection for the same.

On the basis of aforesaid sale deeds the defendant no. 1 has sold the suit property i.e. flat no. S2 with one car parking situated on the second floor of the building to plaintiff as mentioned in the plaint. It is pertinent to mention here that the building bearing no. RZF 99/11 situated at gali no. 41A, Sadh Nagar Part-II, Palam Colony, New Delhi was sealed by the building department, Najafgarh zone, MCD on 28/02/2011 and partial demolition action was taken against the unauthorized construction of the building when the building was at an initial stage. On the basis of the sale deed executed by defendant no. 2 in favour of defendant no. 1 before construction of the building the defendant no. 1 had sold the suit property to plaintiff on 22/07/2011 as stated in the plaint though the defendant no. 2 had no knowledge of the same.

OBSERVATION: The defendant no. 2 requested for permission to amend his written statement and the court granted the same as there was a change in the list of issues due to new facts coming to light.

NEXT DATE OF HEARING :- 22/09/2021

PURPOSE:- Matter set for examination of D2W1.

CASE NO. – 9

IN THE COURT OF MS. UPASANA SATIJA, LD. METROPOLITAN

MAGISTRATE, DWARKA COURT, NEW DELHI

CRIMINAL COMPLAINT NO. 8270 OF 2019

DOH: 09/08/2021

U/s: 138 R/w 142 of the NI Act

IN THE MATTER OF:

MS. ANITA DEVI

...COMPLAINANT

VERSUS

B.N. JAGADISH KUMAR

...ACCUSED

COMPLAINT UNDER SECTION 138 R/W SECTION 142 OF THE
NEGOTIABLE INSTRUMENTS ACT, 1886 AS AMENDED UP TO
DATE.

BRIEF FACTS:

- That the accused is known to the complainant for last many years and having friendly relation with the complainant and approached to the complainant for a friendly loan of Rs. 7,00,000/- (SEVEN LACS ONLY). As the complainant and accused were having good relation

with each other, the complainant paid a sum of Rs. 7,00,000/- in cash to the accused as a friendly loan.

- That the accused in discharge of his liability accused issued cheque bearing No. 212552 dated 24.10.2018 for Rs. 7,00,000/- drawn on AXIS BANK BANGALORE and promised the complainant to present the said cheque with his bankers and same would be honoured/cleared by his banker and he also assured the complainant that he will make necessary arrangement of funds in his bank account to honour above said cheque.
- That as per instructions the complainant deposited the abovesaid cheque with his banker syndicate bank najafgarh, New Delhi and same were returned with the reason “DRAWER SIGNATURE DIFFER” on 30.12.2018.
- That the complainant contacted the accused for the payment of the aforesaid amount and issue of new cheques and was assured that the same will be delivered to him within a week but the accused failed to do so and did not respond to further communications by the complainant.
- That thereafter the complainant got a legal notice dated 20.1.2019 sent on 22.1.2019 through his advocate which was duly served upon the accused under the provision of N.I Act and thereby demanded the payment for the aforesaid cheques.

- That despite the awareness and service of the said statutory notice dated 20.2.2019 the accused failed to meet with his admitted liability or to make the payment covered under the above noted cheque within the statutory period as prescribed under the law. As a matter of fact the accused had not paid the cheque bearing no. 212552 dated 24.10.2018 for Rs. 7, 00,000/- drawn on AXIS BANK BANGALORE to the complainant till date. As such the accused has, therefore rendered liable to be prosecuted under the provisions of N.I Act for the offence committed by them.
- That knowing fully well that the accused did not have the credit balance in bank account and issued a cheque for payment to the complainant in discharge of his legal liability and have thereby committed an offence punishable under the amended provisions of Negotiable Instruments Act.
- That the cheque in the subject of complaint was delivered to complainant was delivered to the complainant at his address and the complainant operates and works from gain from his said address.
- That in support of allegations in his complaint, the complainant filed his evidence by way of an affidavit and placed on record the following documents: (i) Cheque bearing no. 212552 dated 24.10.2018 for a sum of Rs.7,00,000/- drawn on Axis Bank Bangalore issued in favour of the complainant by the accused (ii) Cheque return memos dated 30.12.2018

issued by Syndicate Bank Najafgarh where the aforesaid cheque was presented for encashment reflecting the fact that the said cheque were dishonoured for the reason “Drawer Signature Differ” (iii) Legal Notice dated 20.1.2019 addressed to the accused on behalf of the complainant demanding the payment of cheque amount within fifteen days from the receipt of said notice (iv) Postal receipts reflecting the fact that the aforesaid legal notice was dispatched to the accused at both his addresses available with the complainant vide registered post on 22.1.2019 (v) Acknowledgment card with respect to delivery of the legal notice sent at one of the addresses of the accused.

OBSERVATIONS:

The matter on 09.07.2020 was fixed for pre-summoning evidence is further fixed again for pre-summoning evidence for 21.09.2020. The complainant was present in person with his counsel.

NEXT DATE OF HEARING :- 21/09/2021.

PURPOSE:- Pre-summoning evidence.

CASE NO. – 10

**IN THE COURT OF MS.UPASANA SATIJA, LD. METROPOLITIAN
MAGISTRATE, DWARKA COURTS, NEW DELHI**

COMPLAINT CASE NO. 4993725 OF 2016

DOH: 10/08/2021

P.S.: NAJAFGARH

U/s: 138 R/w 142 of the NI Act

IN THE MATTER OF:

AMIT NATH

...COMPLAINANT

VERSUS

SATISH VATS

...ACCUSED

**COMPLAINT UNDER SECTION 138 R/W SECTION 142 OF THE
NEGOTIABLE INSTRUMENTS ACT, 1886 AS AMENDED UP TO
DATE.**

BRIEF FACTS:

- The present complaint has been filed under Section 138 of the Negotiable Instruments Act, 1881.
- That in 2006, the complainant was working with Aditya Birla Group and came in contact with accused as the accused was a vendor in the

above said company and was supplying commercial vehicles to the said company.

- That in February, 2012, the accused approached the complainant and requested a loan of Rs.30,00,000/from the complainant and assured to repay the same within five months and stated that he will receive considerable amount upon sale of his father's land and also represented to be the owner of several movable and immovable properties.
- That Consequent to said representations and keeping in mind the past conduct, the complainant advanced Rs.27, 30,000/ to the accused.
- That the complainant advanced the amount in the following manner:
Rs.3,50,000/- through cheque on 16.04.2012, Rs.9,50,000 through cash on 20.04.2012, Rs.3,00,000/- through cash on 20.04.2012, Rs.1,00,000/- through cheque on 02.05.2012, Rs.1,70,000/- through cash on 22.05.2012, Rs.8,60,000/- through cash on 31.05.2012.
- That the accused assured to repay the said amount by October, 2012 and upon being contacted further assured repayment in November, 2012.
- That on 01.11.2012, the accused in discharge of aforesaid liability issued two post-dated cheques bearing no.538287 dated 05.11.2012 and 538289 dated 11.01.2013 for a sum of Rs.5, 65,000/- and Rs.21, 65,000/- respectively both drawn on HDFC Bank Ltd., Najafgarh, New Delhi and upon request of the accused, the complainant presented both

the cheques on 11.01.2013 for encashment but the same were dishonoured vide separate return memo(s) dated 14.01.2013 for reasons 'Funds Insufficient'.

- That the complainant allegedly then served legal notice dated 30.01.2013 on the accused demanding the cheque amount and in spite of service of said notice, the accused failed to make the payment of cheque amount and hence, committed an offence under Section 138, Negotiable Instruments Act.
- That in support of allegations in his complaint, the complainant filed his evidence by way of an affidavit and placed on record the following documents: (i) 2 Cheques bearing no. 538287 dated 05.11.2012 and 538289 dated 11.01.2013 for a sum of Rs.5,65,000/and Rs.21,65,000/respectively both drawn on HDFC Bank Ltd., Najafgarh, New Delhi issued in favour of the complainant by the accused (ii) Cheque return memos dated 14.01.2013 issued by State Bank of Travancore where the aforesaid cheques were presented for encashment reflecting the fact that the said cheques were dishonoured for the reason "Funds Insufficient" (iii) Legal Notice dated 30.01.2013 addressed to the accused on behalf of the complainant demanding the payment of cheque amount within fifteen days from the receipt of said notice (iv) Postal receipts reflecting the fact that the aforesaid legal notice was dispatched to the accused at both his addresses available with the

complainant vide registered post on 30.01.2013 (v) Acknowledgment card with respect to delivery of the legal notice sent at one of the addresses of the accused.

- That upon consideration of the complaint and documents annexed therewith and upon examination of the complainant, the cognizance of offence under Section 138 Negotiable Instruments Act, 1881 was taken and process was issued against the accused. Accused was produced before this court and was admitted to bail and upon joint request of the parties, the matter was referred to Mediation Centre and the same was settled for an amount of Rs.21, 50,000/.
- That however, since the accused failed to make the payment, the matter proceeded further on merits.
- That notice under Section 251 Cr.P.C. was framed against the accused to which, he pleaded not guilty and claimed trial. The accused admitted his signatures on both the cheques but denied filling remaining particulars of the cheque bearing no.538289.
- That the defence disclosed by the accused at this stage was that the complainant purchased some property and made payment through accused. The value of property was Rs.35, 00,000/- and payment of Rs.18, 00,000/- was made through accused from 20.04.2012 to 02.05.2012. The complainant gave Rs.1, 00,000/- in cash on 22.05.2012 and Rs.70, 000/- in cash in May, 2012 to the accused.

Further the complainant issued cheques dated 20.04.2012, 20.04.2012, 16.04.2012, 02.05.2012 for an amount of Rs.9,50,000/, Rs.3,00,000/, Rs.3,50,000/ & Rs.1,00,000/- respectively.

- That the accused encashed all the cheques and made cash payment to one Vikash Chauhan on behalf of complainant. The complainant also paid Rs.10, 00,000/- and Rs.9, 50,000/- to the said Vikas Chauhan through RTGS on 25.04.2012. The complainant then sold the above said property in September, 2012 without getting the documents transferred in his name and therefore the said Vikas Chauhan returned Rs.12,35,000/- to the complainant. Accused deposited cash of Rs.4, 00,000/- in loan account of complainant with State Bank of Travancore, Dwarka and made payment of Rs.2, 00,000/- through RTGS to the complainant on 18.05.2012 and Rs.1,00,000/- in cash on 12.04.2014.
- That the complainant again purchased a plot at Bahadurgarh from one Sunil Dahiya for Rs.30,00,000/- in October, 2012 and made payment of only Rs.11,50,000/- to him and then refused to purchase the property. The above payment of Rs.11,50,000/- was made by the accused to the said Sunil Dahiya on behalf of complainant and since the agreement was with the complainant, Sunil Dahiya did not return Rs.11,50,000/- to the accused. Towards the above payment, the accused issued first cheque of Rs.5, 65,000/in favour of the complainant. Since the accused was not having sufficient funds, the said cheque was dishonoured. The

accused then issued another cheque for Rs.5, 50,000/drawn on Axis Bank which was also dishonoured. The accused then gave another cheque bearing no.538289 as blank signed as security and three other blank signed cheques. The complainant has misused the said cheques and another blank signed cheque drawn on HDFC Bank for sum of Rs.10, 00,000/.

- That the accused denied the receipt of demand notice dated 30.01.2013.

OBSERVATIONS:

The matter was listed for judgment on 04.07.2020 and reserved the order for 07.08.2020. The Ld. Trial court was pleased to convict the accused for dishonour of cheque no. 538287 vide order dated 07.08.2020 under section 138 of Negotiable Instruments Act, 1881 and sentenced the accused to simple imprisonment for a period of 3 months and directed to pay a compensation of Rs. 11,30,000/- under section 357(3) Cr.P.C.

Further the accused was acquitted against cheque no. 538289.

NEXT DATE OF HEARING :- Nil.

PURPOSE:- Nil.

CASE NO. – 11

**IN THE COURT OF SHRI NIKHIL CHOPRA , ADJ, SOUTH
DISTRICT, SAKET COURTS, NEW DELHI
EXECUTION PETITION NO. 547 OF 2020**

DOH: 12/08/2021

IN THE MATTER OF:

SMT. NIRMALA DEVI

(SINCE DECEASED)

THROUGH HER LEGAL HEIRS

...DECREE HOLDER

VERSUS

SH. GOPAL KRISHAN DUA AND ORS.

(SINCE DECEASED)

THROUGH THEIR LEGAL HEIRS

...JUDGEMENT DEBTORS

- That the Plaintiff/Decree Holder late Smt. Nirmala Devi had filed a suit bearing no. 1120/1993 for possession and manse profits of the property bearing no. 36-A, Block no. 80, Malviya Nagar, New Delhi-110017. On 20.05.1970 which was decreed on 05.01.1996. The certified copy of judgement and decree dated 05.01.1996 is annexed herewith as Annexure-A and site plan of the suit premises is annexed as Annexure-B.
- That the defendant no. 1 and 2 i.e. Judgement Debtors preferred an appeal against the judgement and decree dated 05.01.1996 in the Hon'ble High Court of Delhi bearing appeal no. RFA 264/1996. During the pendency of appeal, Plaintiff/Decree Holder Smt. Nirmala Devi had died on 17.09.2002 and her legal heirs namely Sh. Subhash Chand Dua (son), Mrs. Geeta Rani and Mrs. Kavita Rani (Daughters) were brought on record vide order dated 04.08.2003. The present appeal was dismissed with the directions that the appellants shall pay Rs. 50,000 as cost and occupation charges at the rate of Rs. 5,000 per month till the date the Judgement Debtor vacate the premises in question. The judgement debtors were further directed to vacate the suit premises and hand over the possession to the LRs of the Decree Holder within 1 month from the date of order i.e. 02.04.2009. The certified copy of judgement and order of the Hon'ble High Court of Delhi by which the

appeal of the appellant/ Judgement debtors was dismissed is annexed herewith as Annexure-C.

- That the Judgement Debtors i.e. defendant no. 2 filed a SLP (civil) bearing no. 20448/2009 against the order of the Hon'ble High Court of Delhi in the Hon'ble Supreme Court which was also dismissed vide order dated 31.08.2009. The certified copy of order dated 31.08.2009.
- That Sh. Subhash ChanderDua, one of the Legal heirs of the Decree Holder tried to get vacated the suit premises amicably which is now in the possession of legal heirs of Judgement Debtor no. 1 Late Sh. Gopal Krishan Dua. The legal heirs of the Judgement Debtor agreed to vacate the suit premises. Unfortunately, Sh. Subhash ChanderDua also died on 12.08.2016. Thereafter the Legal heirs of the Judgement Debtor did not honour their words. In these circumstances, therefore execution petition could not be filed as early as possible after attaining the finality of Judgement and Decree dated 05.01.1996.

OBSERVATIONS:

The dasti orders were issued to all the Judgement Debtors and their heirs and the matter was fixed for the next date of hearing for their appearances.

NEXT DATE OF HEARING : 16/09/2021

PURPOSE: Appearance of all the judgement debtors.

CASE NO. – 12

**IN THE HIGH COURT OF DELHI AT NEW DELHI
R.C.Rev. NO. 131 of 2019**

DOH: 16/08/2021

IN THE MATTER OF:

**Smt. Maya Devi
W/o Late Shri Laxman DassKanojia
R/o 137, Hari Nagar, Ashram
New Delhi – 110014
And Others**

...Petitioner

Versus

**Smt. Sushila Devi
W/o Late Shri Rama Kant
R/o 137, Hari Nagar,
New Delhi – 110014**

...Respondent

**REVISION PETITION UNDER SECTION 25-B(8) OF
DELHI RENT CONTROL ACT, 1958 AGAINST ORDER
DATED 22.05.2019 WHEREBY HON'BLE COURT OF MS.
MONIKA SAROHA, SR. CIVIL JUDGE-CUM RENT
CONTROLLER, SOUTH-EAST, SAKET COURTS, NEW
DELHI HAS DISMISSED THE APPLICATION FILED BY
THE PETITIONERS/TENANTS FOR GRANT OF LEAVE TO
DEFEND THE PETITION NO.E-91/2018 UNDER
SECTION 14(1)(E) READ WITH SECTION 25-B OF
THE DELHI RENT CONTROL ACT, 1958 AS AMENDED
UPTO DATE.**

BRIEF FACTS

That the Respondent has filed a petition under section 14(1)(e) read with section 25B of the Delhi Rent Control Act against the petitioners on the ground that the property bearing no. 137, Hari Nagar, Ashram, New Delhi admeasuring 224 sq. yards is the ancestral property which was inherited by the father-in-law of the petitioner namely late Shri Santosh Narayan from his mother Late Smt. Bhagwati Devi by virtue of registered Will deed dated 17.03.1975 which is bounded as under East:- Passage 5 ft. wide West:- Passage 5 ft. wide North:- Quarters of PanditDhano Ram and property of SanatanDharam Brahma Charya Ashram South:- House of

Pandit Shri Dhano Ram.

That after the death of Late Shri Santosh Narayan, his two daughters namely Smt. Rekha Rani and Smt. Mamta Rani had relinquished their 2/3rd share of the property bearing no. 137, Hari Nagar, Ashram, New Delhi – 110014, therefore, Shri Hari Bhushan became the owner of of the aforesaid property. Smt. Rekha Rani and Smt. Mamta Rani both daughters of Late Shri Santosh Narayan had relinquished their 2/3rd shares in favour of their brother Shri Hari Bhushan S/o Late Shri Santosh Narayan by way of registered relinquishment deed dated 03.05.2011 which was registered in the office of sub registrar-V New Delhi on 06.05.2011. The relinquishment deed dated 03.05.2011 was neither challenged by the legal heirs of Late Shri Rama Kant nor Chandra Shekhar during his lifetime or after his death by his legal heirs. Therefore, Shri Hari Bhushan became absolute owner of property bearing no. 137 admeasuring 224 sq. yards Hari Nagar, Ashram, New Delhi – 110014. Though the respondent in her petition had wrongly stated that after the death of late Shri Santosh Narayan, the husband of the respondent, Shri Rama Kant S/o Late Shri Santosh Narayan inherited the said property from his father. Shri Rama Kant expired on 08.11.2009, after his death his wife i.e. respondent became the owner of premises in question by registered relinquishment deed dated 03.11.2016. the said property admeasuring 220 sq. yards was already partitioned and a portion admeasuring 72 sq. yards which includes the premises in question has fallen in the share of the respondent herein.

OBSERVATIONS:

Although the matter was fixed for miscellaneous arguments, it could not be taken up as the Ld. P.O. was on leave.

NEXT DATE OF HEARING : 17/09/2021.

PURPOSE: Matter set for miscellaneous arguments.

CASE NO. – 13

IN THE COURT OF Ms. RAJ RANI, ADJ (fast track court for rape cases)

SESSIONS COURT, GURUGRAM

DOH: 16/09/2021

U/s: 377 IPC

F.I.R.: 127/2019

P.S.: Sector-51, Gurugram

IN THE MATTER OF:

STATE

...COMPLAINANT

VERSUS

SAHIL

...ACCUSED

BRIEF FACTS

- That the accused and the complainant were office colleagues who worked with an MNC in Gurgaon. They used to commute together in the metro to work.
- That on the day of the incident i.e. 22/12/2019 the accused asked the complainant if he will accompany him to a party to which the complainant agreed.
- That after the office hours they left together for the party which was nearby. In the party both of them got drunk and as a result of this the complainant got a bit dizzy, so the accused offered to take him to his house as lived nearby.
- That at the house of the accused the complainant fall asleep and when he woke up the next morning he felt a very unfamiliar pain in his lower portion of the body.
- That he left the house of the accused and went to see a doctor where he found out that someone had carnal intercourse with him.
- That he suspected that it was the accused only who could have done it and he filed an FIR immediately.

OBSERVATIONS: The bail application of the accused was rejected.

NEXT DATE OF HEARING : 31/08/2021

PURPOSE: Matter set for miscellaneous arguments.

CASE NO. – 14

**IN THE COURT OF SHRI RAJ KUMAR JAIN, ADJ, ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT,
GURUGRAM**

**DOH: 17/08/2021
U/s: 13 of HMA**

IN THE MATTER OF:

PRACHI

...PETITIONER

VERSUS

VISHESH

....RESPONDENT

Petition U/S: 13 of the Hindu Marriage Act, 1965

BRIEF FACTS

- That the marriage of the parties was solemnised as per Hindu rites and rituals on 18/02/2016. The couple was married for 2 years and both of them were working.
- That on 04/05/2019 the respondent did not come home and the petitioner got worried and this led to an argument the next day. The same thing happened a few more times in the course of the next few weeks which made the petitioner suspicious.
- That the petitioner decided to follow the respondent and finds out that the respondent was spending time with another woman.
- That upon confrontation after a heated argument, the respondent admits that he was cheating upon the petitioner.
- That both of them were unable to continue the marriage and decided to dissolve it but when the division of assets was supposed to take place

the respondent refused to give anything to the petitioner stating that they have signed a pre nuptial agreement.

- That the petitioner stated that it was specifically mentioned in the agreement that if one of them commits cheating on the other, then such act will result in breach of the agreement making the defaulter party liable to liquidate the amount of the agreement.

OBSERVATIONS: The petitioner gave evidence by way of evidence along with supporting documents.

NEXT DATE OF HEARING : 31/08/2021

PURPOSE: Matter set for further petitioner evidence..

CASE NO. – 15

**IN THE COURT OF MS. MANIKA, MM, SOUTH DISTRICT, SAKET
COURTS, NEW DELHI**

DOH: 18/08/2021
U/s: 376, 507, 509 IPC
F.I.R.: 989/2019
P.S.: Hauz Khas

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

SUNIL &ors.

....ACCUSED

Complaint u/s 376, 507, 509 IPC

BRIEF FACTS

- That the prosecutrix on 09/09/2019 went to her friend's place to meet him and they had a few drinks. Her friend got a call from the accused persons as they wanted to meet him but he refused and told them that he was with the prosecutrix.
- That after drinking the prosecutrix's friend fall asleep. The door bell rang and the prosecutrix answered. The prosecutrix was a little drunk herself. The accused persons forcefully entered the house and tried to misbehave with the prosecutrix.
- That when the prosecutrix objected the accused persons forced themselves on her turn by turn and left her there.
- That on the very next morning the accused filed an FIR in the Hauz Khas Police Station.

NEXT DATE OF HEARING : 10/10/2021

PURPOSE: Matter set for miscellaneous arguments.

CASE NO. – 16

**IN THE COURT OF MS. ARCHANA BENIWAL, MM, SOUTH
DISTRICT, SAKET COURTS, NEW DELHI**

DOH: 22/08/2021

U/s: 354,375,376, 509 IPC

F.I.R.:989/2019

P.S.: Lajpat Nagar

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

HARSHIT

....ACCUSED

Complaint u/s 354, 375, 376, 509 IPC

BRIEF FACTS

- That the prosecutrix was in a relationship with the accused since 2 months. On 26/06/2016 she invited a few friends to her house along with the accused.
- That after a few hours people started leaving and the accused was the only person left.
- That the accused demanded intercourse from the prosecutrix to which she refused as she was menstruating at that time.
- That the accused still tried to convince her but she bluntly refused and then the accused got enraged and forced himself upon her.

OBSERVATIONS:The matter was listed for judgment and reserved the order for 27/07/2020. The Ld. Trial court was pleased to convict the accused for rape, outraging the modesty of a woman with criminal force u/s 354, 375, 376,

509 IPCand sentenced the accused rigorous imprisonment of 7 years.

NEXT DATE OF HEARING : Nil.

PURPOSE: Nil.

CASE NO. – 17

**IN THE COURT OF Ms. NEHA PALIWAL,MM
DWARKA COURTS , NEW DELHI**

DOH: 23/08/2021

U/s: 323/341/452/354/506/509/420/468/471/120-B/34

F.I.R.: 36/13

P.S.: DWARKA SECTOR 10

IN THE MATTER OF:

SH. SATISH KUMAR

...PETITIONER

VERSUS

SMT. RISHALI DEVI

...DEFENDANT

Acussed No.- 1 Smt. Rishali Devi (Mother)

Acussed No.- 2 Rajveer (Brother)

Acussed No.- 3 Nephew

Acussed No. - 4 Devender (Brother)

Acussed No.- 5 Real sister of complainant

Complainant U/S: 323/341/452/354/506/509/420/468/471/120-B/34 of

Indian Penal Code

BRIEF FACTS:

Complaint is permanent resident of 4/45, ground floor, Khichripur, Delhi.

Complainant is residing on the ground floor with his family. Due to some misunderstanding between the accused and the complainant , a suit for mandatory and permanent injunction was filed before Civil Judge of Dwarka and the same was compromised between them before mediation centre, Dwarka on the condition that none of the accused will interfere in the possession of the complainant. Case was withdrawn by both the parties after

order of mediation centre.

Both the parties started living together but after sometimes accused no.- 1-5 started quarrelling with complainant and his wife. All the accused started trespassing in house of complainant illegally and forcefully and also threatens them to dispose of the property , also they threaten them by saying that if they fail to leave the possession of property, they would kill them, and also made forged documents regarding property .

Accused on the daily basis visit the place of complainant and used to abuse the complainant and his wife also beat them. When complainant went to Police Station for complaint, police official refuse to file complaint by saying that “ this is your family matter.”

After regular collusion, when complainant again made the complaint, police official refuse to file complaint because they had took bribe from accused person and tell them (complainant) we will not file your complaint. Because accused and their association are very rich and influential person and knew some police official too, so police official always refuse to register complaint against them.

Now , complainant and his family are living under the terror of accused.

OBSERVATION: On date of hearing i.e. 02/07/2016 , Copy of charge sheet received.

NEXT DATE OF HEARING :- 03/09/2021

PURPOSE- On next date of hearing case will further proceed for consideration of charge.

CASE NO.- 18

**IN THE COURT OF HON'BLE PRINCIPAL JUDGE OF FAMILY
COURT**

VISHWAS GARG, DWARKA COURTS, DELHI.

DOH: 24/08/2021

IN THE MATTER OF:

SH. SONU BREJMOHAN

...PETITIONER

VERSUS

SMT. HIMANI

...RESPONDENT

**Petition filed under section 9 of Hindu Marriage Act, 1995 for Restitution
of conjugal rights.**

BRIEF FACTS:

The Hindu Marriage was solemnized between petitioner and respondent according to Hindu rites ceremonies on 23/04/2012 at Ghaziabad. The marriage was duly consummated and both petitioner and respondent were cohabitated as husband and wife in matrimonial house and no child was born from the wedlock. After marriage the behaviour of respondent was good but after sometime the behaviour of respondent towards petitioner and his family was changed she started quarrelling with petitioner and also disrespected petitioner and his family and she used to go to her parental home without informing to her husband and used to remain there for many days, every time petitioner used to take her back from her parental house but the attitude of respondent remains same and the petitioner remains silent in order to save his relationship in the month of May 2013, the uncles of respondent approach the

petitioner and said to the petitioner “Ladkialagrehnachahtihai.” To save his matrimonial life, the petitioner started living separately from his parents but the behaviour of respondent was not changed. Ultimately on 17-06-2019, the respondent left the house of petitioner after taking the valuable goods and gold jewellery and clothes without the consent of the petitioner.

Petitioner made calls and made all possible ways to bring her back but all in vain.

OBSERVATION: On the date of hearing, notice was issued to the respondent.

NEXT DATE OF HEARING: 20/09/2021

PURPOSE: Next date for hearing is fixed for appearance of respondent.

CASE NO.- 19

**IN THE COURT OF Ms. NEHA PALIWAL,MM
DWARKA COURTS , NEW DELHI**

DOH: 25/08/2021

U/s:359, 361, 363 IPC

F.I.R.: 546/2018

P.S.: DWARKA SECTOR 12

IN THE MATTER OF:

STATE

...PETITIONER

VERSUS

RATTAN

...RESPONDENT

**Petition filed under section 9 of Hindu Marriage Act, 1995 for Restitution
of conjugal rights.**

BRIEF FACTS:

- That the victim is a 7 year old boy and the accused was a known person to the family of the minor. The accused was the gardener in the house of the boy's family.
- That due to some reason the accused got fired and was humiliated by the parents of the boy and took upon himself to take revenge from them.
- That the accused was aware of the whereabouts of the child and one evening when the boy was returning from the park, he was intercepted by the kidnapper, knowing the guy the kid did not flinch as he recognised him and was friendly towards him . Taking advantage of this fact the kidnapper offered the child a candy which was drugged and took him to an empty construction site and kept him there in ropes.

- That realising that he was the prime suspect he made an anonymous call to the family asking for ransom of Rs. 50 Lakhs and was caught later as the security guard of the site called the police.

OBSERVATION: On the date of hearing, the bail application of the accused was dismissed.

NEXT DATE OF HEARING: 20/08/2021

PURPOSE: Next date for hearing is fixed for examination chief of the parents.

CASE NO.- 20

IN THE COURT OF Ms. NEHA PALIWAL,MM
DWARKA COURTS , NEW DELHI

DOH: 26/08/2021

U/s:320, 322, 325, 326A, 326B, 354DIPC

F.I.R.: 546/2019

P.S.: DWARKA SECTOR 06

IN THE MATTER OF:

STATE

...PETITIONER

VERSUS

ARVIND

...RESPONDENT

Complaint U/s: 354-D,320, 322, 325, 326A, 326B IPC

BRIEF FACTS:

- That the accused is a middle aged man whereas the prosecutrix is a college going girl aged about 20 years. The accused used to stalk the prosecutrix while she used to commute to her college.
- That one fine day the accused saw her with a male friend and was furious. He asked the prosecutrix to stay away from boys to which she bluntly refused.
- That on 11/07/2019 the accused along with his friend while riding a bike came outside the college of the prosecutrix and threw acid on her face.

OBSERVATION: On the date of hearing, the bail application of the accused was heard and was deferred.

NEXT DATE OF HEARING: 25/09/2021

PURPOSE: Next date for hearing is fixed for argument on the bail application.

CASE NO. – 21

IN THE COURT OF SHRI RAJ KUMAR JAIN, ADJ, ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT,
GURUGRAM

DOH: 29/08/2021
U/s: 13 of HMA

IN THE MATTER OF:

AASHNA

...PETITIONER

VERSUS

ANURAG

...DEFENDANT

Petition U/S: 13 of the Hindu Marriage Act, 1965

BRIEF FACTS

- That the Hindu Marriage was solemnized between petitioner and respondent according to Hindu rites ceremonies on 23/04/2018 at Gurugram. The petitioner had a project for which she had to stay in a different city for a few days and there were some network issues in that place.
- That the petitioner and the respondent grew apart as they could not talk to each other. One day the respondent saw the petitioner's social media handle where she posted a picture with a male colleague which made the respondent furious and upon her return for a week the respondent got in a huge fight with the petitioner.
- That during the fight the accused raised his hand upon the petitioner and accused her of being an ill charactered lady.
- That the petitioner has thus filed the present petition.

OBSERVATION: On the date of hearing, notice was issued to the respondent.

NEXT DATE OF HEARING: 28/09/2021

PURPOSE: Next date for hearing is fixed for appearance of respondent.

CASE NO. – 22

IN THE COURT OF SHRI HARUN PRATAP, MM, SOUTH EAST
DISTRICT, SAKET COURTS, NEW DELHI

DOH: 31/08/2021
U/s:302,303,340,350,351,352,364
F.I.R.: 36/2016
P.S.:Jaitpur

Complaint U/s: 302,303,340,350,351,352,364

IN THE MATTER OF:

STATE

...COMPLAINANT

VERSUS

IQBAL

...ACCUSED

Complaint U/s: 302,303,340,350,351,352,364

BRIEF FACTS

- That the deceased a 20 year boy met the accused person through a dating app. They decided to meet for coffee and this continued for over a month.
- That on the day of the incident that is 21/05/2018, they met again at a café and later went to the house of the accused where there was a conflict between the two. The argument got heated and the suspect attacked the deceased with a cricket bat in a total fit of rage.
- That the deceased did not die after the blow but was severely injured. The suspect got frightened and kept him in his house for the next 3 days and kept blackmailing him that if he does not agree to his terms he will tell his family and his friends about his sexual preferences. The

deceased kept arguing that he will reveal the suspect true motive when he gets out.

- That on the 4th day the suspect killed the deceased with a house knife and disposed the body in pieces in sever.

OBSERVATION: On this date of hearing the P.P. examined the medical expert.

NEXT DATE OF HEARING: 09/09/2021

PURPOSE: For examination of the victim's friend.

CONCLUSION

This internship I did in the Chamber of, **Advocate Parvat Singh Thakran** I interned for a period of 31 Days which was quite a learning and new experience as I got to witness the practical application of laws which I studied in my books only.

The Internship gave me the ocean of opportunities to have practical exposure of the professional field of law it enables me to observe the legal environment of courts, professional life of an advocate and other important aspects of law.

After doing this Internship I gained the knowledge in some important fields of law. Firstly, the real legal practice is different from the theoretical version of law which we study. Secondly without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law.

Thirdly, what we study is the body, but what we have learned from this internship is the mechanism of this body. For a law student internship plays a very extensive role as it makes a student familiar to legal atmosphere and helps him learn tactics of a good lawyer from early age.

My senior used to assign me some quality of work which I was capable of doing and understanding. So, my work was confirmed to tasks like finding cases, some research work, interacting with clients, organizing the files and documents, maintaining the books, accompanying clerk to various sections. Attending case hearings, doing research work on various legal topics.

I was also given the opportunity to sit during discussions with clients as well as the opportunity to prepare case briefs after conference with the clients.

My regular task was to maintain the masses of files that lie in my office and to check if their documents are complete and in order. It made my senior's work easy as everything was organized and in place. It also used to make me aware which cases are currently going on and which are oncoming dates.

With Warm Regards

Yours Faithfully,

Prateek

09190103817

B.A.LL.B.(Hons.)

9th semester



FAIRFIELD Institute of Management & Technology

(Affiliated to GGSIP University, New Delhi)

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'A'

Grade Institute by DHE, Govt. of NCT Delhi, Affiliated to GGSIP University Delhi
and Approved by Bar Council of India & NCTE

SUMMER TRAINING REPORT

SESSION : 2017-2022

SUBMITTED TO:

FIMT-SCHOOL OF LAW

SUBMITTED BY:

NAME: PREETI

COURSE: BA LLB(H)

ENROLLMENT NO: 09290103817

SEMESTER: IX (B)



Lal Singh Thakur & Associates

Advocates
Delhi High Court

(Lal Singh Thakur and Associates)
ENROLL. NO. D/1522/1995
11th October, 2021

To Whomsoever It May Concern

This is to certify that Ms. Preeti, D/o Sh. Rishipal Chopra Student of Fifth year of FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY, NEW DELHI, Enroll No. 09290103817 has worked as an intern under me from 24th August, 2021 to 07th October, 2021. During the internship she attended the court proceedings of different trial courts cases, civil or criminal and also attended appellant courts including the High court of India with me and my other associates, she has also worked on number of pending court cases, assisted me in drafting of the applications and reply of new cases, rejoinders and applications and also very honestly and sincerely assisted in the inspection of the pending judicial files, obtaining certified copies from the pending cases, translation several complaints and documents in English with lots of research in finding precedents and latest authorities, as per the requirement of the cases. She is very much regular, punctual, sincere and hard working promising intern, who took keen interest in the court proceedings and also curious to know more and more about the different stages of litigation and the legal consequences. I wish her all success and pray to be a successful lawyer in her coming future.


LAL SINGH THAKUR & ASSOCIATES
Advocate's Enroll No. D/1522/95
Office :- Flat No. 486, Sunview
Pkt-4, Sector-11, Dwarka New Delhi - 110075
Phone :- 011 480280 Mob. :- 9212046428

DECLARATION

I **Preeti** student of B.A.LL.B.(Hons.) 9th semester hereby declare that this report as compiled by me under summer internship program is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to **Fairfield Institute Of Management & Technology** affiliated to **Guru Gobind Singh Indraprastha University, New Delhi** is a reliable document and is of bonafide nature.

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to Sir **Adv. Lal Singh Thakur** who has been my constant support, source of encouragement & inspiration and guided and helped me in successfully completing my summer internship.

Moreover, apart from court they give me a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during the internship as well as at the time of drafting this report.

OBJECTIVE

The legal internship program is not designed to teach us how to be good lawyers (or how to be lawyers at all) . It takes more than studying at the University to do that. The objectives are to:

- Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.
- Allow us to perceive ways in which the formal learning we acquire at university may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.
- Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and
- Enable us to observe and reflect upon the values, ethical standards and conduct of the legal profession in practice and to develop our own attitude of professional responsibility.

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**IN THE HON'BLE COURT OF SENIOR CIVIL JUDGE, DWARKA COURT,NEW
DELHI**

IN THE MATTER OF :-

DR.MEDITECH SURGICAL & DIAGNOSTICS (INDIA) PVT.LTD ..PLAINTIFF

VS.

DR.P.BHASIN PATH LABS (P) LTD & ORS

...DEFENDANT

DATE OF HEARING: 24 august 2021

SUBJECT MATTER:- SUIT FOR RECOVERY OF AMOUNT RS.45,356.00 (FORTY FIVE THOUSAND THREE HUNDRED FIFTY SIX RUPEES ONLY) UNDER ORDER XXXVII OF CIVIL PROCEDURE CODE AS AMENDED UP TO DATE

BRIEF FACTS:-

The defendants purchased from the plaintiff a number of medical instruments /medical lab instruments/ lab regents from 13.01.2018 to till 31.03.2019 and the defendants made assurance to make the payments within 30 days as agreed. The last payment of amount Rs 10,000/- was made by defendants on 06.01.2019but the defendants have not cleared their entire liability till date towards the plaintiff company for the goods purchase of amount Rs.45,356/-(forty five thousand three hundred fifty six rupees) on various dates. That the cause of action accrued and arose in favour of the plaintiff and against the defendant on each and every date between 21.01.2019to 31.03.2019 when after purchasing the goods,the defendant did not make the payment against invoice /bills after 30 days (credit period for invoices), and subsequently when the demand was raised by the plaintiff verbally, telephonically and the personal visits by the plaintiff.

OBSERVATION: the execution was filed on 2 august 2021 and the payment was made by the judgement debtor.

**IN THE HON'BLE COURT CIVIL JUDGE (SENIOR DIVISION), DISTT . COURT,
GURUGRAM**

IN THE MATTER OF :-

ASSAM AGROTECH PRIVATE LIMITED,PLAINTIFF

VS.

KUMAR AGRO FOODS PVT LTDDEFENDANT

DATE OF HEARING : 26 august 2021

SUBJECT MATTER:- SUIT FOR RECOVERY OF AMOUNT RS. 3,45,954.00/
-(THREE LAKH FORTY FIVE THOUSAND NINE HUNDRED FIFTY FOUR RUPEE
)

UNDER ORDER XXXVII OF CIVIL PROCEDURE CODE AS AMENDED UP TO
DATE

BRIEF FACTS:-

1. The plaintiff wanted to purchase Pickle of amount Rs. 17,64,727.00 from the defendant and for that purpose the plaintiff raised PO vide purchase order No. P.O. 46 for
2. Rs. 14,44,881.00 dated 20-02-2018. and purchase order No. P.O._48 for Rs. 3,19,846.00 dated 29-02-18. The total order was given for Rs. 17,64,727.00. However, the defendant has supplied pickles only of Rs. 13,77,124.06 and plaintiff has paid the defendant a total amount Rs. 17,23,078.00. The defendant have not supplied Pickles for the amount given to the defendant as an advance amount as mentioned below in table:

CHEQUE NO.	Date	Amount
000048	26-02-2016.	2,50,000.00
000051	08-03-2016.	95,954.00
TOTAL BALANCE		3,45,954.00

3. After waiting for some time, plaintiff officials contacted the defendant and requested to supply the Pickle on an urgent basis or refund the advance amount but the defendant avoided the plaintiff with one pretext or the other.

OBSERVATION:

THE HON'BLE court heard the argument and issue notice to the defendant returnable on 13.09.2021

NEXT DATE OF HEARING:13 sept 2021

IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURT , DWARKA ,NEW DELHI

IN THE MATTER OF:-

SH. SHALEEN TYAGI

.....PETITIONER

VS.

SMT. SATYAWATI TYAGI

.....RESPONDENT

DATE OF HEARING: 28 august 2021

SUBJECT MATTER:- PETITION UNDER SECTION 13(1)(ia) OF HINDU
MARRIAGE ACT 1955

BRIEF FACTS:-

1. That the marriage between the petitioner and respondent was solemnized on 10/12/2016 according to Hindu Rites & Ceremonies, delhi., a baby girl child namely Navya Tyagi was born out of this wedlock on 29/06/2017
2. That on 20/05/2018, respondent without assigning any reason left the matrimonial home and went to her parental home with a warning of not coming back.
3. That the attitude and temperament shown by the respondent in the past few years was ferreting not only to the petitioner but whole of the family. The respondent has not only acted as unbecoming of a wife but also unbecoming of daughter-in-law and solely responsible for the breakdown of marriage.

OBSERVATION:

In this divorce petition, the dispute between petitioner and respondent has been settled and the compromise has arrived between the parties and after the compromise the respondent came to the matrimonial home to stay there. And the complaint filed under IPC section 498a has been quashed.

**IN THE COURT OF MS. SADHIKA JAIN, DISTRICT COURT , GURGAON,
HARYANA**

IN THE MATTER OF:

RAMAN SINGH

.....APPLICANT

Vs

SHYAM SINGH

.....RESPONDENT

SUBJECT MATTER: SUIT U/S 498A IPC AGAINST THE ACCUSED.

DATE OF HEARING: 8 sep 2021

BRIEF FACTS:

This case is related to the recovery of the damages caused by leaking of water through the pipe in the roof. Appellant is dwelling on the first floor and the defendant lives on the 2nd floor. The damage caused during the repairing done by the defendant. The applicant demanded Rs 2,00,000/- as a payment for damages caused during the repairing work.

OBSERVATION:

When I appeared in the courtroom the council presented the photographs of the damaged area as evidence.

NEXT DATE OF HEARING: 30 sept 2021

**IN THE COURT OF MS. CHARU AGGARWAL, DISTRICT COURT , GURGAON,
HARYANA**

IN THE MATTER OF:

HARI SHANKAR

..... APPLICANT

Vs

DELHI DEVELOPMENT AUTHORITY

.....RESPONDENT

SUBJECT MATTER: SUIT FOR MANDATORY INJUNCTION
AND DECLARATION.

DATE OF HEARING: 22 sep 2021

BRIEF FACTS:

The facts of this case are that the plaintiff is the absolute owner of the property herein referred to as a suit property and the said property was allotted to him by the Delhi Development Authority. On several occasions the plaintiff had visited their office for mutation of the said property but they did not reply for the same. So they filed a suit for the protection of their rights and redressal of their grievances by way of mandatory injunction.

OBSERVATION:

When I appeared in the courtroom the Judge was on the half day leave & the next date of hearing was given by the reader.

NEXT DATE OF HEARING: 21 oct 2021

**IN THE COURT OF HON'BLE SMT. SUYASHA JAWA DISTRICT COURT ,
GURGAON, HARYANA**

IN THE MATTER OF:

TANUJA

.....PETITIONER

Vs.

AMAN & ORS.

.....RESPONDENT

DATE OF HEARING: 5 oct 2021

SUBJECT MATTER: COMPLAINT AGAINST MS. PURVA SAREEN

BRIEF FACTS:

The hearing in the above mentioned parties case was completed without giving an opportunity to petitioner's counsel to advance the arguments and the hon'ble court of Ms. Purva Sareen, didn't directed the counsel of the respondent to supply the copy of the said application to petitioner even after the objection raised by the petitioner's counsel.

OBSERVATION:

When I appeared in the courtroom for the hearing of the case , only the next date of hearing was given for the statement of the respondent.

NEXT DATE OF HEARING: 25 nov 2021

**IN THE COURT OF MS JYOTI GROVER , DISTRICT COURT , GURGAON,
HARYANA**

IN THE MATTER OF:

KIRAN CHOPRA

.....PLAINTIFF

Vs.

PARUL CHOPRA

.....DEFENDANT

SUBJECT MATTER: SUIT FOR EQUAL SHARE OF PARTITION

DATE OF HEARING: 17 sep2021

BRIEF FACTS:

This case is related to the partition between two sisters. According to the appellant the percentage of property is wrong and fraudulent. Thus she demanded equal share in the property.

OBSERVATION:

I observed that the fresh VAKALATNAMA was filed by my advocate & I also observed that the complainant and the witnesses were not present due to some personal problem and no application was submitted to the court regarding their non-presence. Therefore, the court was adjourned and the next date of hearing was given by the court.

NEXT DATE OF HEARING :27 nov 2021

IN THE COURT OF SH.PUNEET NAGPAL, LD. MM, DWARKA COURTS, DELHI

In the matter of:-

BAJAJ FINANCIAL PVT. LTD.

...COMPLAINANT

VERSUS

SUN AGRIFRESH INDUSTRIES PVT. LTD. & ORS

....ACCUSED

AND

PHOENIX ARC PVT. LTD.

..... APPLICANT/PROPOSED DECREE HOLDER

Date of hearing: 20 sep 2021

**APPLICATION ON BEHALF OF THE APPLICANT/PROPOSED COMPLAINANT
PHOENIX ARC PVT. LTD. FOR SUBSTITUTION OF APPLICANT COMPANY IN
PLACE OF M/S BAJAJ FINANCIAL LTD.**

BRIEF FACTS:-

That the Applicant has entered into a Deed of Assignment dated 04-Apr-2020 with M/s Bajaj Financial Ltd. i.e. complainant in the above case, wherein inter-alia the aforesaid loan account along with underlying security interests has been assigned in favor of the Applicant. That in view of aforesaid facts the Applicant needs to be substituted in place of M/s Bajaj Finance Ltd. wherever the name so appears as the complainant since subsequent to the aforesaid Deed to Assignment all the rights under the Award dated 15.09.2019 with respect to aforesaid loan now stands in favor of the Applicant M/s PHOENIX ARC PVT.LTD. (acting as trustee of Phoenix Trust FY 18-1 Scheme E) .

OBSERVATION : In this case the matter is listed for pre-summoning evidence.

NEXT DATE OF HEARING :27/10/2021

IN THE COURT OF A.C.M.M.,DWARKA COURTS, NEW DELHI

IN THE MATTER OF:

RAJ SINGH

....COMPLAINANT

Vs.

M/s Piyush Shelters India Pvt. Ltd.,

.....ACCUSED

DATE OF HEARING: 1 oct 2021

SUBJECT MATTER:- COMPLAINT U/S 156(3) READ WITH SECTION 190 CR.P.C.
FOR CHEATING AND CRIMINAL BREACH OF TRUST PUNISHABLE U/S 420/406
IPC

BRIEF FACTS:-

That the accused deceived the complainant by giving false assurance that they shall give the assured return . The assured return shall begin to run from 17th may 2017 and the assured return shall only be paid up to three years i.e. from 17.5.2017 to 17.5.2018 of said Office/Unit. In the event the complainant is willing to quit out of this agreement/project after three years from date of signing of the agreement, then in that case the accused shall give Rs. 65,08,237/- with service tax to the complainant . only to the complainant after deducting TDS.The last installment the accused have paid on 17.10.2017 and started

defaulting the installment thereafter. The accused has not paid the remaining 21 installments of assured return of amount Rs. 48,675/-each per month i.e amount Rs 10,22,176/- (ten lakh twenty two thousand one hundred seventy six rupee) as well as amount Rs 65,08,237/- The accused has done fraud with the complainant and have cheated the complainant by giving him false representation and false assurance of assured return .

OBSERVATION:

The hon'ble court heard the argument and has sought an action taken report(ATR) from the police station . After considering the action taken report the court will give direction to the SHO to register FIR or to dismiss the complaint u/s 156(3) and will take cognizance in the complaint case.

NEXT DATE OF HEARING: 18 nov 2021

**IN THE COURT OF MR.MADHUR BAJAJ DISTRICT COURT , GURGAON,
HARYANA**

IN THE MATTER OF:

STATE

.....PLAINTIFF

Vs

PAWAN KUMAR

.....RESPONDENT

SUBJECT MATTER: SUIT UNDER SECTION 379/451/506/34 IPC

DATE OF HEARING: 25 sep 2021

BRIEF FACTS :

This case is related to illegal construction. Property bearing no. A-5B/178, Ground Floor SFS DDA Flats, Paschim Vihar, New Delhi-63 measuring 88 sq. Yards. The property was extended with the illegal construction of concrete sheds. The NDMC is seeking the permission from the court to break that illegal construction on which Respondent has taken stay from the court.

OBSERVATION:

On the date of its matter in court the evidence was shown related to the case.

NEXT DATE OF HEARING: 6 dec 2021

**IN THE HON'BLE COURT OF DISTRICT & SESSION JUDGE,
TIS HAZARI COURTS, DELHI**

IN THE MATTER OF :-

ARIHANT ELECTRICALS

.....PLAINTIFF

Vs.

OPTIMAL POWER SYNERGY INDIA PVT.LTD & ors

.....DEFENDANTS

DATE OF HEARING: 29 sep 2021

SUBJECT MATTER:- SUMMARY SUIT UNDER ORDER XXXVII OF THE CODE
OF CIVIL PROCEDURE, 1908

BRIEF FACTS:-

1. That the defendants purchased electrical part from plaintiff on various dates and the plaintiff supplied the same i.e.

Bill_Dt	Bill_No	Po_No	Invoice_ A m t	Over_du e - a m t
31/05/12	OINV/001398/12-13	OPSI/PO-0006B/201 1	78,540.00	78,540.00
27/02/15	OINV/007607/14-15	OPS/PO-173B/14-15	1,14,099.53	40,735.53
27/07/15	OINV/002680/15-16	OPS/PO-060B/15-16	1,09,840.23	1,09,840.23

25/08/15	OINV/003353/15-16	OPSI/PO-105B/15-16	46,343.25	46,343.25
08/09/15	OINV/003621/15-16	OPSI/PO-077B/15-16	28,503.04	28,503.04
11/09/15	OINV/003737/15-16	OPSI/PO-143B/15-16	37,205.06	37,205.06
11/09/15	OINV/003719/15-16	OPSI/PO-77B/15-16	28,503.04	28,503.04
11/09/15	OINV/003738/15-16	OPSI/PO-143B/15-16	1,61,341.52	1,61,341.52
22/09/15	OINV/003980/15-16	OPSI/PO-105B/15-16	69,514.63	69,514.63

24/09/15	OINV/004053/15-16	OPSI/PO-143B/15-16	32,194.87	32,194.87
26/07/16	OINV/002516/16-17	OPSI/PO-105B/15-16	24,517.67	24,517.67
27/07/16	OINV/002531/16-17	OPSI/PROJ-PO-073B	55,469.84	55,469.84
			7,86,072.68	7,12,708.68

2. That after purchasing the electrical part of RS 7,86,072.68, the defendants has not made the payment of amount RS **7,12,708.68**(RUPEE SEVEN LAKH TWELVE THOUSAND SEVEN HUNDRED EIGHT AND SIXTY EIGHT PAISA) and the said amount is still due upon the defendants and despite the various demands made by the plaintiff, the defendants deliberately have avoided the payment on one pretext or the other.

OBSERVATION: Defendant no.1&2 appear , right of d1 is closed to file WS .d3 is dropped by plaintiff due to address out of country . Now the matter is listed for the filing list of witnesses.

NEXT DATE OF HEARING: 18 nov 2021

**IN THE HON'BLE COURT OF MS RAJ RANI MITRA LD. ADJ, DWARKA COURTS,
NEW DELHI**

IN THE MATTER OF:-

Smt. Vimlesh Sharma

Versus

Sh. Shyam Sunder Sharma

Date of hearing: 30 sep 2021

Brief Facts:-

Deponent says that the FIR no.164 dated 03.10.2011 and complaint case filed u/s 138 NI Act pending before Sh. N.K. Laka,MM Dwarka, Delhi for suit property was compromised between the parties vide compromise deed dated 09.11.2015 and same is clearly mentioned in order dated 20.12.2015 case title Bimlesh V/s Shyam Sunder passed by Sh.Naresh Kumar Laka,Ld M.M.,Dwarka Court, New Delhi. It is the compromise deed that the Plaintiff shall withdraw all the cases filed by her against the Defendant in the court whatsoever and also cooperate in quashing the said FIR in the Hon'ble High Court of Delhi or the other competent court of law and it was agreed that the Defendant has paid a sum of Rs. 9,00,000/- to the Plaintiff against the full and final settlement of all the disputes till today i.e. the day of this Settlement Deed.

Observation: plaintiff evidence has already been examined and cross examined. In today's hearing I observed that the defendant's evidence was cross examined.

Next date of hearing: 15/11/2021

**IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE, TIS HAZARI COURT,
DELHI**

IN THE MATTER OF:

VANESA CARE PVT LTD

.....COMPLAINANT

Vs.

AJIT KUMAR PATTNAIK

.....ACCUSED

DATE OF HEARING: 4 oct 2021

SUBJECT MATTER:- COMPLAINT U/S 138/141 READ WITH SECTION 142 OF
NEGOTIABLE INSTRUMENT ACT, 1881 READ WITH PROVISION OF CHAPTER
XV OF CRIMINAL PROCEDURE CODE, 1973

BRIEF FACTS:-

That the accused purchased personal care products from the complainant on various dates
and to discharge his aforesaid liability the accused issued the present cheque/s.

Cheque No	Cheque Date	Amount Rs.	Drawn On	Reason	Returning date
911627	20.10.2017	90249/-	Central Of India, Cuttack Puri Road, Branch-Bhubaneswar	“FUNDS INSUFFICIENT”	23.10.2017

That the above said cheque/s issued by the accused were dishonoured by the complainant's & accused's bankers for reason “funds insufficient” when presented at Kotak Mahindra Bank Ltd ,karolBagh in Delhi and were returned by his banker vide returning memo dt. 23.10.2017 That the personal care products were sold by the complainant to the accused only upon the specific representation/ inducement that payment would be made, but the accused is deliberately not making the payment to the complainant after purchasing the products which clearly reflects dishonest intentions of the accused at the time of making false inducements/ representations about the payment in order to purchase products from the complainant company.

OBSERVATION:

On hearing of this case, I observed that the magistrate heard the complaint and gave direction to the complaint counsel to provide a fresh address for summoning.

NEXT DATE OF HEARING: 10 dec 2021

IN THE COURT OF A.C.M.M.,TIS HAZARI COURTS, DELHI

IN THE MATTER OF:

Mahesh Rathi

.....COMPLAINANT

Vs.

Shiv Kaur & ors

..... ACCUSED

DATE OF HEARING: 26 sep 2021

SUBJECT MATTER:- COMPLAINT U/S 156(3)READ WITH SECTION 190 Cr.P.C.
FOR OFFENCES U/S 420/120B IPC

BRIEF FACTS:-

1. That the complainant purchased a House from accused On 26th May, 2016 complainant was called by police persons to show the document of his house /above said property and complainant went to police station along with his friends where he was threatened to handover the possession to accused no.3 Mr. Omparkash otherwise a false case would be registered against the complainant.
2. The Hon'ble court of Ms. Anu Malhotra also observed that the complainant is the owner in possession and granted bail on 30/05/2016 within five days. That the above said all the accused persons have cheated the complainant by with the connivance of each other to cause him wrongful loss, wrongful loss and wrongful gain to themselves.

OBSERVATION:

The complainant's evidence has been examined and now the matter is fixed for final argument.

NEXT DATE OF HEARING: 13 dec 2021

**IN THE HON'BLE COURT OF DISTRICT AND SESSION JUDGE, TIS HAZARI
COURTS, DELHI**

IN THE MATTER OF:

VIMAL PRASAD JAIN

.....COMPLAINANT

Vs.

GREESH KUMAR

.....ACCUSED

DATE OF HEARING: 30 sep 2021

SUBJECT MATTER:- COMPLAINT U/S 138 OF NI ACT, 1881 READ WITH
PROVISION OF CHAPTER XVII OF CRIMINAL PROCEDURE CODE, 1973

BRIEF FACTS:-

That the complainant and the accused are having friendly relations with each other and accused took a friendly loan of amount Rs. 13,25,000/- (Thirteen lakh twenty five thousand rupee) in the month of September, 2012)

Cheque No	Cheque Date	Amount	Drawn On	Memo dated
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697240	23/03/2013	Rs.13,25,000/-	Central Bank of India, Khan Market, new Delhi	30/5/2013 received on 17.06/2013
--------	------------	----------------	--	--

That the above said cheque issued by the accused were dishonoured by the complainant's accused bankers for reason FUNDS INSUFFICIENT” when presented at vysya bank ltd. at sector 11 dwarka, delhi and was returned by his banker vide returning memo dt. 30/05/2013 received on 17/06/2013 with the above said reason as per the returning memo details of the cheque/s

OBSERVATION: THE accused have to pay the amount of 16.5 lakhs to the defendant and if he does not pay the amount, he can be punished upto 1 year.

NEXT DATE OF HEARING: 21 oct 2021

CONCLUSION

After doing this summer internship I gained knowledge in some important fields of law. Firstly the real legal practice is absolutely different from the theoretical version of law which we study. Secondly, without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. Thirdly, what we study is the body, but what we have learned from this internship is the mechanism of this body. I also came to know about the duties, responsibilities and power of judge, advocate and police in the case. The internship also helped me to understand the different stages of trial and suit. In other words law may come and law may repeal, but they always stay true to our original values. With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards

Yours Obediently,

Preeti

09290103817

B.A.LL.B.(Hons.)

9 Semester

NAAC ACCREDITED



FAIRFIELD

Institute of Management & Technology

तेजस्वि नावधीतमस्तु

ISO 9001:2015 & 14001:2015

Affiliated to GGS IP University, an 'A' Grade College by DHE, Govt. of NCT DELHI,
Approved by the Bar Council of India, NCTE and Recognised under 2(f) of UGC Act of 1956

**SUMMER
INTERNSHIP
REPORT**

BA-LLB (HONS.)

BBA-LLB (HONS.)

FIMT

SCHOOL OF LAW

Submitted by:-

Purnima Satyam

NAME - _____

ENROLLMENT NO. 09390103817

COURSE - BA LLB -8TH SEM.

BATCH - 2017-2022



SUMMER TRAINING REPORT

GURU GOBIND SINGH INDRAPRSATHA UNIVERSITY

FIMT



SUBMITTED TO –

FIMT(School Of Law)

SUBMITTED BY-

Purnima Satyam

09390103817

B.A.LLB.(Hons.) 8TH

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LAL SINGH THAKUR & ASSOCIATES

Advocates

En. No. D/1522/95

DELHI HIGH COURT

Off. At: 486, Sunview Apartments, Sector-11, Pocket-4, Dwarka, New
Delhi-110075

Mobile: 9212046428

Email: thakuradvocates@yahoo.co.in

11th October, 2021

To Whomsoever It May Concern

This is to certify that Ms, Purnima Satyam, D/o Sh. Pari Purna Nand, 5th Year student of FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY, NEW DELHI, Enroll. No. 09390103817 has worked as an intern under me from 24th August, 2021 to 07th October, 2021. During the internship, she attended the court proceedings of different trial courts cases, civil and criminal and also attended Appellate Courts including the High Court of India with me and my other associates, she has also worked on a number of pending court cases, assisted me in drafting the applications and replies of new cases, rejoinders and applications and also very honestly and sincerely assisted me in the inspection of the pending judicial files, obtaining certified copies of the pending cases, translations of several complaints and documents in English with lots of research in finding precedents and latest authorities, as per the requirement of the cases. She is very regular, punctual, sincere, hard-working and a promising intern, who took keen interest in the court proceedings and she is also curious to know more and more about the different stages of litigation and the legal consequences. I wish her all the success and pray for her to be a successful lawyer in future.



(Lal Singh Thakur and Associates)

Advocates

LAL SINGH THAKUR & ASSOCIATES

Advocate's Enroll-D/1522/95

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Phone :- 011 490290 Mob. :- 9212046428

DECLARATION

I PURNIMA SATYAM of 8TH semester of BA-LLB (H) hereby declare that this report is compiled by me under 4 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to Fairfield Institute Of Management & Technology affiliated to GGS IP UNIVERSITY, New Delhi is a reliable document and is of bonafide nature.

NAME: PURNIMA SATYAM

DATE: 25.11.2021

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected Mentor Adv.LAL SINGH THAKUR Sir where I undertook & completed my 4 weeks internship for Content Writing or Research work who has been my constant support, source of encouragement , inspiration ,guided and helped me in successfully completing my Summer Internship. Moreover, apart from Court they give me a chance to get exposure by attending various online conferences, seminars with various advocates. I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting of this report.

OBJECTIVE

The Legal Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it. Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle. Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

Cases Observed

CASE LAW:1

**IN THE COURT OF SH. SIRISH AGARWAL, METROPOLITAN
MAGISTRATE, ROHINI DISTRICT COURTS, DELHI**

IN THE MATTER OF:

MEGHNATH CHOUDHARY

....COMPLAINANT

Vs

KHUSHAL CHAND ACCUSED

DATE OF HEARING: 25 august 2021

SUBJECT MATTER: COMPLAINT UNDER SECTION 138 AND SECTION 141
OF NEGOTIABLE INSTRUMENTS ACT, 1881 AS AMENDED UPTO DATE

BRIEF FACTS:

In this case, the complainant is a teacher in MCD School, Delhi and the accused is running a business of Jeans. That the complainant advanced a friendly loan of Rs. 5 lakhs on 16.09.2014 only on the conditions when the accused issue a Cheque against the friendly loan amount as security to the complaint and the accused agreed to issue the Cheque as security against the loan amount. In order to get loan, the accused issued a postdated Cheque , 51/3, DeshBandhu Gupta Road, Karol Bagh, Delhi- 110005 in the month of October, 2014 stating that on the presentation of this Cheque, it shall be honored. The said Cheque was dishonored for the reasons and remarks as "Funds Insufficient" when presented by the complainant for encashment. It is also pertinent to mention here that whoever commits an offence u/s 138 of N.I. Act, he/sheshall be punished with imprisonment for a period of 2 years and has to pay double of the Cheque amount.

OBSERVATION:

On hearing of this case, I observed that the Accused was present without the bail bond. So, The Hon'ble Magistrate extended his term of Judicial Custody. Next Date is fixed for the Arguments of Charge.

NEXT DATE OF HEARING: 21 oct 2021

CASE LAW- 2

**IN THE COURT OF MS. VANDANA, CHIEF METROPOLITAN
MAGISTRATE, TIS HAZARI DISTRICT COURTS, DELHI**

IN THE MATTER OF:

PUNJAB & SIND BANKCOMPLAINANT

Vs

SAROJ KUMARI ACCUSED

DATE OF HEARING: 9 september 2021

SUBJECT MATTER: COMPLAINT UNDER SECTION 138 OF the
NEGOTIABLE INSTRUMENTS ACT, 1881 AS AMENDED UPTO DATE

BRIEF FACTS:

In this case, the complainant bank is a body corporate and a Government of India Undertaking with perpetual Succession Constituted under the Banking Companies Act 40 of 1980. The accused person requested the bank for financial assistance for the purchase of House and upon the request the bank has sanctioned and allowed the Housing Loan facility for a total sum of Rs. 25,00,000/- (Twenty Five Lakhs) duly secured by way of equitable mortgage of property Bearing No. 1/9819, situated at West Gorakh Park , Delhi on 03.03.2012. In order to discharge his liability, the accused has issued a Cheque Bearing no. 146518 dated 24.03.2016 drawn on Dena Bank, Shahdara Branch, Delhi-110032 from her account no. 131010031994 for a sum of Rs. 50,000/- (Fifty Thousand) in favour of PSB i.e. complainant bank. The said Cheque was dishonored for the reasons and remarks as “Funds Insufficient” when presented by the complainant bank for encashment. Under the above mentioned facts and circumstances, accused has committed an offence U/s 138 of Negotiable Instruments Act, and accused is liable to be prosecuted as per provisions of law.

OBSERVATION:

On hearing of this case, I observed that, The Magistrate heard the complaint and issue summons against the accused person and give direction to the complainant counsel to file PF/RC within one week.

NEXT DATE OF HEARING: 22 december 2021

CASE LAW- 3

**IN THE COURT OF MS JYOTI GROVER , DISTRICT COURT ,
GURGAON, HARYANA**

IN THE MATTER OF:

KIRAN CHOPRA
.....PLAINTIFF

Vs.

PARUL CHOPRA
.....DEFENDANT

SUBJECT MATTER: SUIT FOR EQUAL SHARE OF PARTITION

DATE OF HEARING: 16 september 2021

BRIEF FACTS:

This case is related to the partition between two sisters. According to the appellant the percentage of property is wrong and fraudulent. Thus she demanded for equal share in the property.

OBSERVATION:

I observed that the fresh VAKALATNAMA was filed by my advocate & I also observed that the complainant and the witnesses were not present due to some personal problem and no application was submitted to the court regarding their non-presence. Therefore, the court was adjourned and the next date of hearing was given by the court.

NEXT DATE OF HEARING :27 january2022

CASE LAW-4

**IN THE COURT OF SH. VIJAY KUMAR AHUJA, REGISTRAR, DEBTS
RECOVERY TRIBUNAL-111, DELHI**

IN THE MATTER OF:

PUNJAB & SIND BANK

....APPLICANT

Vs

PARVEEN KUMAR BABBAR & ORS.

....DEFENDANTS

DATE OF HEARING: 5 october 2021

SUBJECT MATTER: APPLICATION UNDER SECTION 19 OF THE RECOVERY OF DEBTS DUE TO BANKS AND FINANCIAL INSTITUTIONS ACT, 1993 FOR THE RECOVERY OF RS. 25,41,194/- (TWENTY FIVE LAKH FORTY ONE THOUSAND ONE HUNDRED AND NINETY FOUR ONLY) BEING THE PRINCIPAL SUM DUE INCLUSIVE OF INTEREST CALCULATED UPTO 31/12/2015 ALONG WITH PENDENTE LITE AND FUTURE INTEREST AND COSTS OF THIS APPLICATION

BRIEF FACTS:

In this case, the complainant bank is a body corporate constituted under the Banking Companies Act, 1980. That the defendant No. 1&2 are the Principal Borrowers of the Applicant Bank and defendant No. 3 are guarantor in personal capacity in the aforesaid loan facility. On July, 2008 the defendant No. 1 &2 approached the applicant bank for Sanctioning loan under housing loan scheme facility for a sum of Rs. 15,50,000/- (Fifteen Lakh Fifty Thousand). The applicant bank after carefully examining the financial capability agreed to sanction the loan facility on 22.07.2008.

Defendant No.1 & 2 executed necessary documents in favour of loan facility. The Defendant No.1 to 3 executed and delivered the various security documents on 2.07.2008 which include Demand Promissory Note, Letter of Waiver, Request Letter, Letter of Continuity and Undertaking for Disclosure in CIBLE etc. The defendants were agreed to repay the entire amount with interest @11% p.a. with monthly rests. However, after availing the said loan facility, defendants failed and neglected to pay the said outstanding amount to the applicant bank. Hence the present OA has been filed by the applicant bank for claiming an amount of Rs. 25,41,194/- (Twenty Five Lakh Forty One Thousand One Hundred Ninety Four) with pendente lite and future interest and for issuance of the recovery certificate for the said amount.

OBSERVATION:

Today, none is present for the defendants so The Applicant Bank file Service Affidavit in respect of Defendant service. Now, the matter will be listed before Presiding Officer for the purpose of further proceedings.

NEXT DATE OF HEARING: 11 January 2022

CASE LAW- 5

IN THE HON'BLE COURT OF SENIOR CIVIL JUDGE,

DWARKA COURT,NEW DELHI

IN THE MATTER OF :-

DR.MEDITECH SURGICAL & DIAGNOSTICS (INDIA) PVT.LTD

....

PLAINTIFF

VS.

DR.P.BHASIN PATH LABS (P) LTD & ORS

....DEFENDANT

DATE OF HEARING: 8 september 2021

SUBJECT MATTER:- SUIT FOR RECOVERY OF AMOUNT RS.45,356.00

(FORTY FIVE THOUSAND THREE HUNDRED FIFTY SIX RUPEES ONLY)

UNDER ORDER XXXVII OF CIVIL PROCEDURE CODE AS AMENDED UP

TO DATE

BRIEF FACTS:-

The defendants purchased from the plaintiff number of medical instruments /medical lab instruments/ lab regents since 13.01.2015 to till 31.03.2016 and the defendants made assurance to make the payments within 30 days as agreed. That the last payment of amount Rs 10,000/- was made by defendants on 06.01.2017 but the defendants have not cleared their entire liability till date towards the plaintiff company for the goods purchase of amount Rs.45,356/-(forty five thousand three hundred fifty six rupees) on various dates. That the cause of action accrued and arose in favour of the plaintiff and against the defendant on each and every date between 21.01.2016 to 31.03.2016 when after purchasing the goods,the defendant did not make the payment against invoice /bills after 30 days (credit period for invoices), and

subsequently when the demand was raised by the plaintiff verbally, telephonically and the personal visits by the plaintiff.

OBSERVATION: the execution was filed on 2 july 2019 and the payment was made by judgement debtor.

CASE LAW- 6

**IN THE COURT OF MS. CHARU AGGARWAL, DISTRICT COURT ,
GURGAON, HARYANA**

IN THE MATTER OF:

HARI SHANKARAPPLICANT

Vs

DELHI DEVELOPMENT AUTHORITYRESPONDENT

SUBJECT MATTER: SUIT FOR MANDATORY INJUNCTION AND
DECLARATION.

DATE OF HEARING: 9 september 2021

BRIEF FACTS:

The facts of this case are that the plaintiff is the absolute owner of the property herein referred as a suit property and the said property was allotted to him by the Delhi Development Authority. On several occasions the plaintiff had visited their office for mutation of the said property but they did not replied for the same. So they filed a suit for the protection of their rights and redressal of their grievances by way of mandatory injunction.

OBSERVATION:

When I appeared in the courtroom the Judge was on the half day leave & the next date of hearing was given by the reader.

NEXT DATE OF HEARING: 19 october 2021

CASE LAW- 7

**IN THE HON'BLE COURT OF DISTRICT & SESSION JUDGE,
TIS HAZARI COURTS, DELHI**

IN THE MATTER OF :-

ARIHANT ELECTRICALS PLAINTIFF

Vs.

OPTIMAL POWER SYNERGY INDIA PVT.LTD &orsDEFENDANTS

DATE OF HEARING: 30 september 2021

SUBJECT MATTER:- SUMMARY SUIT UNDER ORDER XXXVII OF THE CODE
OF CIVIL PROCEDURE, 1908

BRIEF FACTS:-

1. That the defendants purchased electrical part from plaintiff on various dates and the plaintiff supplied the same i.e.

Bill_Dt	Bill_No	Po_No	Invoice_Am t	Over_due_ amt
31/05/12	OINV/001398/12-13	OPSI/PO-0006B/2011	78,540.00	78,540.00

27/02/15	OINV/007607/14-15	OPS/PO-173B/14-15	1,14,099.53	40,735.53
27/07/15	OINV/002680/15-16	OPS/PO-060B/15-16	1,09,840.23	1,09,840.23
25/08/15	OINV/003353/15-16	OPSI/PO-105B/15-16	46,343.25	46,343.25
08/09/15	OINV/003621/15-16	OPSI/PO-077B/15-16	28,503.04	28,503.04
11/09/15	OINV/003737/15-16	OPSI/PO-143B/15-16	37,205.06	37,205.06

That after purchasing the electrical part of RS 7,86,072.68, the defendants has not made the payment of amount RS 7,12,708.68 (RUPEE SEVEN LAKH TWELVE THOUSAND SEVEN HUNDRED EIGHT AND SIXTY EIGHT PAISA) and the said amount is still due upon the defendants and despite the various demands made by the plaintiff, the defendants deliberately have avoided the payment on one pretext or the other.

OBSERVATION: defendant no.1&2 appear, right of d1 is closed to file WS .d3

is dropped by plaintiff due to address of out of country. now matter is listed for filing list of witnesses.

NEXT DATE OF HEARING: 18 January 2021

CASE LAW- 8

IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURT , DWARKA

,NEW DELHI

IN THE MATTER OF:-

SH. SHALEEN TYAGI

.....PETITIONER

VS.

SMT. SATYAWATI TYAGI

.....RESPONDENT

DATE OF HEARING: 22 september 2021

SUBJECT MATTER:- PETITION UNDER SECTION 13(1)(ia) OF HINDU

MARRIAGE ACT1955

BRIEF FACTS:-

1. That the marriage between the petitioner and respondent was solemnized on 10/12/2013 according to Hindu Rites & Ceremonies, delhi., a baby girl child namely Navya Tyagi was born out of this wedlock on 29/06/2015
2. That on 20/05/2018, respondent without assigning any reason left the matrimonial home and went to her parental home with a warning of not coming back.
3. That the attitude and temperament shown by the respondent in the past few years was ferreting not only to the petitioner but whole of the family. The respondent has not only acted as unbecoming of a wife but also unbecoming of daughter-in-law and solely responsible for the breakdown of marriage.

OBSERVATION:

in this divorce petition, the dispute between petitioner and respondent has been settled and the compromise has arrived between the parties and after the compromise the

respondent came to matrimonial home to stay there. And the complaint filed under IPC section 498a has been quashed.

CASE LAW- 9

IN THE COURT OF SH. SUBE SINGH, LEARNED RECOVERY OFFICER,

DEBTS RECOVERY TRIBUNAL-II, DELHI

IN THE MATTER OF:

PUNJAB & SIND BANK..... CERTIFICATE HOLDER

Vs

ARUN & RAJIV PVT. LTDCERTIFICATE DEBTORS

DATE OF HEARING: 26 august 2021

SUBJECT MATTER: APPLICATION FOR FILING OF AFFIDAVIT OF ASSETS OF LIABILITY

BRIEF FACTS:

In this case, the Applicant bank is a body corporate constituted under the Banking Companies Act, 1980. That the Defendant No. 1 is a well renowned company and the defendant No. 2 & 3 are the directors of Defendant No. 1 Company. That the defendant No.1 Company had been operating a current account with the applicant bank and in September, 2006 had put in a request for grant of credit facilities to the bank in order to meet its working capital requirements. In this regard, the company submitted a certified copy of its Board Resolution dated 30.09.2006 whereby Defendants No. 2 & 3 had been authorized to deliver all documents and forms. That

upon the request put in by defendant No.1, the applicant bank sanctioned the following credit facilities through letter of sanction dated 07.02.2007 bearing no.53/2007:

- 1) A CC (Hypothecation) Limit in the sum of Rs. 5 Lakh.
- 2) A term loan in the sum of Rs. 5 Lakh.

That upon Sanction of the facilities mentioned, Defendant No. 1 executed the loan

security documents in favour of the bank on 07.02.2007. That after giving many notices by the applicant bank, Defendant No. 1 fail to maintain its account and is liable to pay 11,33,708/- (Eleven Lakh Thirty Three Thousand Seven Hundred Eight only) to the applicant bank.

OBSERVATION:

Matter listed today for the purpose of filing of Affidavit of Assets Liability. Assets Liability filed by the Debtor before Hon'ble Presiding Officer and give the direction to the Certificate Holder bank to file the reply before the next date of hearing.

NEXT DATE OF HEARING: 06 january 2022

CASE LAW- 10

**IN THE COURT OF SH. NAROTTAM KAUSHAL, PRINCIPAL JUDGE,
FAMILY COURTS, ROHINI DISTRICT COURTS, DELHI**

IN THE MATTER OF:

AJAY SINGH RAWAT ...PETITIONER NO 1

Vs

PREETI RAWAT ...PETITIONER NO 2

DATE OF HEARING: 27 september 2021

SUBJECT MATTER: PETITION FOR DISSOLUTION OF MARRIAGE BY A
DECREE OF DIVORCE BY MUTUAL CONSENT U/S 13B (1) OF HINDU
MARRIAGE ACT 1955 AS AMENDED UPTO DATE

BRIEF FACTS:

In this case, the marriage of the Petitioner No. 1 was solemnized with Petitioner No. 2 on 28/01/2007 in accordance of Hindu Rites and Ceremonies, Delhi. From this wedlock, one male child was born namely Lowell Rawat was born on 28/12/2009.

The child was in the care and custody of Petitioner No. 1 and he is taking all the care of the child. That party to the petition could not live together as temperamental disputes and differences arose between the petitioners and they decided to live separately from each other since January 2015 and their marriage has been broken down irrevocably and there are no chances of their in future.

That the accordingly pursuant to mutual settlement between the petitioners and both parties are agreed to divorce mutually. The mutual consent has not been obtained by Fraud, Force or Undue influence.

OBSERVATION:

Today Matter is listed for Second motion of the divorce. Both the parties were present and the Hon'ble Judge give three months of decree of judicial separation.

NEXT DATE OF HEARING: 29 december 2021

CASE LAW- 11

IN THE COURT OF SH. R.P.S. TEJI, PRESIDING OFFICER, MACT, TIS HAZARI

DISTRICT COURTS, DELHI

IN THE MATTER OF:

RAM CHANDERPETITIONER

Vs

SATENDER & OTHERSRESPONDENT

DATE OF HEARING: 28 august 2021

SUBJECT MATTER: APPLICATION UNDER SECTION 166 & 140 OF THE MOTOR

VEHICLE ACT, 1988 FOR GRANT OF COMPENSATION

BRIEF FACTS:

In this case, on 30/08/2014 at about 9 am in the broad day time near Village Ghevra, Nizampur Road, Respondent no. 1, Satender who was driving a Light Goods Vehicle, bearing Registration No. DL 8C AW 8404 had reversed the offending vehicle in a rash and negligent manner without blowing any horn and without observing any traffic rules, hit the petitioner, Ram Chander, who was going towards bus stop. As a result of accident, the petitioner suffered many grievous injuries. The impact of the said accident was such that the deceased had immediately taken to SGM Hospital, MangolPuri. Local Police thereafter registered a FIR bearing No. 672/2014 U/S

279/337 IPC against the Respondent No. 1. The accident has put immense financial burden on the petitioner and his family. It is pertinent to mention herein that the Petitioner was working as a Tailor at Boutique at Ghevra Village. His salary was Rs. 15000/- (Fifteen Thousand) and he is only working person in his family. The whole family was dependent on his income. The deceased was assessed to income tax. The Petitioner No. 1 is not able to go to his shop for the past 2 months and is facing many financial problems due to it.

OBSERVATION:

Today Matter is listed for settlement before the LokAdalat. Insurance company refused the proposal of the injured/petitioner no. 1. Matter sent back to concerned court on the already fixed date.

NEXT DATE OF HEARING: 27 october 2021

CASE LAW- 12

IN THE COURT OF SH DEVENDER KUMAR, ADMINISTRATIVE CIVIL JUDGE

CUM ADDITIONAL RENT CONTROLLER (WEST DELHI), TIS HAZARI COURTS,

DELHI

IN THE MATTER OF:

SOMNATH ...PETITIONER

Vs

S. SOHAN SINGH SANDHRESPONDENT

DATE OF HEARING: 1september 2021

SUBJECT MATTER: APPLICATION FOR DEPOSIT OF RENT AS PER RULE 10 OF

DELHI RENT CONTROL RULES, 1959

BRIEF FACTS:

In this case, the Respondent is the owner of the property bearing no. 4/28A, Kirti Nagar, New Delhi in which the Petitioner, lawful tenant since 1975 was residing and the landlord has been receiving rent from tenant since the inception of tenancy of applicant in the year 1975. That it is further submitted that the rate of rent of the aforesaid tenanted premises is Rs 1000/- per month excluding of electricity and water charges which the landlord is accepting regularly per month and has accepted the advance rent of the said tenanted premises for a period of five months i.e.

Rs 5000/- from 01/04/2012 to 31/08/2012. That now son of the Respondent is bent upon to create false and frivolous grounds of eviction of tenant and also he has extended threats of all kinds to the tenant that he would sell the tenanted premises to the buyers. Also Son of the Respondent has filed a case of eviction vide Eviction Petition No. E-239/2011 under Section 14(i)(e) of Delhi Rent Control Act against the petitioner. That there is an imminent threat to the tenant that the son of the respondent might sell out the tenanted property without due process of law. Now, when tenantsent him the rent for a period of Five Months from 01/09/2012 to 31/01/2013, Landlord refused to accept the rent sent to him.

OBSERVATION: Today, Petitioner filed the rent deposit application. Application was allowed and the respondent was directed to take the rent. The decision is final and the matter is disposed.

CASE LAW- 13

**IN THE COURT OF DR. REKHA G. DHAKAR, PRESIDING OFFICER,
DEBTS**

RECOVERY TRIBUNAL-1, DELHI

IN THE MATTER OF:

PUNJAB & SIND BANKAPPLICANT

Vs

B & B LEATHERS & ORSDEFENDANT

DATE OF HEARING: 4 october 2021

SUBJECT MATTER: SUIT FOR RECOVERY OF AN AMOUNT OF Rs.
78,96,528/-

(Seventy Eight Lakh Ninety Six Thousand Five Hundred Twenty Eight)

BRIEF FACTS:

In this case, the complainant bank is a body corporate constituted under the Banking Companies Act, 1980. That the Defendant No. 1 is a well renowned company and the defendant No. 2 & 3 are its partners and defendant No. 4 & 5 are guarantor in personal capacity in the aforesaid loan facility. On February, 2012 the defendant No. 2 & 3 on behalf of defendant No. 1 approached the applicant bank for grant of Cash Credit Facility for Rs. 40,00,000/- (Forty Lakhs) for the purpose of using the sum in MSE Business. At the request of defendant No.1 to 3, the applicant bank sanctioned the loan facility on 13.02.2012. Defendant No.1 to 3 executed necessary documents on 14.02.2012. It has further been stated that upon request of the defendants, the said CC limit of Rs. 40 lakhs was enhanced to Rs. 65 lakhs. The Defendant No.1 to 3 executed and delivered the various security documents on 22.01.2013 which include Demand Promissory Note, Letter of Waiver, Request Letter, Letter of Continuity and Undertaking for Disclosure in CIBLE etc. The defendants were agreed to repay the entire amount with interest @13.25% p.a. with monthly rests. However, after availing the said loan facility, defendants failed and neglected to pay the said outstanding amount to the applicant bank. As such the applicant bank declared the account of the defendants as NPA on 31.03.2013. Hence the present OA has been filed by the applicant bank for claiming an amount of Rs. 78,96,528/- (Seventy Eight Lakh Ninety Six Thousand Five Hundred Twenty Eight) with pendente lite and future interest and for issuance of the recovery

certificate for the said amount.

OBSERVATION:

On hearing of this case, I observed that, Today case is listed for Final Arguments. Arguments were heard and the Hon'ble PO passed Judgment/Order in favour of Applicant bank and direct the defendants to pay the applicant bank, within a period of 30 days, a sum of Rs. 78,96,528/- (Seventy Eight Lakh Ninety Six Thousand Five Hundred Twenty Eight) and parties are directed to appear before the Recovery Officer, DRT-1, Delhi on 16/09/2016.

NEXT DATE OF HEARING: 16 december 2021

CASE LAW-14

**IN THE COURT OF SHRI ASHWANI KUMAR MEHTA, ADJ
SESSIONS COURT, GURUGRAM**

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

BABULAL

....DEFENDANT

DATE OF HEARING: 01 october 2021

U/s: 420/166/167/384/405/467/468/471/120B IPC

7/8/10/12/13/15 PC Act

F.I.R.: 32/18

P.S.: Palam Vihar, Gurugram

**Complaint U/S: 420/166/167/384/405/467/468/471/120B IPC AND 7/8/10/12/13/15
PC Act**

BRIEF FACTS: The accused is a government servant and has allegedly taken Rs.10,000. The accused took this amount to perform an authorized task in an unauthorized manner. For some reason the accused could not perform the task in accordance with the instructions of the complainant and hence the complainant has filed the current suit.

OBSERVATION: The PW was examined by the defence counsel.

NEXT DATE OF HEARING :- 17 december 2021

PURPOSE- On next date of hearing case will further proceed for consideration of charge and PW will be further examined as the examination of the PW on the previous date could not be concluded.

CASE LAW-15

**IN THE COURT OF Ms. RAJ RANI, ADJ (fast track court for rape cases)
SESSIONS COURT, GURUGRAM**

IN THE MATTER OF:

STATE

....COMPLAINANT

VERSUS

NITESH

....DEFENDANT

DATE OF HEARING: 16 september 2021

U/s: 6 and 12 of the POCSO Act

F.I.R.: 12/2018

P.S.: Sector-14, Gurugram

Complaint U/S: 6 and 12 of the POCSO Act

BRIEF FACTS:

The Prosecutrix in the present case is about 17 years old and the accused is her distant cousin. On the day of the incident the Prosecutrix was attending a wedding at the house of the accused. The accused allegedly took the Prosecutrix to his room on the pretext of having a friendly conversation with her. The accused then gave her a soft drink which made the Prosecutrix a little dizzy at first and then completely unconscious.

After the incident when the Prosecutrix came to her senses, she realised what had happened but remained silent as she claims that the accused had clicked pictures of her and was blackmailing her. The Prosecutrix also claims that he used to threaten her regularly over phone calls. They also met a few times a week and during one of such meetings, the brother of the Prosecutrix saw them and informed her parents. When the parents started questioning her, she got scared, slit her wrist and ran away with the accused to Haridwar where they were caught by the police. When their parents came to the police station, The Prosecutrix told them everything truthfully and hence the complaint was filed.

OBSERVATION: The Prosecutrix was cross examined by the defence counsel and evidence in contradiction to her complaint were presented in the court.

NEXT DATE OF HEARING -22 december 2021

PURPOSE-Further cross examination of the Prosecutrix.

CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Research work was the basis of my internship and included dimensions of criminal medico legal experts to civil corporate litigation. All of which was an over the top experience. Such summer trainings help a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through thorough reading which was the pre-requisite to our training. When it comes to observance of trials in the courts, it was one of the most essential parts of learning for an intern. Observance of trials and court proceedings help in understanding the very root of the law in India.

Proceedings are the whole mechanism in to which analysis is always advisable. With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards

Yours Faithfully,

PURNIMA SATYAM

SUMMER INTERNSHIP

REPORT



+ तेजस्वि नावधीतमस्तु
ISO 9001:2008 & 14001:2004

FAIRFIELD INSTITUTE OF MANGEMENT
AND TECHNOLOGY,SCHOOL OF LAW,
KAPASHERA, NEW DELHI-110037

SUBMITTED BY-

RAGHAV GAKHAR

09490103817

B.A. LL.B (H)

2017-2022



WADHWA'S LAW & LEGAL

Advocates & Legal Consultants

Rakesh Wadhwa

Advocate

DELHI HIGH COURT

Date: 05.07.2021

TO WHOMSOEVER IT MAY CONCERN

This is to certify that Mr. Raghav Gakhar, 4th Year (8th Semester), Enrl. No. 09490103817 student pursuing BA L.L.B from Fairfield Institute of Management and Technology (GGSIPU) has undergone internship with our Law firm with effect from 01.02.2021 to 01.06.2021.

During his association with us, he assisted us on various assignments in the corporate Laws, Securities Laws, Civil & Commercial Laws, Arbitration matters, Real Estate, pending Litigations etc.

During the course of internship, we found him very sincere, disciplined, hardworking and inquisitive, we wish him all the best in her future endeavour.

For Wadhwa's Law & Legal

(Sahil Sharma)
Associate

DECLARATION

I RAGHAV GAKHAR of 9th Semester of BA-LLB (H) hereby declare that this report is compiled by me under 4 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to **Fairfield Institute Of Management & Technology** affiliated to **GGs IP UNIVERSITY, New Delhi** is a reliable document and is of bonafide nature.

Signature-



Date –

25/11/2021

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected Mentor Mr. RAKESH WADHWA(ADVOCATE) High Court **where I undertook & completed my 4 weeks internship for Content Writing or Research work** who has been my constant support, source of encouragement , inspiration ,guided and helped me in successfully completing my Summer Internship.

Moreover, apart from Court they give me a chance to get practical exposure by attending various conferences, seminars with various advocates.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting of this report.

OBJECTIVE

The Legal Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

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CASE LAW-1

**IN THE HON'BLE COURT OF SH. GAGANDEEP JINDAL, LD. MM, DWARKA COURTS,
DELHI**

BAIL APPLICATION No. _____ OF 2018

IN THE MATTER OF:

NAFEES

..APPLICANT/ ACCUSED

VERSUS

STATE

...COMPLAINANT

FIR NO. 261/18
U/S 420/406/120-B/34 IPC
P.S. JANAKPURI, NEW DELHI

**APPLICATION U/S 437 CRPC FOR BAIL ON BEHALF OF THE APPLICANT /ACCUSED
NAFEES.**

BRIEF FACTS OS THE CASE ARE:

- a) The applicant/accused citizen of India and is residing on rent with his family, aged about 19 years, doing the job with the K.R. Overseas Tour & Travels as a Caller and joined the company only 1 month ago.
- b) The Applicant/ Accused is working as a Caller with the above said Company since last 1 month and never given any chance to anybody for complaint.
- c) That the applicant/ accused is one of the employee of the above mentioned Company along with 5 more employees and his father namely Sh. Jafar Iqbal, who is also working for last 6 months.
- d) That the applicant/ accused had joined this company to help his father for the upbringing of his family after passing his 12th Class and joined as a caller in the company.
- e) As per the allegations, even the amount deposited by the complainant was deposited in the account of the owner of the company K. R. Overseas Tour & Travels Ltd. namely Sh. Arman Rahi, and the applicant/ accused has nothing to do with the alleged offence.
- f) The applicant/accused being a student and continuous incarnation in the present false criminal case could destroy the future career of the applicant.
- g) The Complainant had filed a malicious FIR bearing 261/2018 registered under section 420/406/120-B/34 IPC with Police Station JanakPuri, New Delhi, lodged against the applicant/accused.

GROUND

- a. Because the allegations only disclose the Civil dispute which are converted into criminal dispute just to humiliate, harass and blackmail the Applicant/ Accused.
- b. Because the complaint filed by the complainant is nothing but only a gross misuse of the process of law, intentionally and deliberately mentioned the name of the Applicant/ Accused and his father namely Zafar Iqbal who had joined the company as a caller just 6 months ago.
- c. Because no useful purpose shall be served by keeping the applicant behind the bars in the case of matrimonial dispute

PRAYER

It is therefore, most respectfully and graciously prayed to this Hon'ble Court:

- (i) That this Hon'ble Court may be pleased to grant the bail to the applicant, in the aforesaid case registered by FIR No. 261/2018, U/s 420/406/120-B/34 IPC, P.S. Janakpuri, New Delhi.
- (ii) Any other or further order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.

OBSERVATION

In this case it was observed that the court did not grant bail to Nafees and he is still in judicial custody.

CASE LAW-2

**IN THE HON'BLE COURT OF DISTRICT & SESSION JUDGE, DWARKA COURTS, NEW
DELHI**

CIVIL SUIT NO. _____/2017

(UNDER ORDER XXXVII OF THE CODE OF CIVIL PROCEDURE 1908)

IN THE MATTER OF:

S.B. GOYAL

.. PLAINTIFF

VERSUS

ISB IMPEX PVT. LTD & ORS

.. DEFENDANTS

**SUIT FOR RECOVERY OF RS.29, 00,000/- (RUPEES TWENTY NINE LACS ONLY)
ALONGWITH INTEREST AND COST.**

BRIEF FACTS OF THE CASE :

- a) That the Defendant and the plaintiff are the close friends since long and knowing each other very well and even also having family visiting terms and developed very good cordial relationship, even the plaintiff had also served his services, as an Accountant with the Defendant for several years.
- b) The Defendant had approached the plaintiff with request to provide some financial loan, as the defendants and their company i.e. ISB Impex Pvt. Ltd. have been facing certain financial crisis, in their business.
- c) The plaintiff has considered the past relationship with the Defendant has agreed to arrange the Financial Loan of Rs.29,00,000/- (Rupees TWENTY NINE LACS ONLY) to the Defendants and the plaintiff has arranged the aforesaid Loan of Rs. 29 Lakhs, which has been paid to the Defendants from the month of August 2012 to February 2015.
- d) The Defendant had also assured to the plaintiff that the aforesaid Loan amount shall be returned on or before 30.06.2015, otherwise, the plaintiff will also be entitled to charge the interest @ 2.5% per month from July 2015, and even in case of further default of return the aforesaid Loan amount, till 31.12.2015, the interest rate shall be @ 3% per month, even also agreed to deliver the 20,000 pieces of Adopter on or before 28.02.015.

- e) The plaintiff had deposited the cheques with his banker i.e. State Bank of India having Account No. 00000010342611723, for the purpose of encashment, but due to “Fund Insufficient” the cheques were dishonored.
- f) The defendants are under the statutory obligation to make payment of the above said cheque amount of Rs. 29, 00,000/- with interest and cost, but the defendants did not pay the cheque amount to the plaintiffs.

PRAYER

It is, therefore, most respectfully and graciously prayed :

- (i) That a decree for a sum of Rs. 29 ,00,000/- (Rupees Twenty nine Lacs Only) with interest @ 18% p.a. may kindly be passed in favour of the plaintiff and against the defendant.
- (ii) Costs of the proceedings suit be also awarded to the plaintiff and against the defendants.
- (iii) Any other order which this Hon’ble Court may deem fit and proper under the facts and circumstance of the case be also passed in favour of the plaintiff and against the defendant.

OBSERVATION

It was observed that, in this case, the court listened to all the facts of the case and issued notice against defendant.

CASE LAW-3

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI

CRL. WRIT PETITON NO. _____ OF 2018

IN THE MATTER OF:

GAZALA PARVEEN @ PRAVEEN

... PETITIONER

VERSUS

STATE OF NCT OF DELHI & ORS

... RESPONDENTS

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 482 CR.P.C. WITH PRAYER TO ISSUE WRIT OF MANDAMUS/ DIRECTION THEREBY DIRECTING THE RESPONDENTS TO PROVIDE PROTECTION AND SECURITY TO THE LIFE AND PROPERTY OF THE PETITIONER AND TAKING APPROPRIATE ACTION AGAINST THE RESPONDENTS.

BRIEF FACTS OF THE CASE ARE:

- a) The petitioner is a Post – Graduate from Delhi University, also pursuing B. Ed & M. Ed (Integrated) from Maharashtra. The Petitioner is a major and have 6 sisters and 3 brothers, the father of the Petitioner is a sick person and under continuous medical treatment of heart problem, and also memory loss. The mother of the Petitioner had expired due to heart problem and sugar.
- b) Since last 4 yrs, the Petitioner has been in the relationship with her husband Sh. Deepak Muradiya, and known to each other very well and even have the family visiting terms and the Respondents does not want her to continue her study and also raised the objections for her further study.
- c) The Petitioner left her home alone in the month of July, 2018, and also send a letter to the local police dated 11.07.2018 intimating them about leaving home and with the help of her husband they decided to get married on dated 10.10.2018, the Petitioner has decided to adopt Hindu Religion and became Praveen, according to Hindu rites & ceremonies.
- d) The family members of the Petitioner, has started threatening to commit her murder as well as the murder of her husband Sh. Deepak Muradiya, and involvement of his family members in false criminal case.

GROUNDS

- a. Because the petitioner and her family particularly her husband Deepak Muradiya, who has been providing the love, affection and respect to the petitioner, has also been receiving threatening with his murder.
 - b. Because the petitioner has been lodging number of complaints with the respondents thereby sought appropriate actions against the respondents and protection of their lives and properties.
 - c. Because the respondent no.2 and 3 failed to exercise their mandatory and legal duty to provide the protection and security to the petitioner and her family members inspite of several repeated requests.
- e) That the Petitioner has no of the alternate or efficacious remedy to seek justice and relief. Therefore, the Petitioner is entitled to invoke writ jurisdiction of this Hon'ble Court.

PRAYER

It is, therefore, most humble and graciously prayed to this Hon'ble Court that :

- (i) This Hon'ble Court may pleased to issue writ/ order/ direction in the nature of mandamus directing the Respondents to provide necessary protection to the Petitioner, who are apprehending danger to his life, property, liberty and involvement in false cases.
- (ii) Any other Writ, or directions which this Hon'ble Court may deem fit and proper in the circumstances of the case may also be issued.

CASE LAW-4

IN THE HON'BLE COURT OF DHEERAJ MOR, LD., DWARKA COURTS, NEW DELHI
BAIL APPLICATION NO. _____ of 2019

IN THE MATTER OF:

GULBAGH SINGH

...APPLICANT/ACCUSED

VERSUS

STATE OF NCT OF DELHI

...RESPONDENT

BAIL APPLICATION U/S 439 CR.P.C. READ WITH SECTION 482 CR.P.C. IN FIR NO. 86/2019 WITH P.S. DWARKA NORTH, U/S 498A/304-B/34 IPC ON BEHALF OF ACCUSED/ APPLICANT NAMEDLY GULBAGH SINGH.

BRIEF FACTS OF THE CASE ARE :

- a) The complainant i.e. Manjeet Kaur @ Mamta was married with applicant/accused namely Gulbag Singh @ Ravi S/o Sh. Jaswant Singh R/o A-74-75, Gurdwara Guru HarRaiSahab, Sheesh Mahal, HariVihar, Dwarka, New Delhi on 15.11.2010.
- b) On 22.03.2019, the Applicant/Accused had by chance opened the Voice Recorder Software and surprised to know that the deceased was physically involved with person namely Rinku and her brother-in-law namely Makhkhan Singh.
- c) On 28.03.2019, at about 05:30 pm, after coming from the "Paath" from the Gurudwara Saheb, the father of the Applicant/Accused have noticed that the deceased had committed Suicide, after hanging from the hook of the ceiling fan.
- d) The Applicant/Accused was sent to the judicial custody on 30.03.2019 as the FIR No. 86/2019 with P.S. Dwarka North, U/S 498A/304 B/ 34 IPC was registered against the Applicant/Accused.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to release applicant/accused on bail, in the aforesaid case, in the interest of justice.

OBSERVATION

In this case I observed that the bail was not granted to applicant/accused and he was again sent in the Judicial Custody.

CASE LAW-5

IN THE COURT OF T. PRIYADARSHINI, M.M, T.H.C

IN THE MATTER OF: -

M/S K.P FLEXIPAK Pvt. Ltd

... COMPLAINANT

V/S

M/S PIONEER ENTERPRISES / RAJIV KUMAR

...ACCUSED

COMPLAINT ON BEHALF OF COMPLAINANT UNDER SECTION 138 READ WITH SECTION 142 OF THE NEGOTIABLE INSTRUMENT ACT, 1881

DATE OF HEARING: - 25-10-21

FACTS OF THE CASE:

That the complainant is a private limited company duly incorporated under the company act and running its business under K.P FLEXIPAK PRIVATE LIMITED, deals in manufacturing of polybags and all packaging material for textile. Mr. Rajiv Kumar Bhatia is its principal owner. The accused used to purchase the goods from the complainant on credit basis. The accused so many times failed to pay the outstanding amount. After so many requests, he issued one post dated cheque from his saving bank of Rs. 41,759. The cheque dishonored and returned unpaid along with banker with the remark "FUNDS INSUFFICIENT". The accused intentionally and deliberately failed to make the payment of the above mentioned cheque to the complainant. The accused committed the offence under Sec: 406/420/34 of the IPC and under Sec:138 read with Sec:142 of NI.

OBSERVATION

That the accused intentionally and deliberately failed to make the payment of the above mentioned cheque to the complainant. . The accused committed the offence under Sec: 406/420/34 of the IPC and under Sec:138 read with Sec:142 of NI.

NEXT DATE OF HEARING: - 22.12.2021

CASE LAW-6

IN THE COURT OF MS. PURVA SAREEN, SCJ, DWARKA

IN THE MATTER OF: -

SUNIL PLAINTIFF

V/S

DELHI DEVELOPMENT AUTHORITY DEFENDANT

PETITION FILED UNDER O39 RULE 2A 39 READ WITH SECTION 151 CPC

DATE OF HEARING :- 01-09-2021

FACTS OF THE CASE:

The land was allotted to the petitioner of 4 Bigha and 4Bisma for cultivation out of Kharsa no.393/10 in the area of Nasir Pur , New Delhi in 1974. Even in the records of the Tehsildar holders under Sec. 74(4) it has been mentioned to its effect. The respondents have tried to take forcible possession of the suit land in flagrant violation of the orders of the HON'BLE HIGH COURT OF DELHI. The DDA and the commissioner of SDMC again tried to disposes the petitioner from the suit land of the petitioner and destroyed it. The despondent did not care for the orders of this HON'BLE COURT and threw them the order in debris.

OBSERVATION

That the DDA and SDMC tried to destroyed and take possession on the land which is allotted to someone else. The despondent did not even care about the orders of the HON'BLE HIGH COURT OF DELHI.

NEXT DATE OF HEARING: - 05-01-22

CASE LAW-7

IN THE COURT OF Dr. JAGINDER SINGH, ASCJ , DWARKA

IN THE MATTER OF :-

SHRI RAM DHARAMSHALA

...PLAINTIFF

V/S

SDM/RA

.... DEFENDANT

PETITION FILED UNDER

DATE OF HEARING: 20-11-21

FACTS OF CASE:

The plaintiff is a registered society under Society Registration Act. On the recommendation of SH.CHANDER SINGH ,village Pradhan the land comprising in khasra no 12/6 and 13/10/2 measuring 1 bigha 5 biwas situated in the revenue estate of village Kakrola , Delhi was allotted in the name of Mandir & Dharamshala . SH.MANGE RAM GAHLOT had constructed the Dharamshala and temple in the said land after the allotment of the same by the Gaon Panchayat .in the month of June 2018, SH.BIJENDER SINGH GAHLOT S/O LT.SH.MANGE RAM who looked after the mandir and Dharamshala has received the conditional letter dated 30-05-2018. In the last week of July 2018 , plaintiff has come to know that complaint of the defendant no.2 is referred to STF (special task force) defendant no.2 has no concerned or locus-standi to file any complaint against the plaintiff and the motive of the defendant no.2 is only to extort money and to grab the land of the plaintiff.

OBSERVATION: The land of the Sh. Chander Singh is allotted by the gaon panchayat for the construction of mandir and dharmashala for the purpose of charity. The defendants tried to extort money and to grab the land of the plaintiff.

NEXT DATE OF HEARING:-03-01-22

CASE LAW-8
IN THE COURT OF MS. SAUMAY CHAUHAN, MM(W) THC

IN THE MATTER OF :

STATE

...PLAINTIFF

V/S

RAJESH GUPTA

.... DEFENDANT

COMPLAINT UNDER SECTION -354, 354A, 354D, 506 OF IPC

DATE OF HEARING: 26-05-2021

FACTS OF THE CASE:

Jyoti Anand D/o Jagdish Kumar Anand, age 24yrs. She is working as Sr. Pharmacist in Shri Balaji Action Hospital, Paschim Vihar since 30-5-2014. Her HOD (incharge) Sh. Rajesh Gupta who intentionally physically molest her since 2014. She said the alleged person the she is younger than him and like his own daughter but he didn't stop. When she went to the metro to go to home, he forcefully tried to put her inside his car. Whenever the alleged person got any chance he hold her from her back even in the hospital. She complaint about it in the hospital on 9 March 2015 but no action was taken. When she again file a complaint he threaten her to return her complaint otherwise he will kill her.

OBSERVATION:

Rajesh Gupta who is the alleged person done the crime of physically touching, molesting and make her threaten to death when she files complaint.

NEXT DATE OF HEARING:-08-12-2021

CASE LAW-9

IN THE COURT OF SH.ANIMESH BHASKAR MANI TRIPATHI, DWARKA

IN THE MATTER OF:

NAVNEET DAVASAR(COMPLAINANT)

V/S

ANIL NAGPAL(ACCUSED)

COMPALINT ON THE BEHALF OF COMPLAINANT UNDER SECTION 138 WITH SECTION 142 OF THE NEGOTIABLE INSTRUMENTS ACT, 1881.

DATE OF HEARING: 28-07-2021

FACTS OF THE CASE:

That the accused having good friendly and family relation with complainant. The accused in the month of June 2014 approached to the complainant for friendly loan amounting Rs.16, 00,000 for the period of 24 months, considering the good relationship accused arranged the said demanded amount without interest. The complainant approached to the accused & asked to refund the above said friendly loan but accused showing inability to return the said friendly loan amount. After 9-8 months on account of discharge his liability, the accused issued a cheque bearing no. 310065 amounting Rs.16,00,000. After conformation the complainant presented the said cheque to his banker for encashment the same, the said cheque was dishonored and returned unpaid along with remarks “funds insufficient” issued by complainant banker. The accused intentionally and deliberately failed to make the said cheque amount to the complainant.

OBSERVATION:

That the accused intentionally cheated the complainant by giving the cheque amounting Rs. 16,00,000 which was dishonored . Hence the accused must be punishable under the above mentioned sec. 406/420/34 of IPC & sec.138/142 of Negotiable Instruments Act.

NEXT DATE OF HEARING: 27-11-2021

CASE LAW 10

In the Court of Sh. Jaspal Malik Ld. Rohini Court New Delhi

In the matter of:

STATE Complainant

V.

ANKUR & Ors.....Accused

U/S – 332,353,307,120B,349 of Indian Penal Code

P.S MODEL TOWN PANIPAT

TOTAL 7 ACCUSED

From the side of complainant

In this case the complainant was the Sarpanch of the village Barana, Panipat. It was decided by the villagers that the land of the Thakur mandir will be in in possession of Sarpanch and he will act as a care taker of that Land.The accused forced the complainant to transfer the land of Thakur Mandir in their name but the complainant refused to do so. Because of this the accused lost his temper and on 19/05/2012 the accused along with his friends entered the house of Complainant and started open fire which caused injuries to the complainant as well as his family members. When villagers gathered the accused ran away from the place of incident by open firing in the sky. Police started investigation and caught accused Ankuralong with 2 pistols with live cartridges in the pocket. Accused Amit and Ravinder were also caught with cartridge and 9 mm pistols.

Observation- 4.3.2021for pws

Next date – 20.7.2021

CASE LAW 11

In the Consumer Redressal Forum, New Delhi

In the Matter of:

REENA

...COMPLAINANT.

V.

RAJESH ELECTRONICS

....DEFENDANT

Filed- 05/06/2019

The Complainant bought a Videocon Washing Machine from the Defendant on 31-1-2013. First the machine was not delivered to the Complainant's home. After calling twice the defendant delivered the machine but it was found to be old and used due to its faded colour and broken plastic side. The Complainant complained with the seller but he refused to return it back.

Retained for complainant.

Observation-15/07/2021

CASE LAW 12

IN THE COURT OF SH. VIRENDER SINGH, MM(W), THC

IN THE MATTER OF:

M/S K.R.F Ltd.

....COMPLAINANT

V/S

M/S METAPHOR EXPORTS Pvt. Ltd.

...ACCUSED

COMPLAINT ON BEHALF OF COMPLAINANT UNDER SECTION 138 READ WITH SECTION 141 OF THE NEGOTIABLE INSTRUMENT ACT , 1881

DATE OF HEARING:- 12/5/2021

FACTS OF THE CASE:

The complainant is a company duly incorporated under the companies act,1956 ,having its administrative and registered office at B-7 Mayapuri industrial area , Phase -II ,New Delhi . the complainant engaged in the business of manufacturing of labels , printed labels , laces etc. the accused were supplied with various specification of labels, paper tags etc. time to time being manufactured and marketed by the complainant as per specification and requirements of the accused vide various invoices raised on the accused against which accused had only made the part payments as per the books of account of complainant as on 11-01-2016 a sum Rs.1,30,686.06 /- is due and payable by the accused . the accused had issued the cheques in favor of complainant to discharge the part liabilities towards the complainant incurred by accused by purchasing goods on credit from complainant . the aforesaid cheques were returned unpaid by the accused bank because the accused has cheated the complainant .

OBSERVATION :-

The complainant put the accused to notice of the dishonor of the said cheque within 30 days of the receipt of the memo of the bankers regarding the dishonor's of cheques. the aforesaid cheques were returned unpaid by the accused bank because the accused has cheated the complainant .

NEXT DATE OF HEARING :-22-10-2021

CASE LAW 13

IN THE COURT OF MS. PURVA SAREEN,SCJ, DWARKA

IN THE MATTER OF: -

MEGHA PAHWA & ORS.

..... PLAINTIFF

V/S

DELHI DEVELOPMENT AUTHORITY

..... DEFENDANT

APPLICATION FILED UNDER U/S 5 OF LIMITATION ACT R/W SECTION 151 CPC

DATE OF HEARING: - 30-08-2021

FACTS OF THE CASE:

The plaintiff's are the owner and in possession of the basement floor of property bearing no H-1/140, total measuring 19727 sq.mtrs situated at Vikaspuri , new Delhi having purchased half undivided portion each of the same from previous owner SHRI.RAJIV UPPAL by way of separate registered agreement to sell and purchase dated 31-05-2010 and registered general power attorney dated 31-05-2010. The previous owner of the suit property have purchased the property from SHRI . RAJENDRA GOPAL & SMT. MANJU GOPAL who were the original allottee . it was informed that the lease deed of the suit property has already been cancelled by the HON'BLE L.G DELHI due to misuse of residential property. the suit property is purchased by the plaintiff in may 2010, the property has already been notified to be of mixed land used . the cause of action aroused in favour of the plaintiffs and against the defendants firstly when the plaintiff moved an application for regularization and restoration of lease and permission of conversion of basement in commercial use . the plaintiff no.2 is a widow lady and if in the case the defendant succeed in their ill design or illegal act /order , the plaintiff will suffer the irreparable loss and injury which cannot be mitigated in any manner .

OBSERVATION :

The suit was filed for permanent and mandatory injunction of the property of respective party.

NEXT DATE OF HEARING : 27-09-2021

CASE LAW 14
IN THE COURT OF PIYUSH SHARMA Dwarka Court New
Delhi

In the Matter of:

State.....Plaintiff

V

NadeemDefendant

U/S – 148,149,323,325,506 IPC

P.S – SADAR

F.I.R NO. 203 DATED 25.4.17

18.5.20- accused produced in court

Next date 18.7.21- Cr.P.C 161

Accused gave beatings from the dandas to cthe complainant in order to take revenge from th complainant because of the petty dispute. Their were total 2 accused when they were inspected 2 dandas were found one was of 2 feet 28 cm and another was one of 2 feet 16 cm

CASE LAW 15
IN THE COURT OF SH. MADHUR BAJAJ Ld Dwarka
Court New Delhi

In the Matter of:

PoojaComplainant

V.

Lalit..... Defendant

U/S – 323,342,506 IPC

7.7.19 FILED

NEXT DATE- 23.7.21 PWS

Marriage between the complainant and the defendant was solemnized on 15th Nov. 2019. After few years of marriage disputes started arising between the couple. Accused was a defaulter as he took loan but never repaid it. He then thrown her out of the house and tried to snatch his child. After few days everything was settled but then the accused took the complainant to the Ganga Ghat and there he then tried to kill the complainant by drowning her into the Ganga river the somehow she managed to rescue herself and escape to nearby district Ambala from district Sanoli. The accused somehow managed to find her and tried to kill her. The accused also tried to snatch the complainant's child from her and the complainant is been hiding since then.

RETAINED FOR COMPLAINANT

CASE LAW16

**In the Court of Sh. Sushil Kumar Garg, Ld. ASJ, and
Ambala**

In the Matter of:

State ...Complainant

v.

Nadeem ...Accused

U/S 302,460,120 B,

FIR NO. 1528, DATED 26.12.20. P.S – Kapeshera New Delhi

Nadeem date of arrest- 28.12 .20

The accused fell in love with a girl and had mala fide intention. Mother of the girl didn't allow her to go with the accused as she was well aware that the accused is not a good person. The accused one night came to the house in order to entice away and rape the complainant. The accused killed the mother of the complainant while she was trying to stop the accused by firing on the chest of the mother of the complainant.

Judgement: The accused had been sentenced to 5 years of R.I.

CASE LAW 17

In The Court of Smt. Aarti Singh, CJM, Saket Court Delhi

In the Matter of:

Sirat

...Complainant

V.

Aabhas Anand

...Defendant

u/s- 304,34, 504, 506, 406IPC

F.I.R NO.- 1146, DATED 21.9.18

NEXT DATE- 3.8.21 FOR REPLY

Quarrel bw husband and wife , wife called the police , police asked the husband to come with them to the jail he then refused to go then the policemen used force against the husband but didn't succeed then the police men called for back up 2 more police men came and took him to the police station . when they family members reached the police station they found that the respondents were beating the deceased so hardly due to which he became unconscious and then he was taken to the civil hospital for the treatment where he was declared dead.

CLAIM – RS. 5 LAKHS ALONG WITH THE INTREST-14% P.A

Due Date: 16-8-21

STATEMENT OF COMPLAINANT TO BE RECORDED

Cr.P.C- 154Recording of Statement

CASE LAW 18

IN THE COURT OF SH. R.C DIMRI Ld Saket Delhi

In the Matter of:

State

...Plaintiff

V

Praveenand Sonu

....Defendant

19.9.18- filed

Retained for complainant

u/s -363,366a,323,376(2),506 and section 6 of posco act.

164 ,319Cr.P.C

F.I.R NO.- 609, P.S- MODEL TOWN

Complainant's father hired accused as a driver to sell the articles by roaming here and there. He then proposed the complainant ,she refused and slapped the accused in front of others. Next day accused took the complainant to his house for a tea there his mother and the accused took her to rohtak and the accused committed rape on her.

CASE LAW 19

IN THE COURT OF MS.UDITA JAIN, DWARKA

IN THE MATTER OF:

MADAN LAL JANGEER

.....(COMPLAINANT)

V/S

CHAGGAN LAL BALAI

.....(ACCUSED)

COMPALINT ON THE BEHALF OF COMPLAINANT UNDER SECTION 138 WITH SECTION 142 OF THE NEGOTIABLE INSTRUMENTS ACT ,1881.

DATE OF HEARING : 20-06-2021

FACTS OF THE CASE:

That the accused is known to complainant for the last so many years and having friendly terms with complainant. The complainant was the owner of plot at green nagar, machda , Jaipur (Rajasthan)and accused approached to the complainant for regularization his plot ,in good faith the original paper of his property was handed over to accused for the purpose of regularization . after contacting accused several times , it came to the knowledge of complainant that accused sold his property to some unknown person . after so many requests the accused agreed to pay the settlement amount by some in cash and other in cheque , to settle the account accused issued a cheque bearing no. 546482 amounting Rs. 15,00,000 which was dishonoured later with remarks “funds insufficient” . the complainant again represented a said cheque which accused given him after 1 month again got dishonoured with remarks “stop payment” the accused intentionally and deliberately avoided paying the said cheque amount on one pretext to other .

OBSERVATION:

That the accused intentionally cheated the complainant by giving the cheque amounting Rs. 15,00,000 which was dishonoured twice . Hence the accused must be punishable under the above mentioned sec. 406/420 of IPC & sec.138/142 of Negotiable Instruments Act.

NEXT DATE OF HEARING :30-09-2021

CASE LAW 20

IN THE COURT OF SH. KISHORE KUMAR , MM, DWARKA

IN THE MATTER OF :-

STATE

.....COMPLAINANT

V/S

MANJEET & ORS.

..... ACCUSED

COMPLAINT ON BEHALF OF COMPLAINANT OFFENCES UNDER 420, 448, 506, 468 ,471, 120B OF IPC

DATE OF HEARING: 25-04-2016

FACTS OF CASE:

The complainant is the owner of property bearing no. WZ-128/1, (Old no. 71-B), ground floor , School road, Uttam Nagar, New Delhi -110018. He let out the said property to Mr. Anil Gupta for residential purpose with a rent agreement period of 11 months. The accused Anil Gupta paid the rent up to Jan 2015 and thereafter he failed to pay the same despite of various requests and demands of complainant. In the month of May 2015, the accused Anil Gupta again approached the complainant and requested to extend the tenancy period of next 2-3 months and also requested to give more time for payment of arrears of rent. The complainant asked Anil Gupta to vacate the tenanted property within two months. On 30th June 2015 the complainant when reached at the said property , she shocked to see that the accused namely Mr. Manjeet along with one person namely Rajesh was in possession of the property. That in spite of FIR the accused namely Mr. Manjeet and Mr. Rajesh are freely moving and giving continuous threats to kill the complainant. Even the I.O/S.H.O has recorded the statement of the witnesses of the accused persons only to help the accused.

OBSERVATION:- The accused person along with their associates with common intention have cheated the complainant and forged the documents of valuable properties, all of them committed the offence of cheating , trespassing and forgery.

NEXT DATE OF HEARING :-10-07-2019

CASE LAW 21

IN THE COURT OF SH. Sumit Saini Ld. Rohini Court New Delhi

In the Matter of:

STATE

...Complainant

V.

HARISH

...Defendant

U/S – 279, 304-A

F.I.R NO- 1440

9.7.20- pws

18.815- evidence

COMPLAINANT HAS CAME TO THE CITY PANIPAT To purchase some clothes for himself along with his father, his father left the complainant and went to the factory for work while leaving for the factory father asked the complainant to meet him @6:30 pm @toll plaza as they have to go to his fathers firend along with his father. Complainant reached their on time and when his was coming to pick him one car struck the motorcycle and the complainant's father died on the spot.

Retained for the complainant.

CASE LAW 22

In the Court of Sh. Kanwal Kumar Ld. Dwarka Court

In the Matter of:

State

...Complainant

V.

Pawan Rathi

...Defendant

15.5.20- FILED

u/s -376 g,506 ipc 25, 54,59 arms act

FIR NO.- 505 , 23.10.18, P.S- MODEL TOWN

Next date- 16.7.21 for session appeal

Complainant was 11th class student and on 21.1.2010 @5.45 p.m accused namely keshav , rahul malik, and rathi gave lift to the complainant while she was going to the tuition, instead of dropping her to tuition they took her to the canal and committed rape after that the accused took her to the delhi and stayed @ sai guest house located at sarai kale khan and on next day they dropped her @ 7pm near her house.

Rigorous punishment of 10years has been awarded to both the accused.

CONCLUSION

In the end, I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, what we learned from the internship is the mechanism of this body.

I was surprised to see how the simplest of laws were applicable in the most difficult of situations and how loopholes leave so much scope of evolution and improvisation today in this field. I also observed that the law is everything but constant with the same soul as that of a human. In other words or as that of our counsel, law may come and law may repeal, but they must always be faithful to the constitution, which is the most supreme law of the land and governs all equals and unequal in respect of each other.



FAIRFIELD

Institute of Management
& Technology

**SUMMER
INTERNSHIP
REPORT**

**BA-LLB (HONS.)
BBA-LLB (HONS.)**

FIMT SCHOOL OF LAW



Submitted by:-

NAME -	RAHUL REGMI
ENROLLMENT NO. -	09690103817
COURSE -	BALLB
BATCH -	2017-2022

STUDENT INTERNSHIP DIARY

5 YEARS BA-LLB (INTEGRATED) | BBA-LLB

(INTEGRATED)



FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY
(AFFILIATED TO GURU GOBIND SINGH
INDRAPRASTHA UNIVERSITY, DELHI)
KAPASHERA, NEW DELHI

SESSION 2017-2022

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SECTION: B

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DATE: 15/11/2021

TO WHOMSOEVER IT MAY CONCERN

This is to certify that Mr. Rahul Regmi of Batch 2017-22 pursuing BA.LL.B from Fairfield Institute of Management and Technology Kapashera, Delhi, has interned with me for a period of 4 week starting from 01st July, 2021 to 31st July, 2021.


During his stay I found him hard-working with an aptitude for learning and ability to grasp diverse concepts quickly. I found him sincere, technically sound and result oriented. He worked well as part of a team during his tenure.

A brief note of the assignments given to his is as follows:

- He had assisted me in Delhi High Court and Delhi District Courts in virtual court hearings and day to day matters and has also attended several conferences with clients and advocates.
- He has provided assistance in legal research relating to Indian Penal Code, Criminal Procedure Code, Constitutional law, Civil Procedure Code, Indian Contract Act, Intellectual Property Right, and Negotiable Instrument Act.
- He has also helped me in drafting various documents.

I wish him all the best for all his future endeavors.

PARVINDER CHAUHAN
ADVOCATE
REGN. No.: D-429/97(R)
2148, (LGF), OUTRAM LINES, KINGSWAY CAMP,
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Ph: 27607074, Mob: 9868102274


(Parvinder Chauhan)
(Advocate)

DECLARATION

I, RAHUL REGMI of 9th semester of BA-LLB (H) hereby declare that this report is compiled by me under 4 weeks Summer Internship Program and is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is being submitted to **Fairfield Institute Of Management & Technology** affiliated to **GGSIIP UNIVERSITY, New Delhi** is a reliable document and is of bonafide nature.

SIGNATURE:

DATE:

ACKNOWLEDGEMENT

I would like to thank and express my deep gratitude to respected Mentor ADV. PARVINDER CHAUHAN, **where I undertook & completed my 4 weeks internship for virtual court hearings and filing of cases.** Who has been my constant support, source of encouragement, inspiration, guided and helped me successfully completing my Summer Internship.

Moreover, apart from court they give me a chance to get practical exposure by attending various discussions with various people.

I would also like to offer my due sense of gratitude to all my teachers and every person for their support and for assisting me in providing the best of all possible facilities during COVID-19 for completing my internship as well as at the time of drafting of this report.

OBJECTIVE

The Internship Program is not designated to teach us how to be good lawyers (or how to be lawyers at all) it takes more than study at the University to do that. The objectives are to: Expose us to the law in operation in context where we will come to perceive aspects of law which cannot be learned from reading or hearing about it.

Allow us to perceive ways in which the formal learning we acquire at University may be applied in practice and therefore to develop an appreciation of the practical dimension of the legal principle.

Enable us to relate the different areas of legal practice to importance of developing skills of legal research, communication, drafting, practice management and problem solving; and

Enable us to observe and reflect upon the values, ethical standards and conduct of legal profession in practice and to develop our own attitude of professional responsibility.

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CASE LAW-1

**IN THE COURT OF DHARMENDER SINGH, METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

DALVIR SINGH BATRA... ..COMPLAINANT

V

RAJU BATRA..... ACCUSED

Petition filed u/s 138 NI Act

Facts – Raju (illiterate kind of) has given blank cheques to one of his known for new car loan in good faith, but the guy used those cheque to MrDalvir for encashment but the cheque was dishonored and Dalvir filed a case against raju.

Observation – we were for accused Raju. On 18.07.2021, We filed an application u/s 145(2) for seeking an opportunity to show or prove our defense.

NDOH – 22.08.2021

CASE LAW-2

IN THE COURT OF MS. SWARNA KANTA SHARMA,
FAMILY COURT, PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:

DEEPIKA COMPLAINANT

V

ABHISHEK ACCUSED

Petition filed u/s 308 IPC

Filed on 06.07.2021

Facts – The above matter was filed by wife to take divorce from her husband on the ground of cruelty and ignorance attitude of husband towards his wife i.e. Deepika.

Observation – The said matter was settled via mediation and petitioner is ready to withdraw this case, but she is pregnant and come to court. So another date is required to withdraw the present case.

NDOH – 26.09.21

CASE LAW 3

IN THE COURT OF SH. P.K. JAIN.
ADDITIONAL SESSIONS JUDGE.
PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

STATE... .. COMPLAINANT

V

ASHOKJHA ACCUSED

Petition filed u/s 308 IPC

Filed on 24.02.2021

Facts – Shiv who lived in sec 23 Dwarka with his parents, a student of Amity University, Noida. Shiv is going to home from college after giving the 2nd semester exam with his friend Rohit from the AUDI Car with the help of navigator. Because of high traffic navigator takes the car to the location of VasantGaon near 6 pm. There was a Nano car coming behind the shiv's car giving horn repeatedly. Rohit who was driving stopped the car and Nano hit the shiv's car AUDI from the side. Four boys came from the Nano car and started beating the Rohit and Shiv. Accused also take the amount of Rs. 5000, ATM Syndicate Bank, Aadhar Card and ran away.

Observation – Argument on an application of bail heard, accused is alleged to have involved in an road rage case u/s 308 IPC, two co-accused are already absconding, and one of them is BC (Bad Character) of the area. Driving licence of the present applicant is not available to show that, he has having valid permission to play a vehicle on road, it is early to grant bail, in these circumstances bail application is dismissed.

NDOH – 22.10.2021

CASE LAW – 4

IN THE COURT OF MANOJ KUMAR,
METROPOLITAN MAGISTRATE, PATIALA HOUSE
COURTS, NEW DELHI

IN THE MATTER OF:-

STATE..... COMPLAINANT

V

NAIM UR REHMAAN AND OTHERSACCUSED

Petition filed u/s

374/34 IPC 3/14

CLA

23/26 JJA

Police station – R.K. Puram

Facts – This case is against few accused who had deputed children below 16 years of age to commercial work, which is an offence in Juvenile Justice Act.

Observation – on 08.07.2019, Arguments regarding framing of charges against all the accused person heard and case is pending for orders on charge.

NDOH – 13.09.2021

CASE LAW – 5

**IN THE COURT OF VASUNDHRA CHI, METROPOLITAN
MAGISTRATE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

STATE... .. COMPLAINANT

V

SHEKHAR

.....ACCUS

ED

Petition filed u/s 354b IPC

Police station – R.K. Puram

Facts – Allegations in this case are that accused Shekhar in the influence of liquor misbehaved to the complainant and molest her.

Observations – On 30.07.202, the witness/complainant has Not present to give her testimony before the Ld Court And after a long wait, bailable warrants are Issued against the complainant.

NDOH – 21.10.2021

CASE LAW – 6

**IN THE COURT OF Sh ANIL ANTIL ADDITIONAL
SESSIONS JUDGE, PATIALA HOUSE COURTS, NEW DELHI**

IN THE MATTER OF:-

STATE... ..COMPLAINANT

V

SANJEEV MADAN.....ACCUSED

Petition filed U/S 498A, 406 IPC

Filed on 05.10.2018

Police station – R.K. Puram

Facts - It is an appeal preferred by the state against an order of acquittal of both the accused Sanjeev and Rajeev Madan.

Observation – Matter was fixed for appearance of both the accused

NDOH – 25.11.2021

CASE LAW – 7

IN THE COURT OF MS. BABU LAL SHARMA,
FAMILY COURT, TIZ HAZARI COURTS,
NEWDELHI

IN THE MATTER OF:-

STATE... COMPLAINANT

V

SADAKAT ALI AND OTHERS ACCUSED

Petition filed u/s 374/34 IPC

3/14CLA

23/26JJA

Police station – R.K.Puram

Facts – This case is against few accused who had deputed children below 16 years of age to commercial work, which is an offence in Juvenile Justice Act.

Observation – on 26.07.2021, Arguments regarding framing of charges against all the accused person heard and case is pending for orders on charge.

NDOH – 13.10.2020

CASE LAW -8

**IN THE COURT OF MS. SWARNA
KANTASHARMA, FAMILY COURT,
PATIALAHOUSECOURTS, NEWDELHI**

IN THE MATTER OF:-

DEEPIKA COMPLAINANT

V

NISHANT ACCUSED

Petition filed u/s 308 IPC

Filed on 06.01.2020

Facts – The above matter was filed by wife to take divorce from her husband on the ground of cruelty and ignorance attitude of husband towards his wife i.e. Deepika.

Observation – The said matter was settled via mediation and petitioner is ready to withdraw this case. On 29.07.21 judge asked. Due to this pandemic, parties need to come in person in court after the reopening of courts. Put up for next date of hearing:-

NDOH – 30.11.21

CASE LAW – 9

IN THE COURT OF MS. SWARNA KANTA SHARMA,
FAMILY COURT, ROHINI COURTS, NEW DELHI

IN THE MATTER OF:-

DEEPAKSHI

SHARMA COMPLAINANT

V

VAIBHAV KUMAR

GHAI ACCUSED

Petition filed u/s 13 1(ia) HMA 1955

Facts – Marriage of the petitioner and the respondent was solemnized on 27.05.2019. Both family met to each other through matrimonial site in which respondent has given his personal profile about himself which was totally fake and wrong. After solemnization of marriage, when the petition reached the house, respondent including his parents started threatening and restricted the petitioner to talk to her parents. These cruelties of the respondent and his parents continued and the petitioner tolerated everything for the sake of her married life.

On 10.07.21, during this no parties came to the given link so matter put up for next date of hearing i.e.

NDOH – 06.10.2021

CASE LAW – 10

IN THE COURT OF MS. ANU GROVER BALIGA,
ADDITIONAL SESSIONS JUDGE,
PATIALA HOUSE COURTS, NEW DELHI

IN THE MATTER OF:-

STATE COMPLAINANT

V

SUNNY AND SUMIT ACCUSED

Petition filed u/s - 323, 328,342, 376D, 506, 509, 34, 376 IPC

Filed on 02.04.2018

Police station – Vasant Kunj North

Facts – Sunny has girlfriend named Nishi who he met on Facebook. After chatting for a time period of 5-6 months, Nishi asked him to marry her to which sunny replied her with NO. Nishi asked him to meet her last at 19B, Mahipalpur his uncle's place which resulted in the arisen of fake allegations made against Sunny and his friend for raping Nishi.

Observation – We talked to Sunny and Sumit regarding this matter in which we get to know that sunny is an innocent person who was wrongly stuck in the plot built by Nishi.

NDOH – 08.11.2021

CASE LAW – 11

**IN THE COURT OF Sh. PITAMBER DUTT, FAMILY COURT,
DWARKA, NEW DELHI**

IN THE MATTER OF:-

MUKUL COMPLAINANT

V

PREETI BHATIA..... ACCUSED

Petition filed u/s Special Marriage

Act Filed on 16.03.2019

Facts – Marriage of petitioner and respondent solemnized on 12.12.2018.

Due to their conflict, Mukul filed the case against his wife

Preeti under Special Marriage Act.

Observation – on 20.07.2019, reply filed by preeti counsel
on an application of restoration of main case, not to put up final
arguments on restoration arguments.

NDOH – 16.09.2021

CASE LAW – 12

IN THE COURT OF MS. AMBIKA SINGH,
METROPOLITAN MEGISTRATE,
TISHAZARICOURTS, NEWDELHI

IN THE MATTER OF:-

STATE... COMPLAINANT

V

SORAJ SINGH.....ACCUSED

Petition filed u/s 279/304A IPC

Filed on 19.06.2021

Police station –Chanakyapuri

Facts – In this case driving license was involved. Application is made for release of driving license no. U.P. 1219790001047 valid up to 11.03.2021 as allegations of section 179 and 304A of IPC made against soraj singh.

Observation – That the said license has expired on 11.07.2021, applicant want to renew the same as he undertake to produce the said license after renewal.

Judge was absent so the renewal of license was put up for next date of hearing i.e.

NDOH – 20.09.2021

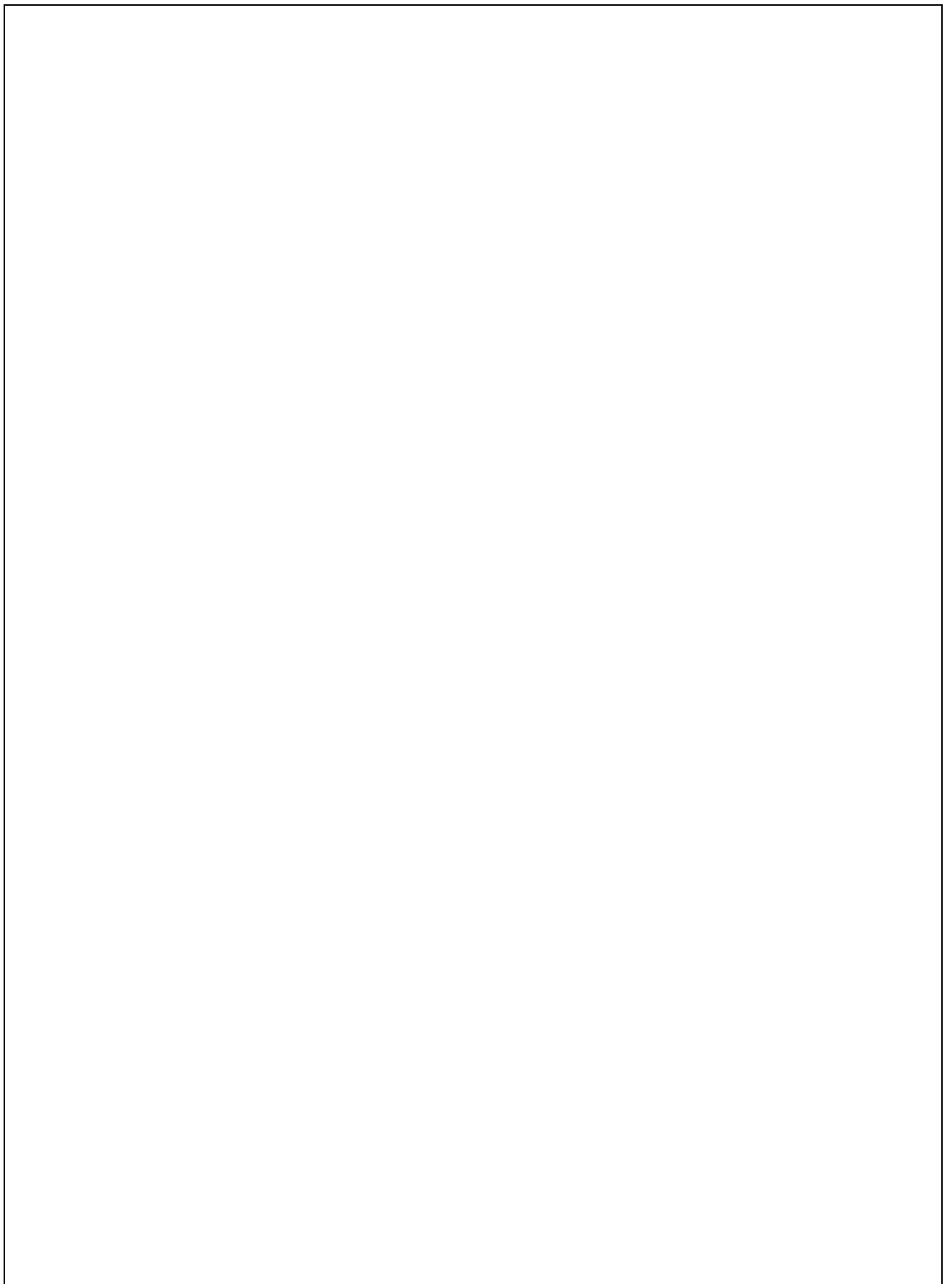
CONCLUSION

Pursuing this summer training I got an opportunity to get some exposure in the field of law. Attending virtual court hearings was the basis of my internship and included promote the work in different ways. All of which was an over the top experience.

Such summer trainings help a law student to reborn and replenish himself and to explore his bounds of training. Expertise in law comes through reading which the pre-requisite to our training was.

With a vote of thanks and gratefulness for reading this report thoroughly and for giving me this wonderful opportunity to grow up my vision in this field of law, I conclude this report with a great lot in my mind.

With Warm Regards
Yours Faithfully



SUMMER TRAINING REPORT

2017-2022



**FAIRFIELD INSTITUTE OF MANGEMENT AND
TECHNOLOGY,SCHOOL OF LAW, KAPASHERA,
NEW DELHI-110037**

SUBMITTED BY-

RAM BABU KASHYAP

09890103817

B.A.LLB.

SEMESTER- 9TH

SANDEEP KUMAR
Advocate & Legal Consultant
430, Lawyers Chamber Block,
District Court, Dwarka,
New Delhi-110075
Mob: 8010388690/8920586602
Email: adv.kr.sandeep@gmail.com

Ref.....

Dated 02/09/2021

TO WHOMSOEVER IT MAY CONCERN

This is to certify that Mr. **RAM BABU KASHYAP**, University Enrollment no. 09890103817, who is pursuing BA.LL.B. 9th Semester at FAIRFEILD INSTITUTE OF MANAGEMENT AND TECHNOLOGY, DELHI, affiliated to GGSIPU, Dwarka, New Delhi has successfully completed his Eight weeks internship programme i.e. from 01.07.2021 to 30.08.2021 at Chamber No.-430, District Court, Sector-10, Dwarka, New Delhi-110075 under my guidance & supervision. He had been punctual in attending the court during the aforesaid period. He has excellent capability to understand and practice law. He also has excellent grasping power over law. He had done his internship programme with flying color.


SANDEEP KUMAR, Advocate

SANDEEP KUMAR
Enrl. No D/3749/2014 (ADVOCATE)
Ch. No.430, Lawyers Chamber Block,
Dwarka Court, Sector-10, Dwarka,
N.D.-75, M.: +91-8010388690

DECLARATION

I RAM BABU KASHYAP student of 9th semester B.B.A.LL.B.(Hons.) hereby declare that this report as compiled by me under summer internship program is based on my own experiences and observations to the best of my knowledge and understanding in its duration and the same which is submitted therefore to FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY affiliated to GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY , NEW DELHI is a reliable document and is of bonafide nature.

SIGNATURE-

RAM BABU KASHYAP

9th SEM/B.A.LL.B. (HONS.)

09890103817

DECLARATION

I Adv Sandeep Kumar hereby declare that this Summer Training Report submitted by RAM BABU KASHYAP is an authentic work. The matter embodied in this report is original. This report is completed by him under my guidance and also this report as compiled by him under summer internship program is based on his own experiences and observations.

SIGNATURE

ACKNOWLEDGEMENT

I would like to acknowledge and express my deep gratitude to all the persons who have been my constant support, source of encouragement and inspiration and have helped me in successfully compiling and completing this Summer Internship Report for time bound and submission.

I take profound sense of pride to convey my gratefulness towards my university- Guru Gobind Singh Indraprastha Univesity and my Institution Fairfield Institute of Management and Technology, for providing me this great opportunity to such an enlightening internship.

I am also extremely thankful to, Advocate Sandeep Kumar, for providing me with all the guidance, care and knowledge in the duration of my internship and I look forward to work again with her in the near future.

INTRODUCTION

I did my internship for four weeks. Throughout this period, I was cultured concerning the scheme to maintain a file, to fill diverse perform which were to be put forward before the Court of Law intended for satisfying various objectives. I also learnt with reference to hierarchy of courts. I attended a variety of court trials subsequent to summer vacations which helped me a lot to be aware of the running of court, furthermore, with reference to file the lawsuit.

Concept and Purpose of Internship

Internship is a process of education, to offer meaningful, career related work experience to students, while simultaneously providing an excellent source of highly motivated, carrier minded individuals for employers.

The internship program serves to:

- Reinforce and strengthen the student's personal values and career objectives through an improved understanding of themselves and the work environment.
- Assist students in identifying and acquiring the skills needed to enter a chosen field.
- Provide practical work experience to balance the student's theoretical training.
- Allow students to meet and learn from professional in the field and develop a network of contacts.

CASE LAW 1

IN THE COURT OF CIVIL JUDGE, SAKET COURTS, SOUTH DISTRICT, NEW

DELHI

CS/686/2021

IN THE MATTER OF :

Corporation Bank

Petitioner

VERSUS

Manjot Gupta & Ors.

Respondents

SUIT FOR RECOVERY OF RS. 1,97,494.00/- ALONG WITH PENDENTE LITE AND

FUTURE INTEREST

BRIEF FACTS OF THE CASE:

1. Respondent approached the plaintiff bank for Housing Loan Facility to purchase under construction Flat vide loan application form dated 17/01/2014.
2. Subsequently the said request of respondents was considered by the Applicant Bank and Sanction the facility vide CSI dated 29/01/2014 vide tune of Rs. 12.00 Lakhs.
3. The respondents agreed to repay the aforesaid loan amount along with floating rate of interest, i.e., 10.25% p.a. and in case of default additional 2% p.a. shall be recovered separately.

4. In view of various defaults committed by the respondents in payment of principal, interest and other monies due under loan agreements, the plaintiff became entitled to recall the entire amounts.
5. The plaintiff called upon the defendants to pay the due amount vide Demand notice dated 9/03/2018 to which defendants neither raised objection nor liquidate the amount.

OBSERVATION

This was my first case so I observed the procedure of the court. Also, I came to know about Bankers Books of Evidence Act.

DATE OF NEXT HEARING: 18.02.2021

Case Law 2

IN THE COURT OF DISTRICT AND SESSION JUDGE, SAKET DISTRICT COURT,

NEW DELHI

DJ/653/2018

IN THE MATTER OF :

Shristi bensawal

Petitioner

VERSUS

Amrit Lal & Ors.

Respondents

APPLICATION UNDER ORDER 37 OF THE CODE OF CIVIL PROCEDURE, 1908

BRIEF FACTS OF THE CASE:

1. Present suit has been filed for recovery of Rs.1,50,00,000 under Order 37 CPC. Summons of the suit were sent to the defendants.
2. Plaintiff was partnership firm and the defendant being proprietorship firm are engaged in the business of construction work. The defendant had awarded various assignments of civil works to the plaintiff as its subcontractor.
3. The plaintiff executed the work for the defendant with respect to the contract awarded by defendant under various heads for total sum of Rs. 40,20,675/.

4. The defendant released a sum of Rs. 30,34,038/ and is still liable to pay a sum of Rs. 1,50,000/ in the form of a principal amount.
5. Plaintiff requested awarded interest @10% per annum on the said amount from the date of filing of the suit till the date of decree.

OBSERVATION

I read the case and came to know about dismissal of cases and Order 37 of CPC.

DATE OF FINAL ORDER: 16.06.2021

FINAL ORDER: The suit is dismissed as withdrawn against the defendant no.3.

Case Law 3

IN THE COURT OF HON'BLE FAMILY COURT, SAKET, NEW DELHI

HMA No. 139 OF 2017

IN THE MATTER OF :

Jayati W/o Saurabh Singh

Complainant

Versus

Saurabh Singh S/o Pritam Singh

Respondent

PETITION U/S 125 OF CR.P.C FOR THE GRANT OF MAINTENANCE

BRIEF FACTS OF THE CASE:

1. Complainant was married to the respondent on 24/04/2016 in Delhi according to Hindu rites and customs in presence of various guests.
2. Complainant and respondent cohabited and consummated the marriage at house of respondent.
3. After sometime of marriage the respondent started misbehaving with the petitioner. There were incidents of cruelty and harassment.
4. After the marriage, the respondent and his family members started demanding additional dowry.

5. Complainant has a seven month pregnancy from the said marriage and the parents of the complainant are unable to take care of complainant financially.
6. Complainant was a poor lady and she has no source of income. The respondent is working as computer operator in BSES and earns Rs. 25000/- per month.
7. The respondent has no other liability except for the complainant. His father owns a motor repair shop and have an independent income.
8. Complainant pleaded the maintenance of Rs. 15000/- per month.

OBSERVATION

I observed that how the domestic violence has created the havoc in the life of women.

NEXT DATE: 17.09.2021

Case Law 4

IN THE COURT OF HON'BLE CHIEF METROPOLITAN MAGISTRATE, TIS

HAZARI, DELHI

COMPLAINT CASE NO. - 16991 OF 2018

IN THE MATTER OF :

M/s Om Building Material Supplier

Complainant

Versus

Unnati Fortune Holdings Ltd. & Ors.

Accused

**CRIMINAL COMPLAINT NAMED AGAINST THE ACCUSED FOR THE OFFENCE
PUNISHABLE U/S.138 READ WITH SECTION 142 OF NEGOTIABLE INSTRUMENTS
(AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT, 2002.**

BRIEF FACTS MENTIONED HEREUNDER:

1. The complainant is engaged in the business of Building Material Supplier and have its registered office at II Floor, Dharam Market, Atta, Sector-27, Noida and is engaged in supplying all the materials required in construction industry. It has gained a good reputation, status and goodwill in the market.

2. Accused No.1 is a Private Limited Company and accused no.2 to 8 are Directors of accused no.1. Thus accused no. 2 to 8 are jointly and severally liable for the day to day affairs of accused no.1.
3. Accused no.2 to 8 approached the complainant to sought his services of supplying the various raw materials. Complainant had a long standing commercial association with the accused.
4. During the course of business transaction, the accused managed to gain trust and confidence of the complainant and as such the complainant delivered the material to the accused persons on credit due to their mutual understanding.
5. In lieu of aforesaid relation, transaction of Rs. 500000/- along with applicable interest became due towards the accused and they are liable to release the same.
6. In order to discharge their aforesaid outstanding liability, the accused had issued the following cheque to be drawn on Vijaya Bank, MSME Noida Branch, Uttar Pradesh with the assurance and undertaking that the same shall be duly encashed on presentation. But when the cheque was presented at the bank, it was declined stating 'insufficient funds' as the reason.
7. Time and again dishonor of cheque prove the intention of accused to commit and perpetuate fraud on the complainant and indulge in cheating and misappropriation.

OBSERVATION

I came to know about the provisions of Negotiable Instrument Act, and how to file a case.

NEXT DATE: 12.09.2021

Case Law 5

IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURT, ROHINI, NEW DELHI

HMA PETITION NO. 858 OF 2018

IN THE MATTER OF

Ram Kohli

Petitioner

VERSUS

Hema W/o Bablu Singh

Respondent

PETITION UNDER SECTION 13(1)(i-a) OF HINDU MARRIAGE ACT, 1955 AS AMENDED UPTO DATE FOR DISSOLUTION OF MARRIAGE BETWEEN THE PARTIES BY WAY OF A DECREE OF DIVORCE

BRIEF FACTS OF THE CASE ARE HEREUNDER:

1. The marriage between the parties solemnized on 24/11/2016 at Delhi according to Hindu rites and customs in the presence of several witnesses. All the expenses were duly paid by the parents of the petitioners.
2. The marriage between the parties was duly consummated.
3. From the third day of marriage, the respondent started harassing the petitioner by using vulgar language towards mother and sister of the petitioner.
4. The petitioner was forced to adopt Christian religion because the respondent followed it.

5. The family members of the petitioners are forced to live separately which includes his mother and two unmarried sisters even though he is sole bread earner of the family.
6. The petitioner gave a complaint against the respondent to the Commissioner of Police, New Delhi.
7. The parties went to settlement through Delhi Govt. Mediation & Conciliation Center where the petitioner committed that she will do all household chores and comply to her duties towards the family of the petitioner
8. But then on 20.03.2018 the mother of the respondent filed a complaint against the petitioner and other family members.
9. The respondent has treated the petitioner with utmost cruelty and pain and she is not ready to settle in matrimonial home and does not love and respect the petitioner and his family. The marriage has broken irretrievably.
10. The parties were not cohabiting as husband and wife for more than past six months.

OBSERVATION:

I have observed the applications and essentials of Section 13(1) of Hindu Marriage Act, 1955

NEXT DATE : 09.10.2021

Case Law 6

IN THE COURT OF DISTRICT JUDGE, SAKET COURT, DELHI

CASE NO. 9925OF 2016

IN THE MATTER OF

M/s Hyundai Motor India Ltd.

Petitioners

VERSUS

Akash Grover

Respondent

SUIT FOR RECOVERY OF A SUM OF RS. FOUR LAKH ONE THOUSAND FIVE HUNDERED ALONG WITH PENDELITE INTEREST @18% PER ANNUM TILL REALISATION OF THE SUIT

BRIEF FACTS OF THE CASE ARE HEREUNDER:

1. The plaintiff is a company incorporated under Companies Act, 1956 having its corporate office in Jasola, New Delhi. They are engaged in business of manufacture and sales of light motor vehicles.
2. On 24.06.2006, pursuant to the booking made by the defendant, a Hyundai Getz car, registered in the name of the defendant was reported for delivery at a showroom cum workshop of the Plaintiff at Hyundai Motor Plaza.

3. The defendant turned up to take the delivery of the car but sooner refused to take the delivery on despicable and unfounded charges of old vehicle being delivered to it.
4. Plaintiff endeavored hard to impress and educate the defendant about the fact that vehicle being delivered is newly produced but the defendant have time and again failed and neglected to pay storage charges.
5. Plaintiff is stuck with the liability as well as the parking space is occupied by the Getz car which could be used for other customers car. The value of the car also depreciates every year and thus the plaintiff be permitted to sell the car through private auction
6. The defendant has to pay Rs. 4,01,500/- as of 24th February 2016 towards storage charges for 1606 days @250/- per day from 03.10.2011 and Rs.6300/- as Court Fees.

OBSERVATION

I observed the practical application of lien.

NEXT DATE : 16.09.2021

Case Law 7

**IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE, SAKET COURT
COMPLEX, NEW DELHI**

COMPLAINT CASE NO. 473143 OF 2016

IN THE MATTER OF :

Nikita Apparels

Complainant

VERSUS

May Five Apparels

Accused

**COMPLAINT UNDER SECTION 138 R/W 142 OF THE NEGOTIABLE
INSTRUMENTS (AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT, 2002**

BRIEF FACTS OF THE CASE:

1. The complainant is engaged in the business of manufacturing ladies garments and is running its business in the name of "Nikita Apparels".
2. Accused No.1 is a Private Limited Company and accused no.2 to 8 are Directors of accused no.1. Thus accused no. 2 &3 are jointly and severally liable for the day to day affairs of accused no.1.

3. Accused no.2 &3 approached the complainant to sought services to place order of 6000 pieces of ladies leggings in 2 different styles. The total cost of leggings are amount of Rs. 6,98,848/-. The accused again placed order for supply of 8000 pieces of different sportswear, the total cost of which amounted to Rs. 6,26,000/-. Hence, the total cost of Rs. 13,24,848/- is due against the accused.
4. During the course of business transaction, the accused managed to gain trust and confidence of the complainant and as such the complainant delivered the material to the accused persons on credit due to their mutual understanding.
5. As per the act and conduct of the accused, it is evident that the accused has no funds to honour the payment of cheques provided by the accused.
6. The accused time and again assured that the cheques were good for payments and shall be encashed upon presentation but the aforesaid cheques meted the same fate of dishonor.
7. The accused has committed an offence under section 138 of NI Act and u/s 406 of Indian Penal Code and is liable to be tried.

OBSERVATION

I came to know about the provisions of Negotiable Instrument Act, and how to file a case.

NEXT DATE: 10.10.2021

Case Law 8

TIS HAZARI, DELHI

IN THE COURT OF MS RUBY NEERAJ KUMAR , MM MAHILA COURT

IN THE MATTER OF :-

Smt. Rukmani Complainant

.Vs

Sh. Pawan Kumar & Ors. Respondents

Reply to Complainant U/S 12 of THE PROTECTION OF WOMEN FROM DOMESTIC
VIOLENCE ACT 2005, on the behalf of Respondents

DATE OF HEARING:- 02.07.2021

FACTS OF THE CASE:-

- Complainant narrated false story to harass respondents for extorting money and for accepting her unjustified demands.
- Complainant wants to live with her parents and pressurizing her husband to live with her at her parental house, respondents denial from accepting her demand that is why, complainant filed false case against respondents. complainant's parents demands Rs. Three Lakhs Only (Rs.3,00,000) from respondents to take back case.
- Respondents face lot of troubles in attending dates in this Hon'ble court and also at women cell in Delhi, where complainant filed another complaint which is being preceeded.
- Complainant conceal the fact that another complaint filed by her is already pending process at CAW Cell in Delhi, and she also concealed the fact that she carried her all jewelries and most of stridhan items with her when she came to live with her parents at her parental house.

OBSERVATION:-

When I went to TIS HAZARI COURT during my internship I observed the case of DOMESTIC VIOLENCE . The Hon'ble judge heard both the parties and she don't found any strong point against any of them. The Hon'ble judge ask for more evidences against respondent and she give next date to parties.

NEXT DATE OF CASE ON:- 03.10.2021

Case Law 9

SAKET COURT COMPLEX

IN THE COURT OF PRINCIPAL JUDGE: FAMILY COURT

IN THE MATTER OF :-

MS. Neetu Kumari Petitioner

Vs

Sh. Chandan Sharma Respondent

PETITION U/S 125 Cr.P.C. ON BEHALF OF OF PETITIONER MS. NEETU KUMARI FOR GRANT OF MAINTENANCE TO BE PAID BY THE RESPONDENT CHANDAN SHARMA

DATE OF HEARING :- 18.07.2021

FACTS OF THE CASE :-

- The marriage between parties was solemnised on 03.12.2017 as per hindu rites and rituals. Petitioner's parents gave all the household items, jewellery beyond their capacity, according to the demand made by respondent and his family.
- After marriage her welcome was done by taunting by her mother-in-law. Respondent and his family demands Rs. 4,00,000/- (four lacs) for car. When petitioner's father denial for not giving money, then respondent and his family members starts taunting or beating petitioner.
- Then petitioner told her parents about the behaviour of her in laws then her father take her to her paternal home from her matrimonial house. The respondent and his family are well settled and are not dependent on respondent for their economic needs. Respondent and his family also denial to return her stridhan and dowry articles.

OBSERVATION:-

During the proceedings petitioner disclose the earnings of respondent and her circumstances and demands maintenance of Rs.50,000 (fifty thousand) per month for her basic needs. Hon'ble court pass decree to respondent to represent the detail of his monthly income on next date.

NEXT DATE OF HEARING:- 15.10.2021

Case Law 10

IN THE HON'BLE COURT OF CHIEF METROPOLITAN MAGISTRATE , DWARKA
COURTS, NEW DELHI

IN THE MATTER OF:-

Shri Sanjeev Bahl Complainant

Vs.

Shri Pankaj Dayal Accused

COMPLAINT ON BEHALF OF COMPLAINANT UNDER SECTION 138 READ WITH
SECTION 142 OF THE NEGOTIABLE INSTRUMENT ACT, 1881

DATE OF HEARING:- 26.07.2021

FACTS OF THE CASE:-

Accused presented a lucrative proposal for purchasing an agriculture land. The accused & his associates lured the complainant to invest in purchasing of land. The accused & his associates shown false agreement & copies of notifications published by Ministry of Urban Development and approved map of 1 acre scheme by MCD. The accused had lured the complainant to invest ₹2,50,00,000/- & offered him 40% profit. After knowing that the accused was cheated on him complainant filed a FIR against accused. Accused requested him to resolve the dispute between them & he will refund his money. Accused gave cheque to complainant but cheque was dishonored & return unpaid with remark Insufficient Funds. When complainant found that the accused was failed to pay the amount he having no option and filed case against accused.

OBSERVATION:-

When I was in court room I observed that the complainant demands from the Hon'ble court to give order to pay complete amount and punishment of accused and his associates. Court gives last chance to accused to pay complete amount to complainant on the next date of hearing and the associates of accused also compensate to complainant.

NEXT DATE OF HEARING:- 14.11.2021

Case Law 11

**IN THE HON'BLE COURTS OF PUNEET NAGPAL, CHIEF METROPOLITAN
MAGISTRATE, DWARKA COURTS, NEW DELHI**

IN THE MATTER OF:

SANDEEP SOLANKICOMPLAINANT

VERSUS

NASEER MOHAMMEDACCUSED

COMPLAINT UNDER SECTION 138/142 OF NEGOTIABLE INSTRUMENT ACT

DATE OF HEARING: 1 JULY 2021

FACT OF THE CASE

Complainant and accused were having good family terms. Accused told to the complainant that he needs a friendly loan sum of RS. 23,50,000. On the same day accused issued two cheques bearing no.607110 & 607120 dated 02.08.2018 for 12 lakh and 5 lakh in discharge of his legal liability and assured that he accused would repay the remaining loan amount of 6.50 lakhs in cash to the complainant on or before 30.08.2018. The above said cheques for encashment returned dishonoured. Complainant informed the accused but the accused chose to avoid meetings with the complainant. Till the date of 30.08.2018 accused have not paid even a single penny out of the aforementioned friendly loan amount of RS. 23,50,000.

OBSERVATION

During the proceedings the plaintiff demands from a hon'ble court to compensate the amount. The court passes the order in favour of plaintiff and against the respondent and give order to the respondent to pay the remaining amount with interest to the plaintiff.

NEXT DATE OF HEARING: 19 SEPTEMBER 2021

Case Law 12

**IN THE HON'BLE COURT OF LD. PRINCIPAL JUDGE, FAMILY COURTS.
DWARKA COURTS, NEW DELHI**

IN THE MATTER OF:

SH. NEERAJ KUMAR

.....PETITIONER

VERSUS

SMT. ANJALI

.....RESPONDENT

**PETITION BY AND ON BEHALF OF THE PETITIONER UNDER SECTION 9 OF THE
HINDU MARRIAGE ACT, 1995 FOR THE RESTITUTION OF CONJUGAL RIGHTS.**

DATE OF HEARING: 02 JULY 2021

BRIEF FACTS OF THE CASE

Marriage between the petitioner and the respondent was solemnized according to Hindu rites and ceremonies on 03.03.2021 at New Delhi. From the very beginning of their marriage, respondent always commented that her marriage solemnized due to the undue pressure of her parents. Petitioner family fully supports her in adjustment but she never accepts the family members of the petitioner and she also misbehaving with the petitioner and his family members and even the respondent did not perform her conjugal duties towards her husband. Respondent always created quarrel scenes over pretty issues without any reason or rhymes. On 04.06.2021, in the morning the respondent created a quarrel scene in the house and after collecting all the gold and silver jewellery and cash amount of the rs. 60,000/- which were kept in the almirah deserted the company of the petitioner without any justified reason. That in spite of so many requests of the petitioner and his parents, till date the respondent has not returned to her matrimonial home.

OBSERVATION

I observed that the petitioner wants to lead a happy and peaceful marriage life and is still ready and willing to bring the respondent back to her matrimonial home.

By this petition, petitioner needs a decree of restitution of conjugal rights in favour of him whereby directing the respondent to join the company and society of the petitioner and to discharge her marital, social and more obligations.

NEXT DATE OF HEARING: 26 September 2021

Case Law 13

**IN THE COURT OF MS. SHIVANI CHAUHAN, CHIEF METROPOLITAN
MAGISTRATE, DWARKA COURT, NEW DELHI**

IN THE MATTER OF:-

JYOTICOMPLAINANT

VERSUS

SURESH KUMAR SEJWALRESPONDENT

**APPLICATION UNDER SECTION 12 OF DOMESTIC VIOLENCE ACT, 2005 (43 OF
2005) FOR THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE**

DATE OF HEARING: 6 JULY 2021

FACT OF THE CASE

- That on 08.03.2018 the complainant got married with the respondent. That in the marriage a substantial amount of approx. Rs. 55-60 lakhs was spent by the parents of the complainant in the said marriage.
- The parents of the complainant also gave fixed deposit of Rs.11 lakh in the name of complainant. Respondent always pressure on the complainant to break the FD of rs.11 lakh and convert the same in the name of respondent.
- Respondent ask the complainant to give them her atm card and got broke the FD which was given by the complainant father. Complainant refuse to break the FD then complainant was mercilessly beaten by the respondent. The harassment by the respondents increased day by day.
- Respondent also confined the complainant in her bedroom and did not provide any meal for two days in fact complainant is eighth month pregnant.

OBSERVATION

When I was in courtroom I noticed that now the complainant did not want to save her matrimonial life. Respondent side also don't want to accept complainant. But complainant demands the maintenance for herself and for her child. Complainant is eighth month pregnant, she needs rest but she attends all the hearings and demands justice for her in this condition.

NEXT DATE OF HEARING: 27 September 2021

Case Law 14

**IN THE HON'BLE COURTS OF CHIEF METROPOLITAN MAGISTRATE, DWARKA
DISTRICT COURTS, NEW DELHI**

IN THE MATTER OF:

MAMTA DAHIYA

.....COMPLAINANT

VERSUS

NARESH SHARMA & ORS.

.....ACCUSED

**APPLICATION UNDER SECTION 23 (2) OF PROTECTION OF WOMEN FROM
DOMESTIC VIOLENCE ACT, 2005 (43 OF 2005) FOR GRANT OF INTERIM AND EX-
PARTE ORDERS**

DATE OF HEARING: 1 JULY 2021

FACT OF THE CASE

- Respondents have been committing the series of acts which are covered under the definition of “domestic violence” of the act. Respondent is also likely to misappropriate the stridhan of the complainant.
- Respondent is to deprive the aggrieved person from her legitimate rights and has threatened her that they will very soon dispose off all assets and business establishment in India including the shared household.
- Complainant has no source of income, she has no moveable or immoveable property in her name and she is unemployed and destitute woman and she is at the verge of starvation. Respondent, on the other hand, is a man of means who is working as a gym instructor and drawing a monthly salary of rs. 1 lakh. Complainant person seek the ad-interim relief of seeking the direction of this hon’ble court to the respondent for the grant of rs. 40,000 per months towards the complainant and her minor son.

OBSERVATION

It was the first day of hearing of this case I observed that the judge takes the introduction about who are complainant and respondent and what's the problem between them. On that day the judge only read some documents and asks some basic facts from both parties and judge give them a next date for heard the deep facts from both side.

NEXT DATE OF HEARING: 1 October 2021

Case Law 15

IN THE HON'BLE COURTS OF PITAMBER DATT, PRINCIPAL JUDGE, FAMILY COURTS, DWARKA, NEW DELHI

IN THE MATTER OF:

PINKI RANA & BABY ANAYA

.....PETITIONERS

VERSUS

ANIL KUMAR

.....RESPONDENTS

PETITION UNDER SECTION 125 OF CRIMINAL PROCEDURE CODE, 1973, AS AMENDED UPTO DATE FOR THE GRANT OF MAINTENANCE

DATE OF HEARING: 1 JULY 2021

FACT OF THE CASE

The marriage between petitioner & respondent was solemnized according to the Hindu rites and customs on 28th January 2016. Both together cohabited together as husband and wife and their marriage was duly consummated. Petitioner no.2 namely baby Anaya was born on 10.10.2017 but after the birth of the female child baby Anaya, the respondent started picking up quarrels on pretty issues. The behaviour of the respondent became very rude and dominating in nature and the family members of the respondent always interfered in the matrimonial life of the petitioner no1. The respondent has deserted the petitioners on 10.06.2018 by leaving behind her and her minor daughter baby Anaya. Respondent is working as a gym instructor and earning more than rs. 80,000. Respondent has no other liability except to maintain the petitioners. Hence both the petitioners are entitled to be maintained by the respondent as per his status.

OBSERVATION

I observe, that's matter belongs to family matter and it can be solved by mutually with the help of mediator so judge sends them to mediation process.

NEXT DATE OF HEARING: 3 October 2021

CONCLUSION

In the end, I would like to opine that the real legal practice is absolutely different from the theoretical version of law which we study. Without exposure to the real world, one cannot understand the analytical and positive application of law and jurisprudence and the actual function and structure of law. What we study is the body, what we learned from the internship is the mechanism of this body.

I was surprised to see how the simplest of laws were applicable in the most difficult of situations and how loopholes leave so much scope of evolution and improvisation today in this field. I also observed that the law is everything but constant with the same soul as that of a human. In other words, or as that of our counsel, law may come and law may repeal, but they must always be faithful to the constitution, which is the most supreme law of the land and governs all equals and unequal in respect of each other.

**PROJECT REPORT ON GOODS AND SERVICE TAX IN
NATIONAL ALUMINIUM COMPANY LTD. (NALCO)**



RATAN RATH

(B.A. LL.B.)

**FAIRFIELD INSTITUTE OF MANAGEMENT AND
TECHNOLOGY**

GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY, DELHI

UNDER THE GUIDANCE OF

MR. PHILIP SUNA, GM

(TAXATION)

.....

CERTIFICATE

This is to certify that Mr. RATAN RATH. Roll. No.10090103817 B.A.LL.B, 2017-2022 of FAIRFIELD INSTITUTE OF MANGEMENT AND TECHNOLOGY, GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY, NEW DELHI has worked and duly completed his project work on “Goods and Services Tax in National Aluminium Company Limited” for the degree of Bachelor in Laws (Taxation & Finance) under the guidance of General Manager, Mr. Phillip Sunna in the subject of Taxation and Finance and his project is entitled, “ GST IN NATIONAL ALUMINIUM COMPANY”under my supervision.

I further certify that the entire work has been done by the learner under my guidance and that no part of it has been submitted previously for any degree of diploma of any University.

We wish him all the luck for his future endeavours.

Date -27th September, 2021 to 27th October,2021

.....

DECLARATION BY LEARNER

I the undersigned Mr. Ratan Rath here by, declare that the work embodied in this project work titled “GOODS AND SERVICES TAX IN NATIONAL ALUMINIUM COMPANY”, forms my own contribution to the research work carried out under the guidance of Mr. Philip Suna is a result of my own research work and as not been previously submitted to any other University for any other Degree / Diploma to this or any other University. DATE: 27th September, 2021 to 27th October,2021.

Wherever reference has been made to previous work of others, it has been clearly indicated as such and included in the bibliography.I, here by further declare that all information of this document has been obtained and presented in accordance with academics rules and ethical conduct.

RATAN RATH

27-10.2021

PLACE; BHUBANESWAR, ODISHA

.....

ACKNOWLEDGEMENT

To list who all have helped me is difficult because they are so numerous and the depth is so enormous. I would like to acknowledge the following as being idealistic channels and fresh dimensions in the completion of this project.

I take this opportunity to thank the NATIONAL ALUMINIUM COMPANY AND GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY for giving me chance to do this project.

I would like to thank my Mentor and guide, Mr. Philip Sunna (General Manager Taxation, NALCO) for providing the necessary facilities required for completion of this project. I take this opportunity to thank Mr. Santosh Kumar Das (Executive Director of Finance , NALCO) for his moral support and guidance. I would also like to express my sincere gratitude towards my project guide Dr. B.R. Saini (H.O.D Law and Legal Studies, FIMT) whose guidance and care made the project successful. I would like to thank College Library, for having provided various reference books and magazines related to my project. Lastly, I would like to thank each and every person who directly and indirectly helped me in the completion of the project.

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CHAPTER-1 INTRODUCTION

1.1 Introduction

In the National Aluminium Industry, there has always been a need to improvise the way of working to achieve better results, saving in time, energy and cost. In doing so, there are lot of shortcuts taken, lots of time saving activities are conducted which results in inadequate data regarding all aspects of the projects. There are certain things which are completely absent when it comes to documentation of all the project data on completion of project. In all these things, there exists a scope of improvement, in order to regularize this, the finance ministry has put up Goods & Service Tax (GST) in order to regularize the Aluminium Industry sector. Introduction of Goods & Service Tax (GST) by the government of India has led to a lot of ambiguity in the Aluminium Industry industry because it's not only a new thing to deal with but, it will also regularize the so called "Unorganized Sector".

To arrive at a conclusion, detailed studies starting from the gestation phase to the handover phase would depict in detail where are the area of concern where the cost of project has affected due to GST implementation. These studies not only give a clearer picture of what all area of concern are to be seen to eliminate the

unnecessary cost but it will also help the project manager to analyze and form such schedules that are met with as per the scheduled cost and time frame to nullify the effects of cost variation in the building Aluminium Industry industry. So, to get a clear picture of increase or decrease in cost due to GST, detailed study of a project before and after GST is done for a check in cost variation.

A single tax structure is definitely a welcome move and the introduction of Goods and Services Tax (GST) seeks to do just that by way of amalgamating a large number of Central and State taxes into a single tax. GST will not only address the concerns of double taxation but will also help in reducing the overall tax burden on goods and services. Furthermore, it will also help in making Indian goods competitive internationally thus providing a much-needed boost to the economy.

The Real estate industry is one of the most pivotal sectors in India and has seen a phenomenal growth, not Justin cities, but even small

towns. GST is another development that will have a significant impact on this sector. Let's take a look at the impact of GST on the Aluminium Industry industry and the real sector.

NATIONAL ALUMINIUM COMPANY: National Aluminium Company Limited (NALCO) is a Navratna CPSE under Ministry of Mines. It was established on 7th January, 1981, with its registered office at Bhubaneswar. The Company is a group 'A' CPSE, having integrated and diversified operations in mining, metal and power. From the days of first commercial operation since 1987 the Company has continuously earned profits for last 34 years. Despite the Global COVID-19 pandemic NALCO has posted an impressive net turnover and net profit of Rs.8,869.29 crore and Rs.1,299.56 crore respectively in FY20-21. Presently, Government of India holds 51.28% equity of NALCO.

NALCO is one of the largest integrated Bauxite-Alumina-Aluminium- Power Complex in the Country. The Company has a 68.25 lakh TPA Bauxite Mine & 21.00 lakh TPA (normative capacity) Alumina Refinery located at Damanjodi in Koraput district of Odisha, and 4.60 lakh TPA Aluminium Smelter & 1200MW Captive Power Plant located at Angul, Odisha. NALCO has bulk shipment facilities at Vizag port for export of Alumina/Aluminium and import of caustic soda and also utilizes the facilities at Kolkata and Paradeep Ports. The Company has registered sales offices in Delhi, Kolkata, Mumbai, Chennai and Bangalore and 9 operating stockyards at various locations in the Country to facilitate domestic marketing.

Globally, NALCO has achieved the distinction of being the lowest cost producer of Bauxite and Alumina in the world as per the latest report of Wood Mackenzie. The Company rated 2nd highest net export earning CPSE in 2018-19 as per Public Enterprise Survey report.

With its consistent track record in capacity utilization, technology absorption, quality assurance, export performance and posting profits, NALCO is a bright example of India's industrial capability.

NALCO is the first Public Sector Company in the country to venture into international market in a big way with London Metal Exchange (LME) registration since May, 1989. The Company is listed at Bombay Stock Exchange (BSE) since 1992 and National Stock Exchange (NSE) since 1999. Besides, ISO 9001, ISO 14001, OHSAS 18000, ISO 50001 & SA 8000 certifications, NALCO's Data Centre at Corporate Office and Disaster Recovery Site at Alumina Refinery certified for

Information Security Management System and awarded ISO 27001:2013 Certification and Accreditation from International Accreditation Services, USA.”

To face the challenges of ever-evolving market and position the Company in a sustainable growth path, a new corporate plan has been developed with well-defined 3 year action plan, 7 year strategy & 15 years vision of being a Premier and Integrated Company in the Aluminium value chain with strategic presence in Mining both domestic & global, Metals and Energy sectors. The Corporate Plan has chalked out a roadmap for multifold growth in revenue and Profit by 2032.

As a responsive Corporate, the Company is harnessing renewable energy aligning to the ambitious programmes of Govt. of India. The Company has already commissioned 198 MW wind power plants and further 25 MW wind power plants are in pipeline.

To be more resilient to the vagaries of market, the Company is moving ahead with its extensive plans for brownfield and greenfield expansion projects, which include the ongoing 5th Stream Refinery project of 1 MTPA capacity in existing Alumina Refinery at Damanjodi (Brownfield), development of Pottangi bauxite mines, Utkal D&E coal mines in Odisha, establishment 5 lakh TPA brownfield Smelters along with 1400 MW Captive Power Plant in Odisha.

As part of backward integration, the Company is establishing a caustic soda plant in JV with Gujarat Alkalies & Chemicals Limited (GACL) in Gujarat and a CT Pitch plant in JV with NINL in Odisha.

NALCO is a leading name in the industrial map of Eastern India. True to the spirit, the Company is taking the lead to bring in a significant change in the Industrial map of Odisha. The Company has formed JV Company named ‘Angul Aluminium Park Private Ltd’ (AAPPL) with Odisha Industrial Infrastructure Development Corporation (IDCO) to give a boost to ancillary, upstream & downstream products related to aluminium industry.

Besides, the Company has formed a JV Company with MIDHANI named Utkarsha Aluminium Dhatu Nigam Limited (UADNL) to make high end aluminium alloy to meet the requirement of defence and aerospace sector. To acquire strategic mineral assets in overseas location and making supply in India, NALCO has formed a JV Company named Khanij Bidesh India Limited (KABIL) with HCL and MECL.

As a part of its effort to convert waste to wealth, the Company is endeavouring to salvage iron concentrate from red mud, Gallium from spent liquor. The Company has also successfully commissioned a first of its kind de-fluoridation process based on nano-technology to de-contaminate the effluent water of Smelter solving a long standing fluoride contamination problem of the area.

The Company, while climbing the ladder of success has strived hard to play a significant role in the socio-economic development in its operational areas through empathetic CSR activities. Rehabilitation of displaced families, employment, income generation, health care and sanitation of local people, education & skill development, providing safe drinking water, development of infrastructure, pollution control, environmental measures, rural development, promotion of arts, crafts & culture and various humanitarian good will missions have earned NALCO a place of pride in the corporate world and was recognized with 'Honourable Mention' for Excellence in the field of Corporate Social Responsibility (CSR) at National CSR award 2018 by Ministry of Corporate Affairs held in New Delhi

The Company is one of the 1st CPSEs to have a CSR Policy since inception and is compliant to the norms of Companies Act. For effective implementation of CSR activities, NALCO has set up a standalone Foundation in 2010.

With encompassing initiatives to provide a better living to the periphery areas and contribute to nation building the Company has taken many ambitious projects. Its notable efforts include Indradhanush scheme, where the Company has sponsored 1003 tribal children of Maoist infested Damanjodi sector and provided education to them in 3 reputed residential schools. 723 meritorious girl students of BPL families at Angul and Damanjodi sector have been adopted with financial support by the Company under 'Nalco ki Ladli' scheme in line with Govt's 'Beti Bachao, Beti Padhao' Mission. Recognizing the healthcare needs as one of the critical need, NALCO is operating 8 MHUs (Mobile Health Units) and one OPD in peripheral villages of its plants by which more than lakh patients treated every year.

Responding to the call of Govt of India, NALCO actively participated in Swachh Bharat Abhiyan by constructing 479 toilets in various districts of its operating areas and has also taken up a noble initiative to make 11 periphery villages completely Open Defecation Free (ODF) in Damanjodi and Angul sector out of which 8 villages have been made ODF.

The Company has taken the responsibility of Shri Jagannath Temple, Puri & its surrounding under PM's Iconic Shrine

Development Programme to upgrade the infrastructure & maintain cleanliness with special emphasis on Renovation and beautification of Gandhi Park as a tourist spot, temple illumination, beautification of Puri town with thematic painting based on Jagannatha culture and battery-operated vehicle in railway station for differently-abled passengers and sick people.

The Company's penchant to prop up the renowned heritage, art and culture of the State has drawn wide acclamation specifically with patronization of living cultural and sports legends by the Company.

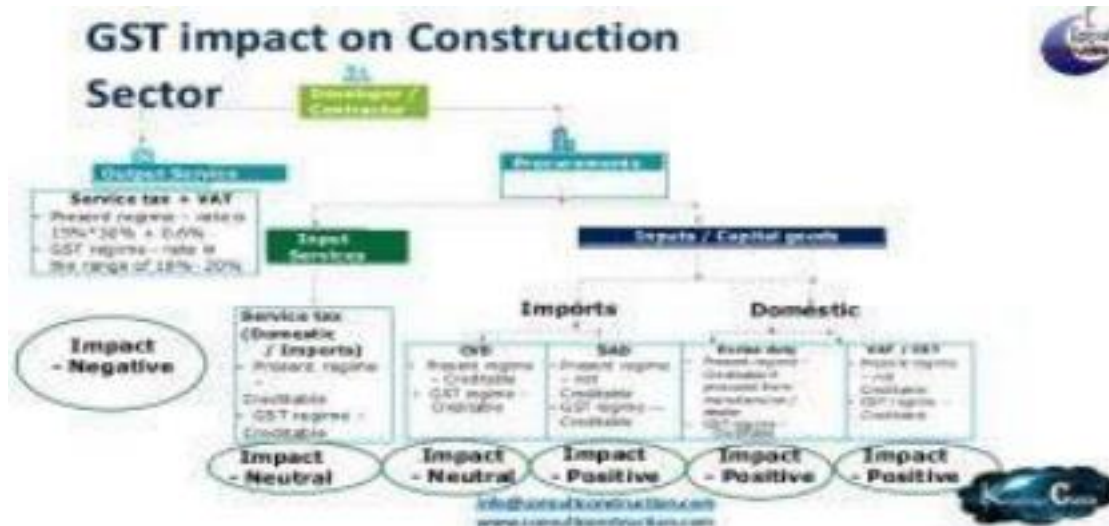
With demand for skilled manpower set to grow multi fold in the Country, the company is providing skill training to unemployed youths in association with training partners in various demand areas like retail, healthcare, beautician, sewing machine operator etc.

1.2 GST Advantages:

- **Transparency and Accountability:** - GST will lend a whole lot of transparency in the real estate sector while also playing a major role in minimizing unscrupulous (black money) transactions. Currently, there is a huge percentage in every projects where expenditure goes unrecorded on the books. GST by curbing the practice of fake billing on purchase-side will help cut down cash component in Aluminium Industry, which in turn, will help in boosting stakeholders' confidence.
- **Input Tax Credit :-**Although the GST rate of 18% on the supply of works contract in the Aluminium Industry sector may be higher than the previous rates, the regime of local composition schemes is over, though now they are eligible for full input tax credit. However, many of the listed Aluminium Industry services such as Aluminium Industrys of dams, roads etc. which were previously exempted are now under the GST purview. This basically means the average Aluminium Industry contract in the previous regime which used to hover around the 11-18% range is now chargeable at a flat rate of 18%. As a matter of fact, if you take exempted services into consideration, this marked difference is more pronounced, like certain infrastructure services are no more exempt in current regime. Having said that, thanks to the availability of input tax credit, the Aluminium Industry sector is expected to benefit in the long run. This is because, under the GST regime, the input tax credit on the raw materials would result in an overall neutral tax incidence for Aluminium Industry services. Additionally, with GST, real estate developers will have access to free input tax credits on GST paid for services and goods purchased by them while the rate of GST

on outward supply is 12% including the value of land. As the inward supply consist of many a items with more than 12% rate, it is expected not a very significant cash flow will involve in paying GST on outward supply. This will not only help in reducing the cost for the developers but owing to this, they can even pass on the benefit of these credits as a reduction to potential buyers.

1. In the GST system, when all the taxes are integrated, it would make possible the taxation burden to be split equitably between manufacturing and services.
2. GST will be levied only at the final destination of consumption based on VAT principle and not at various points (from manufacturing to retail outlets). This will help in removing economic distortions and bring about development of a common national market.
3. GST will also help to build a transparent and corruption free tax administration.
4. Presently, a tax is levied on when a finished product moves out from a factory, which is paid by the manufacturer, and it is again levied at the retail outlet when sold.
5. GST is backed by the GSTN, which is a fully integrated tax platform to deal with all aspects of GST.



Overall, GST is expected to help bring a lot of required transparency and accountability. Moreover, owing to the expected free flow of credit, developers should be able to enjoy an increase in overall margin. Whether these benefits trickle down to the consumers is yet to be seen as the pricing in this sector tends to be dictated by market forces rather than costing policies. Looking from the consumer point of view, the one primary advantage would be in terms of decrease in the overall tax burden on goods and increased transparency in tax system. GST will also help in

eliminating unnecessary paperwork while eliminating time wastage spent by good

suppliers at various state borders. One thing for sure is, the impact of GST will be felt albeit after a while.

1.3 Impact of GST on real estate:

The Aluminium Industry of a complex building, civil structure, or a part thereof, intended for sale to a buyer, wholly or partly, is subject to 12 per cent tax with full input tax credit (ITC), subject to no refund in case of overflow of ITC. In other words, residential Aluminium Industry services, will invite GST at the rate of 12 per cent, which will apply to developers selling residential units before completion of Aluminium Industry to the home buyers.

According to the JM Financial report on GST, for states with non-composite VAT (Karnataka, Tamil Nadu, Andhra Pradesh), the transaction value changes marginally from 10-11% to 12% under the new regime. With input cost credits available, developers in these regions may witness improvement in margins in case no price revision takes place (subject to the anti-profiteering clause).

Abhishek Anand, assistant vice-president (Equity Research), JM Financial Ltd, explains: "In the current regime, states with composite VAT require developers to pay lower VAT rates on the total property value without any input tax benefit (Maharashtra, Haryana) or partial benefit (intra state offset-Bangalore). Under this regime, developers pass on the transaction cost – VAT (1%) and service tax (4-5%) to buyers (total 5-6%). Developers get offset for only the input service tax component. In the GST regime, the transaction cost increases to 12%, with input credit available on both, services and material. Property transaction costs will increase by 6%, in case no input credit is passed on by developers. If developers pass on the input credit to buyers, the property price increase could be restricted to 1-2%." If the developers pass on the credits completely and bring down the base prices, then, home buyers may marginally benefit under the GST regime.

Nevertheless, stamp duty will continue to be applicable, irrespective of whether the property is under-Aluminium Industry or constructed, in the pre-GST and post-GST regime.

Will GST help home buyers?

With the introduction of the Goods and Services Tax (GST), the total incidence of tax will increase from 5.5 per cent to 12 per cent. However, developers will be able to avail of input credit, on all the goods and services purchased and spent in the Aluminium Industry of the property.

Shrikant Paranjape, president of CREDAI Pune Metro, maintains that “The impact of the GST on property prices, will be difficult to gauge at this stage because of the lack of clarity on abatement for land value. In a product, where the major raw material is not covered by the GST and the completed unit is also not covered by the GST, the tax input benefit will be hard to calculate or justify. Only the market forces, the ready reckoner rates and time, will decide whether and how much benefit will be passed on by the developers to the purchasers.”

Moreover, the prices of input materials can also be volatile. Cement and steel prices can soar, without warning. Similarly, sand is always in short supply and not available in the monsoons. Hence, it is likely that these industries may not pass on the entire benefit of tax credit.

Another important factor that needs to be examined, is the stage of Aluminium Industry. If the project is at an advanced stage, where substantial cost has already been incurred before the application of the GST, very little input credit will be available and very less benefit will be passed on. If the project is at an early stage, more benefits can be passed on.

1.4 GST on under Aluminium Industry property – Affordable housing:

It is important to note that housing projects (affordable housing is currently exempted from service tax and a clarification is expected from the government for exemption from GST), then, affordable homes may become cheaper under the GST regime.

Government directs mininigs not to charge GST on affordable housing:

The government, on February 7, 2018, asked mininigs not to charge any Goods and Services Tax (GST) from home buyers, as the effective GST rate on almost all affordable housing projects is eight per cent, which can be adjusted against the inputcredit. It said mininigs can levy GST on buyers of

affordable housing projects, only if they reduce the apartment prices after factoring in the credit claimed on inputs.

In its last meeting on January 18, 2018, the GST Council had extended the concessional rate of 12 per cent GST, for Aluminium Industry of houses under the Credit- Linked Subsidy Scheme (CLSS) to promote affordable housing, which has been given infrastructure status in 2017-18 Budget. The effective GST rate, however, comes down to eightpercent, after deducting one-third of the amount charged for the house/flat, towards land cost. This provision was effective from January25,2018.

1.5 Impact of GST on property prices – Luxury segment:

In the case of a premium properties, while the basic Aluminium Industry cost may come down a little, but as the input tax credit is limited to 12 per cent, it will not be sufficient to bring down the fresh tax liability to nil because of the taxes paid on other expenditures.

GST rates for real estate – Input materials

HSN Description of goods Rate

Chapter 72 Steel 18 per cent

2523 Cement 28 per cent

6802 Marble and granite 28 per cent

2515 Blocks of marble and granite 12 per cent

Chapter 68 Sand lime bricks and fly ash bricks 12 per cent

2505 & 2517 Natural sand, pebbles, gravel 5 per cent

8428 Lifts and elevators 28 per cent

Under the tax regime, many of the Aluminium Industry materials are under the 18 and 28 per cent slab. For example, steel and steel products, are mostly in the 18 per cent segment and cement and prefabricated structural components for building or civil engineering, are in the 28 per cent slab. However, as the input tax credit is available on products utilized for Aluminium Industry, the overall tax incidence should beneutralized.

1.6 Reverse charge mechanism in GST and its impact on production costs:

The mechanism, where the recipient of services pays the service tax, is called as 'reverse charge mechanism' (RCM). The same concept, with wider application, has been borrowed from the service tax laws in the Goods and Services Tax (GST) regime.

A developer has to pay GST on services availed, like those provided by a person who is located in a non-taxable area, services provided by goods transporters, legal services provided by an individual or firm, etc. The developer also has to pay GST under the reverse charge mechanism, on the services provided by government or local authorities, like municipalities, etc. Nevertheless, some of the services provided by the government, like renting of premises, specific services provided by the postal authorities, transport of goods by railways or by state transport undertakings, etc., are outside the scope of the GST, similar to the service tax regime.

A significant departure under the GST laws, compared to the erstwhile service tax provisions, is that under the reverse charge mechanism in GST, a person who is registered under the GST has to pay GST on all the services and goods that are procured from a person who is not registered under GST.

This has significantly expanded the scope of the reverse charge mechanism for all taxable persons and it will adversely affect the developers. Moreover, the tax payable under the reverse charge mechanism under the GST, cannot be adjusted by the developer against the input credit available from the GST paid on the inputs, but has to be paid by cash/bank payment.

So, under the GST, the mininig sare worse off, due to the dual effect of the levy of GST on the services availed from unregistered person, as well as the requirement to discharge the reverse tax on goods received from unregistered suppliers. This will certainly increase the costs for the developer, especially the small developers who were availing goods and services from unregistered suppliers earlier and were not bearing the cost of taxes to that extent.

1.7 GST on ready properties:

If the OC for the project has been received, then, no GST will be applicable. A CRISIL report points out that at present, a developer pays excise tax and VAT, on inputs like cement and steel, at 27.7 per cent and 18.1 per cent, respectively, which vary from state to state. Now, under the GST regime, cement and steel will be taxed at 28 per cent and 18 per cent, respectively, while other inputs like paint and white goods, will be taxed at 28 per cent. The final product – the housing unit – will be taxed at 12 per cent, with credit for taxes paid on inputs. As the tax

levied on the entire cost including the land will be 12 per cent, the amount would be sufficient to provide for the input credit for developers. Hence, a buyer opting for a ready-to-move-in apartment, is saved from the tax burden.

However, the tax calculations under the GST regime, for the real estate market, are not so simple. For example, the GST on under-Aluminium Industry projects will be charged to home buyers on the sale price but the credit can be availed by the developers, only on the cost of Aluminium Industry. As the mining will have to pay the GST on the full project and the input availed is only on the Aluminium Industry cost, there may be a gap that is no less than 30 per cent. Consequently, Aluminium Industry property the developer will hike the prices in that proportion, to make sure this gap is bridged.

GST on property rentals:

“Credit/set-off of input GST is available to a developer, if the sale is executed prior to obtaining the completion certificate or prior to first occupancy. However, this credit is not allowed if the developer chooses to rent out the property. Hence, we might see a spike in commercial rentals,” explains Amit Sarkar, partner and head – indirect taxes, BDO India.

GST has also been levied on the renting of residential property, for use as an accommodation. Consequently, tenants may witness a hike in rent payment under the GST system, as there is no service tax applicable on residential properties, in the existing system.

Here's how the GST will impact the tax computation on rental income:

With the clubbing of taxes on goods and services, under the GST regime, the confusion about levy of separate tax on service and goods is done away with.

Unlike under the service tax regime, the threshold limit for applicability of GST has been increased from Rs 10 lakhs to Rs 20 lakhs. So, many of the landlords who were covered under the service tax regime, will go out of the indirect tax net, under the GST. It may be interesting to note that for the purpose of computing the aggregate limit of Rs 20 lakhs under the GST, all the taxable, as well as exempt goods and services supplied, shall be taken into account. So, unlike the service tax regime, where it

Only the taxable services, which are taken into account for determining whether you have crossed the basic threshold, under the GST, the value of all the service and goods supplied in India, as well as exported, whether taxable or exempt, are taken into consideration for the Rs20-lakh limit. The GST is proposed to be levied at 18 percent, on the letting-out of commercial properties.

There is one more major tax implication under the GST, with respect to rent on commercial properties. The parliament has borrowed the concept of 'reverse charge mechanism' from the service tax regime, under the GST. However, unlike in the service tax regime, where the reverse charge mechanism is applicable in case of services and is not extended to the sale or manufacturing of goods, the same is made applicable for goods as well as services, under the GST regime. A person who is registered under GST, who gets supplies of goods or services from a person who is not registered under GST, will have to pay the GST under the reverse charge mechanism. Under the service tax regime, there is no provision of reverse mechanism, with respect to the rent paid by the lessee. The proposed GST provisions, due to the increased rate and the levy under the reverse mechanism, will eventually make it costlier to take any commercial premises on rent.

Will GST make home loans expensive?

Before evaluating the likely impact of the GST on home loan costs, it is important to understand the components that will be impacted by the increased rates under the GST. The main cost of taking a home loan, is the interest payment on the money. This cost will not change, as there is no service tax or GST on it. Similarly, any stamp duty charged in connection with the documentation of the home loan, will not change with the GST, as stamp duty is not subsumed under the GST.

However, there are various charges that are levied by lenders on home loans. First and foremost is the processing fee that is paid at the time of taking the home loan. At present, it is 15 per cent but it will go up by 3 per cent under the GST, to 18 per cent. This is generally a one-time cost and its overall impact on your home loan tenure, will be insignificant. The banks may also recover other charges like advocate fees, valuation charges, etc., in connection with the home loan, which will go up proportionately.

Like the processing fee paid at the time of application, you may have to pay prepayment charges, in case you decide to prepay the home loan before the completion of its tenure or shift the home loan to another lender. This is generally payable; in case the home loan is taken under a fixed rate of interest. For floating rate home loans, banks cannot levy any prepayment charges. Housing finance companies can, however, levy the prepayment charges, if you decide to shift the home loan to another lender. However, for payment of the home loan from your own resources, the housing finance companies cannot levy any prepayment charges.

The lenders can also charge you for any EMI default, either due to return of the cheque or ECS return, on which the GST rates will go up. So, it is practically on all the charges that are recovered by the lenders that the GST rates will go up by 3percent.

How are banks affected by the GST?

Aluminium Industry Industry has two major Game Change one in form of RERA and now GST impact. The old litigation in work contract and many landmark decision on service tax and vat laws now no more valid. The Aluminium Industry entity to rework on cost structure by doing post and pre GST impact analysis.

They say ‘Change is the only constant’ but in order to succeed, change is not only constant but it is also inevitable. After many reforming initiations like “Housing for all” and RERA, the next thing that Real Estate along with all other sector is looking forward to is the Goods and Services Tax. GST is set to get implemented on 1st July 2017. There are various goods and services which will have different rates prescribed by GST, which may impact their cost. A homebuyer henceforth will have to pay 12% GST to purchase a under Aluminium Industry house. If we look at the current scenario, real estate sector was heavily taxed, therefore 12% single tax structure is definitely a welcome move. We believe that existing multiple indirect taxes on the sector is higher and tax impact under GST would be neutral. While the impact of GST on various sectors and goods is now known, industry experts are still divided over how GST will impact real estate going ahead as clarity on the tax slabs for services is still awaited.

Together with RERA, GST will go a long way in ensuring transparency in the realty sector and growing buyer confidence. The existing channels include issues of multiple taxation, amounting to indirect taxes and no uniformity. GST coupled with Real Estate Regulatory Act that has come into effect on

May 1, 2017, would ensure efficiency in the realty sector. GST will free homebuyers and investors from the hassle of paying several state taxes at different levels, therefore removing the double taxation impact. Therefore 12% tax rate under GST regime looks favorable to the industry.

If we talk about nitty-gritty's of the GST for real estate sector, in some cases, even input credit will be more than the GST levied on the finished product, but a developer can claim a maximum credit to the extent of the GST he would be paying on the finished product. As per the provisions of GST, it can be expected that GST may lead to input cost deflation for Aluminium Industry industry as credit of taxes paid on various inputs used in the Aluminium Industry activities will be available which is not available in current tax regime.

GST is also likely to boost foreign investment and benefit the NRI community for investment in real estate because of a seamless all-inclusive channel available. The simplification of taxation is probably the most positive aspect of GST and it will promise well for foreign investments. It will also raise the confidence of the NRI market to invest in Indian real estate.

From the consumer point of view, the major advantage would be in terms of decrease in the overall tax burden on goods. Currently it is estimated about 25%-30%. GST will help in free transport of goods without stopping at the state borders for long hours for payments of state tax or entry tax from one state to another state. This will reduce in paperwork to a great extent as well.

The implementation of the GST, will bring some tax savings for the lenders, as the input credit with respect to the services availed, as well as goods purchased, will be available for set off, against the GST output taxes liability. However, the reverse charge mechanism, which is borrowed from the service tax regime and which is expanded under the GST, will adversely affect the profitability of banks. Moreover, lenders are now required to register in all the state under the GST, whereas, under the service tax regime, they could have obtained one centralised registration. This will significantly increase the compliance costs of the lenders and affect their profitability.

Grey areas in the GST that could determine the final price of properties

It is still not clear what would be the abatement available for the land cost, for calculating service tax on under-Aluminium Industry projects. The abatement rules, as applicable under the service tax regime and the input tax credit facility for developers, will determine if the effective tax incidence on real estate, is lower or higher under GST.

Effectively, the composition scheme allowing for abatement against cost of land to the extent of 75 per cent of the house cost, for residential units priced under Rs 1 crore and less than 2,000 sqft, makes the effective rate at 3.75 per cent. In other cases, the abatement goes down to 70 per cent, making the effective rate at 4 per cent. This will go a long way, in determining whether GST is tax neutral or tax adverse for real estate.

In addition, as states have different state-level taxes, the implication of GST may not be uniform, across all states.

Strong case for bringing real estate under GST: Finance minister Arun Jaitley

Finance minister Arun Jaitley, while delivering a lecture at Harvard University on October 12, 2017, has said that the real estate sector should, ideally, be brought under the ambit of the Goods and Services Tax (GST). “The one sector in India, where maximum amount of tax evasion and cash generation takes place and which is still outside the GST, is real estate. Some of the states have been pressing for it. Impact of GST may vary according to the type of project and Aluminium Industry methods as only under Aluminium Industry flats are taxable under GST and input credits on sales of under Aluminium Industry flats are available to set off. At this stage, it is difficult to comment exactly on which type of projects will have more impact and which type of project will have more benefits. Therefore to analyze the type of project beneficial under new tax regime, it is advisable for developers and promoters to conduct GST impact analysis programmed before implementing GST Systems.

As per the provisions of GST ITC Rules, input taxes paid on various elements used for the business (in our case Aluminium Industry activities) will available to offset against the tax liability i.e. GST collected from the buyers against the sale of under Aluminium Industry flats subject to certain restriction.

It can be said that developer or promoter needs to pay only differential tax liability to the Government Body. Developer or Promoter has to collect taxes from customers from time to time and he is eligible to take input tax credit on goods as well as services used for Aluminium Industry activities. GST will help cut cash component in Aluminium Industry as products have to be sourced from registered vendors to get input tax credits.

Though under GST tax rate on under Aluminium Industry flats will increase to 12% from tax under current regime i.e. 5.5% (Service tax and vat rate under Maharashtra State) but input tax credit made available to promoters/ developers will reduce the impact of tax liability on cost of the projects. Also GST will subsume various taxes like vat, service tax, excise duty, entry tax, LBT (Octroi Duty in Mumbai) will also help to reduce administrative cost of developers. Under GST regime also Stamp Duty will be applicable on sale of flats and units.

Since the tax incidence on various monuments stones, aluminum, glass, ceramic, lamps and fittings are in the bracket of 18-28%, it can be expected that cost of luxury projects and commercial projects may rise if input set off not utilized properly. As the higher rate of tax will lead to increase in cost of Aluminium Industry activities.

Most of the Aluminium Industry material falling is under the 18% and 28% slab.

Currently under VAT system in Maharashtra, tax exemption is not available to affordable housing scheme. As per the announcement from Finance Ministry in media it has been expected that there will be no tax under GST for housing projects which comes under Affordable Housing scheme. Also for avoiding extra burden of tax liability on inputs and input services used for projects covered under Affordable Housing scheme should be allowed to be exempt. This will ensure cost inflation impact is not passed by promoters/developers to customers who purchase residential units under the Affordable Housing scheme personally believe that there is a strong case to bring real estate into the GST," Jaitley said. The finance minister said the move would benefit consumers, as they will only have to pay one final tax on the whole product. "As a result, the final tax paid on the whole product under the GST, would almost be negligible," he said.

Will GST on real estate benefit home buyers and the sector?

There are many issues and grey zones that need to be ironed out, before becomes. NiranjanHiranandani, president of NAREDCO, maintains that bringing real estate under GST's ambit, will benefit the consumers who will only have to pay one final tax on the whole product.

However, if the GST slab for real estate is finalized above 12 per cent, then, home buyers and developers may take a hit, at a time when property prices are already Moreover, the finance minister will also have to convince states to come on board, to create a consensus. This maybe particularly tough, in states where real estate transactions are major source of revenue for the state, through stamp duty and property registrations.

One year of GST: Gains and losses

Home buyers in the affordable housing segment, specifically, homes of up to 60 sqmetres carpet area in size, have benefited significantly from the reduction of GST by four per cent (from 12 per cent to eight per cent).

However, even almost a year after GST's implementation, the only real clarity that exists for property buyers is on the prevailing GST rate of 12 per cent, on under Aluminium Industry projects. There is still confusion about the amount of rebate that a prospective home buyer is entitled to, on the back of the pass-over of ITC. The confusion is not only about the percentage of ITC but also on the mode and tranche of the rebate. On their part, developers are stating that they have to do multiple calculations, to arrive at ITC and will pass it on, only during the final tranches.

Refund to customer on cancellation

Present regime:

- Rule 6(3) of **Service tax Rules, 1994** permits Mininig to adjust service tax refunded to customer on cancellation of flats/ units against his tax liability of the month in which refund is made

- No time limit for such adjustment

GST regime:

- Whether mining is entitled to issue credit note u/s 34 and claim the tax adjustment? Provision speaks of deficiency of service and not “non-provision of service”
- Does this mean that adjustment of GST refunded on advance against GST liability is not permissible?
- Section 54(8)(c) permits refund of tax paid on supply which is not provided either wholly or partially

Debit note and Credit note in Works Contract- DN and CN should be issued by supplier only U/s 34 of GST Act

Sale of Completed flats – Reversal of ITC

- Section 17(2) provides that where goods or services are used partly for effecting taxable supplies and partly for exempt supplies, ITC credit attributable to taxable supplies can only be taken
- Exempt Supply is defined u/s 2(47)] to include non-taxable supply
- Non-taxable supply is defined u/s 2(78) of the Act to mean:
 - o Supply of goods or services or both
 - o Which is not liable to tax under CGST or IGST Act
- Section 17(3) specifically includes sale of building and sale of land as exempt supply
- Sale of completed flat will be exempt supply for the purpose of reversal of ITC u/s 17(2) of the Act from start of the project.
 - Also mining may be liable to pay interest on such reversal of credit for the period starting from the date of completion certificate till date of actual reversal.

Free Supplies by the Mining to the contractor

- A supply without consideration to non-related persons is not “supply” as defined u/s 7 of CGST Act
 - As such activity is not a supply, same will not be liable to GST
 - It is not an exempted

- supply as defined u/s 2(47) of CGST Act
- It is not wholly exempt u/s 11 of CGST Act
- It is not a Nil rated supply
- It is not a non-taxable supply as defined u/s

2(78) of CGST Act ITC reversal may not be required

ITC Overflow- Refund

Not allowed in capacity of mininig. Mininig can use overflow credit,

- In other project as set of for
- Get Income tax deduction as write off to Profit and Loss account.
 GST is definitely reducing developers' Aluminium Industry costs, by negating double or triple taxation to a more moderate level, through input tax credit. While there are no significant variations in the overall taxes, GST has certainly eliminated the tax-on-tax system. Also, shady transactions are being minimized considerably, bringing in transparency and accountability into the sector.

However, end-users have not received a consummate benefit because of the inherent ineffectiveness of the anti-profiteering provisions. They will only benefit, if the base property prices are reduced and the developers pass on the tax credits to their customers. While the tax-on-tax has been eliminated with the advent of GST, the overall outgo from home buyers' pockets seems to have increased, considering that even after passing on of ITC, they may have to pay three to four per cent more than in the earlier service tax + VAT regime.

GST on maintenance charges of housing societies

Under the earlier service tax regime, housing societies were required to register themselves under the law of service tax, if the aggregate of maintenance charges levied by the housing society exceeded Rs 10 lakhs in a financial year. However, under the Goods and Services Tax (GST) regime, this limit has been doubled to Rs 20 lakhs. So, if the aggregate of maintenance charges levied by the housing society exceeds the threshold of

Rs 20 lakhs in a financial year, it has to register itself under the GST laws and obtain a registration number.

While computing the limit of Rs 20 lakhs, even the exempt items like recovery of property tax and electricity charges from the member, are to be taken into account. So, a housing society has to collect GST from its members, if the aggregate of the charges during a financial (whether subject to GST or not) exceeds Rs 20 lakhs. Even though the threshold limit for registration is Rs 20 lakhs for a housing society, it is not required to levy GST, if the amount of maintenance charge for each of the flat or office does not exceed Rs 7,500 for month.

GST not applicable on sale of flats after issue of completion certificate, Finance Ministry clarifies:

The Finance Ministry, on December 8, 2018, said the GST will not be levied on buyers of real estate properties, for which the completion certificate is issued at the time of sale. However, the Goods and Services Tax (GST) will be applicable on sale of under Aluminium Industry property or ready-to-move-in flats, where the completion certificate is not issued at the time of sale, it said.

“It is brought to the notice of buyers of constructed property that there is no GST on sale of complex/ building and ready-to-move-in flats, where the after the by the competent authority,” the ministry said in a statement.

It further said affordable housing projects like Jawaharlal Nehru National Urban Renewal Mission, Rajiv Awas Yojana, Pradhan Mantri Awas Yojana or any other housing scheme of state governments, attract eight per cent GST, which can be adjusted by the mininigs against its accumulated input tax credit (ITC).

For buyers, this means that either their purchase cost will increase, if they decide to purchase such a property, or the overall spread of options will reduce. After all, not all unsold ready-to-move-in properties may possess a completion certificate.

Developers, on the other hand, may be left with no choice but to absorb the GST charges in ready-to-move projects that have not been given completion certificates. If they attempt to pass this additional burden on to their buyers, their ready-to-move-in units that do not have completion certificates will be at par with

under-Aluminium Industry projects, in terms of the cost to buyers. The burden of unsold inventory in the primary market is likely to increase, as more home buyers may now consider buying resale units, which are exempt from GST.

However, this announcement may be a blessing in disguise for the secondary market, as buyers eyeing ready-to-move-in units will now certainly evaluate this option, rather than paying 12 per cent GST on first purchase units.

Unfinished home GST hurts:

The goods and services tax (GST) on real estate projects under Aluminium Industry is squeezing the cash flow of realtors as many buyers are waiting for finished homes or opting for old ones to escape the tax, multiple stakeholders have told The Telegraph.

Buyers of under-Aluminium Industry properties, including flats, across the country are being asked to pay as GST 12 per cent of the agreement value. But no GST is levied after the project obtains the completion certificate.

The GST is actually paid to the government by the mininig who gets a refund on his inputs. Under normal circumstances, the mininig need not have passed on the entire GST to the buyer because of the refunds.

But the problem has arisen because of the way the project cost has been broken up. Land cost is fixed at one-third or 33 per cent of the project cost and is kept out of the GST rate.

But in cities and on their peripheries, land accounts for a bigger share of the cost. In a project where land cost is more than 33 per cent, the deduction continues to stay at one third of the cost. This means that mininig gets taxed for a portion of the cost for which he does not get a refund, and he passes that on to the buyer.

The real estate market condition has ensured that the buyer can now afford to wait. A perceptible stagnation in the property market has convinced buyers that there is little risk in waiting for a project to be completed. In a rising market, consumers close deals as early as possible for fear that the prices will rise by the time a project is finished.

Along with the stamp duty and the registration fee of 7.1-8.1 per cent and the 12 per cent GST, the cumulative incidence of tax goes above 19 per cent for an under Aluminium Industry project.

Before the GST was launched, a service tax was levied in addition

to the stamp duty and the registration fee. But the service tax rate was only 4.5 per cent.

“Why pay extra when I can save on GST, which can be quite substantial for a premium property?” asked Abhik Mitra, an investment planner with the National Stock Exchange, who recently bought a ready-to-move-in apartment in a project off EM Bypass.

A Kasbah resident said he liked two under-Aluminium Industry projects in the neighborhood but balked at the prospect of paying the GST. He ended up buying a 15-year-old flat.

“My family members were against buying an old property. But I went ahead. Although I have to spend on refurbishing the flat, the cost is still lower since I didn’t have to pay the GST,” he said.

Real estate players described it as a “challenging environment”. “It is quite a challenging environment. Buyers are in the wait-and-watch mode, especially for projects that may be delivered within a year. Since property prices are not showing runaway increases, the buyers are ready to play the waiting game,” said Harsh Patodia, chairman and managing director of Unmark Group, a partner in the Trump Tower project in Calcutta.

The postponement of the closure of deals is having an adverse effect on the cash flow. The finishing work before the handover constitutes close to 40 to 60 per cent of the cost developers bear.

The restricted cash flow is forcing mininigs to dig into their reserves to complete projects.

Banks, wary of non-performing assets in Aluminium Industry, are unwilling to lend readily. Non-banking finance companies, which played savior for realtors in the absence of banks, too are facing a liquidity crunch and have become thrifty.

A well-known project on EM Bypass near Ruby Hospital found its sales tripling after it received the completion certificate from municipal authorities earlier this year. But till then, it had to contend with a cash flow problem.

The same rule applied to the service tax also but since the tax was not so steep as the GST, it did not have as high an impact as the new levy.

Besides, new regulation has closed a loophole some mininigs and buyers were exploiting. They were flirting with the tactic of leaving the sale agreement unregistered while Aluminium Industry was going on to avoid paying the service tax and, after June 30 last year, the GST.

However, the Real Estate Regulatory Authority (Rera), introduced earlier this year in Bengal, made registration of the sale agreement mandatory.

Nandu Belani, president of the developers' association Credai (Bengal), is not complaining about prices. "In a mature market, prices should not go up fast. But sales should happen, which has been hit badly because of the GST. The cash flow has to be there," he said.

In order to speed up sales, some mininigs are absorbing the GST and offsetting the loss with the input tax credit received on the materials (cement, bricks, etc) consumed or contracts given. Some mininigs are lowering the prices to cushion the buyer from the tax.

SushilMohta, past president of Credai Bengal and owner of Merlin Projects, underscored the problem that limits mininigs' ability to pass on the benefit without squeezing the profit margin.

Mohta said: "In Calcutta proper, the land component in the total project cost is much higher than one-third. The higher the land cost, the lower our ability to pass on the benefit of the abatement to the consumers. This is why high-end projects are suffering the most and new launches have come down."

Basant Parekh, managing director of Orbit, which deals in premium and luxury projects, said that investors had disappeared. "Investors come in during the under- Aluminium Industry phase. But they are wary of paying the 12 per cent GST, which is not recoverable after completion," he said.

Parekh flagged a fundamental issue: the government should consider why the stamp duty and GST are both being imposed on property transactions.

“The stamp duty is charged under the transfer of property act. The GST is charged treating it as goods. There should be a single tax,” he said.

Some sources said the policymakers’ inability to decide when a project becomes an asset could be at the root of the perceived anomaly. Stamp duty is levied on an asset and the GST on goods and services. Since goods and services are at play while a building is being constructed, the GST is levied at that stage. Credai has made representations to the Union finance ministry to reconsider the decision but no result has come of them yet, Mohta said.

1.8 Conclusion

As a home buyer, it pays to know what the implementation of GST might bode for home prices moving forward.

1. With GST, there should be a once-off increase in property prices across the board
2. While developers may not bill home buyers for GST, they could transfer the costs implicitly via the sale price
3. The overall price increase for new residential properties could be marginally lower than that for new commercial properties.

1. The secondary home market should see a knock on effect in prices. One of the most complex areas of the tax levied by the Centre and the States is works contract and sale of property. Currently, such transactions are broken into three parts – the value of goods and materials, value of services and value of land. The States apply VAT to the goods portion and the Centre taxes the services portion, with no explicit tax on the transaction value of land.

In GST regime, there will not be any concept of manufacture, sale or service etc. There will be only one concept i.e. ‘Supply’. All the supplies will be categorized as Supply of goods or Supply of Services. Aluminium Industry activities will be ‘works contract’ which is being categorized as ‘Services’. All mininigs and developers in India will be collecting and paying CGST and SGST (i.e. Central GST and State GST. The place of supply of the service is the location of the immovable property.

CHAPTER 2

OBJECTIVES OF THE STUDY

2.1 PROBLEM STATEMENT

India is a federal country where Indirect Tax is levied by Federal and State Government. Value Added Tax is levied by State Governments. Every State has authority to decide the Tax rate and to control the Tax system as per their convenient. The Taxation power has been well defined in Indian Constitution. The Constitution (122nd Amendment) Bill that seeks to usher in a Goods and Services Tax (GST) regime in the country will finally be taken up for discussion in Parliament. Finance Minister Arun Jaitley has been affirming that India will implement GST from 1st April 2016. It can be looked as simplification of Taxes in country and avoiding unnecessary complexities. India is a federal country which has various Tax regimes and structure, where Tax is levied by both Governments. After the implementation of GST all the Indirect Taxes will be subsumed under an umbrella, it will be a milestone in the history of Indirect Tax reform. In this paper, an attempt has been made to examine the major features of GST. This paper has also focused on the problems likely to be faced by Central and State Governments.

GST is deemed as one of the steps in making India as a country which has a high income tax system, comprehensive, efficient, transparent and business-friendly. It is also considered the world's best tax system based on the implementation of the country which has implemented the GST. GST has just being applied in India. The government

and its crew are still in their way to spread out the information of GST in order to combat confusion among people. Sales and contracts are made almost every day and some of these transactions required people to pay the GST. It is an issue if people are still unaware or confuse with the tax system of GST and become worst when people ignore and boycott not to pay the tax. GST is a popular issue that is being discussed by people day to day, it is necessary to know whether the students are aware of the government's plan and do they have knowledge on this issue. Therefore this study makes an attempt to analyze the College Student's Awareness and Knowledge on the Implementation of Goods and Services Tax (GST) in Savakis.

The concept of Goods and Services Tax (GST) is the biggest tax reform in decades throughout the world in many countries, but India has just started implementing it to meet its target of rolling out goods & services tax (GST). The research intends to focus on understanding concept of goods and service tax and its impact on Indian economy. Accordingly the objectives of this study are:-

- To highlight the needs of Goods and Services Tax in India
- To study the impact of GST on Indian Economy.

2.2 OBJECTIVES OF THE STUDY

1. To study the concept of Goods and Services Tax (GST) and its impact on Indian Aluminium Industry Industry.
2. To understand how GST will work in India.
3. To know the advantages and challenges of GST in Indian context.
4. To know the benefit of goods and service tax to economy, business and the industry and consumers.

2.3 ADDITIONALRESEARCH QUESTIONS

The study focuses on extensive study of secondary data collected from government websites, various national and international journals and articles, publications, conference papers, government reports, newspapers, magazines which focused on various aspects of tax structure and GST.

Traditionally India's tax regime relied heavily on indirect taxes. Revenue from indirect taxes was the major source of tax revenue till tax reforms were undertaken during nineties. The major argument put forth for heavy reliance on indirect taxes was that the India's majority of population was poor and thus widening base of direct taxes had inherent limitations.

But the Indian system of indirect taxation is characterized by cascading, distorting tax on production of goods and services which leads to hampering productivity and Slower economic Growth.

(GST). This paper throws an insight into the Goods and Service Tax concept and its impact on Indian economy.

2.4 LIMITATIONS OFSTUDY

Every scientific study has certain limitations and the present study is no more exception. These are:

- The sample size was small and cannot be applied to the entire population.
 - GST is new launched tax system so some complications are faced by the peoples.
- The sample size is very small compared to the total population of the region.

- The study was conducted with the basic assumption that the information given by the respondent is factual and represents their true feelings and behavior.
- It is very difficult to check the accuracy of the information provided.
- Since all the products and services are not widely used by all the customers it is difficult to draw realistic conclusions based on the survey.

CHAPTER 3

LITERATURE REVIEW

3.1 LITERATURE REVIEW

GST was first introduced by France in 1954 and now it is followed by 140 countries . Most of the countries followed unified GST while some countries like Brazil , Canada follow a dual GST system where tax imposed by central and state both. In India also dual system of GST is proposed including CGST and SGST .

Govinda Rao (2009) “Goods and Service Tax – Some progress towards clarity” the author in his article express his views on the first empowered committee report of state finance ministers of Goods and Service tax to be implemented in India. He also explains salient features, shortcomings of the proposed GST. He suggests that the proposed GST model should overcome the shortcomings of VAT system. He also throw light on the challenges faced in the implementation of GST in India.

Ehtisham Ahmed and Satya Poddar (2009) studied “Goods and Service Tax Reforms and Intergovernmental Consideration in India” and found that GST introduction will provide simple and transparent tax system with increase in output and productivity of economy in India. But the benefits of GST are critically dependent on rational design of GST.

• **Ehtisham Ahmed and Satya Poddar (2009)** studied , “ Goods and service tax reforms and intergovernmental consideration in India ” and found that GST introduction will provide implies and transparent tax system with increase in output and productivity of economy in India. But the benefits of GST are critically dependent on rational design of GST.

• **(Saira et al, 2010)** , Based on the history of the implementation by the other countries around the world, most of the countries received a positive impact in terms of their revenue, despite the success of GST implementation the Malaysian citizens still feel uncertain with the GST, (Saira et al, 2010). The findings from the study showed that the majority of Malaysians not convinced with the GST system,

● **Dr. R. Vasanthagopal (2011)** , Conducted a study on , “ GST in India : A big leap in the Indirect Taxation System” and concluded that switching to seamless GST from current complicated indirect tax system in India will be positive step in becoming

Indian economy . Success of GST will lead to its acceptance by more than 130 countries in world and a new preferred form of Indirect Tax System in Asia also. ● **According to Torgler (2011)** ,tax morale is important to taxpayer awareness. On the other hand, research by Tekeli (2011) using multiple regression analysis show that tax morale has insignificant relationship on tax awareness. A Tekeli (2011) conclusion is supported study by regarding cause and consequences of tax morale. ● **Research by Mustapha and Palil (2011)** , stated that the influence of compliance behavior towards individuals’ awareness has been proven in various researches. From the findings of Razak and Adafula (2013); Santi (2012) they found that taxpayers’ awareness is significantly associated with tax compliance and this is also supported by study Jatmiko(2006).

Dr. R. Vasanthagopal (2011) studied “GST in India: A Big Leap in the Indirect Taxation System” and concluded that switching to seamless GST from current complicated indirect tax system in India will be a positive step in booming Indian economy. Success of GST will lead to its acceptance by more than 130 countries in world and a new preferred form of indirect tax system in Asia also.

Dr. R. Vasanthagopal, (2011)“GST in India: A Big Leap in the Indirect Taxation System”, found that the positive impacts are dependent on a neutral and rational design of the GST. Balancing the conflicting interests of various stakeholders, complete political commitment for a fundamental tax reform with a constitutional amendment, the method of valuation for levying the tax is to be required.

Jana V. M., Sarma & V Bhaskar (2012) “A Road Map for implementation of Goods and Service Tax”, from the study it is found that the steps to be undertaken to implement the comprehensive tax system i.e., GST. The authors have thrown light on the constitutional amendment required for the implementation of GST in India.

Beri Yogita (2012) “Problems and Prospects of Goods and Services Tax (GST) in India” in this article the author say that India has witnessed with number of tax reforms since Independence. The implementation of GST will become major indirect reform in India though it subsumes many existing indirect taxes like central excise duty, customs duty, service tax, additional duties etc. by implementation of GST there will be

levy of central taxes both on goods and services which integrates and widens the tax base.

Jana V. M., Sarma & V Bhaskar (2012) studied “The Road Map for implementation of Goods and Service Tax”. He found that the steps to be undertaken to implement the comprehensive tax system i.e., GST. The authors have thrown light on the constitutional amendment required for the implementation of GST in India.

Saayed Mohd Ali Taqvi (2013) studied the challenges and opportunities of Goods and Service Tax in India. He explained that GST is only indirect tax that directly affects all sectors and sections of our country. It is aiming at creating a single, unified market that will benefit both corporates and economy. He also explained the proposed GST model will be implemented parallel by the central and state governments as Central GST and State GST respectively.

Syed Mohd Ali Taqvi (2013) “Challenges and Opportunities of Goods and Service Tax in India” the researcher explains the GST is only indirect tax that directly affect all sectors and sections of our country. It is aiming at creating a single, unified market that will benefit both corporates and economy. He also explain the proposed GST model will be implemented parallel by the central and state governments as Central GST and State GST respectively.

● **Pall et al. (2013)**, study by using multiple regression analysis, the researchers found out that there are significant relationship between awareness and tax knowledge. When individuals have knowledge related to the tax systems, people will be more willing to respect the tax systems and improved individuals’ awareness. Further, Jatmiko (2006) also conclude that awareness can be developed from the knowledge and the understanding. Palil et al. (2013) and Jatmiko conclusions is also supported study by Tayib (1998) identified that individuals’ awareness towards the tax system can increase when the individuals has knowledge about the tax. This makes tax knowledge and tax awareness has significant relationship and when the individuals or the taxpayers have knowledge about it and it will make it easier for them to study and follow the tax rules. ● **Djawadi and Fahr (2013)**, This study is pointed out that knowledge about tax is important to increase the thrust of authorities and citizens.

The researcher used structure equation modelling to examine the relationships between tax awareness and tax knowledge and researcher found that tax knowledge has positive relationship with tax awareness. Hence, taxpayers will be more aware about tax system when they have knowledge and understanding towards the tax system.

Agogo Mawuli (2014) studied “Goods and Service Tax-An Appraisal” and found that GST is not good for low-income countries and does not provide broad based growth to poor

countries. If still these countries want to implement GST then the rate of GST should be less than 10% for growth.

Jaiprakash (2014) in his research study mentioned that the GST at the Central and the State level are expected to give more relief to industry, trade, agriculture and consumers through a more comprehensive and wider coverage of input tax set-off and service tax setoff, subsuming of several taxes in the GST and phasing out of CST. Responses of industry and also of trade have been indeed encouraging. Thus GST offers us the best option to broaden our tax base and we should not miss this opportunities to introduce it when the circumstances are quite favorable and economy is enjoying steady growth with only mild inflation.

Nitin Kumar (2014) studied “Goods and Service Tax- A Way Forward” and concluded that implementation of GST in India help in removing economic distortion by current indirect tax system and expected to encourage unbiased tax structure which is indifferent to geographical locations.

Nishitha Gupta (2014) in her study stated that implementation of GST in the Indian framework will lead to commercial benefits which were untouched by the VAT system and would essentially lead to economic development. Hence GST may usher in the possibility of a collective gain for industry, trade, agriculture and common consumers as well as for the Central Government and the State Government.

Saravanan Venkadasalam (2014) analyzed the post effect of the goods and service tax (GST) on the national growth on ASEAN States using Least Squares Dummy Variable Model (LSDVM) in his research paper. He stated that seven of the ten ASEAN nations are already implementing the GST. He also suggested that the household final consumption expenditure and general government consumption expenditure are positively significantly related to the gross domestic product as required and support the economic theories. But the effect of the post GST differs in countries. Philippines and Thailand show significant negative relationship with their nation's development. Meanwhile, Singapore shows a significant positive relationship.

Girish Garg, (2014) - “Basic Concepts and Features of Good and Service Tax in India”, it is found that GST is the most logical steps towards the comprehensive indirect tax reform in our country since independence. GST will create a single,

integrated Indian market to make the economy stronger. Under GST, the taxation burden will be divided equitably between manufacturing and services, through a lower tax rate by increasing the tax base and minimizing exemptions. Through this it is likely to improve tax collections and Boost India's economic development by breaking tax barriers between

States and integrating India through a uniform tax rate. **Pinki, Supriya Kamna & Richa Verma (2014)** Goods and Service Tax - Panacea for Indirect Tax System in India "it is found that the GST is India's most ambitious indirect tax reform plan, which aims at removing the cascading effect of tax. The movement of GST was declared in 2008 and supposed to be in force by 2010. Due to various reasons it could not be in force. GST has been implemented in more than 150 countries which will lead to economic growth of the country.

• **Pinky Supriya Kamna and Richa Verma (July 2014)** studied, " Goods and Service Tax " Panacea for indirect tax system in india " and concluded that the new NDA government in India's positive towards implementation GST and it is beneficial for central government , state government and as well as for consumers in long run if its implementations backed by strong infrastructure.

• **Agogo Mawuli (May 2014)** studied , " Goods and Service Tax An Appraisal " and found that GST is not good that low income countries and does not provide broad based growth to poor countries. If still countries want to implement GST then the rate of GST should be less than 10 % for growth.

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Girish Gargh Assistant Professor from PGDAV College University of Delhi has published paper titled Basic Concepts and Features of good

and service tax in India. In this paper he has given the outline of GST and what does this tax system want to achieve with threats and challenges opportunities that the free market economy can bring.

Shafali Dani (2015) has suggested that GST administration is an irresolute endeavor to legitimize backhanded expense structure. Roughly more than 150 nations have executed GST idea. The legislature of India must examine the GST administration set up by different nations and furthermore their aftermaths previously actualizing GST. It is the need of the hour that, the legislature must make an endeavor to protect the huge poor populace of India, against the expansion because of execution of GST. GST will disentangle its current roundabout duty framework and should expel wasteful aspects made by the current heterogeneous expense framework, just if there is a reasonable agreement over issues of edge constrain, income rate, and incorporation of oil based commodities, power, alcohol and land.

Srinivas K. R (2016) in his article "Issues and Challenges of GST in India" mentioned that central and state governments are empowered to levy respective taxes as per the Indian constitution which is likely to change the complete scenario of present indirect taxation system. GST will be a compressive indirect tax structure on manufacture, sales and consumption of goods and services throughout India, to replace the various indirect taxes levied by the both the governments.

● **Mohammad Ali Roshidi (2016)**, conducted a study on "Awareness and perception of taxpayer towards Goods and Service Tax implementation. The study attempt to find out what level of awareness and perception to GST taxpayers in Malaysia. This study only consist of 256 civil service servants of the secondary school teachers in the kaulakangsar, Perak. Data collected using questionnaire. The result shows that moderate and majority of respondents give a high negative perception to the GST. The eventually causes the majority of respondents did not accept implementation of GST in Malaysia.

● **International Journal of innovative studies in sociology and humanities (2016)**, A study on impact of GST after implementation Milan-deep Kour and his co-authors Assistant Professor from Eternal University himachal Pradesh talks about the impact of GST and implementation of it, its benefit and challenges. He also emphasizes that GST is going to change things in current situation.

● **Ahamd et al. (2016)**, found that the level of awareness of the GST is still not reached a satisfactory level. This is because the study involved only general questions that should be known by the respondents as end users. This cause the respondents gave high negative perception of the impact of implementation of

GST. The respondents received less information and promotion of the authorities. Most of the respondents were unclear whether the goods and services are not subject to GST. Furthermore, due to the lack of information on GST, the respondents had a high negative perception. Therefore, the government must convince that GST will not have a lasting impact on the public as particularly convincing end users that no increase in prices of goods and services.

Poonam (2017) in her study cleared that in the system of indirect taxation GST plays a very important role. The cascading and double taxation effects can be reduced by combining central and state taxes. Consumer's tax burden will approximately reduce to 25% to 30% when GST is introduced and then after Indian manufactured products would become more and more inexpensive in the domestic and international markets. This type of taxation system would directly encourage economic growth. GST with its transparent features will prove easier to administer.

With the above reviews we can assume that GST is a tax reform which will change the scenario of the country as a support for this review study.

- **Times of India (26 July, 2017)**, page no 1&17 it is stated that Sweet makers are confused with fixing the tax for their product as the ingredients used in the sweets.

are taxed separately as raw material and as finished goods the products its taxing is different ex. Plain burfi is 5% taxed but chocolate burfi is fixed with 28%. Plain burfi mixed with other dry fruits is of 12%. This taxing system makes the Sweet makers to get confused on how much GST to be fixed for which product.

- **Times of India dated (27 July , 2017)**, stated that the GST implication across different places for the same product has wider differences which the consumers are unaware, resulting them in surprise. Ex A Rasamalai sold in counter at a shop is taxed with 5% but if it is served in the hotel it is taxed with 18% this has resulted in difference of consumers shopping to purchase the similar products

- **Shakwippee(2017)**, A study conduct on the inquiring the level of awareness towards GST among the small business owners in Rajasthan State, found that the main areas to be focused include training errors and computer software availability.

- **Vineet Chauhan (2018)**, Conduct a study on " Measuring Awareness about implementation of GST." A study survey of small business unit of Rajasthan State in India. The study seeks to evaluate the awareness of the business owners about GST difficulties they face to encase of the current awareness about it. 148 small business owners were analyses in order to

identify the awareness about GST from Rajasthan state and the kind and extent of relief provided and the implementation of the provision under GST Law.

● **Bar hate (2018)** , found that people have no doubt whatsoever regarding the proposed benefits of GST irrespective of their business type, legal status of business for the reason being they feel irritated by the present system which appears to be cumbersome. Most respondents believe that GST will bring monetary gains to their business and do not anticipate any significant boost in tax compliance costs. Interestingly, respondents expect the spending on tax compliance to go down after GST is implemented. The lack of information coupled with the apathy towards reforms may paralyze the speedy implementation of this system especially in small towns where still not a single orientation programs have been planned and executed till date by competent authorities. ● **Poona m (2018)** , The biggest problems in Indian tax system like Cascading effect & tax evasion, distortion can be minimized by implementing GST. After amalgamation of local state and central taxes competitiveness of industry, exporter and company will increase. The extra revenue which can be generated from broaden tax base structure can be utilized for the growth of nation.

CONCLUSION

GST will swift government focus on depending direct tax (income) to indirect tax. Definitely due to small income in tax collection base, GST will be a strong boost to government revenues. Hopefully with these amount of revenue challenges that the government face in term of deficit budget and debt can be clear by 2020.

As it is a consumption tax, it appears that Malaysian GST will also act as an effective dragnet for tax evaders and illegal immigrants who pay no income tax. The payment made to BRIM recipient will offset most of the GST's impact on the poor.

GST will give some impact on consumer expenditure due to rise in goods and services price, however with increase of revenue government spending aspect to be more and firm will continue to invest as export goods will exempted from tax. GDP will increase when government spending and investment increase. Hopefully the implementation of GST can provide good platform for the country to become develop country with high income.

COLLECTION OF PRIMARY DATA

4.1 METHODOLOGY

Research is a logical and systematic search for new and useful information on a particular topic. Research methodology is a systematic way to solve a problem. It is a science of studying how research is to be carried out. Essentially, the procedures by which researchers go about their work of describing, explaining and predicting phenomenon are called research methodology.

About my Research Problem :

The present research is exploratory in nature. Since GST is a new phenomenon in India, there are hardly any studies in this area. Specially there is a huge gap of empirical and behavior studies on GST in India. The study tries to find the significance of popular perception regarding GST.

4.2 RESEARCH DESIGN

A good research design has characteristics viz, problem definition, time required for research project and estimate of expenses to be incurred. The function of research design is to ensure that the required data are collected and they are collected accurately and economically. A research design is purely and simply the framework for a study that guide the collection and analysis data. In this project the two basic types of research design are

> Exploratory Research:

All research projects must start with exploratory research. This is a preliminary phase and is absolutely essential in order to obtain a proper definition of problem in hand. The major emphasis is on the discovery of ideas and insights. The exploratory study is particularly helpful in breaking broad and vague problems into smaller, more precise sub problem statements. Exploratory research is also used to increase the familiarity with the problem under investigation.

> Descriptive Research:

It is the design that one simply describe something such as demographic characteristics of people. The descriptive study typically concerned with determining frequency with which something occurs or how two variables vary together what, when and why apex of the research. It requires formulation of more specific hypothesis and the testing these through statistical inference technique. This is the research design of the study and then it comes to develop the research plan

, which means that what to do before going for the actual interpretation and it is discussed below .

How to Calculate GST on Under Aluminium Industry Flat 2019?

You have almost skimmed every possible and necessary information on the latest updates on real estate current GST rates. Therefore now you can somehow scrutinize well and will be able to figure out how to calculate the GST on a flat purchase. Let us make it easier for you to know the GST rate on under Aluminium Industry property by breaking the calculation process into steps. Scroll down.

1. The ones who are about to purchase residential flats for them, the government has offered relief. You are subjected to pay 18% of GST on the under Aluminium Industry property.
2. Out of this 18%, deduct 1/3 and rest is the payable GST rate i.e., 12%. The deduction made is of land value which is tax-free in GST.
3. Now the 33rd GST amendment comes into the picture. It slashed the 12% GST to 5% on the under Aluminium Industry property and ready to move in flats with no CC issuance.
4. This 5% of GST on under Aluminium Industry property will be there only in the absence of ITC Input Tax Credit).
5. During the calculation of GST for under Aluminium Industry property, the whole amount is being considered i.e., the value of building and land too.
6. The GST will always be applicable for under Aluminium Industry properties.

A single tax structure is definitely a welcome move and the introduction of Goods and Services Tax (GST) seeks to do just that by way of amalgamating a large number of Central and State taxes into a single tax. GST will not only address the concerns of double taxation but will also help in reducing the overall tax burden on goods and services. Furthermore, it will also help in making Indian goods competitive internationally thus providing a much-needed boost to the economy.

- **Compliance and Efficiency** :-Thanks to the abolition of various central, state and local taxes, GST will permit quicker and easier transfer of goods between states. By implementing a uniform tax structure, the entire real estate sector will stand to benefit thus improving the tax compliance. GST will also inadvertently replace most indirect taxes, with a single tax, thereby ensuring an overall efficient taxation system.
- **Double Taxation** :-The Real estate sector was plagued with several issues regarding multiple taxation which amounted to over 25 percent in indirect taxes. GST will break the shackles

of double taxation by freeing home buyers and investors from the hassle of paying several state taxes at different levels.

- **Stamp Duty and Registration :-**The remaining hurdle is that Stamp duty is not to be subsumed under GST and hence will continue as it is today. There is no provision for input tax set off available for the stamp duty paid for the land which basically goes against the entire premise of GST. Moreover, there would be no change in registration charges as well on real estate sale transactions. The silver lining as such is that GST will subsume the service tax and value added tax (VAT) charges which were payable on sale of under-Aluminium Industry properties.

TAXABILITY OF WORKS CONTRACT UNDER PREVIOUS TAX REGIME

- Various provisions were in place to separately determine the value of taxable goods and taxable services in the total consideration of a works contract.
- VAT was charged on the value of sale of goods component and Service Tax was charged on the value of service component
 - Cascading effect of different taxes. For Example:-Software
 - Confusions and legal disputes

IMMOVABLE PROPERTY

a) Land&

b) Building (other than under Aluminium Industry sale of flats/unit)
SCHEDULE II OF THE CGST ACT, 2017

- Schedule II of the CGST Act, 2017, deals with the classification of Activities into Supply of Goods and Services.
- Entry number 5(b) of Schedule II mentions clearly that the “Aluminium Industry of a complex, building, civil structure or a part thereof, including a complex or building
 - intended for sale to a buyer, wholly or partly...” will be treated as a **Supply of Service**.

Rate of Aluminium Industry services where value of land is included:

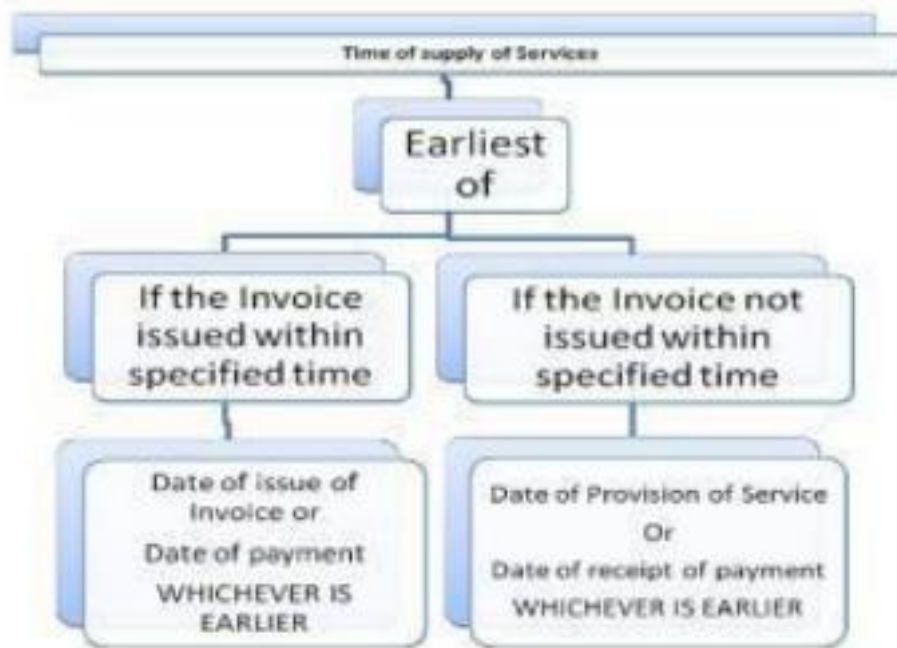
Ch	Sec	Heading	Description	Of Service	Rate
99	5	995	9954(I)	Sale Of Under Aluminium Industry Flats Involving Transfer Of Property In	

Land Or Undivided Share In Land 18% After Deduction Of 1/3rd Of Total Amount Charged As The Value Of Land Or Undivided Share In Land

- Further, Entry number 6(a) of Schedule II reads as follows: “The following composite supplies shall be treated as a **supply of services**, namely: — (a) **works contracts** defined in clause (119) of section 2;”

Rate of Works Contract Service

Ch Sec Heading Description Of Service Rate 9959954i)
Composite Supply Of Works Contract As Defined In Clause 119 Of Section 2 Of CGST, 2017.18%(Ii) Specified Composite Supply Of Works Contract 12%(Iv) Aluminium Industry Services Other Than (I) And (Ii) Above 18%
TIME OF SUPPLY OF SERVICE



PLACE OF SUPPLY IN GST

- The place of supply of the service is the location of the immovable property.

Example-If site is at New Delhi and office is at Gujarat. Immovable property is build up in New Delhi, hence It will be the place of supply of services.

INPUT TAX CREDIT ON WORKS CONTRACT UNDER GST

- Input Tax Credit of GST paid on Works contract will be allowed if • the output supply is also Works Contract, and;
- When the Contract is for Aluminium Industry of Plant and Machinery.

Apart from the above two, **no Input Tax Credit** will be available for works contracts for Aluminium Industry of immovable property. For Example- Hotel.

Input Tax Credits — Implications

Procurement Pre-GST Position Post-GST Position
 Materials •No Cenvat Of Excise Duty, CVD, Etc Paid On Materials

- No VAT Credit On Materials

Full ITC Available Input Services Cenvat Credit Of Service Tax Was Available Full ITC Available Capital Goods Cenvat Credit Of Excise Was Available In Two Trenches Full ITC Available In The Year Of Receipt

ABATEMENT AND COMPOSITION SCHEME

- No abatement is till now available for works contracts under GST. • Works Contractor cannot opt for composition scheme as a works contract is treated as a **supply of services**.
- For supply of services, only restaurant business are allowed to be registered under Composition Scheme.

Sale Of Flats And Units- Under Aluminium Industry 4.50% 1% 5.50% 18% (1/3 Reduction Of Land) Joints Development- Owner Area 4.50% To 6% NIL 4.50% To 6% 18% (1/3 Reduction Of Land) Rehabilitation Of Flats 6% NIL 6% 18%

ISSUES

Pre GST- Joint Development (Area Sharing)

Land Owner transfers certain percentage of development potential to Developer

In return Developer gives owners flat to Land Owner, also developer sales his developed flats to customers.

Present regime:

1. Service tax:

* Flats allotted to Land owner — service tax payable under works contract category or Aluminium Industry service on the value of development potentials received

* Saleable flats — service tax payable on sale of

under Aluminium Industry units 1.VAT:

* Not payable on flats allotted to land owner as it amounts to barter

* Payable on saleable flats under Aluminium Industry

CONTINUOUS SUPPLY OF SERVICE

It means a supply of services which is provided or will be provided continuously or on recurrent basis under a contract for a period exceeding three months with periodic payment obligations

Where the due date of payment is ascertainable from the contract Time of supply shall be the due date of payment..

Where the due date of payment is not ascertainable from the contract Time of supply it will be earliest of

1) date of receipt of payment or

2) the date of issue of invoice

Where payment is linked to the completion of an event Time of supply it will be earliest of 1)date of receipt of payment Or

2) completion of event where payment is linked to completion of event.

Time of supply:

* Receipt of development rights amounts to advance receipt of consideration in kind * Hence, date when irrevocable rights are

received will be time of supply * Receipt voucher has to be issued by developer to owner on receipt of development right Valuation to be done as per GST Valuation Rules

Taxable @ 18% or 18% (after deducting land value) depending on facts of the case

Area Sharing Agreement- Section 7(1) a, “ Supply Means” Supply made and Agreed to be made

Taxability of saleable flats:

Taxable on transaction value under Aluminium Industry service category @ 18% (after deducting land value)

Taxability of development rights in the hands of owner

Transfer of development rights by landlord can be said in course or furtherance of business As per Sch II Entry (2) License to occupy land to mining is supply

Refund to customer on cancellation

Present regime:

Rule 6(3) of Service tax Rules, 1994 permits Mining to adjust service tax refunded to customer on cancellation of flats/ units against his tax liability of the month in which refund is made No time limit for such adjustment

GST regime:

Whether mining is entitled to issue credit note u/s 34 and claim the tax adjustment? Provision speaks of deficiency of service and not “non-provision of service”

Does this mean that adjustment of GST refunded on advance against GST liability is not permissible?

Section 54(8)© permits refund of tax paid on supply which is not provided either wholly or partially

Debit note and Credit note in Works Contract- DN and CN should be issued by supplier only U/s 34 of GST Act

Sale of Completed flats — Reversal of ITC

Section 17(2) provides that where goods or services are used partly for effecting taxable supplies and partly for exempt supplies, ITC credit attributable to taxable supplies can only be taken

Exempt Supply is defined u/s 2(47)] to include non-taxable supply

Non-taxable supply is defined u/s 2(78) of the Act to mean:

Supply of goods or services or both

Which is not liable to tax under CGST or IGST Act

Section 17(3) specifically includes sale of aluminium as exempt supply

Sale of completed flat will be exempt supply for the purpose of reversal of ITC u/s 17(2) of the Act from start of the project.

Also mininig may liable to pay interest on such reversal of credit for the period starting from the date of completion certificate till date of actual reversal.

Free Supplies by the Mininig to the contractor

A supply without consideration to non-related persons is not “supply” as defined u/s 7 of CGST Act

As such activity is not a supply, same will not be liable to GST

It is not an exempted supply as defined u/s 2(47) of CGST Act

It is not wholly exempt u/s 11 of CGST Act

It is not a Nil rated supply

It is not a non-taxable supply as defined u/s 2(78) of CGST Act

ITC reversal may not be required

ITC Overflow- Refund

Not allowed in capacity of mininig. Mininig

can use overflow credit, In other project as

set offor

Get Income tax deduction as write off to Profit and Loss account.

Subcontract ofAluminium Industry

Sub contractor are not works contractor but composite supplier. Hence ITC overflow is not applicable to subcontractor he will get refund.

Impact on ongoing projects

The provisions relating to treatment of ongoing contracts on appointed day are contained in Section 142 (10) and 142 (11) of the CGST Act 2017

1) If the goods or services are being supplied on or after the appointed date in pursuance of the contract entered prior to the appointed date, then tax would be levied under GST.

2)If the goods or services are supplied before the appointed date and VAT was livable on such transaction on account of Sale of goods or Service Tax was livable on account of provision of services, no tax will be required to be paid under GST.

3)If the consideration has been received prior to appointed date in respect of such supply and tax has already been paid under current regime, no tax would be required to discharged /paid under GST.

4) If any VAT and Service Tax has been paid on any supply under the existing laws, but the supply of goods and/or services is to be received under GST scheme, then the tax already paid shall be allowed as credit under GST and the supplies when made shall be taxed under GST as well. This clause covers specifically works contract transactions. For example: If an invoice is raised on 30th June 2017 and the supply is for the month of June 2017 and July 2017 and VAT and Service Tax have been paid, then such VAT and Service Tax paid shall be allowed as credit in GST proportionate to the month of July 2017; and when supplies are made in July 2017, they shall be put to tax under GST.

IMPACT ON ALUMINIUM INDUSTRY AND REAL ESTATE SECTOR

- Positive Impact
- Easy Compliance
- Availability of Input Tax Credit
- Possible reduction in prices
- Excise Duty, VAT, Service tax get replaced by GST

Final Thoughts

Overall, GST is expected to help bring a lot of required transparency and accountability. Moreover, owing to the expected free flow of credit, developers should be able to enjoy an increase in overall margin. Whether these benefits trickle down to the consumers is yet to be seen as the pricing in this sector tends to be dictated by market forces rather than costing policies. Looking from the consumer point of view, the one primary advantage would be in terms of decrease in the overall tax burden on goods and increased transparency in tax system. GST will also help in eliminating unnecessary paperwork while eliminating time wastage spent by good suppliers at various state borders. One thing for sure is, the impact of GST will be felt albeit after a while.

4.3 RESEARCH EXECUTION

SAMPLING TECHNIQUES

Basis of Convenience Sampling (Non-Probability)

STATISTICAL TOOLS

Following MS Office tools are being availed

while preparing the project: • MS Excel: Pictorial

& graphical representation of data

- MS Word: Preparation of project & other reports

METHODS FOR PRESENTATION OF DATA

- Traditional method of data representation i.e. Pie chart, Bar chart etc.

• Average of responses – No. of Responses/Total Responses*50 **Sample size:**

The sample size shorted out from the population (universe set) is 100 nos. to draw the conclusion of the study.

Sampling Technique: The Project will be non-probability sampling. Research Type: The project will be exploratory research type.

4.4 ANALYSIS OF DATA:

DATA COLLECTION SOURCES

Primary Data:

Primary data is basically the live data which I collected on field while doing cold calls with the customers and I shown them list of question for which I had required their responses.

Secondary Data:

Secondary data for the base of the project I collected from intranet and from internet, magazines, newspapers etc.

SAMPLING TECHNIQUE:

Sampling Technique

Sampling techniques can be broadly classified in to two types:

- Probability Sampling.
- Non Probability Sampling.

Tools for analysis

- Bar chart (Bar charts will be used for comparing two or more values that will be taken over time or on different conditions, usually on small dataset)
- Pie-chart (Circular chart divided in to sectors, illustrating relative magnitudes or frequencies)

Tools and Techniques

IMPACT ON ALUMINIUM INDUSTRY AND REAL ESTATE SECTOR

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- Non Probability Sampling.

Tools for analysis

- Bar chart (Bar charts will be used for comparing two or more values that will be taken over time or on different conditions, usually on small dataset)
- Pie-chart (Circular chart divided in to sectors, illustrating relative magnitudes or frequencies)

Tools and Techniques

As no study could be successfully completed without proper tools and techniques, sames with my project. For the better presentation and right explanation I used tools of statistics and computer very frequently. And I am very thankful to all those tools for helping me a lot. Basic tools which I used for project from statisticsare-

- **Bar Charts**

- **Piecharts**

- **Tables**

Bar charts and pie charts are really useful tools for every research to show the result in a well clear, ease and simple way. Because I used bar charts and pie cahrtsin project for showing data in a systematic way, so it need not necessary for any observer to read all the theoretical detail, simple on seeing the charts any body could know that what is being said.

Technological Tools

Ms-Excel

Ms-Access

Ms-Word

CHAPTER 5

ANALYSIS AND CONCLUSION

DATA ANALYSIS AND INTERPETATION

Q1. How do you get know about GST? From:

Table 1:

Particulars	No. of Respondent	Percentage
Friend/Family	15	30%
Mass Media	50	50%
Online source	20	20%
Other	15	
TOTAL	100	100%

60

50

40

Family/Family

30

20

10

0

Friend/Family Mass Media Online source Other

Mass

Media

Online

source

Other

Interpretation: Most of the Client knows about

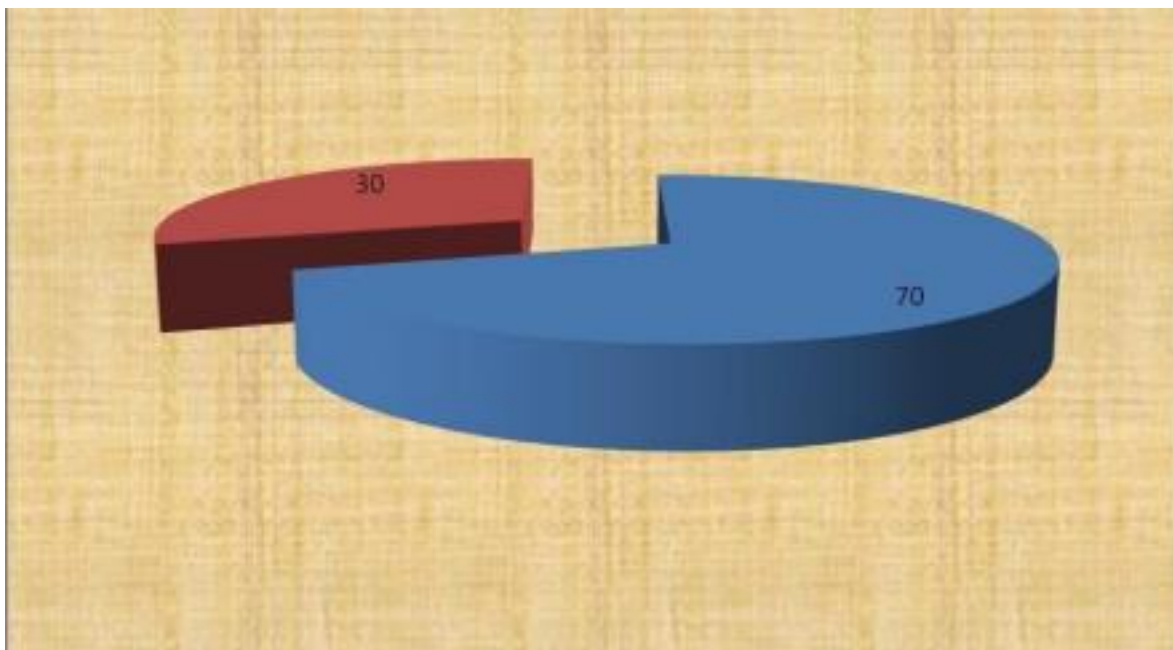
GST From Mass Media.

49

Q2. Gender

Table 2:

Particulars	No. of Respondent	Percentage
Male	70	70%
Female	30	30%
TOTAL	100	100%



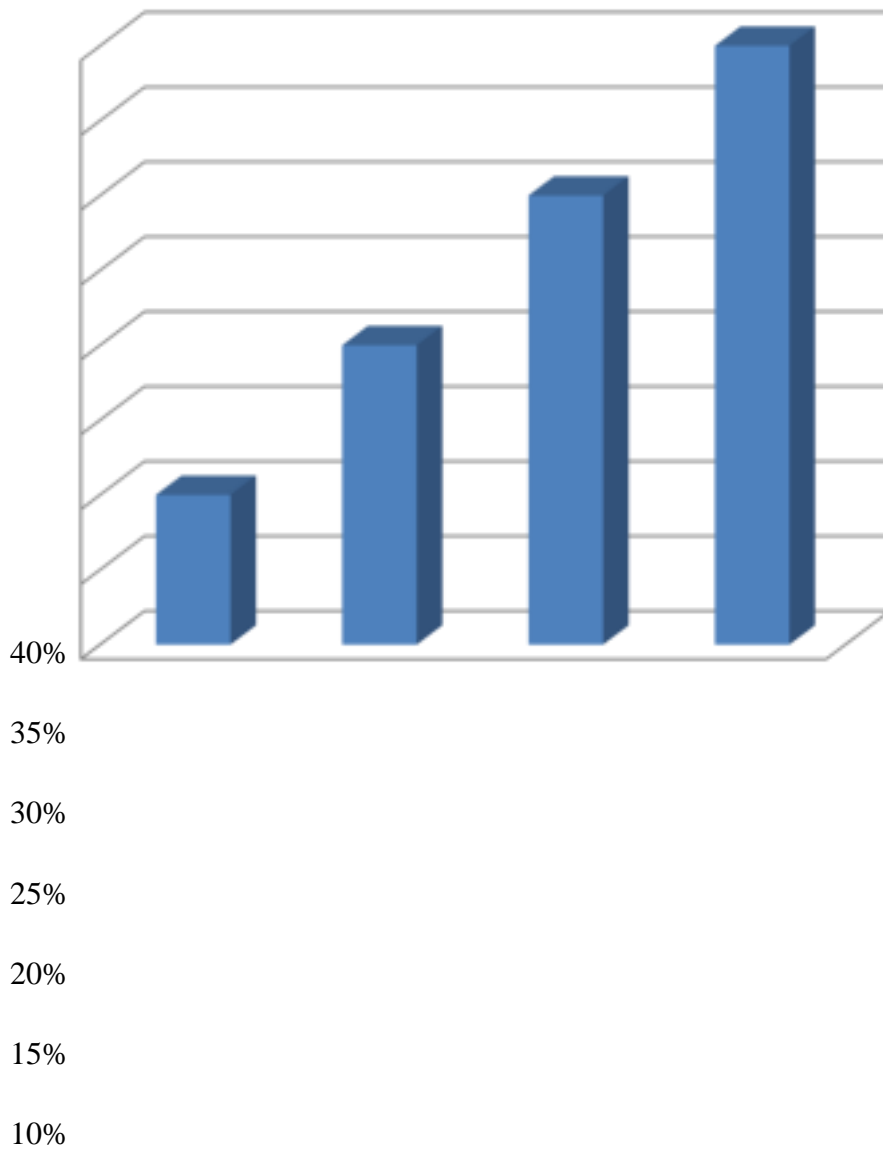
Interpretation: 70% of them are male.

30% of them are female.

Q3. Education ?

Table 3

Option	No. of Respondents	Percentage
SSC	10	10%
HSC	20	20%
Graduate	30	30%
Post-graduate	40	40%
Totals	100	100%



5%

0%

SSC HSC Graduate Post-Graduate

Post-Graduate Graduate

HSC

SSC

Interpretation: From the above diagram it is stated that most of the dealer are literate.

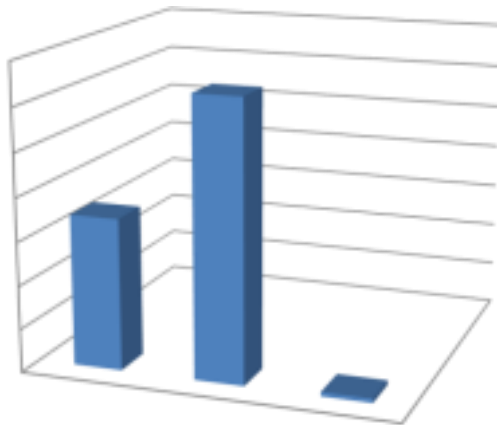
Q4 . Professional status ?

Table 4

Option	No. of Respondents	Percentage
Student	35	35%
Working Professionals	64	64%
Unemployed	1	1%

Total	100	100%
--------------	-----	------

70
60
50
40
30
20
10
0



Student

Working Professional

Unemployed

Unemployed

Working Professional

Student

Interpretation: From the above diagram it is stated that most of the persons who have answered were the constructor.

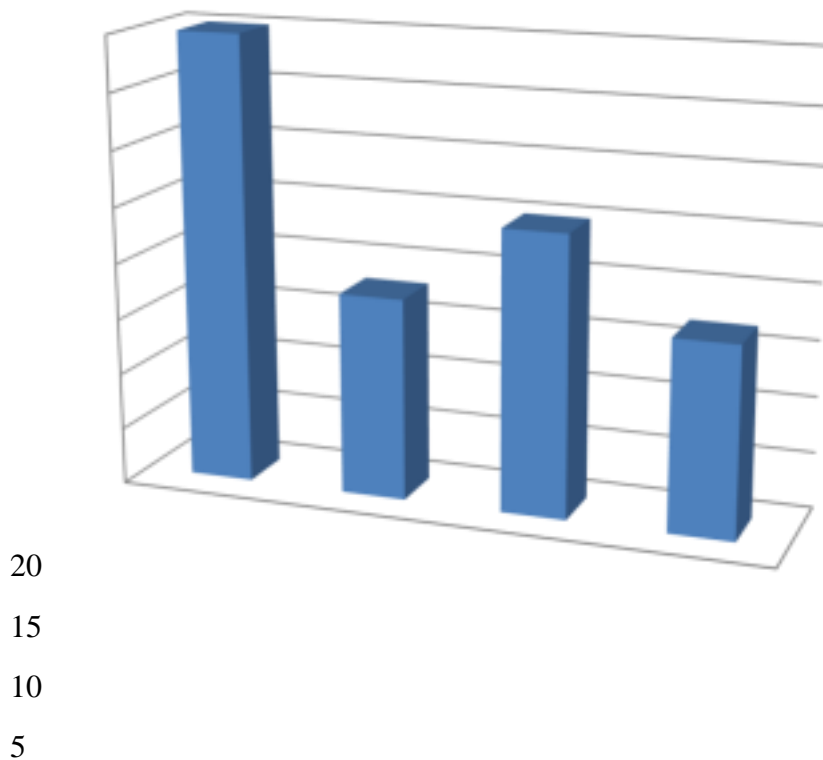
Q5. Years of experience ?

Table 5

Option	No. of Respondents	Percentage
Less than 5	40	40%
5-10	18	18%
10-15	25	25%
More than 15	17	17%
Totals	100	100%

40
35
30
25

More than 15



0

Less than 5 5_10 10_15 More than 15

10_15

5_10

Less

than

5

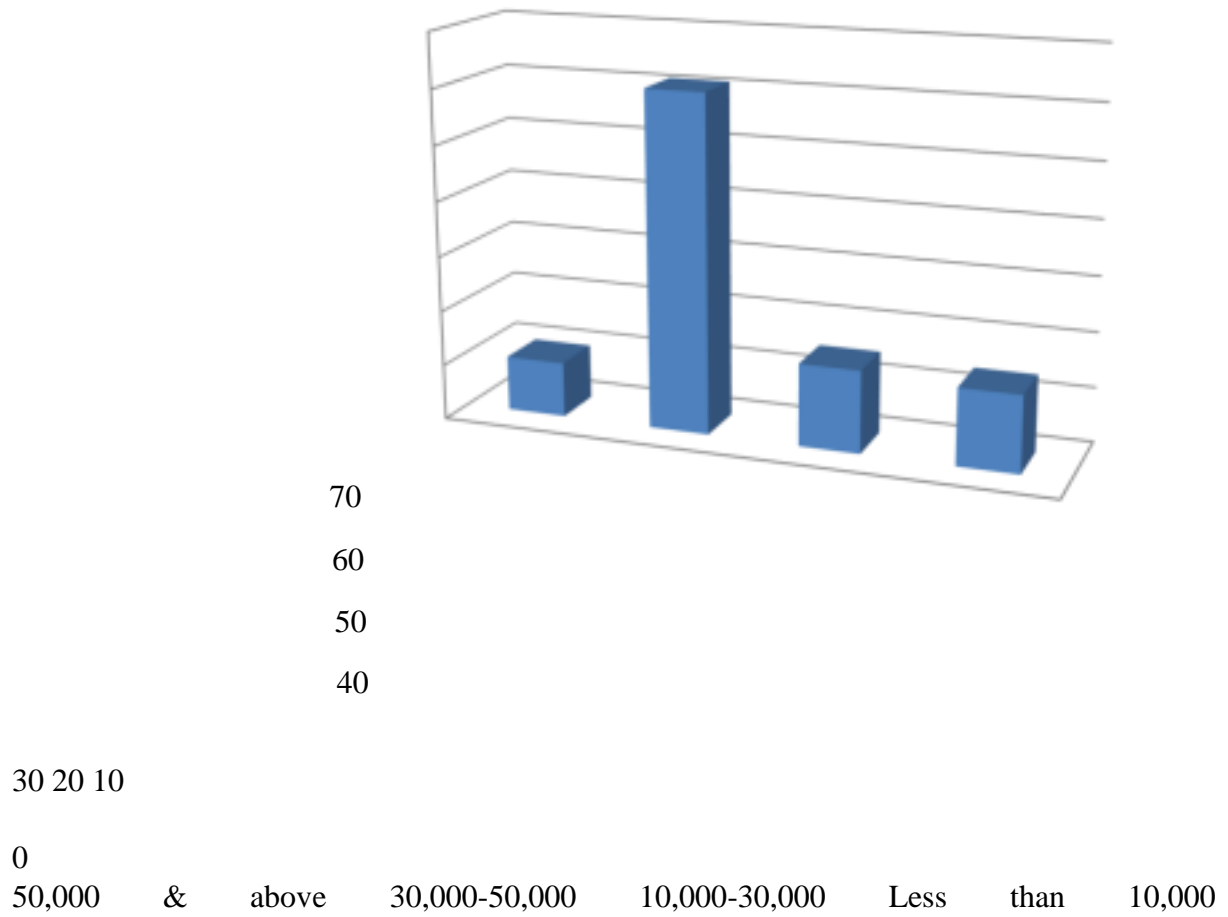
Interpretation: From the above diagram it is stated that most of the constructor where having less than 5 year of experience and only 17 are been having more than 15 year of experience.

Q6. Monthly Income ?

Table 6:

Option	No. of Respondents	Percentage
Less than 10,000	10	10%
10,000-30,000	61	61%
30,000-50,000	15	15%
50,000 & above	14	14%

Totals	100	100%
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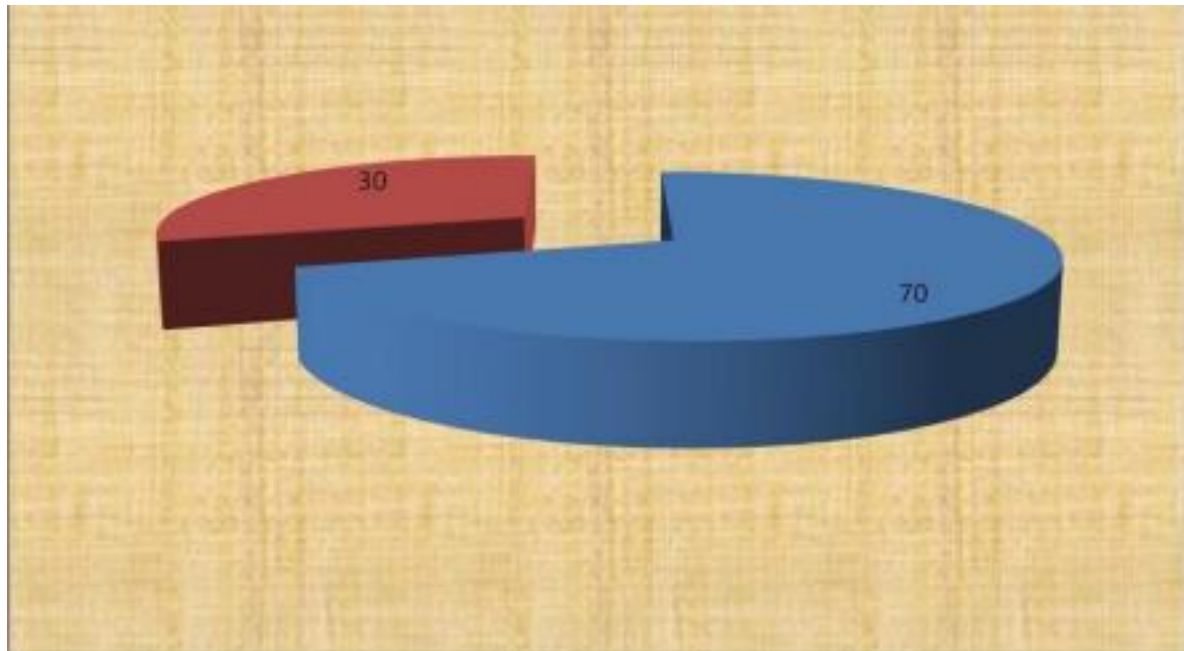


Interpretation: From the above diagram it is stated that most of the persons who have answered were the constructor and the most of the constructor were earning 10k-30k per month .

Q7. Do you agree with the implementation of GST in India?

Table 7:

Particulars	No. of Respondent	Percentage
Yes	70	70%
No	30	30%
TOTAL	100	100%



Interpretation: Most of the Client agree about the implementation of GST in India.

Q8. Does the land acquisition cost get affected ?

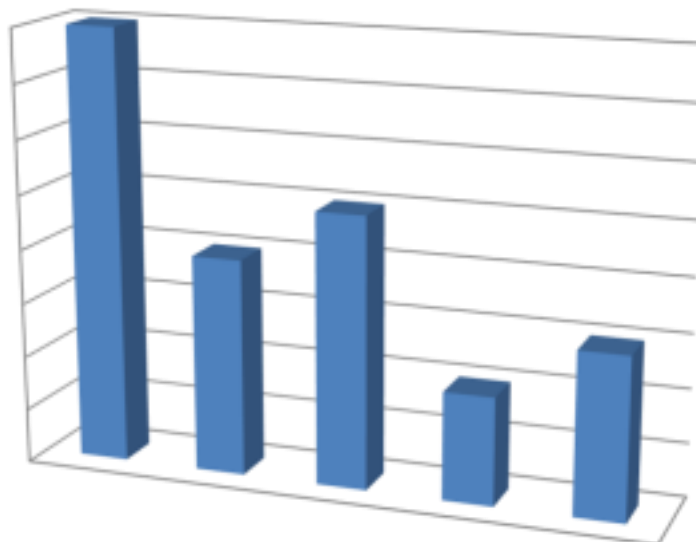
Table 8:

Option	No. of Respondents	Percentage
Strongly Agree	40	40%
Agree	20	20%
Neutral	25	25%
Disagree	10	10%
Strongly Disagree	15	15%
Totals	100	100%

40

35

30



25

20

15

10

5

0

Strongly

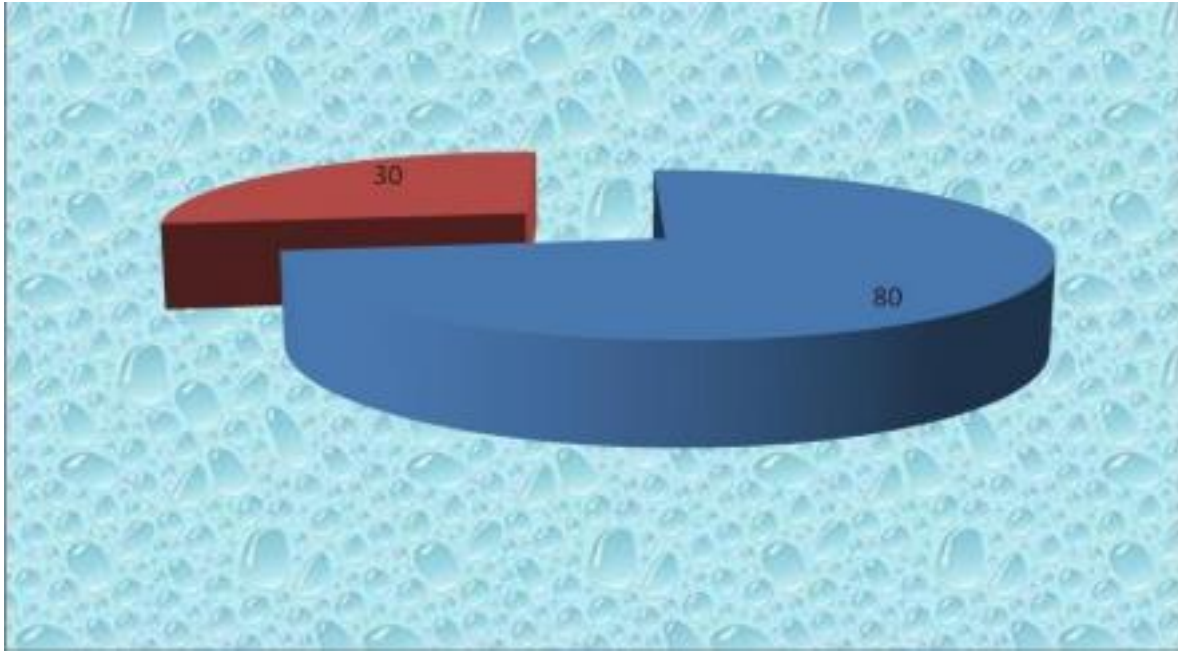
Agree NuetralDisagree Strongly Disagree
Agree
Strongly Disagree Disagree
Nuetral
Agree
Strongly

Agree

Interpretation: From the above diagram it is stated that most of the persons are agreed that the land acquisition cost has been increased strongly .

Q9. Do you think implementing GST will cause higher price of goods & services? Table 9:

Particulars	No. of Respondent	Percentage
Yes	80	80%
No	20	20%
TOTAL	100	100%



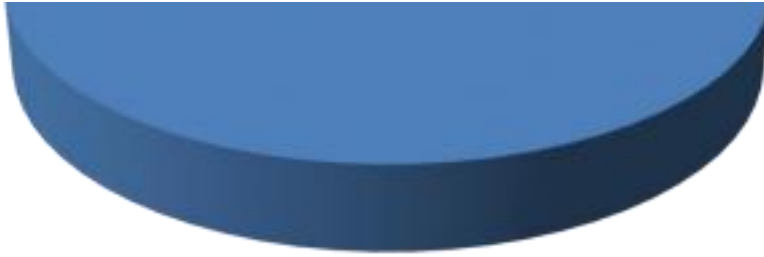
Interpretation: Most of the Client think that implementing GST will cause higher price of goods & services.

Q10. Do you think all businesses need to be registered under GST? Table 10:

Particulars	No. of Respondent	Percentage
Yes	80	80%
No	20	20%
TOTAL	100	100%

GST

Yes



No

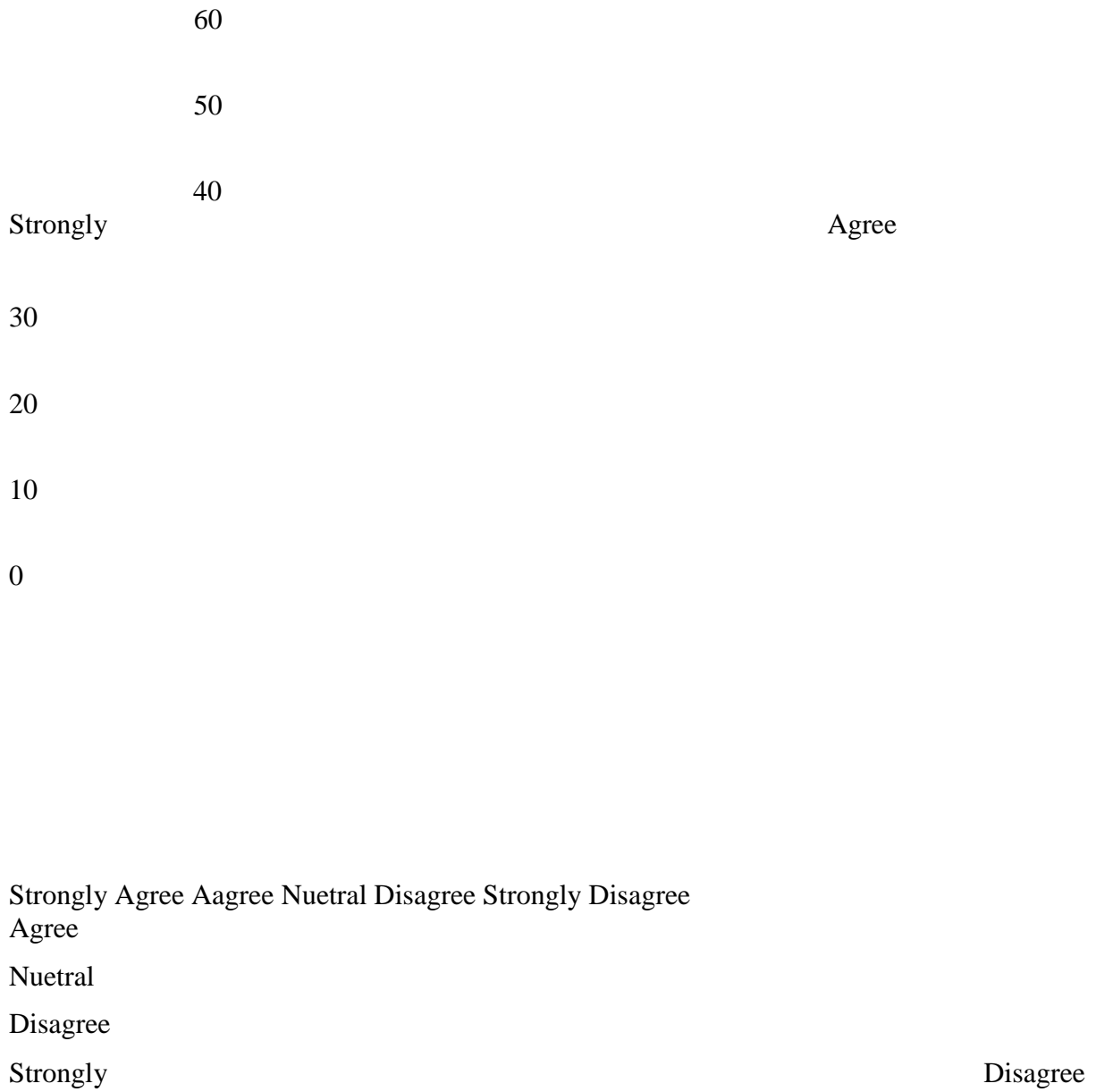
Interpretation: 80% user think that all businesses need to be registered under GST.

Q11. Whether there is increase in bank loan interest rate ?

Table 11:

Option	No. of Respondents	Percentage
Strongly Agree	50	50%

Agree	20	20%
Neutral	15	15%
Disagree	10	10%
Strongly Disagree	5	5%
Totals	100	100%



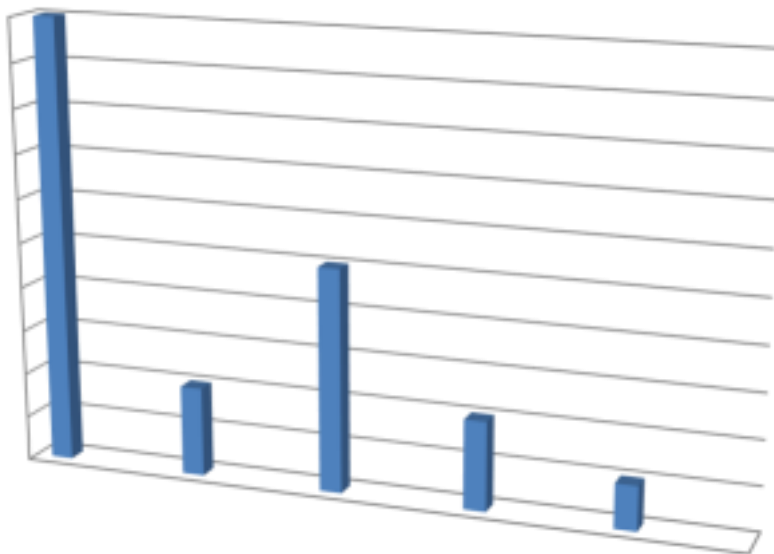
Interpretation: Most of the constructor were agreed that there is increase in bank loan interest.

Q12. Whether there is improved access to bank loans ?

Table 12:

Option	No. of Respondents	Percentage
Strongly Agree	50	50%
Agree	10	10%
Neutral	25	25%
Disagree	10	10%
Strongly Disagree	5	5%
Totals	100	100%

50
45
40
35



30
25
20

15

10

5

0

Strongly

Agree Agree^{Nuetral}Disagree^{Strongly} Disagree

Strongly Agree Agree

Nuetral

Disagree

Strongly

Disagree

Interpretation: Most of the constructor were agreed that there is improved in the access of bank loan interest.

Q13. Which system do you think is more beneficial to both Government and people?

Table 13:

Particulars	No. of Respondent	Percentage
Goods & Service Tax	65	65%
OTHER	35	35%
TOTAL	100	100%

Interpretation: 65% user think that Goods & Service Tax is more beneficial to both Government and people.

Q14. Whether there is increase in Aluminium Industry cost

of new residential buildings ? Table 14:

Option	No. of Respondents	Percentage
Strongly Agree	40	40%
Agree	20	20%
Neutral	25	25%
Disagree	10	10%
Strongly Disagree	15	15%
Totals	100	100%

INCREASE IN COST

45

40

Strongly
Agree

Strongly Disagree

Disagree

Nuetral

Agree

Strongly Agree

Agree Nuetral Disagree Strongly

Disagree

Interpretation: 40% of the constructor are strongly agreed that there is increase in Aluminium Industry cost due to GST.

Q15. Do you think INIDA is ready for implementing GST system? Table 15:

Particulars	No. of Respondent	Percentage
Yes	75	75%
No	25	25%
TOTAL	100	100%

Interpretation: 75% user think INIDA is ready for implementing GST system.

Q16. How was your experience using GST?

Table 16:

Option	No. of Respondents	Percentage
Poor	10	10%
Satisfactory	20	20%
Good	30	30%
Excellent	40	40%
Totals	100	100%

Interpretation: From the above graph shows that Most of customer says excellent for Using GST.

Q17. GST is a very good tax reforms for India?

Table 17:

Option	No. of Respondents	Percentage
Strongly Agree	10	10%
Agree	15	15%
Neutral	40	40%
Disagree	25	25%
Strongly Disagree	20	20%
Totals	100	100%

GST

Stongly agree

Agree

Nuetral

Disagree

Stongly Disagree

Interpretation: From the above graph shows that Most of customer says excellent for Using GST.

Q18. Whether there is increase in duplicate billing ?

Table 18:

Option	No. of Respondents	Percentage
Strongly Agree	40	40%
Agree	15	15%
Neutral	30	30%
Disagree	10	10%
Strongly Disagree	5	05%
Totals	100	100%

Interpretation: From the above graph shows that Most of constructor are agreed that the customer are mostly asking for a duplicate bill for Using GST.

Q19. GST has increased the various legal Formalites

Table 19:

Option	No. of Respondents	Percentage
Strongly Agree	25	25%
Agree	10	10%
Neutral	35	35%

Disagree	20	20%
Strongly Disagree	10	10%
Totals	100	100%

GRAPH : 9

Interpretation: From the above graph shows that Most of customer are neutral about that GST Has Increased The Various Legal Formalities. 25 % customer are Strongly Agree about that GST Has Increased The Various Legal Formalities. And rest customer are Agree about that GST Has Increased The Various Legal Formalities.

Q20. GST has increased the tax burden on common man ?

Table 20:

Option	No. of Respondents	Percentage
Strongly Agree	45	45%
Agree	20	20%
Neutral	10	10%
Disagree	15	15%
Strongly Disagree	10	10%
Totals	100	100%

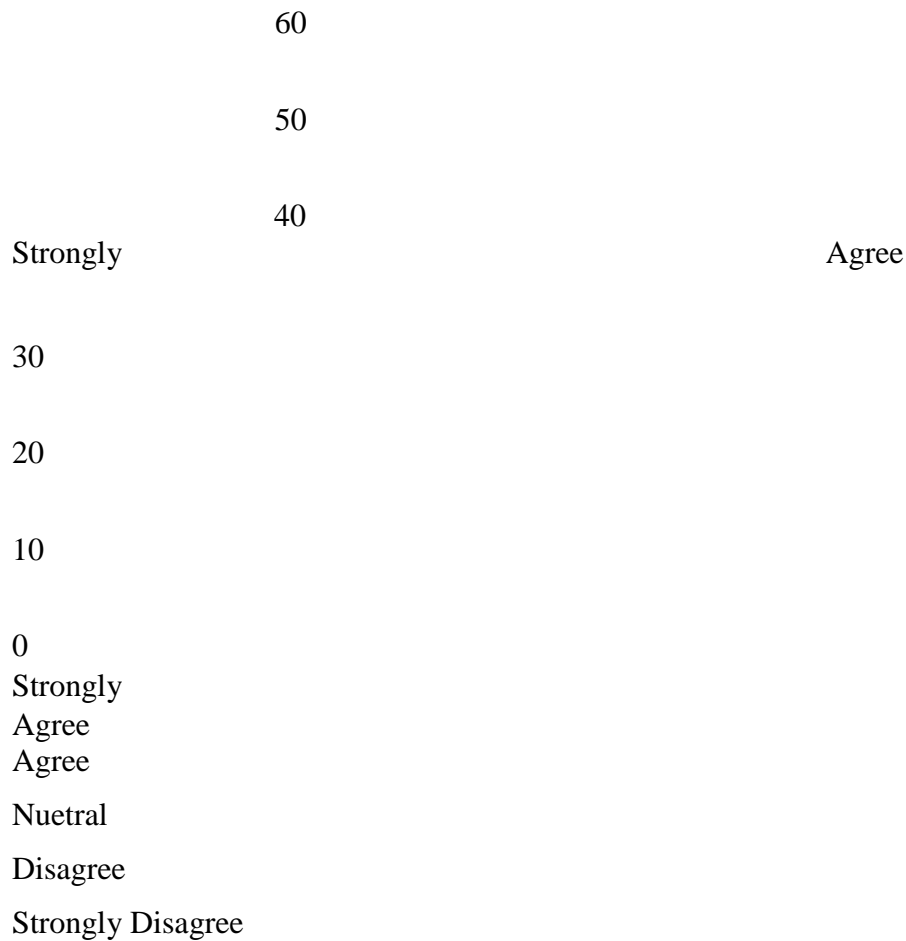
GRAPH : 10

Interpretation: 45% customer are Strongly Agree about **GST has increased the tax burden on common man.** 20% customer are Agree about **GST has increased the tax burden on common man.** And rest are 45% customer are not Agree.

Q21. GST has increased the tax burden on businessman in the Aluminium Industry industry?

Table 21:

Option	No. of Respondents	Percentage
Strongly Agree	55	55%
Agree	25	25%
Neutral	10	10%
Disagree	5	5%
Strongly Disagree	5	5%
Totals	100	100%



Agree Neutral Disagree Strongly

Disagree

Interpretation: 55% customer are Strongly Agree about **GST has increased the tax burden on businessman.** 25% customer are Agree about **GST has increased the tax burden on businessman.** And rest are are not Agree.

Q 22. GST will increased the inflation in thecountry?

Table 22:

Option	No. of Respondents	Percentage
Strongly Agree	60	60%
Agree	20	20%
Neutral	5	5%
Disagree	10	10%
Strongly Disagree	5	5%
Totals	100	100%

Interpretation: 60% customer are Strongly Agree that **GST will increased the inflation in the country.** 25% customer are Agree that **GST will increased the inflation in the country.** And rest are are not Agree.

Q23 .GST will increase the Tax collection ofGOVT.

Table 23:

Option	No. of Respondents	Percentage
Strongly Agree	75	75%
Agree	20	20%
Neutral	5	5%
Disagree	0	0%
Strongly Disagree	0	0%
Totals	100	100%

Interpretation: 75% customer are Strongly Agree that **GST will increase the Tax collection of GOVT.** 20% customer are Agree that **GST will increase the Tax collection of GOVT.** And rest are are not Agree.

Q24. GST will affecting small business very badly.

Table 24:

Option	No. of Respondents	Percentage
Strongly Agree	65	65%
Agree	27	27%
Neutral	8	8%
Disagree	0	0%
Strongly Disagree	0	0%
Totals	100	100%

Interpretation: 65% customer are Strongly Agree that **GST will affecting small business very badly.** 27% customer are Agree that

GST will affecting small business very badly. And rest are are not Agree.

Q25. GST affects the Indian Aluminium Industry marketnegatively.

Table 25:

Option	No. of Respondents	Percentage
Strongly Agree	25	25%
Agree	35	35%
Neutral	10	10%
Disagree	15	15%
Strongly Disagree	15	15%
Totals	100	100%

Interpretation: most of the customer are agree that **GST affects the Indian Aluminium Industry market.**

Q26. GST will cause increase in the cost for material Procurement.

Table 26:

Option	No. of Respondents	Percentage
Strongly Agree	30	30%
Agree	40	40%
Neutral	10	10%
Disagree	15	15%
Strongly Disagree	5	5%
Totals	100	100%

Interpretation: Most of the customer are agree that **GST will cause an increase in the cost of for material procurement.**

CASE LAWS

Safari Retreats Private Limited Vs Chief Commissioner of Central Goods & Service tax (Orissa High Court)

The case of the petitioners is that the petitioners are mainly carrying on business activity of constructing shopping malls for the purpose of letting out of the same to numerous tenants and lessees. Huge quantities of materials and other inputs in the form of Cement, Sand, Steel, Aluminum, Wires, plywood, paint, Lifts, escalators, Air-Conditioning plant, Chillers, electrical equipments, special facade, DG sets, transformers, building automation systems etc and also services in the form of consultancy service, architectural service, legal and professional service, engineering service and other services including services of special team of international designers in every sphere of construction of Mall are required for the aforesaid construction purpose and therefore the petitioner no.1 Company has to purchase/receive these goods and services for carrying out the said construction. All these goods and services which are purchased/received for such construction are taxable under the CGST Act and OGST Act and as such the petitioner No.1 has to pay very huge amounts of Central Goods and Services Tax (hereinafter to be referred to as 'CGST') and Odisha Goods and Services Tax (hereinafter to be referred to as 'OGST') on such purchases.

One of the large shopping mall constructed by the petitioner No.1 Company at Esplanade, 721 Rasulgarh, Bhubaneshwar, Khordha, Odisha has been completed recently and the petitioner No.1 has made necessary arrangement for letting out different units of the said shopping mall to different persons on rental basis. It is an undisputed fact that the activity of letting out the units of the shopping mall attracts CGST and OGST on the amount of rent received by the petitioner No.1 because the activity of letting out the Units in the said Mall amounts to supply of service under the CGST Act/ OGST Act. The petitioner No.1 having accumulated input Credit of GST amounting to Rs 34,40,18,028/-(Rupees thirty four crores forty lacs eighteen thousand twenty eight only) in respect of purchases of inputs in the form of goods and services is desirous of availing of the credit of input tax charged on the purchase/supply of goods and services which are consumed and used in the construction of the said shopping mall in order to utilise the said input credits to discharge and pay the CGST and OGST payable on the rentals received by the petitioner no.1 from the tenants of the said shopping mall and approached the revenue authorities in this regard. However, the petitioner no.1 was advised to deposit the CGST and OGST collected without taking input credit in view of restrictions placed as per Section 17(5)(d) and was warned of penal consequences if it did not do so. The petitioner no.1 has thus to pay very large amounts of CGST and OGST.

the benefit of input tax credit has been denied to the petitioner by applying Section 17(5) (d) of the CGST Act as well as of the OGST Act and the language of the said sub-section in both the Acts is identical. The said Section 17(5) (d) of both the aforesaid Acts inter alia provides that notwithstanding anything contained in sub section (1) of Section 16 of both the aforesaid Act and sub section (1) of Section 18 of both the aforesaid Acts, input tax credit shall not be available in respect of the goods and services or both received by a taxable person for construction of an immovable property (other than plant or machinery) on his own account including when such goods or services or both are used in the course or furtherance of business. The Petitioner has been informed by the authorities under the CGST Act and OGST Act that in view of the aforesaid Section 17(5)(d) of both the aforesaid Acts the petitioner cannot avail of the benefit of credit of tax input paid by the petitioner on the purchases of input materials and services which have been used in the construction of the shopping mall for set off, against the CGST and OGST payable on rent received from the tenants of the shopping mall.

Held by High Court

The very purpose of the Act is to make the uniform provision for levy collection of tax, intra state supply of goods and services both central or State and to prevent multi taxation.

Therefore, the contention which has been raised by the learned counsel for the petitioners keeping in mind the provisions of Section 16 (1)(2) where restriction has been put forward by the legislation for claiming eligibility for input credit has been described in Section 16(1) and the benefit of apportionment is subject to Section 17(1) and (2). While considering the provisions of Section 17(5)(d), the narrow construction of interpretation put forward by the Department is frustrating the very objective of the Act, inasmuch as the petitioner in that case has to pay huge amount without any basis. Further, the petitioner would have paid GST if it disposed of the property after the completion certificate is granted and in case the property is sold prior to completion certificate, he would not be required to pay GST. But here he is retaining the property and is not using for his own purpose but he is letting out the property on which he is, covered under the GST, but still he has to pay huge amount of GST, to which he is not liable.

In that view. of the Matter, in our considered opinion the provision of Section 17(5)(d) is to be read down and the narrow restriction as imposed, reading of the provision by the Department, is not required to be accepted, inasmuch as keeping in mind the language used in (1999) 2 SCC 361 (supra), the very purpose of the credit is to give benefit to the assessee. In that view of the matter, if the assessee is required to pay GST on the rental income arising out of the investment on which he has paid GST, it is required to have the input credit on the GST, which is required to pay under Section 17(5)(d) of the CGST Act.

FULL TEXT OF THE HIGH COURT ORDER / JUDGMENT

By way of this writ petition the petitioners have challenged the action of the opposite parties whereby the opposite parties without considering the provisions—under—Section 17 (5)(d) of the Central Goods and Services Tax Act (in short “the CGST Act”) held that the provisions of the CGST Act is not applicable in the case of construction of immovable property intending for letting out for rent.

2. The case of the petitioners is that the petitioners are mainly carrying on business activity of constructing shopping malls for the purpose of letting out of the same to numerous tenants and lessees. Huge quantities of materials and other inputs in the form of Cement, Sand, Steel, Aluminum, Wires, plywood, paint, Lifts, escalators, Air-Conditioning plant, Chillers, electrical equipments, special facade, DG sets, transformers, building automation systems etc and also services in the form of consultancy service, architectural service, legal and professional service, engineering service and other services including services of special team of international designers in every sphere of construction of Mall are required for the aforesaid construction purpose and therefore the petitioner no.1 Company has to purchase/receive these goods and services for carrying out the said construction. All these goods and services which are purchased/received for such construction are taxable under the CGST Act and OGST Act and as such the petitioner No.1 has to pay very huge amounts of Central Goods and Services Tax (hereinafter to be referred to as ‘CGST’) and Odisha Goods and Services Tax (hereinafter to be referred to as ‘OGST’) on such purchases.

One of the large shopping mall constructed by the petitioner No.1 Company at Esplanade, 721 Rasulgarh, Bhubaneshwar, Khordha, Odisha has been completed recently and the petitioner No.1 has made necessary arrangement for letting out different units of the said shopping mall to different persons on rental basis. It is an undisputed fact that the activity of letting out the units of the shopping mall attracts CGST and OGST on the amount of rent received by the petitioner No.1 because the activity of letting out the Units in the said Mall

amounts to supply of service under the CGST Act/ OGST Act. The petitioner No.1 having accumulated input Credit of GST amounting to Rs 34,40,18,028/-(Rupees thirty four crores forty lacs eighteen thousand twenty eight only) in respect of purchases of inputs in the form of goods and services is desirous of availing of the credit of input tax charged on the purchase/supply of goods and services which are consumed and used in the construction of the said shopping mall in order to utilise the said input credits to discharge and pay the CGST and OGST payable on the rentals received by the petitioner no.1 from the tenants of the said shopping mall and approached the revenue authorities in this regard. However, the petitioner no.1 was advised to deposit the CGST and OGST collected without taking input credit in view of restrictions placed as per Section 17(5)(d) and was warned of penal consequences if it did not do so. The petitioner no.1 has thus to pay very large amounts of CGST and OGST.

3. Applicability of CGST Act and OGST Act in the present case are:

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VDO.AI

a) The CGST Act was implemented with effect from 1st July, 2017 inter alia with the object of avoiding the cascading effect of various indirect taxes and so as to reduce the multiplicity of a number of indirect taxes. The said CGST Act is based on the VAT concept of allowing input tax credit of tax paid on inputs, input services and capital goods which can be utilised for payment of output tax so as to obviate the cascading effect of multistage levies and taxes. GST is levied on supply of goods or services or both, in India w.e.f. 1st July, 2017. Each State Government has passed its own State GST Act to impose GST on the supply of goods or services or both within the State and these State GST Acts are practically copies of CGST Act, as the definitions and other provisions are identical. For the purpose of imposing GST within the State of Odisha, Government of Odisha has passed OGST Act wherein almost all the provisions are virtually identical to that of CGST Act.

b) The business of the petitioner No.1 in the present case inter alia consists of construction of shopping malls and letting them out to different persons on rental basis and collection of rent from them. In view of Section 7 of CGST Act and OGST Act read with paragraph-2 (b) of Schedule II of the aforesaid two Acts, the activity of the petitioner No.1 of letting out of the units of the shopping mall to different persons amounts to "Supply" within the meaning of both the two Acts and as such the petitioner No.1 squarely comes within the definition of

'supplier' as appearing in Section 2 (105) of both the aforesaid two Acts and accordingly the Petitioner is liable to pay CGST and OGST on the said rental amounts received by it.

c) Section 22(1) of CGST Act as well as OGST Act inter alia provide that every supplier shall be liable to be registered under the CGST Act and OGST Act in the State from where he makes a taxable supply of goods or services or both, if his aggregate turnover in a financial year exceeds twenty lakh rupees. Petitioner No.1 duly applied for such registration and a certificate of registration was issued to the petitioner No.1 in Form GST REG-06 under Section 25 of the CGST Act read with Rule 10 of the Central Goods and Service Tax Rules, 2017 and a Goods and Service Tax Identification Number was assigned to the petitioner No.1 which is 21AAGCS2244F1ZU (Annexure-1) to the writ petition. Once the petitioner No.1-Company is registered under Section 22 of the CGST Act, it becomes the "Taxable person" within the definition as contained in Section 2 (107) of the CGST Act and OGST Act.

d) Section 9 of the CGST Act is the charging section which inter alia provides that subject to the provisions of Sub-section (2) of Section 9, there shall be levied a tax called the Central Goods and Service Tax on all intra State supplies of goods or services or both, except on the supply of alcoholic liquor for human consumption, on the value determined under Section 15 of the CGST Act and at such rates, not exceeding twenty percent, as may be notified by the Government on recommendations of the Council and collected in such manner as may be prescribed and shall be paid by the taxable person. Similar provisions in the State Act namely OGST Act have also made under Section 9 of the said Act.

e. In view of the aforesaid discussion, petitioner No.1 being a taxable person is liable to pay CGST as well as OGST in respect of the rent realized by petitioner No.1 from different tenants to which the units of the shopping mall are let out.

f. In order to avoid the cascading effect of various input taxes, Section 16 of the CGST as well as OGST Acts which provides that every registered person shall, subject to such conditions and restrictions as may be prescribed and in the manner specified in Section 49 of the CGST Act as well as Section 49 of the OGST Act, be entitled to take credit of the input tax charged on any supply of goods or services or both made to him, which are used or intended to be used in the course or furtherance of his business and the said amount shall be credited to the electronic credit ledger of such person. Therefore, in view of Section 16 of the CGST Act as well as OGST Act, the petitioner No.1 being a registered dealer is statutorily entitled to avail of the benefit of taking credit of the input tax charged on the supply of goods and various services which are consumed or utilized for the construction of the aforesaid shopping mall and set off the same against, the CGST and OGST payable on the rentals received from the tenants of the said shopping mall as there is no break in the supply chain of

petitioner No.1 and the receipt of rentals and the tax payable thereon are the direct and inexorable consequence of the construction of the mall and the payment of GST on the inputs goods taxguru.in and services which have been consumed and utilised for the construction of the shopping mall.

g) However, the benefit of input tax credit has been denied to the petitioner by applying Section 17(5) (d) of the CGST Act as well as of the OGST Act and the language of the said sub-section in both the Acts is identical. The said Section 17(5) (d) of both the aforesaid Acts inter alia provides that notwithstanding anything contained in sub section (1) of Section 16 of both the aforesaid Act and sub section (1) of Section 18 of both the aforesaid Acts, input tax credit shall not be available in respect of the goods and services or both received by a taxable person for construction of an immovable property (other than plant or machinery) on his own account including when such goods or services or both are used in the course or furtherance of business. The Petitioner has been informed by the authorities under the CGST Act and OGST Act that in view of the aforesaid Section 17(5)(d) of both the aforesaid Acts the petitioner cannot avail of the benefit of credit of tax input paid by the petitioner on the purchases of input materials and services which have been used in the construction of the shopping mall for set off, against the CGST and OGST payable on rent received from the tenants of the shopping mall.

h) Section 17 of the CGST Act inter alia reads as under:

17. Apportionment of credit and blocked credits.- (1) Where the goods or services or both are used by the registered person partly for the purpose of any business and partly for other purposes, the amount of credit shall be restricted to so much of the input tax as is attributable to the purposes of his business.

(2) Where the goods or services or both are used by the registered person partly for effecting taxable supplies including zero-rated supplies under this Act or under the Integrated Goods and Services Tax Act and partly for effecting exempt supplies under the said Acts, the amount of credit shall be restricted to so much of the input tax as is attributable to the said taxable supplies including zero-rated supplies.

(3) The value of exempt supply under sub-section (2) shall be such as may be prescribed, and shall include supplies on which the recipient is liable to pay tax on reverse charge basis, transactions in securities, sale of land and, subject to clause (b) of paragraph 5 of Schedule II, sale of building.

[Explanation.-For the purposes of this sub-section, the expression “value of exempt supply” shall not include the value of activities or transactions specified in Schedule III, except those specified in paragraph 5 of the said Schedule.]

(4) A banking company or a financial institution including a non-banking financial company, engaged in supplying services by way of accepting deposits, extending loans or advances shall have the option to either comply with the provisions of sub-section (2), or avail of, every month, an amount equal to fifty per cent. of the eligible input tax credit on Inputs, capital goods and input services in that month and the rest shall lapse:

Provided that’ the option once exercised shall not be withdrawn during the remaining part of the financial year:

Provided further that the restriction of fifty per cent. shall not apply to the tax paid on supplies made by one registered person to another registered person having the same Permanent Account Number.

(5) Notwithstanding anything contained in sub-section (1) of section 16 and sub-section (1) of section 18, input tax credit shall not be available in respect of the following, namely:-

[(a) motor vehicles for transportation of persons having approved seating capacity of not more than thirteen persons (including the driver), except when they are used for making the following taxable supplies, namely:-

(A) further supply of such motor vehicles; or

(B) transportation of passengers; or

(C) imparting training on driving such motor vehicles;

(aa) vessels and aircraft except when they are used—

(i) for making the following taxable supplies, namely:-

(A) further supply of such vessels or aircraft; or

(B) transportation of passengers; or

(C) imparting training on navigating such vessels; or

(D) imparting training on flying such aircraft;

(ii) for transportation of goods;

(ab) services of general insurance, servicing, repair and maintenance in so far as they relate to motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa):

Provided that the input tax credit in respect of such services shall be available-

(i) where the motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa) are used for the purposes specified therein;

(ii) where received by a taxable person engaged-

(I) in the manufacture of such motor vehicles, vessels or aircraft; or

(II) in the supply of general insurance services in respect of such motor vehicles, vessels or aircraft insured by him;

(b) the following supply of goods or services or both-

(i) food and beverages, outdoor catering, beauty treatment, health services, cosmetic and plastic surgery, leasing, renting or hiring of motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa) except when used for the purposes specified therein, life insurance and health insurance:

Provided that the input tax credit in respect of such goods or services or both shall be available where an inward supply of such goods or services or both is used by a registered person for making an outward taxable supply of the same category of goods or services or both or as an element of a taxable composite or mixed supply;

(ii) membership of a club, health and fitness centre; and

(iii) travel benefits extended to employees on vacation such as leave or home travel concession:

Provided that the input tax credit in respect of such goods or services or both shall be available, where it is obligatory for an employer to provide the same to its employees under any law for the time being in force;]

(c) works contract services when supplied for construction of an immovable property (other than plant and machinery) except where it is an input service for further supply of works contract service;

(d) goods or services or both received by a taxable person for construction of an immovable property (other than plant or machinery) on his own account including when such goods or services or both are used in the course or furtherance of business. Explanation.—For the purposes of clauses (c) and (d), the expression “construction” includes re-construction, renovation, additions or alterations or repairs, to the extent of capitalization, to the said immovable property;

(e) goods or services or both on which tax has been paid under section 10;

(f) goods or services or both received by a non-resident taxable person except on goods imported by him;

(g) goods or services or both used for personal consumption;

(h) goods lost, stolen, destroyed, written off or disposed of by way of gift or free samples; and

(i) any tax paid in accordance with the provisions of sections 74, 129 and 130.

(6) The Government may prescribe the manner in which the credit referred to in sub-sections (1) and (2) may be attributed.

Explanation.- For the purposes of this Chapter and Chapter VI, the expression “plant and machinery” means apparatus, equipment, and machinery fixed to earth by foundation or structural support that are used for making outward supply of goods or services or both and includes such foundation and structural supports but excludes-

(i) land, building or any other civil structures;

(ii) telecommunication towers; and

(iii) pipelines laid outside the factory premises.

On a plain reading of Section 17(5)(d), it is clear that what it contemplates and provides for is a situation where inputs are consumed in the construction of an immovable property which is meant and intended to be sold. The sale of immovable property post issuance of completion certificate does not attract any levy of GST. Consequently, in such a situation, there is a break in the tax chain and, therefore, there is full justification for denial of input tax credit as, on the completion of the transaction, no GST would at all be payable and, therefore, no set-off of the input tax credit would be required or warranted or justified. But the position is totally

different where the immovable property is constructed for the purpose of letting out the same, because, jn..that.,ev,e.nt, the tax chain is not broken and, on the contrary, the construction of the building will result in a fresh stream of GST revenues to the Exchequer on the rentals generated by the building. The denial of input tax credit in such a situation would be completely arbitrary, unjust and oppressive and would be directly opposed to the basic rationale of GST itself, which is to prevent the cascading effect of multi-stage taxation and the inevitable increase in costs which would have to be borne by the consumer at the end of the day. In the present case also, the effect of denial of input tax credit would be a sharp and inevitable increase in the cost which the owner of the building would be compelled to incur, which would render the building itself uncompetitive as compared to previously existing similar built-up units. Further, the denial of the input tax credit in respect of a building which is meant and intended to be let out would amount to treat it as identical to a building which is meant and intended to be taxguru.in sold. As already pointed out, these two types of transactions cannot possibly be compared or bracketed together, for the purpose of levy of GST, as already explained in detail earlier. The treatment of these two different types of buildings as one for the purpose of GST is itself contrary to the basic principles regarding classification of subject-matter for the levy of tax and, therefore, violative of Article 14 of the Constitution. Such a classification also constitutes the treatment of assesseees .like the Petitioner on a totally different footing as compared with other assesseees who have a continuous business and an unbroken tax ‘chain likethe’Petitioner arid grant of input tax credit to others while denying it to the Petitioner. Thus, the same is violative of the Petitioners’ fundamental right to equality guaranteed by and under Article 14 of the Constitution, on this distinct and independent ground also. Further, as also pointed out hereinafter, the GST authorities are themselves reading down Section 17(5)(d) and treating it as inapplicable to a builder who sells units in the building before the issuance of a completion certificate and who is required to pay CGST/OGST on the amount of sale price received by him. To grant input tax credit to a builder who sells building where completion certificate has not been issued at the time of sale while denying it to a person like the Petitioner is patently and egregiously arbitrary and discriminatory. Further, such an interpretation of Section 17(5)(d) of both CGST and OGST Act leads to double taxation, i.e., firstly, on the inputs consumed in the construction of the building and secondly, on the rentals generated by the same building. It is also a settled principle of interpretation of tax statutes, that interpretation should be adopted which avoids or obviates double taxation. This principle is also directly applicable to the present case. It would also be violative of the Petitioners’ fundamental right to carry on business under Article 19(1)(g) of the Constitution as it would impose a wholly unwarranted and unreasonable and arbitrary restriction which would render buildings now constructed for letting out uncompetitive, by imposing the burden of double taxation of GST on such buildings, i.e., firstly, on the inputs consumed in the construction and, thereafter, on the rentals generated by the building. It is therefore, submitted that, in accordance with well-settled principles of interpretation of statutes, Section 17(5)(d) requires to be read down in order to save it from the vice of unconstitutionality, by confining the provision to cases where the building in question is constructed for the purpose of sale of the same post issuance of completion certificate, thereby terminating the tax chain, and by not applying Section 17(5)(d) to cases where the building in question is constructed for the purpose of letting out

the same and where the tax chain is not broken. It is further submitted that if this interpretation of Section 17(5)(d) is not accepted, then there would be no alternative except to declare that provision as unconstitutional and illegal and null and void.

i) The interpretation of Section 17(5)(d) of both CGST Act and OGST Act which leads to the conclusion that on the facts and circumstances of the present case the petitioner No.1 is not entitled to avail the benefit of taking input tax credit while paying CGST and OGST on rent received from different tenants of the shopping mall, clearly goes against the intention of the Legislature and also frustrates the object sought to be achieved by the Legislature in enacting the said CGST Act and OGST Act. It is an undisputed fact that CGST Act and OGST Act are implemented to obviate the cascading effect of various indirect taxes and to reduce multiplicity of indirect taxes. It cannot be disputed that 'in the business of the petitioner No.1-Company right from the starting point of construction of the shopping mall and upto letting out of different units of the said shopping mall, there is no break in the business activity of the petitioner and it is a continuous business of the petitioner No.1 and the supply of services to the tenants of the shopping mall are a continuous supply of services as defined in Section 2 (33) of the CGST Act and OGST Act. There is also no break or interruption in the tax chain. Therefore, when there is no break in supply of services, which implies the continuation of the business activity of the petitioner No.1 and there is no break in the tax chain and if that is the undisputed clear position then by interpreting Section 17(5) (d) of both CGST Act and OGST Act, the authorities under both the Acts cannot contend that in the middle of the business the petitioner No.1 is not entitled to take credit of input tax, against the CGST and OGST paid on rent received from the tenants of the shopping mall and such an interpretation clearly goes against the intention of the Legislature and also frustrates the object for which the aforesaid Acts were enacted. Such an interpretation will debar those taxable persons like the petitioner No.1, who carry on a continuous business without any break but in spite of that they would be treated differently being denied the benefit of taking input tax credit as available to those taxable person under Section 16 of both CGST Act and OGST Act and such classification of taxable persons into two category even though both have continuous business activities and both have an unbroken tax chain is a clear violation of the fundamental rights of the petitioner as guaranteed under Article 14 and 19(1) (g) of the Constitution of India.

j) The classification which the legislature has made in CGST Act and OGST Act by denying input tax credit to one class of taxable persons having a continuous business by placing them under Section 17 (5) (d) of both the aforesaid Act while other taxable persons coming under the aforesaid two Acts are allowed to 'avail the benefit of input tax credit under Section 16 of both the aforesaid two Acts, has no reasonable basis underlying such classification when both categories of taxable persons are carrying on a continuous business without any break in the tax chain. It is very important to note that when a builder sells units in a building before issuance of a completion certificate, he is required to pay CGST and OGST on the amount of

sale price received and at the same time he is also allowed credit and set off of the CGST and OGST paid on the inputs consumed to construct the building and 'thus the GST authorities themselves recognise and accept the position, that where, in respect of a building under construction, the tax chain is not broken, Section 17(5)(d) is not 'applicable and input tax credit cannot be denied. Consequently, not to adopt the same interpretation of Section 17(5)(d) in the present case where also there is no break in the tax chain, is highly arbitrary and discriminatory. In the case of the petitioner even the business is a continuous one without a break in the tax chain, yet it has been placed under Section 17(5) (d) of the CGST Act and OGST Act and the benefit of taking input tax credit has been denied and therefore on that ground alone and by itself Section 17(5) (d) of CGST Act and OGST Act requires to be struck down as violative of Article 14 of the Constitution if the said clause (d) of sub-section (5) of Section 17 is not read down as submitted earlier.

k) Schedule II Paragraph 5 (b) inter alia provides that sale of a building to a buyer before issuance of a completion certificate etc. is a supply of service for the purpose of imposing CGST and OGST. Here the legislature used the phrase 'intended for sale' whereby the intention of the builder was made the decisive factor by the Legislature. Precisely the same approach should have been adopted in the present case also. Otherwise, it would be highly arbitrary and discriminatory application of the provision. Therefore, two different categories of builders were mentioned one in paragraph 5 (b) of Schedule II and the other is in Section 17 (5) (d) of the CGST Act and OGST Act. But the case of the petitioner No.1 is completely different from the two categories mentioned hereinbefore. The shopping mall which the petitioner No.1 is constructing is neither "intended for sale' nor "on his own account' but it is "intended for letting out". Therefore, by no stretch of imagination, it can be concluded that the shopping mall which is constructed by the petitioner No.1 is 'intended for sale' or 'on his own account' and as such when the said shopping mall is constructed purely for the purpose of letting out, then such construction of the shopping mall will not come within the mischief of Section 17(5)(d) of CGST Act and OGST Act. On the aforesaid clear position of law, if the GST authorities are trying to bring the petitioner case under section 17(5) (d) of both the aforesaid Acts then several words has to be read into the Section 17(5) (d) of the said two Acts which are not permissible in law and it is a well settled law that in constructing fiscal statute and in determining the liability of a subject to tax, one must have regard to the strict letter of law and no words can be added to a statute or read into it which are not there. Legislature has also imposed another condition in Section 17(5) (d) of both the aforesaid Act which reads as 'when such goods or services or both are used in the course or furtherance of business' this condition is applicable only when the immovable property is constructed 'on his own account' as appearing in that sections, which means that the taxable person on whose account the said immovable property is constructed. The said condition cannot be applied to any other cases far less when the construction of the immovable property is intended for letting out.

1) If the benefit of taking credit of input tax under Section 16 of the CGST Act and OGST Act is denied to the petitioner No.1 by invoking Section 17(5) (d) of the CGST Act and OGST Act, in that event, the very object of enacting CGST Act and OGST Act for reducing the cascading effect of various indirect taxes and reduction of multiplicity of indirect taxes, will be frustrated even when the business of the petitioner No.1 is a continuous one and there is no break at any point of time. It is a well settled law that the interpretation which defeat the very intention of the legislature should be avoided and that interpretation which advances the legislative intent will have to be accepted.

4. Learned counsel for the petitioners in order to advance his argument regarding the purpose of Section 17 (5)(d) of the Act, has taken the provisions of Sections 16, 17(1), 17(2), 17(5) of the CGST Act which are reproduced below:

“16. Eligibility and conditions for taking input tax credit. – (1) Every registered person shall, subject to such conditions and restrictions as may be prescribed and in the manner specified in section 49, be entitled to take credit of input tax charged on any supply of goods or services or both to him which are used or intended to be used in the course or furtherance of his business and the said amount shall be credited to the electronic credit ledger of such person.

(2) Notwithstanding anything contained in this section, no registered person shall be entitled to the credit of any input tax in respect of any supply of goods or services or both to him unless,—

(a) he is in possession of a tax invoice or debit note issued by a supplier registered under this Act, or such other tax paying documents as may be prescribed;

(b) he has received the goods or services or both.

[Explanation.—For the purposes of this clause, it shall be deemed that the registered person has received the goods or, as the case may be, services—

(i) where the goods are delivered by the supplier to a recipient or any other person on the direction of such registered person, whether acting as an agent or otherwise, before or during movement of goods, either by way of transfer of documents of title to goods or otherwise;

(ii) where the services are provided by the supplier to any person on the direction of and on account of such registered person;)

(c) subject to the provisions of section 41 [or section 43A], the tax charged in respect of such supply has been actually paid . to the Government, either in cash or through utilisation of input tax credit admissible in respect of the said supply; and

(d) he has furnished the return under section 39:

Provided that where the goods against an invoice are received in lots or installments, the registered person shall be entitled to take credit upon receipt of the last lot or instalment:

Provided further that where a recipient fails to pay to the supplier of goods or services or both, other than the supplies on which tax is payable on reverse charge basis, the amount towards the value of supply along with tax payable thereon within a period of one hundred and eighty days from the date of issue of invoice by the supplier, an amount equal to the input tax credit availed by the recipient shall be added to his output tax liability, along with interest thereon, in such manner as may be prescribed:

Provided also that the recipient shall be entitled to avail of the credit of input tax on payment made by him of the amount towards the value of supply of goods or services or both along with tax payable thereon.

(3) Where the registered person has claimed depreciation on the tax component of the cost of capital goods and plant and machinery under the provisions of the Income-tax Act, 1961 (43 of 1961), the input tax credit on the said tax component shall not be allowed.

(4) A registered person shall not be entitled to take input tax credit in respect of any invoice or debit note for supply of goods or services or both after the due date of furnishing of the return under section 39 for the month of September following the end of financial year to which such invoice or invoice relating to such debit note pertains or furnishing of the relevant annual return, whichever is earlier.

This clause provides for eligibility, conditions and time period for taking input tax credit. This clause provides that a registered person is entitled to take credit of input tax charged on any supply of goods or services or both to him which are used or intended to be used in the course or furtherance of his business. (Notes on Clauses).

17. Apportionment of credit and blocked credits.- (1) Where the goods or services or both are used by the registered person partly for the purpose of any business and partly for other purposes, the amount of credit shall be restricted to so much of the input tax as is attributable to the purposes of his business.

(2) Where the goods or services or both are used by the registered person partly for effecting taxable supplies including zero-rated supplies under this Act or under the Integrated Goods and Services Tax Act and partly for effecting exempt supplies under the said Acts, the amount of credit shall be restricted to so much of the input tax as is attributable to the said taxable supplies including zero-rated supplies.

(5) Notwithstanding anything contained in sub-section (1) of section 16 and sub-section (1) of section 18, input tax credit shall not be available in respect of the following, nprnely:-

[(a) motor vehicles for transportation of persons having approved seating capacity of not more than thirteen persons (including the driver), except when they are used for making the following taxable supplies, namely:-

(A) further supply of such motor vehicles; or

(B) transportation of passengers; or

(C) imparting training on driving such motor vehicles;

(aa) vessels and aircraft except when they are used-

(i) for making the following taxable supplies, namely:-

(A) further supply of such vessels or aircraft; or

(B) transportation of passengers; or

(C) imparting training on navigating such vessels; or

(D) imparting training on flying such aircraft;

(ii) for transportation of goods;

(ab) services of general insurance, servicing, repair and maintenance in so far as they relate to motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa):

Provided that the input tax credit in respect of such services shall be available-

(i) where the motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa) are used for the purposes specified therein;

(ii) where received by a taxable person engaged-

(I) in the manufacture of such motor vehicles, vessels or aircraft; or

(II) in the supply of general insurance services in respect of such motor vehicles, vessels or aircraft insured by him;

(b) the following supply of goods or services or both-

(i) food and beverages, outdoor catering, beauty treatment, health services, cosmetic and plastic surgery, leasing, renting or hiring of motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa) except when used for the purposes specified therein, life insurance and health insurance:

‘Provided that the input tax credit in respect of such goods or services or both shall be available where an inward supply of such goods or services or both is used by a registered person for making an outward taxable supply of the same category of goods or services or both or as an element of a taxable composite or mixed supply;

(ii) membership of a club, health and fitness centre; and

(iii) travel benefits extended to employees on vacation such as leave or home travel concession:

Provided that the input tax credit in respect of such goods or services or both shall be available, where it is obligatory for an employer to provide the same to its employees under any law for the time being in force;]

(c) works contract services when supplied for construction of an immovable property (other than plant and machinery) except where it is an input service for further supply of works contract service;

(d) goods or services or both received by a taxable person for construction of an immovable property (other than plant or machinery) on his own account including when such goods or services or both are used in the course or furtherance of business.

Explanation.—For the purposes of clauses (c) and (d), the expression “construction” includes re-construction, renovation, additions or alterations or repairs, to the extent of capitalization, to the said immovable property;

(e) goods or services or both on which tax has been paid under section 10;

(f) goods or services or both received by a non-resident taxable person except on goods imported by him;

(g) goods or services or both used for personal consumption;

(h) goods lost, stolen, destroyed, written off or disposed of by way of gift or free samples; and

(i) any tax paid in accordance with the provisions of sections 74, 129 and 130.”

5. Learned counsel for the petitioners further contended that for the purpose of letting out he is earning out commercial rent income and he has to pay 18% GST on that. This is a chain transaction pursuant to the construction activity which he has carried out. To support his contention, learned counsel for the petitioners has relied upon the decision of the Hon'ble Supreme Court in the case of Eicher Motors Ltd. v. Union of India, reported in (1999) 2 SCC 361, paragraphs-5 and 6 of which are reproduced below:

“5. Rule 57-F(4-A) was introduced into the Rules pursuant to the Budget for 1995-96 providing for lapsing of credit lying unutilised on 16-3-1995 with a manufacturer of tractors falling under Heading No. 87.01 or motor vehicles falling under Heading Nos. 87.0,2 and 87.04 or chassis of such tractors or such motor vehicles under Heading No. 87.06. However, credit taken on inputs which were lying in the factory on 16-3-1995 either as parts or contained in finished products lying in stock on 16-3-1995 was allowed. Prior to the 1995-96 Budget, the Central excise/additional duty of customs paid on inputs was allowed as credit for payment of excise duty on the final products, in the manufacture of which such inputs were used. The condition required for the same was that the credit of duty paid on inputs could have been used for discharge of duty/liability only in respect of those final products in the manufacture of which such inputs were used. Thus it was claimed that there was a nexus between the inputs and the final products. In the 1995-96 Budget, the MODVAT Scheme was liberalised/simplified and the credit earned on any input was allowed to be utilised for payment of duty on any final product manufactured within the same factory irrespective of whether such inputs were used in its manufacture or not. The experience showed that credit accrued on inputs is less than the duty liable to be paid on the final products and thus the credit of duty earned on inputs gets fully utilised and some amount has to be paid by the manufacturer by way of cash. Prior to the 1995-96 Budget, the excise duty on inputs used in the manufacture of tractors and commercial vehicles varied from 15% to 25%, whereas the

final products attracted excise duty of 10% or 15% only. The value addition was also not of such a magnitude that the excise duty required to be paid on final products could have exceeded the total input credit allowed. Since the excess credit could not have been utilised for payment of the excise duty on any other product, the unutilised credit was getting accumulated. The stand of the assessee is that they have utilised the facility of paying excise duty on the inputs and carried the credit towards excise duty payable on the finished products. For the purpose of utilisation of the credit, all vestitive (sic) facts or necessary incidents thereto have taken place prior to 16-3-1995 or utilisation of the finished products prior to 16-3-1995. Thus the assessee became entitled to take the credit of the 'input instantaneously once the input is received in the factory on the basis of the existing Scheme, Now by application of Rule 57- F(4-A), the credit attributable to inputs already used in the manufacture of the final products and the final products which have already been cleared from the factory alone is sought to be lapsed, that is, the amount that is sought to be lapsed relates to the inputs already used in the manufacture of the final products but the final products have already been cleared from the factory before 16-3-1995. Thus the right to the credit has become absolute at any rate when the input is used in the manufacture of the final product. The basic postulate that the Scheme is merely being altered and, therefore, does not have any retrospective or retroactive effect, submitted on behalf of the State, does not appeal to us. As pointed out by us that when on the strength of the Rules available, certain acts have been done by the parties concerned, incidents following thereto must take place in accordance with the Scheme under which the duty had been paid on the manufactured products and if such a situation is sought to be altered, necessarily it follows that the right, which had accrued to a party such as the availability of a scheme, is affected and, in particular, it loses sight of the fact that the provision for facility of credit is as good as tax paid till tax is adjusted on future goods on the basis of the several commitments which would have been made by the assessee concerned. Therefore, the Scheme sought to be introduced cannot be made applicable to the goods which had already come into existence in respect of which the earlier Scheme was applied under which the assessee had availed of the credit facility for payment of taxes. It is on the basis of the earlier Scheme necessarily that the taxes have to be adjusted and payment made complete. Any manner or mode of application of the said Rule would result in affecting the rights of the assessee.

6. We may look at the matter from another angle. If on the inputs, the assessee had already paid the taxes on the basis that when the goods are utilised in the manufacture of further products as inputs thereto then the tax on these goods gets adjusted which are finished subsequently. Thus a right accrued to the assessee on the date when they paid the tax on the raw materials or the inputs and that right would continue until the facility available thereto gets worked out or until those goods existed. Therefore, it becomes clear that Section 37 of the Act does not enable the authorities concerned to make a rule which is impugned herein and, therefore, we may have no hesitation to hold that the Rule cannot be applied to the goods manufactured prior to 16-3-1995 on which duty had been paid and credit facility thereto has been availed of for the purpose of manufacture of further goods.”

5.1 He has also relied upon the decision of the Hon'ble Supreme Court in the case of Collector of Central Excise, Pune v. Dai Ichi Karkaria Ltd., reported in (1999) 7 SCC 448, paragraph-18 of which is quoted below:

“18. It is clear from these Rules, as we read them, that a manufacturer obtains credit for the excise duty paid on raw material to be used by him in the production of an excisable product immediately it makes the requisite declaration and obtains an acknowledgement thereof. It is entitled to use the credit at any time thereafter when making payment of excise duty on the excisable product. There is no provision in the Rules which provides for a reversal of the credit by the excise authorities except where it has been illegally or irregularly taken, in which event it stands cancelled or, if utilised, has to be paid for. We are here really concerned with credit that has been validly taken, and its benefit is available to the manufacturer without any limitation in time or otherwise unless the manufacturer itself chooses not to use the raw material in its excisable product. The credit is, therefore, indefeasible. It should also be noted that there is no co-relation of the raw material and the final product; that is to say, it is not as if credit can be taken only on a final product that is manufactured out of the particular raw material to which the credit is related. The credit may be taken against the excise duty on a final product manufactured on the very day that it becomes available.”

6. Taking into consideration, learned counsel for the petitioners has contended that Section 17(5)(d) of the CGST Act is to be read down for the purpose of interpretation in continuation to give benefit to the assessee or to, the person who has paid GST and it has to be interpreted in continuity of the transaction since rent income is arising out of the Malls which are constructed after paying GST on different items. He further contended that the interpretation which he is canvassing has now been supported by the Government Circular dated 8.12.2018 which is reproduced below:

“Ministry of Finance

Effective tax rate on complex, building, flat etc.

Posted On:08 DEC 2018 5:16PM by PIB Delhi

It is brought to the notice of buyers of constructed property that there is no GST on sale of complex/building and ready to move-in flats where sale takes place after issue of completion certificate by the competent authority. GST is applicable on sale of under construction property or ready to move-in flats where completion certificate has not been issued at the time of sale.

Effective rate of tax and credit available to the builders for payment of tax are summarized in the table, for pre-GST and GST regime.

Period	Output Tax Rate	Input Tax Credit details	Effective Rate of Tax
Pre-GST	Service Tax: 4.5%	VAT: 1% to 5% (composition scheme) Central Excise on most of the construction materials : 12.5%	VAT: 12.5 to 14.5% Entry Tax: Yes No input tax credit (ITC)of VAT and Central Excise duty paid on inputs was available to the builder for payment of output tax, hence it got embedded in the value of properties.

Considering that goods constitute approximately 45% of the value, embedded pre- GST tax incidence: 15-18% Effective

GST

Affordable housing segment: 8% Other segment: 12% after 1/3rd abatement of value of land Major construction materials, capital goods and input services'used for construction of flats, houses, etc. ' attract GST of 18% or more. ITC was approximately 10-12%. ITC available and weighted average of ITC incidence is approximately 8 to 10%.

Effective GST incidence, for affordable segment and for other segment has Not increased as compared to pre-GST regime.

Passing projects in the affordable segment such as Jawaharlal Nehru National Urban Renewal Mission, Rajiv Awas Yojana, Pradhan Mantri Awas Yojana or any other housing scheme of State Government etc., attract GST of 8%. For such projects, after offsetting input tax credit, the builder or developer in most cases will not be required to pay GST in cash as the builder would have enough ITC in his books of account to pay 'the output' CTST.

For projects other than affordable segment, it is expected that the cost of the complex/buildings/flats would not have gone up due to implementation of GST. Builders are also required to pass on the benefits of lower tax burden to the buyers of property by way of reduced prices/installments, where effective tax rate has been down.”

6.1 He contended that in view of this interpretation which is canvassed by the petitioners is supported by for which he has taken Clause 5 (b) of Schedule II of the Central Goods and Services Tax Act which is reproduced below:

“5. Supply of services

The following shall be treated as supply of services, namely:-

(b) construction of a complex, building, civil structure or a part thereof, including a complex or building intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier.”

7. Learned counsel for the petitioners has also relied upon the decision of the Hon’ble Supreme Court in the case of *Spentex Industries Limited v. Commissioner of Central Excise and others*, reported in (2016) 1 SCC 780, para 26 of which is reproduced below:

“26. We are also of the opinion that another principle of interpretation of statutes, namely, principle of *contemporanea expositio* also becomes applicable which is manifest from the act of the Government in issuing two notifications giving effect to Rule 18. This principle was explained by the Court in *Desh Bandhu Gupta and Co. v. Delhi Stock Exchange Association Ltd.* (1979) 4 SCC 565 in the following manner: (SCC pp. 572-73, para 9)

“9. It may be stated that it was not disputed before us that these -two documents which came into existence almost simultaneously with the issuance of the notification could be looked at for finding out the true intention of the Government in issuing the notification in question, particularly in regard to the manner in which outstanding transactions were to be closed or liquidated.

The principle of *contemporanea expositio* (interpreting a statute or any other document by reference to the exposition it has received from contemporary authority) can be invoked though the same will not always be decisive of the question of construction. (Maxwell 12th Edn. p. 268). In *Crawford on Statutory Construction* (1940 Edn.) in para 219 (at pp. 393-395)

it has been stated that administrative construction (i.e. contemporaneous construction placed by administrative or executive officers charged with executing a statute) generally should be clearly wrong before it is overturned; such a construction commonly referred to as practical construction although not controlling, is nevertheless entitled to considerable weight; it is highly persuasive. In *Baleshwar Bagarti u. Bhagirathi Dass* (1908) ILR 35 Cal 701 the principle, which was reiterated in *Mathuramohan Saha v. Rain Kumar Saha*, ILR 43 Cal. 790: (AIR 1916 Cal. 136) has been stated by Mookerjea, J. thus: (*Baleshwar Bagarti case*, ILR p.713)

“.... It is a well-settled principle of interpretation that courts in construing a statute will give much weight to the interpretation put upon it, at the time of its enactment and since, by those whose duty it has been to construe, execute and apply it. I do not suggest for a moment that such interpretation has by any means a controlling effect upon the Courts; such interpretation may, if occasion arises have to be disregarded for cogent and persuasive reasons, and in a clear case of error, a Court would without hesitation refuse to follow such construction.”

Of course, even without the aid of these two documents which contain a contemporaneous exposition of the Government’s intention, we have come to the conclusion that on a plain construction of the notification the proviso permitted the closing out or liquidation of all out-kanding transactions by entering into a forward contract in accordance with the rules, bye-laws and regulations of the respondent.”

8. He has also relied upon the decision of the Hon’ble Supreme Court in the case of *Indian Metals and Ferro Alloys Ltd. v. Collector of Central Excise, Bhubaneswar*, reported in 1991 Supp (1) SCC 125, paragraphs 14 and 15 of which are reproduced below:

“14. However; even assuming that there could have been some doubt as to the intention of the legislation in this regard, the matter is placed beyond all doubt by the revenue’s own consistent interpretation of the item over the years. It has been pointed out that prior to March 1., 1975, residuary Item 68 was not in the schedule. If the revenue’s contention that these poles are not pipes and tubes is correct then they could not have been brought to duty at all before March 1, 1975. But the fact is that transmission poles have been brought to duty between 1962 to 1975, and that could only have been under Item 26-AA (for there was no residuary item then). This is indeed proved by the fact that this very assessee was thus assessed initially and also by the issue of notifications of exemption from time to time which proceed on the footing that these poles were assessable to duty under Item 26-AA but were entitled to an exemption if certain conditions were fulfilled. Indeed, the assessee also applied for and obtained relief under one of those exemption notification since 1964.

15. It is contended on behalf of the department that this earlier view of the department may be wrong and that it is open to the department to contend now that the poles really do not fall under Item 26-AA. In any event, it was submitted since the poles were exempted from duty under one notification or other, it was not very material prior to March 1, 1975 to specifically clarify whether the poles would fall under Item 26-AA or not. This argument proceeds on a misapprehension. The revenue is not being precluded from putting forward the present contention on grounds of estoppels. The practice of the department in assessing the poles to duty (except in cases where they were exempt as the condition in the exemption notifications were fulfilled) and the issue of notifications from time to time (the first of which was almost contemporaneous with the insertion of Item 26-AA) are being relied upon on the doctrine of *contemporaneo expositio* to remove any possible ambiguity in the understanding of the language of the relevant statutory instrument: see *K.P. Varghese v. TTO*, (1981) 4 SCC 173; *State of Tamilnadu v. Mahi Traders*, (1989) 1 SCC 724; *CCE v. Andhra Sugar Ltd.*, 1989 Supp (1) SCC 144 and *Collector of Central Excise v. Pane Exports P. Ltd.*, (1989) 1 SCC 345. Applying the principle of these decisions, that a contemporaneous exposition by the administrative authorities is a very useful and relevant guide to the interpretation of the expressions used in a statutory instrument, we think the assessee's contention that its products fall within the purview of Item 26-AA should be upheld."

9. Learned counsel for the petitioners has also relied upon the decision of the Hon'ble Supreme Court in the case of *Shayara Bano v. Union of India and others*, reported in (2017) 9 SCC 1. Though he has requested to go through the pages 75 to 84 and pages 91 and 92 of the said judgment but he has relied upon paragraphs 67 and 87, which are reproduced below:

"67. We now come to the development of the doctrine of arbitrariness and its application to State action as a distinct doctrine on which State action may be struck down as being violative of the rule of law contained in Article 14. In a significant passage, Bhagwati, J., in *E.P. Royappa v. State of T.N.*, (1974) 4 SCC 3 stated: (SCC p.38, para 85)

"85. The last two grounds of challenge may be taken up together for consideration. Though we have formulated the third ground of challenge as a distinct and separate ground, it is really in substance and effect merely an aspect of the second ground based on violation of Articles 14 and 16. Article 16 embodies the fundamental guarantee that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. Though enacted as a distinct and independent fundamental right because of its great importance as a principle ensuring equality of opportunity in public employment which is so vital to the building up of the new classless egalitarian society envisaged in the Constitution, Article 16 is only an instance of the application of the concept of equality

enshrined in Article 14. In other words, Article 14 is the genus while Article 16 is a species. Article 16 gives effect to the doctrine of equality in all matters relating to public employment. The basic principle which, therefore, informs both Articles 14 and 16 is equality and inhibition against discrimination. Now, what is the content and reach of this great equalizing principle? It is a founding faith, to use the words of Bose, J., "a way of life". and it must not be subjected to a narrow pedantic or lexicographic approach. We cannot countenance any attempt to truncate its all-embracing scope and meaning, for to do so would be to violate its activist magnitude. 'Equality is a dynamic concept with many aspects and dimensions and it cannot be "cribbed, cabined and confined" within traditional and doctrinaire limits. From a positivistic point of view, equality is antithetic to arbitrariness. In fact equality and arbitrariness are sworn enemies; one belongs to the rule of law in a republic while the other, to the whim and caprice of an absolute monarch. Where an act is arbitrary, it is implicit in it that it is unequal both according to political logic and constitutional law and is therefore violative of Article 14, and if it effects any matter relating to public employment. It is also violative of Article 16. Articles 14 and 16 strike at arbitrariness in State action and ensure fairness and equality of treatment. They require that State action must be based on valid relevant principles applicable alike to all similarly situated and it must not be guided by any extraneous or irrelevant considerations because that would be denial of equality. Where the operative reason for State action, as distinguished from motive inducing from the antechamber of the mind, is not legitimate and relevant but is extraneous and outside the area of permissible considerations, it would amount to mala fide exercise of power and that is hit by Articles 14 and 16. Mala fide exercise of power and arbitrariness are different lethal radiations emanating from the same vice: in fact the latter comprehends the former. Both are inhibited by Articles 14 and 16.'

"87. The thread of reasonableness runs through the entire fundamental rights chapter. What is manifestly arbitrary is obviously unreasonable and being contrary to the rule of law, would violate Article 14. Further, there is an apparent contradiction in the three-Judge Bench decision in McDowell, State of A.P. v. McDowell and Co., (1996)3 SCC 709 when it is said that a constitutional challenge can succeed on the ground that a law is "disproportionate, excessive or unreasonable", yet such challenge would fail on the very ground of the law being "unreasonable, unnecessary or unwarranted". The arbitrariness doctrine when applied to legislation obviously would not involve the latter challenge but would only involve a law being disproportionate, excessive or otherwise being manifestly unreasonable. All the aforesaid grounds, therefore, do not seek to differentiate between State action in its various forms, all of which are interdicted if they fall foul of the fundamental rights guaranteed to persons and citizens in Part III of the Constitution."

10. Another judgment learned counsel for the petitioners has sought to rely upon which relates to Income Tax, where accepting the contention of the Department the Hon'ble

Supreme Court in the case of Oxford University Press v. Commissioner of Income Tax, reported in (2001) 3 SCC 359 in paragraphs 26, 32, 35 and 36 has observed as under:

“26. On examination of the different provisions in Section 10 dealing with exemption from the tax it would be clear that each one of the said provisions is intended to serve a definite public purpose and is meant to achieve a special object.

32. I am of the view that the expression “existing solely for educational purposes and not for purposes of profit” qualifies a “university or other educational institution”. In a case where a dispute is raised whether the claim of exemption from the tax by the assessee is admissible or not it is necessary for the assessee to establish that it is a part of a university which is engaged solely or at least primarily for educational purposes and not for purposes of profit and the income in respect of which the exemption is claimed is a part of the income of the university. This question assumes importance in a case like the one in hand where the assessee is nothing more than a commercial establishment/business enterprise engaged in the business of printing, publishing and selling of books in this country. The label “University Press” is not sufficient to establish that it is engaged in any educational activity. The purpose of the existence of the ‘assessee in this country, as appears from the material on record, is possibly to earn profit. If the interpretation of the provision in Section 10(22) of the Act as urged on behalf of the assessee is accepted the provision will be exposed to challenge on the ground of being irrational and, therefore, arbitrary. Then the question will arise for what purpose is this exemption from tax extended to the assessee? How is it different from the large number of such establishments engaged in the business of printing, publishing and selling of books.

35. Income of the public exchequer and expenditure from it is a matter of considerable public importance. Citizens of this country, particularly taxpayers, are entitled to know the rational basis for granting exemption from income tax to an assessee. In extending the exemption to universities which exist solely for educational purposes and not for the purposes of profit, there is a rational basis and valid reason. If establishments/institutions which are engaged solely in commercial activities are included in the expression “university” and are treated on a par for the purpose of granting exemption from the tax then it will amount to treating unequals as equals and, therefore, discriminatory. A provision of exemption from tax in a fiscal statute is to be strictly construed. Interpretation of such a statutory provision which does not stand the test of rationality and will lead to absurd results cannot be accepted.

36. Giving a purposeful interpretation of the provision it will be reasonable to hold that in order to be eligible to claim exemption from tax under Section 10(22) of the Act the assessee has to establish that it is engaged in some educational activity in India and its existence in this country is not for profit only. This interpretation of Section 10(22) neither causes violence to

the language of the provision nor does it amount to rewriting the same. On the other hand, it only gives a harmonious construction of the provision which subserves the object and purpose which the provision is intended to serve.”

11. Learned counsel for the petitioners has also relied upon the decision of the Hon’ble Supreme Court in the case of K.P. Varghese v. Income-Tax Officer, Ernakulam and another, reported in Vol.131 (1981) ITR 597, more particularly pages 604 and 605 which read as follows:

“The primary objection against the literal construction of s.52, sub-s.(2), is that it leads to manifestly unreasonable and absurd consequences. It is true that the consequences of a suggested construction cannot alter the meaning of a statutory provision but it can certainly help to fix its meaning. It is a well-recognised rule of construction that a statutory provision must be so construed, if possible, that absurdity and mischief may be avoided. There are many situations where the construction suggested on behalf of the revenue would lead to a wholly unreasonable result which could never have been intended by the Legislature. Take, for example, a case where A agrees to sell his property to B for a certain price and before the sale is completed pursuant to the agreement and it is quite well known that sometimes the completion of the sale may take place even a couple of years after the date of the agreement the market price shoots up with the result that the market price prevailing on the date of the sale exceeds the agreed price, at which the property is sold, by more than 15% of such agreed price. This is not at all an uncommon case in an economy of rising prices and in fact we would find in a large number of cases where the sale is completed more than a year or two after the date of the agreement that the market price prevailing on the date of the sale is very much more than the price at which the property is sold under the agreement. Can it be contended with any degree of fairness and justice that in such cases, where there is clearly no under-statement of consideration in respect of the transfer and the transaction is perfectly honest and bona fide and, in fact, in fulfillment of a contractual obligation, the assessee, who has sold the property, should be liable to pay tax on capital gains which have not accrued or arisen to him? It would indeed be most harsh and inequitable to tax the assessee on income which has neither arisen to him nor is received by him, merely because he has carried out the contractual obligation undertaken by him. It is difficult to conceive of any rational reason why the Legislature should have thought it fit to impose liability to tax on an assessee who is bound by law to carry out his contractual obligation to sell the property at the agreed price and honestly carries out such a contractual obligation. It would indeed be strange if obedience to the law should attract the levy of tax on income which has neither arisen to the assessee nor has been received by him.”

12. Lastly, learned counsel for the petitioners has relied upon the decision of the Hon’ble Supreme Court in the case of Delhi Transport Corporation v. D.T.C. Mazdoor Congress and

others, reported in 1991 Supp (1) SCC 600, paragraphs 118 and 122 of which are reproduced below:

“118. Legislation, both statutory and constitutional, is enacted, it is true, from experience of evils. But its general language should not, therefore, necessarily be confined to the form that evil had taken. Time works changes, brings into existence new conditions and purposes and new awareness of limitations:’Therefore, a principle to be valid must be capable of wider application than the mischief which gave it birth. This is particularly true of the constitutional constructions. Constitutions are not ephemeral enactments designed to meet passing occasions. These are, to use the words of Chief Justice Marshall, “designed to approach immortality as nearly as human institutions can approach it”. In the application of a Constitutional limitation or inhibition, our interpretation cannot be only of ‘what has been’ but of ‘what may be’. See the observations of this Court in *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494. Where, therefore, in the interpretation of the provisions of an Act, two constructions are possible, one which leads towards constitutionality of the legislation would be preferred to that which has the effect of destroying it. If we do not read the conferment of the power in the manner we have envisaged before, the power is liable to be struck down as bad. This, we say in spite of the argument by many including learned Solicitor General of India and Smt. Shyamla Pappu that in contractual obligations while institutions or organisations or authorities, who come within the ambit of Article 12 of the Constitution are free to contract on the basis of ‘hire and fire’ and the theory of the concept of unequal bargain and the power conferred subject to constitutional limitations would not be applicable. We are not impressed and not agreeable to accept that proposition at this stage of the evolution of the constitutional philosophy of master and servant framework or if you would like to call it employer or employee relationship. Therefore, these conferments of the powers on the employer must be judged on the constitutional peg and so judged without the limitations indicated aforesaid, the power is liable to be considered as arbitrary and struck down.

122. In the aforesaid view of the matter, I would sustain the constitutionality of this conferment of power by reading that the power must be exercised on reasons relevant for the efficient running of the services or performing of the job by the societies or the bodies. It should be done objectively, the reasons should be recorded, it should record this and the basis that it is not feasible or possible reasonably to hold any enquiry without disclosing the evidence which in the circumstances of the case would be hampering the running of the institution. The reasons should be recorded, it need not be communicated and only for the purpose of the running of the institution, there should be factors which hamper the running of the institution without the termination of the employment of the –employee concerned at that particular time either because he is a surplus, inefficient, disobedient and dangerous.”

13. Mr. T.K. Satapathy, learned counsel for the opposite parties has also relied upon the counter affidavit of opposite party Nos.1, 2, 5 and 7. Paragraphs-4, 9 and 11 of the said counter affidavit are reproduced below:

“4. That as regard paragraphs-1 of the writ application the Petitioner’s contention that the denial of input tax credit is ultra vires of Article 14 and 19 (1) (g) of the constitution of India is unjust and improper. In this regard, it is humbly submitted that in case of the Indian Oil Corporation Ltd v. State of Bihar (TS-347-SC-2017-VAT), while dealing with the issue of set off of VAT against the entry tax the Hon’ble Court held that ‘no assessee’ claim set off as a matter of right and levy of Entry Tax cannot be assailed as unconstitutional only because set off clear that Article 14 of the Constitution can be said to be breached only when there is perversity or gross disparity resulting in clear and hostile discrimination practiced by the legislature, without any rational jurisdiction for the same”. In view of the above, the taxpayer cannot claim credit of Input Tax without any authority of law. Further, restrictions with respect to availment of credit accrued under the existing law being reasonable, are equally applicable to all. As the suitability and requirement of taxpayer varies from person to person, rule/Act can not be changed/amended accordingly. It is mandatory for the taxpayers to adhere the restrictions prescribed in Act and Rule as such restrictions can not be challenged by the tax payer under the plea of being violative of the Petitioner’s fundamental rights guaranteed under Articles 14 and 19(1)(g) of the Constitution of India.

9. That as regard paragraph-5 (f) of the writ petition it is humbly submitted that As per Section 16 of the CGST as well as OGST Acts every registered person shall subject to such conditions and restrictions as may be prescribed and in the manner specified in section 49 of the CGST Act as well as Section 49 of the OGST Act, be entitled to take credit of the input tax charged on any supply of goods or services or both made to him, which are used or intended to be used in the course of furtherance of his business and the said amount shall be credited. The Petitioner has stated that as they are registered dealer, they are statutorily entitled to avail of the benefit ,of taking -credit of the input tax charged on the supply of the goods in various services which are consumed or utilized for the construction of the aforesaid Shopping mall and set off the same against the CGST and OGST payable on the rentals received from the tenants .

In this regard it is to state that as already mentioned in paragraph-7 of the counter affidavit regarding restrictions prescribed for the Registered persons under Section 17(5)(d) of the CGST/OGST Act’2017, to which the Petitioner is also required to strictly adhere to. While interpreting the Section 16 supra the Petitioner is omitting the conditions and restrictions as prescribed for the registrants. Nowhere under CGST/OGST Act, 2017 and Rules framed

thereunder it is mentioned that the Registrant shall follow the Act/Rule to the extent of their suitability only. ,

11. That as regard paragraphs-5 (i) of the writ petition it is humbly submitted that the Government has restricted in availment of ITC u/s 17(5)(d) of the CGST Act 2017 . The petitioner has erred in accepting the fact that Input tax credit is not a matter of right which cannot be deprived. This issues have already been decided by the Hon'ble Supreme Court in case of Oil Corporation India Limited v. State of Bihar under the Entry Tax Act.

(i) The Hon'ble Supreme Court, in its judgment in the case of Inidan Oil Corporation Ltd. Vs. State of Bihar [TS-347-SC-2017-VAT] while dealing with the issue of set off of VAT against entry tax, the court held that, “..no assessee can claim set off as a matter of right and levy of Entry Tax cannot be assailed as unconstitutional only because set off is not given”.

In view of the above, the taxpayer cannot claim credit accumulated due to supply of inputs (goods as well as services) used by them for construction of their project as a vested right for payment of GST on the output taxable supply of Renting of their said property.

(ii) Powers to restrict flow of credit also exist under Section 16(1) of the CGST Act which empowers the Central Government to impose conditions and restrictions on availing input tax credit. This shows a Legislative intent that input tax credit may not always be allowed partially or fully. Input tax credit provisions do not provide for that all the tax paid on inputs should be available as credit. Some credits have been denied under section 17 in the Act itself and to allow flexibility, the Act provides that restrictions can be placed on availability of credit. In this regard, reliance is also placed on the recent judgment of Hon'ble Delhi Court in the case of Cellular Operators Association of India and Others Vrs. UoI [2018-TIOL:-310-11C-DEL-ST] wherein the Hon'ble Court rejected the claim of the taxpayer to allow credit of unutilised education and higher education cess and upheld the power of the Government to restrict utilisation of balance cess.

(iii) In case of Mohit Minerals Pvt Ltd. Vrs. Union of India wherein the petitioner challenged the decision of the Government to disallow the credit of Clean Environment Cess paid on coal that was in stock as on 30th of June, 2017 and payment of Compensation Cess thereon in the GST regime, thus resulting in double taxation. The Hon'ble Supreme Court held that the petitioner is not entitled for any set off of payments made towards Clean Energy Cess in payment of Compensations to States Cess.

(iv) GST is a new system of taxation which provides setting off of input tax credit against the output tax liability along the entire value chain till the final retail level. Under the earlier tax regime, credit of inputs was available for final product in respect of certain taxes/duties only. For eg. Credit of duty of excise could not be utilised against VAT and vice versa. It can be therefore said that GST is applicable only on value addition along the entire supply chain and thus, cascading effect of taxes has been eliminated. Thus, under the GST regime, more input tax credit is available to tax payer along the entire supply chain as compared to the previous tax regime. Further, the transitional provisions under the CGST Act provide adequate credit of taxes accumulated under the erstwhile taxation regime to taxpayers in the GST regime.

(v) It may be noted that Section 17(5)(d) of the CGST Act prescribes denial of credit for certain class of taxpayers with certain conditions and limitations. This would mean that legislature has decided in its wisdom the credit of taxes which would be allowed in credit as ITC and the tax that has not been allowed, as policy call of the Government, given effect through legislation, cannot be obtained through judicial review.

(iv) In case of JCB India Ltd Vs. Union of India 2018-TIL-23-HC-Mum-GST, the Hon'ble Court held- "CENVAT credit is a mere concession and it can not be claimed as a matter of right- Credit on inputs under the existing law itself is not absolute but restricted or conditional right- if the existing law itself imposes condition for its enjoyment or availment, then, it is not possible to agree with the Counsel that such rights under existing law could have been enjoyed and availed of irrespective of the period or time provided -therein-. The period or the outer limit is prescribed in the existing law and the Rules of CENVAT credit enacted thereunder- In the circumstances, it is not possible to agree with the Counsel appearing for the Petitioner that imposition of condition vide clause(iv) is arbitrary, unreasonable and violative of Articles 14 and 19(1) (g) of the Constitution of India-if right to availment of CENVAT credit itself is conditional and not restricted or absolute, then the right to pass on that credit cannot be claimed in absolute terms-there cannot be estoppel against a statute- transitional arrangements that have been made have clear nexus with the object sought to be achieved cannot be struck- down as having - no such- relation or nexus petitions fail."-

14. Mr. Satapathy, learned counsel for the opposite parties has relied upon the unreported decision of the Bombay High Court in Writ Petition No.3142 of 2017 (JCB India Limited v. Union of India), paragraphs-6, 28, 56, 57 and 61. of which are reproduced below:

“6. To abolish the cascading effect, the CGST Act provides for the input tax credit eligibility in terms of these transitional provisions. Section 140(1) of the CGST Act inter alia provides that a manufacturer will be entitled to carry forward the closing balance of CENVAT credit, subject to certain conditions. Further, Section 140(3) of the CGST Act inter alia allows a registered trader to avail input tax credit of goods held in stock as on 1-7-2017, subject to certain conditions. It is submitted that upon a plain reading of the provisions and particularly Clause (iv) of sub-section (3) of Section 140, the input tax credit of stock of goods can be availed only when such goods are purchased after 30-6-2016. A trader or a depot of a manufacturer was not entitled to avail credit as the CENVAT suresh 20-21-WPGOJ-3142.2017. doc Credit Rules, 2004 allows credit availment only by a manufacturer or a service provider. However, there were provisions through which an importer could pass on the credit of duty paid by . registration as first stage dealers. By the GST and particularly by virtue of the provisions contained in Section 140(1) and Section 140(3) of the CGST Act, a situation of inequality amongst the manufacturer and the depot/trader as far as the stock on 1-7-2017, occurs and such ineligibility of credit under the GST regime causes discrimination between the petitioner and other manufacturers. It is put to a disadvantageous position as far as the closing stock on 1-7-2017 in respect of goods ..lying.in stock prior.to 30-6-.2016.

28. Prior thereto, in support of the argument that Article 14 is salutary in its application, it is urged that the Judgments in the compilation would throw light on these propositions canvassed. Our attention was specifically invited to a Judgment in the case of Eicher Motors Ltd. v. Union of India, reported in 1999 (106) E.L.T. 3 (SC). That is on the point that rights accrued during the existing law are specifically saved under Section 174 of the CGST Act, 2017, which would include the right to pass on the CENVAT credit and such an accrued right cannot, therefore, be taken away and in the manner done. On the point of promissory estoppel, our attention has been invited to several Judgments in the compilation and particularly the principle emerging from the Judgment in Motilal Padampat suresh 20-21-WPGOJ-3142 .2017. doc Sugar Mills Co. Ltd. v. State of Uttar Pradesh & Others, reported in (1979) 2 SCC 409.

56. To our mind, therefore, the learned Additional Solicitor General is right in his contention that a CENVAT credit is a mere concession and it cannot be claimed as a matter of right. If the CENVAT Credit Rules under the existing legislation themselves stipulate and provide for conditions for availment of that credit, then, that credit on inputs under the existing law itself is not a absolute but a restricted or conditional right. It is subject to fulfilment or satisfaction of certain requirements and conditions that the right can be availed of. It is in these circumstances that we are unable to agree with the Counsel appearing for the petitioners that the impugned condition defeats any accrued or vested right. It was never vesting in them in

such absolute terms, as is argued before us. If the existing law suresh 20-21-WPGOJ-3142.2017.doc itself imposes condition for its enjoyment or availment, then, it is not possible to agree with the Counsel that such rights under the existing law could have been enjoyed and availed of irrespective of the period or time provided therein. The period or the outer limit is prescribed in the existing law and the Rules of CENVAT credit enacted thereunder. In the circumstances, it is not possible to agree with the Counsel appearing for the petitioners that imposition of the condition vide Clause (iv) is arbitrary, unreasonable and violative of Articles 14 and 19(1)(g) of the Constitution of India.

57. We would refer to the Judgments which are heavily relied upon in this context. It is stated that the rights and privileges accrued during the existing law have been specifically saved under Section 174 of the CGST Act, 2017. If what are saved are the rights and privileges of the nature noted above, then it cannot be said de hors the conditions or de hors the restriction on availment or enjoyment of that right they have been saved by the CGST Act. In other words, if rights are conferred with conditions under the existing law, then, they are suresh 20-21-WPGOJ-3142.2017.doc saved by the CGST Act with such conditions and not otherwise. There must be clear provision to grant it otherwise than in terms of the existing Law or in other words, the restrictions or co-nditions on availment of that right are removed totally. No such provision has been brought to our notice. It is clear that if right to availment of CENVAT credit itself is conditional and not restricted or absolute, then, the right to pass on that credit cannot be claimed in absolute terms. It is argued that it is a vested right accruing to the petitioner.

61. We are not confronted with a situation of the lapsing of the credit though the petitioners may equate the position before us with that of Eicher Motors. We are dealing with the validity and legality of a condition imposed in the transitional arrangement. While moving from one legislation to another comprehensive legislation, in the latter legislation the Legislature deemed it fit and proper to continue the earlier or erstwhile arrangement by terming it as a transition or suresh 20-21-WPGOJ-3142.2017.doc transitional one. That continuation was with conditions and one of the conditions which is questioned here is consistent with the conditions imposed under the existing law. Such a situation was not dealt with in Eicher Motors. Thus, the decision is clearly distinguishable.”

15. Mr. Satapathy has also relied upon the decision of the Delhi High Court in. IrritPetition (Civil) No.7837/2016 (Cellular Operators Association–of India and others v. Union of India and another) decided on 15th February, 2018, paragraphs-5 and 16 of which are reproduced below:

“5. The grievance of the petitioners is, and they claim a vested right to avail benefit .of..the unutilized amount of EC or SHE credit, which was available and had not been set off as on 1st March, 2015 and 1st June, 2015 for payment of tax on excisable goods and taxable services respectively. The contention is that EC and SHE were subsumed in the Central Excise Duty, the general rate of which was increased from 12% to 12.5%, and service tax, which was increased from 12.36% to 14%. Reliance is placed upon the Budget Speech of the Finance Minister and the memorandum explaining provisions of Finance Bill, 2015, which reads:-

11.8. As part of the movement towards GST, I propose to subsume the Education Cess and the Secondary and Higher Education Cess in Central Excise duty. In effect, the general rate of Central Excise Duty of 12.36% including the cesses is being rounded off to 12.5%

121 It is proposed to increase the present rate of Service Tax plus education cesses from 12.36% to a consolidated rate of 14% A Education Cess and Secondary & Higher Education Cess leviable on excisable goods are being subsumed in Basic Excise duty. Consequently, ... The standard ad valorem rate of Basic Excise Duty is being increased from 12% to 12.5% and specific rates of Basic Excise Duty on petrol, diesel, cement, cigarettes & other tobacco products (other than bilis) are being suitably changed....

the Service Tax rate is being increased from 12% plus Education Cesses to 14%. The Education Cess' and Secondary and Higher Education Cess' shall be subsumed in the revised rate of Service Tax. Thus, effective increase in Service Tax rate will be from existing rate of 12.36% (inclusive of cesses) to 14%. The new Service Tax rate shall come into effect from a date to be notified by the Central Government after the enactment of the Finance Bill, 2015. Till the time the revised rate comes into effect, the levy of Education cess' and Secondary and Higher Education cess' shall continue to be levied in Service TaxII.

Reference is also made to the Explanation given by the Joint Secretary, Tax Research Unit, Ministry of Finance, Government of India, vide letter F.No.334/5/2015-TRU dated 28th February, 2015, which reads:-

The rate of Service Tax is being increased from 12% plus Education Cesses to 14%. The Education Cess' and _ Secondary and Higher Education Cess' shall be subsumed in the revised rate of Service Tax.

Thus, the effective increase in Service Tax rate will be from the existing increase in Service Tax rate will be from the existing rate of 12.36% (inclusive of cesses) to 14%, subsuming the cesses. The contention is that EC and SHE, which were earlier imposed and then withdrawn from 1st March, 2015 and 1st June 2015 for excisable goods and taxable services respectively, had been subsumed and included in the excise duty and service tax, and therefore, the amount lying in the credit towards EC and SHE should be available for availing CENVAT credit. This was not a case of abolition of EC and SHE, but the cesses were added and became part of the excise duty or service tax. Reliance is placed on the dictionary definition of the term —subsumed, which means to include, absorb in something else or incorporated into something larger or more general. Therefore under law, unutilised EC and SHE should be allowed to be utilised for payment of basic excise duty in excisable goods and service tax on taxable service, for otherwise the action would be clearly arbitrary, capricious and tantamount to lapsing of credit accrued on the input, though higher excise duty or service tax was payable on the output. The petitioners, it is asserted, have a vested right to claim benefit of utilization of the unutilized credit. Reliance is placed upon the judgment of the Supreme Court in *Eicher Motors Limited and Another versus Union of India and Others*, (1999) 2 SCC 361 and *Samtel India Limited versus Commissioner of Central Excise, Jaipur*, (2003) 11 SCC 324.

16. The decision in the case of *Eicher Motors Limited and Another* (supra) is distinguishable, for in the said case, what was subject matter of challenge was Rule 57-F(4-A), which had stipulated that unutilized credit as on 16th March, 1995 lying with the manufacturers of tractors under Heading 87.01 or motor vehicles 87.02 and 87.04 'or chassis of tractors or motor vehicles under Heading 87.06 shall lapse and shall not be allowed to be utilized for payment of duty on excisable goods. The proviso, however, had stipulated that nothing shall apply to the credit of duty, if any, in respect of inputs lying in stock or contained in finished products lying in stock as on 16th March, 1995, thereby creating an anomalous situation. Credit of tax paid on inputs and even finished products was available, but not in respect of the sold products. This was clearly taking away a vested right in the form of an amendment to the Rule. There was lapse of credit, which could not be utilized, though the tax/duty had not been withdrawn. The Supreme Court noticed that the credit attributable to inputs had already been used in manufacture of final products that had been cleared, and this alone was sought to be lapsed, notwithstanding the fact that the right had become absolute. On a holistic reading of the entire scheme, it was observed that when acts have been done by the parties concerned on the strength of the Rules, incidence following thereto must take place—in accordance with the scheme or the Rules, otherwise it would affect the rights of the assessee. Further, right had accrued on the date when the assessee had paid tax on the raw materials or inputs and the same would continue till the facility available thereto got worked out or until the goods existed. As noticed above, tax/duty had not been withdrawn. Lastly and more importantly, Section 37 of the Central Excise Tariff Act, 1985 did not enable the authorities to make the Rule impugned therein. The legal ratio in *Eicher Motors Limited and Another* (supra) was

followed in Samtel India Limited (supra) wherein amended Rule 57-F(17) of the Central Excise Rules, 1944 was challenged. The Rules had postulated lapsing of credit in case of manufactured goods falling under sub-heading 8540.12, though the proviso had provided for credit of duty in respect of inputs lying in stock or contained in finished goods lying in stocks. It was held that the said scheme of credit of input tax, in view of amended provision, could not be made applicable to goods which had already come into existence and under which the assessee had claimed credit facility. As noticed above, in the present case, credit of EC and SHE could be only allowed against EC and SHE and could not be cross-utilized against the excise duty or service tax. In fact, what the petitioners seek is an amendment of the scheme to allow them to take utilization of the unutilized EC and SHE upon the two cesses being withdrawn against excise duty and service tax, though this was not the position even earlier. Both EC and SHE were withdrawn and abolished. They ceased to be payable. In these circumstances, it is not possible to accept the contention that a vested right or claim existed and legal issue is covered against the respondents by the decision in Eicher Motors Limited and Another (supra) and Samtel India Limited (supra). The said decisions are distinguishable and inapplicable.”

16. Mr. Satapathy, has also relied upon the decision of the Hon’ble Supr’ena Court in, the case of Government of Andhra Pradesh, and others v. P. Laxmi Devi, reported in (2008) 4 SCC 720, paragraphs-72, 73 and 80 of which are reproduced below:

“72. As regards fiscal or tax measures greater latitude is given to such statutes than to other statutes. Thus in the Constitution Bench decision Of this Court in R.K. Garg v. Union of India [(1981) 4 SCC 675 : 1982 SCC (Tax) 30] this Court observed: (SCC pp. 690-91, para 8)

“8. Another rule of equal importance is that laws relating to economic activities should be viewed with greater latitude than laws touching civil rights such as freedom of speech, religion, etc. It has been said by no less a person than Holmes, J. that the legislature should be allowed some play in the joints, because it has to deal with complex problems which do not admit of solution through any doctrinaire or straitjacket formula and this is particularly true in case of legislation dealing with economic matters, where, having regard to the nature of the problems required to be dealt with, greater play in the joints has to be allowed to the legislature. The court should feel more inclined to give judicial deference to legislative judgment in the field of economic regulation than in other areas where fundamental human rights are involved. Nowhere has this admonition been more felicitously expressed than in Morey v. Doud [1 L Ed 2d 1485 : 354 US 457 (1957)] where Frankfurter, J. said in his inimitable style:

‘In the utilities, tax and economic regulation cases, there are good reasons for judicial self-restraint if not judicial deference to legislative judgment. The legislature after all has the affirmative responsibility. The courts have only the power to destroy, not to reconstruct. When these are added to the complexity of ‘economic regulation, the uncertainty, the liability to error, the bewildering conflict of the experts, and the number— or times the judges have been overruled by the legislature, it can be seen to be the path to judicial wisdom and institutional prestige and stability.’

The court must always remember that ‘legislation is directed, to practical problems, that the economic mechanism is highly sensitive and complex, that many problems are singular and contingent, that laws are not abstract Propositions and do not relate to abstract units and are not to be measured by abstract symmetry’; ‘that exact wisdom and nice adaptation of remedy are not always possible’ and that judgment is largely a prophecy based on meagre and uninterpreted experience’. Every legislation particularly in economic matters is essentially empiric and it is based on experimentation or what one may call trial and error method and therefore it cannot provide for all possible situations or anticipate all possible abuses. There may be crudities and inequities in complicated experimental economic legislation but on that account alone it cannot be struck down as invalid. The courts cannot, as pointed out by the United States Supreme Court in *Secy. of Agriculture v. Central Roig Refining Co.* [94 L Ed 381 : 338 US 604 (1949)] , be converted into tribunals for relief from such crudities and inequities. There may even be possibilities of abuse, but that too cannot of itself be a ground for invalidating the legislation, because it is not possible for any legislature to anticipate as if by some divine prescience, distortions and abuses of its legislation which may be made by those subject to its provisions and to provide against such distortions and abuses. Indeed, howsoever great may be the care bestowed on its framing, it is difficult to conceive of a legislation which is not capable of being abused by perverted human ingenuity. The court must therefore adjudge the constitutionality of such legislation by the generality of its provisions and not by its crudities or inequities or by the possibilities of abuse of any of its provisions. If any crudities, inequities or possibilities of abuse come to light, the legislature can always step in and enact suitable amendatory legislation. That is the essence of pragmatic approach which must guide and inspire the legislature in dealing with complex economic issues.”

(emphasis supplied)

73. All decisions in the economic and social spheres are essentially ad hoc and experimental. Since economic matters are extremely complicated, this inevitably entails special treatment for special situations. The State must therefore be left with wide latitude in devising ways and means of fiscal or regulatory measures, and the court should not, unless compelled by the statute or by the Constitution, encroach into this field, or invalidate such law

80. However, we find no paradox at all. As regards economic and other regulatory legislation judicial restraint must be observed by the court and greater latitude must be given to the legislature while adjudging the constitutionality of the statute because the court does not consist of economic or administrative experts. It has no expertise in these matters, and in this age of specialisation when policies have to be laid down with great care after consulting the specialists in the field; it will be wholly unwise for the court to encroach into the domain of the executive or legislative (•sic legislature) –and “try to enforce its own views and’ perceptions.”

17. Lastly, Mr. Satapathy has relied upon the judgment of the Hon’ble Supreme Court in the case of State of M.P. v. Rakesh Kohli and Others, reported in (2012) 6 SCC 312, paragraphs- 23, 24 and 32 to 35 of which are reproduced below:

23. In P. Laxmi Devi [(2008) 4 SCC 720], a two-Judge Bench of this Court was concerned with a judgment of the Andhra Pradesh High Court. The High Court had declared Section 47-A of the 1899 Act, as amended by A.P. Act 8 of 1998 that required a party to deposit 50% ,deficit stamp duty as a condition precedent for a reference to a Collector under Section 47-A, unconstitutional. The Court said in P. Laxmi Devi [(2008) 4 SCC 720] as follows: (SCC p. 735, paras 19 & 21)

“19. It is well settled that stamp duty is a tax, and hardship is not relevant in construing taxing statutes which are to be construed strictly. As often said, there is no equity in a tax vide CIT v. V. MR. P. Firm Muar [AIR 1965 SC 1216] . If the words used in a taxing statute are clear, one cannot try to find out the intention and the object of the statute. Hence the High Court fell in error in trying to go by the supposed object and intendment of the Stamp Act, and by seeking to find out the hardship which will be caused to a party by the impugned amendment of 1998.

21. It has been held by a Constitution Bench of this Court in ITO v. T.S. Devinatha Nadal– [AIR 1968 SC 623] (vide AIR paras 23-28) that where the language of a taxing provision is plain, the court cannot concern itself with the intention of the legislature. Hence, in our opinion the High Court erred in its approach of trying to find out the intention of the legislature in enacting the impugned ani’bndment to the Stamp Act.”

24. While dealing with the aspect as to how and when the power of the court to declare the statute unconstitutional can be exercised, this Court referred to the earlier decision of this

Court in *Rt. Rev. Msgr. Mark Netto v. State of Kerala* [(1979) 1 SCC 23] and held in para 46 of the Report as under: (*P. Laxmi Devi case* [(2008) 4 SCC 720] , SCC p. 740)

“46. In our opinion, there is one and only one ground for declaring an Act of the legislature (or a provision in the Act) to be invalid, and that is if it clearly violates some provision of the Constitution in so evident a manner as to leave no manner of doubt. This violation can, of course, be in different ways e.g. if a State Legislature makes a law which only Parliament can make under Schedule VII List I, in which case it will violate Article 246(1) of the Constitution, or the law violates some specific provision of the Constitution (other than the directive principles). But before declaring the statute to be unconstitutional, the court must be absolutely sure that there can be no manner of doubt that it violates a provision of the Constitution. If two views are possible, one making the statute constitutional and the other making it unconstitutional, – the former – view must – always be preferred. Also, the court must make every effort to uphold the constitutional validity of a statute, even if that requires giving a strained construction or narrowing down its scope vide *Rt. Rev. Msgr. Mark Netto v. State of Kerala* [(1979) 1 SCC 23] , SCC para 6 : AIR para 6. Also, it is none of the concern of the court whether the legislation in its opinion is wise or unwise.”

Then in paras 56 and 57 the Court stated as follows: (*P. Laxmi Devi case* [(2008) 4 SCC 720], SCC p. 744)

“56. In our opinion adjudication must be done within the system of historically validated restraints and conscious minimisation of the Judges’ personal preferences. The court must not invalidate a statute lightly, for, as observed above, invalidation of a statute made by the legislature elected by the people is a grave step. As observed by this Court in *State of Bihar v. Kameshwar Singh*[AIR 1952 SC 252] : (AIR p. 274, para 52)

’52. ... The legislature is the best judge of what is good for the community, by whose suffrage it comes into existence....’

57. In our opinion, the court should, therefore, ordinarily defer to the wisdom of the legislature unless it enacts a law about which there can be no manner of doubt about its unconstitutionality.”

32. While dealing with constitutional validity of a taxation law enacted by Parliament or State Legislature, the court must have regard to the following principles:

(i) there is always presumption in favour of constitutionality of a law made by Parliament or a State Legislature,

(ii) no enactment can be struck down by just saying that it is arbitrary or unreasonable or irrational but some constitutional infirmity has to be found,

(iii) the court is not concerned with the wisdom or unwisdom, the justice or injustice of the law as Parliament and State Legislatures are supposed to be alive to the needs of the people whom they represent and they are the best judge of the community by whose suffrage they come into existence,

(iv) hardship is not relevant in pronouncing on the constitutional validity of a fiscal statute or economic law, and

(v) in the field of taxation, the legislature enjoys greater latitude for classification.

Had the High Court kept in view the above well-known and important principles in law, it would not have declared clause (d), Article 45 of Schedule I-A as violative of Article 14 of the Constitution being arbitrary, unreasonable and irrational while holding that the provision may pass the test of classification.

33. By creating two categories, namely, an agent who is a blood relation i.e. father, mother, wife or husband, son or daughter, brother or sister and an agent other than the kith and kin, without consideration, the legislature has sought to curb inappropriate mode of transfer of immovable properties, Ordinarily, where executant himself is unable, for any reason, to execute the document, he would appoint his kith and kin as his power-of-attorney holder to complete the transaction on his behalf. If one does not have any kith or kin who he can appoint as power-of-attorney holder, he may execute the conveyance himself. The legislative idea behind clause (d), Article 45 of Schedule I-A is to curb the tendency of transferring immovable properties through power of attorney and inappropriate documentation.

34. By making a provision like this, the State Government has sought to collect stamp duty on such indirect and inappropriate mode of transfer by providing that power of attorney given

to a person other than kith or kin, without consideration, authorising such person to sell immovable property situated in Madhya Pradesh will attract stamp duty at two per cent on the market value of the property which is the subject-matter of the power of attorney. In effect, by bringing in this law, the Madhya Pradesh State Legislature has sought to levy stamp duty on such ostensible documents, the real intention of which is the transfer of immovable property.

35. The ‘classification, thus, cannot be said to be without any rationale. It has a direct nexus to the object of the 1899 Act. ‘The conclusion of the High Court, therefore, that the impugned provision is arbitrary, unreasonable and irrational is unsustainable.’”

Therefore, he has contended that the interpretation is to be put as per the language–used in ‘Seddon 17(5)(d) of the Act.

18. We have heard learned counsel for both the sides.

19. The very purpose of the Act is to make the uniform provision for levy collection of tax, intra state supply of goods and services both central or State and to prevent multi taxation.

Therefore, the contention which has been raised by the learned counsel for the petitioners keeping in mind the provisions of Section 16 (1)(2) where restriction has been put forward by the legislation for claiming eligibility for input credit has been described in Section 16(1) and the benefit of apportionment is subject to Section 17(1) and (2). While considering the provisions of Section 17(5)(d), the narrow construction of interpretation put forward by the Department is frustrating the very objective of the Act, inasmuch as the petitioner in that case has to pay huge amount without any basis. Further, the petitioner would have paid GST if it disposed of the property after the completion certificate is granted and in case the property is sold prior to completion certificate, he would not be required to pay GST. But here he is retaining the property and is not using for his own purpose but he is letting out the property on which he is, covered under the GST, but still he has to pay huge amount of GST, to which he is not liable.

20. In that view. of the Matter, in our considered opinion the provision of Section 17(5)(d) is to be read down and the narrow restriction as imposed, reading of the provision by the Department, is not required to be accepted, inasmuch as keeping in mind the language used in (1999) 2 SCC 361 (supra), the very purpose of the credit is to give benefit to the assessee. In

that view of the matter, if the assessee is required to pay GST on the rental income arising out of the investment on which he has paid GST, it is required to have the input credit on the GST, which is required to pay under Section 17(5)(d) of the CGST Act.

21 . In that view of the matter, prayer (a) is required to be granted. However, we are not inclined to hold it to be ultra vires. Prayer (b) is not accepted.

The writ petition is allowed to the aforesaid extent.

IN THE CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL WEST ZONAL BENCH AT MUMBAI Appeal No. E/85322/2018 (Arising out Order-in-Appeal No. PK/59/Appeal thane /Bhiwandi/2017-18 dated 12.10.2017 passed by the Commissioner of CGST & Central Excise, Bhiwandi) Essel Propack Ltd. Appellant Vs. Commissioner of CGST, Bhiwandi Respondent Appearance: Shri Prasad Paranjape, Advocate for the appellant Shri D.S. Chavan, Supdt. (AR) for the respondent CORAM: Hon'ble Dr. Suvendu Kumar Pati, Member (Judicial) Date of hearing : 30.05.2018 Date of decision : 31.08.2018 O R D E R No: A/87216 / 2018 Denial of cenvat credit to the appellant against payment made to a third agency i.e. M/s. Shree Kalamadevi Charitable Trust for imparting training to students of underprivileged section of society in discharge of corporate social responsibility is challenged before this Tribunal. 2. Facts given arise to this appeal is that appellant M/s. Essel Propack Ltd. situated in village Vadavali at Thane District manufactures multi layer plastic laminates falling , - 2 - E/85322/2018 under chapter heading 39201012 & 39201012 of the Central Excise Tariff Act, 1985 and it has been availing cenvat credit facility under the Cenvat Credit Rules 2004. Audit was conducted in the factory and it was detected that between the period October 2009 and November 2010 cenvat credit of service tax amounting to `12,12,772/- was availed towards such company's commitment to corporate social responsibility (CSR) and audit pointed out the same to be inadmissible. Appellant was put to notice on the ground that such input service did not fall under the definition of input services given in Rule 2(l) of Cenvat Credit Rules 2004 for manufacture of appellant's final product. Upon reply, matter was adjudicated upon and holding the same to be inadmissible, Adjudicating Authority also had imposed interest and penalty on the appellant that was confirmed by the Commissioner (Appeals) GST & CE, Bhiwandi. 3. In his memo of appeal and during the course of hearing of appeal, ld. Counsel for the appellant submitted that the said expenditure was incurred by the company which was covered under the activities relating to business as provided under the definition of input services given in Rule 2(l) of the Cenvat Credit Rules 2004 and the services of students were utilised in relation to manufacturing business of the appellant since they were assigned duties to prepare data sheet, maintain production log book, support , - 3 - E/85322/2018 preventive maintenance of machines, and assist production operators and in the process, they learn the nature of job that made them eligible to become future workers in factories. 4. Ld. Counsel for the appellant Shri Prasad Paranjape also pointed out with reference to judicial decision that the concept of business is not static and over the period of

time, the expression involves complete care and concern for the society at large and the people of the locality in which business is located in particular for which the term activities relating to business is of wider ramification and corporate social responsibility is within its ambit that would cover rule 2(1) of the Cenvat Credit Rules for which he prays for purposive interpretation to be imported to the Rule governing cenvat credit. 5. In response, the Id. AR for the department submitted that there was no nexus of input services with the business activity of the appellant since CSR activities are welfare activities and not related to business/ production related activities. He further submitted that the service of imparting training have been provided by the trust M/s. Shree Kalamadevi Charitable Trust to the students of the weaker section of society and not by the appellant company itself and therefore there was no service provided by the , - 4 - E/85322/2018 Trust against which cenvat credit is claimed by the appellant. Further, the appellant bifurcated the service input in three parts namely i) Canteen service ii) Supervision of students iii) Consultation and overall development of students and those services were received by the M/s. Shree Kalamadevi Charitable Trust from various tenders against which reimbursement of expenses were claimed by the trust and the same was reimbursed that would not fulfil the requirement of input service availed by the appellant. Ld. AR of the department also pointed out that Section 135 of the Companies Act effective from 01.04.2014 on mandatory CSR activities to be discharged by the company pertains to the period not covered under the period of dispute which was between October 2009 and November 2010 and therefore the contention of the Id. Advocate for the appellant that such obligation of CSR activity was discharged in compliance to statutory obligation is not to be accepted. In citing judicial decisions on these issues and highlighting the judgment reported in 2012 (26) STR 514 (Kar) in the case of Millipore India Pvt. Ltd. and 2010 (20) STR 456 in the case of Manikgarh Cement, Id. AR submitted that credit of service tax paid on input services for CSR were not covered under Cenvat Credit Rules for which the order passed by the Commissioner (Appeals) needs no interference by the , - 5 - E/85322/2018 Tribunal since input services cannot be stretched to such an extent that it becomes practically illogical that would cover all activities of the appellant whether or not related to his business.

6. Heard from both sides at length and perused the case records, judicial precedent placed by both the parties, statutory provisions as well as the concept of CSR found mentioned in Section 135 of the Companies Act and the reason of incorporation of such a provision into Companies Act to reach at a definite conclusion as to if such CSR can be brought into the purview of the definition given under Section 2(1) of the Cenvat Credit Rules or the same was a charitable activity before being made a statutory requirement for certain categories of Industrial units/ Companies. 6.1. As found from the Handbook on CSR published by the Confederation of Indian Industry (CII) there is no single Universal accepted definition of CSR, though roots of CSR lie in philanthropy activity of Corporations globally. The concept of CSR has evolved and now encompasses all related concept including corporate sustainability since EC defines CSR as the responsibility of enterprises arose for their impact on society who should have in place a process to , - 6 - E/85322/2018 integrate social, environmental, ethical human rights and consumer consciousness into the business operation and core statute in close collaboration with their stake holders. The World Bank CST defines CSR as “the continuing commitment by business to contribute to economic development while meeting the quality of life in the work place and their family as well as of the

community and society at large.” Similarly, United Nations IDO also defines it as a management concept whereby companies integrate social and environmental concerns in their business operations and interaction with stakeholders (not only with share holders). Therefore, CSR is generally understood as being the way through which the company achieves a balance of economic, environmental and social imperatives (triple bottom line approach), while at the same time it addresses the expectations of stake holders and shareholders. UNIDO further elaborates it by saying that in this sense it is important to draw a distinction between CSR, which can be a strategic business management, and charity, sponsorship or philanthropy. Even though the latter can also make a valuable contribution to poverty deduction, CSR will directly enhance , - 7 - E/85322/2018 reputation of a company and strengthens its brand. The concept of CSR clearly goes beyond charity. 6.2. From the above definition, it is clear that CSR is not only a holistic approach but it has integrated the core business strategy since it addresses the wellbeing of all stake holders and not just companies shareholders. 6.3. The handbook further emphasises the usefulness or benefit of robust CSR programme and among the important outcomes, it stresses importance on four components namely:- i) Community’s participation provide the licence to operate companies as government licenses would not suffice such smooth operation. ii) It attracts and boosts employees and encourages them to participate by enhancing employees moral that they all belong to the company. iii) Companies have invested in CSR to enhance community livelihood by incorporating them in their supply chain. This has not only benefited communities and increased their in complacency but has provided the company with additional or secure supply of raw material. , - 8 - E/85322/2018 iv) It enhances the reputation of company, its goodwill by creating a positive image and branding benefits that continue to exist for companies who operate CSR programmes. 6.4. The essence of the above discussion would indicate that CSR is not a charity any more since it has got a direct bearing on the manufacturing activity of the company which is largely dependent on smooth supply of raw materials even from remote location or tribal belts (that requires no resistance in the supply chain from the community) and the same also augments the credit rating of the company as well as its standing in the corporate world. 7. Now coming to the issue in hand, the appellant’s contention is that it had engaged youth from the lower strata of the society in its factory to provide them on the floor exposure to the production activities of the company and it so doing, it has engaged them in preparation of data sheet, maintenance of production log book, preventive maintenance of the machine and assist in production operation as well as transfer of raw materials etc. So the same is included within the manufacturing activities besides the fact that the purpose was to discharge CSR obligations. Further it also claims that such denial of cenvat credit , - 9 - E/85322/2018 cannot be done at the receivers end in view of settled position of law. 8. The refusal of such cenvat credit availed by the appellant by the department, was mainly on three scores. First, CSR is a charity which is unrelated to production. Second, no direct service was availed by the appellant from the said Kalama charitable Trust as it had made the expenditure itself and sought reimbursement from the appellant. Third, the same is not in conformity to the Rules meant for raising of invoice as contemplated under Rule 9(2) besides being outside the scope of input service defined under Rule 2(l) of the Cenvat Credit Rules 2004 for which the credit as referred above was inadmissible. 9. The stand of the department is reiteration of the order-in-original passed by

the Jt. Commissioner of Central Excise, Thane I that was also affirmed by the Commissioner (Appeals) Thane on the ground that the reimbursement of expenses is nothing but financial assistance in the form of charity made to Kalama Charitable Trust. Reliance has been placed on the decision of the CESTAT Chennai bench in 2011 (268) ELT 86 (Tri-Chennai) in holding such finding by the first appellate authority and justification of invocation of extended period was made by the Commissioner (Appeals) of the basis of finding given by the Hon'ble , - 10 - E/85322/2018 Supreme Court reported in 2011 (264) ELT 861 (SC) and by the Hon'ble Gujarat High Court in 2010 (256) ELT 369 (Guj). 10. Appellant argued before this Tribunal with reference to the judgment passed in the case of Coca Cola India Pvt. Ltd. reported in 2009 (15) STR 657 (Mum) by the Hon'ble High Court of Mumbai and the Hon'ble Supreme Court reported in 1988 (36) ELT 201 (SC), that the expression "business" as found in the definition of "input service" is not confined or restricted to mere manufacture of products and it has wide importation that would include those activities which might both have a direct as well as indirect significance and it can cover all the activities that are related to the functioning of business for which the scope of the term "activities relating to business" referred in Section 2 is very wide. 10.1. To this, the reply of the Id. AR for the department is that even if such an activity was not carried out, the appellant's activity of manufacturing and sale of excisable goods would have continued. In placing reliance on the decision reported in Millipore India Pvt. Ltd. (supra) and decision of the Bangalore Tribunal in Mangalore Refinery and Petrochemicals Ltd. case reported in 2015 (10) STR 1093 that distinguished the Mangalore Refinery case. He thrust his emphasis on the copy of the agreement made between the , - 11 - E/85322/2018 appellant and the M/s. Shree Kalamadevi Charitable Trust about which reference is also made in the orderin-original that although the Trust and the company specifically agreed with the training being provided by the company, it was purely towards CSR initiative driven by the company (para 13 at page 57 of the appeal paper book) and therefore no separate stand can be taken by it that students were engaged in the manufacturing activity. It pertains to the dispute for the year 2009-10. Therefore in the instant case without any statutory obligation, the activities of the appellant falls in the category of charity and not manufacturing. 11. To pin point the dispute, it is now to be looked into as to if CSR can be considered as input service and be included within the definition of "activities relating to business" and if in so doing, a company's image before corporate world is enhanced so as to increase its credit rating as found from the handbook of CSR activities discussed above. The answer is in the affirmative since to win the confidence of the stake holders and shareholders including the people affected by the supply of raw material from their locality say natural resources like mines and minerals etc. the hazardous emission that may result in production activities. , - 12 - E/85322/2018 11.1. It has been argued by the Id. AR that in the Rajya Sabha, the Minister of Corporate Affairs stated on 22.02.2013 that there is no provision for CSR before introduction of Companies Bill 2012 but as found from the handbook referred, there was existence of such provision (may not be in the form of statutory provision) regarding discharging of CSR activities by the companies as it says that new guidelines issued by the DPE in April 2013 would replace two existing separate guidelines on CSR and sustainable development issued in 2010 and 2011 respectively. Therefore sustainability is dependent on CSR without which companies cannot operate smoothly for a long period as they are dependent on various stake holders to conduct business in an

economically, socially and environmentally sustainable manner i.e. transparent and ethical. Hence in my considered view, CSR which was a mandatory requirement for the public sector undertakings, has been made obligatory also for the private sector and unless the same is to be treated as input service in respect of activities relating to business, production and sustainability of the company itself would be at stake. The relied upon case laws, which have equated CSR only with charity and not covered the other aspects of CSR namely , - 13 - E/85322/2018 triple bottom-line approach (discussed above), corporate citizenship, philanthropy, (charity just being a part only), strategic philanthropy, share value, corporate sustainability and business responsibility are of no application to the case on hand. Further, CSR activity being held as input service that was maintained by the appellant through an agency(Trust), the other dispute relating to suppression etc. that would attract extended period is not required to be discussed in the appeal, nor the part acceptance of the duty liability by the appellant. Hence the order – Order The appeal is allowed and the order passed by the Commissioner (Appeals) demanding duty, interest and penalty against input service availed by the appellant company towards fulfilment of CSR activity is hereby set aside.

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2. SCC ONLINE
3. TAXMANN'S GST ON WORK CONTRACT AND OTHER CONSTRUCTION
4. PADHUKA'S GST MANUAL