

INDIA JURIS

Supreme Court: Supreme Court and High Courts should get photocopies of the trial court records to decide the case and needn't be given original documents

The Apex Court Bench comprising of Justice A K Goel and Justice R F Nariman on April 25, 2018 while dealing with the matter titled as Asian Resurfacing Of Road Agency P. Ltd. And Anr. Versus Central Bureau Of Investigation ruled the present practice must be done away with and the SC and HCs should get photocopies or scanned copies of the trial court records to decide the case and the original documents should remain with the trial court to ensure uninterrupted proceedings.

The Supreme Court has taken a significant step to ensure speedy completion of trials, holding that the present practice of higher courts seeking original records of a case from lower courts must be done away with.

Original records are sought by the Supreme Court and High Courts while hearing a plea of an accused challenging interim order of a trial court. The proceedings in the lower court get stalled till the documents are sent back to it from the Supreme Court or High Court.

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Bombay High Court nullifies 9-year-old marriage on grounds of non-consummation

The Bombay High Court in the matter titled as Supriya Subhash Bhatmare Vs. Shivanand Babaso Swami (Second Appeal No. 851 Of 2015) pronounced on 27th April, 2018 has allowed an appeal against a judgment of a District Court in Kolhapur and nullified a 9-year-old marriage between two parties on grounds of non-consummation.

A couple from Kolhapur had been fighting legal battles since the day they got married nine years ago the woman claimed that the man had fraudulently married her by getting her to sign blank documents. She had sought that the marriage be annulled, while he had opposed it.

Justice Mridula Bhatkar held that the first appellate court at Kolhapur had erred in holding that the marriage was valid despite the fact that there was no consummation.

Justice Mridula Bhatkar observed: "The Court has come across the most ironical situation

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that both the parties though unanimously claim that they did not stay together even for a day, are fighting with each other for nine years on the issue of their nuptial relationship. Thus, without leading a married life even for a day, the dispute of nullity is going on for 9 years. On the point of nullity, two substantial questions of law are raised in view of the requirement of Section 25 of Special Marriage Act."

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