AILET

Last Minute Revision for CLAT PG: Important Judgements for the Month of August- Part II

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Preparing for CLAT 2025 and looking for comprehensive resources? Read this post to go through Part II of the important judgements of August.

Delhi High Court Restrains Crocodile International from Using Crocodile Trademark, Sides with Lacoste in Longstanding Trademark Dispute

- Case: Lacoste & Anr v. Crocodile International Pte Ltd & Anr
- Lacoste, a global fashion brand, filed a suit against Crocodile International in 2001 to protect its crocodile logo trademark. Lacoste argued that the Crocodile International logo, though mirrored, was deceptively similar.
- The Court noted significant visual and conceptual parallels between the two logos, concluding that these could confuse consumers and infringe upon Lacoste’s trademark under Section 29(1) of the Trade Marks Act.
- The Delhi High Court issued a permanent injunction against Crocodile International, prohibiting it from using the crocodile logo in India, emphasising the importance of protecting Lacoste’s trademark distinctiveness.

Allahabad High Court Upholds Insult to National Flag Case, Emphasises Flag’s Symbolic Significance

- Case:Gulamuddin and 5 Others vs. State of UP and Another
- Six individuals faced criminal charges for carrying a Tiranga, the Indian national flag, adorned with Arabic verses during a religious procession. The defendants argued there was no evidence that the flag was the official Tiranga.

- The Court highlighted the Tiranga's role as a unifying symbol of Indian sovereignty and identity and noted that acts of disrespect toward it could disrupt social harmony, especially in a diverse country like India.
- The Allahabad High Court rejected the plea to quash the case, stating that assessing the reliability of evidence lies outside its jurisdiction under Section 482 CrPC, underscoring the national flag's sanctity.

Jammu and Kashmir and Ladakh High Court Rules Lok Adalat Cannot Dismiss Cases for Non-Appearance

- Case:Syed Tajamul Bashir v. Mohammad Ayoub Khan
- The petitioner challenged a Lok Adalat's decision to dismiss a cheque bounce case for non-prosecution, questioning its authority under the Legal Services Authority Act to dismiss instances based on non-appearance.
- The Court highlighted that Lok Adalats exist to encourage alternative dispute resolution and can only pass awards when both parties reach a settlement. If no settlement is reached, the case must be referred back to the referring court.
- The High Court set aside the Lok Adalat's dismissal, clarifying that Lok Adalats lack the authority to dismiss cases for non-prosecution and should instead refer unresolved cases back to the judicial system.

Madras High Court Criticises Indiscriminate Use of Preventive Detention in Financial Cases

- Case: C. Selvaraj v. State of Tamil Nadu
- The petitioner challenged his preventive detention under the Goondas Act, arguing that his case, involving alleged financial fraud using false bank accounts, did not meet the criteria for such detention.
- The High Court questioned the state's application of preventive detention in non-public order cases, pointing out that financial fraud does not typically endanger public order in the manner required by the Goondas Act.

- The Court quashed the preventive detention order, reinforcing that the Goondas Act should not be used in individual financial cases without a clear threat to public order.

Punjab and Haryana High Courts' Power to Grant Ad-Interim Maintenance to Ensure Immediate Relief

- Case: Husband vs. Wife and Child
- The petitioner sought to overturn a family court's order granting ₹15,000 in provisional maintenance to his wife and child, arguing that such interim relief lacked legislative backing.
- The High Court emphasised that Section 125 of CrPC and Section 144 of the Bharatiya Nyaya Sanhita (BNSS) mandate courts to consider the moral and social obligations of a husband/father towards his family, allowing for ad-interim maintenance as an implied power.
- The Court upheld the family court's order, reinforcing the judicial mandate to provide interim relief to vulnerable parties in urgent need, especially in cases involving immediate medical or financial assistance.