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**IN THE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**  
**CIVIL APPEAL NOS. 10866-10867 OF 2010**

**IN THE MATTER OF: -**

M. Siddiq (D) Thr. Lrs. ... Appellant

**VERSUS**

Mahant Suresh Das & Ors. etc. etc. ... Respondents

**AND**  
**OTHER CONNECTED CIVIL APPEALS**

**SUBMISSION NO.1 A**

**BY**

**DR. RAJEEV DHAVAN, SENIOR ADVOCATE**

**COMPILATION ON ENGLISH LAW IN INDIA AND JUSTICE  
EQUITY AND GOOD CONSCIENCE IN MODERN INDIAN LAW**

(PLEASE SEE INDEX INSIDE)

ADVOCATE-ON-RECORD: EJAZ MAQBOOL

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**CASES ON JUSTICE, EQUITY AND GOOD CONSCIENCE AS STATED IN  
COMPILATION**

S No.	Year	Case	Particulars	Reference
1.	1860	Collector of Masulipatnam v Cavaly Vencata Narrainappa (8 M.I.A 529)	Succession and Escheat. Law.	Page 83
2.	1862	Varden Seth Ram v Luckpathy 9 M.I.A. 303	Creation of Lien by deposition of Title Deeds.	Page 80
3.	1862	Culliandoss Kirparam v. Cleveland [(1862 2 I.J. O.S 15)],	Easement.	Page 47
4.	1864	Mayna Bai v. Uttaram [(1864) 2 M.H.C.R 196, 203-204,]	Question of applicable law to descendants of a Hindu woman who lived as a mistress to a Non Hindu man.	Page 56
5.	1865	Daba Honaji v. Babaji [2 Bom. H.C.R 36(1865)]	Specific Relief.	Page 81
6.	1870	Ibrahim Saib v Muni Mir Udin Saib [(1870) 6 M.H.C.R 26]	Islamic law of pre-emption challenged.	Page 47
7.	1871	Braja Kishore Surma v. Kirti Chandra Surma [(1871) 7 Beng L.R 19,25]	Pre-emption. An offer of sale was made to a pre emptor and he refused to avail himself of it and consented to a sale to a stranger.	Page 57
8.	1873	Gokuldass v Kriparam [(1873) 13 Ben. L.R 205, 213]	Mortgage and Foreclosure; Right of Redemption.	Page 55
9.	1881	Re Kahandas Narrandas (1881 I.L.R 5 Bom. 154)	In all matters of trust, Hindus in India must resort to English law.	Page 49
9.	1882	Raj Bahadur v. Bishen Dayal [(1882) I.L.R 4 All 343.]	The family was neither Hindu nor Mohammedan and therefore Justice, Equity and Good Conscience were to apply to the suit.	Page 54

10.	1887	Waghela Rajsanji v. Shekh Malsudin [14 I.A. 89,96 (1887)]	Power of a guardian to enter into an agreement so as to bind the minor.	Page 82
11.	1890	Pattabhiramier v. Vencatarow Naicken (13 M.I.A.560),	Mortgage and Right to Redemption. False Deed in support of true claim.	Page 86
12.	1894	Lalla Sheo Churn Lal v. Ramnandan Dobey, [(1894) I.L.R 22 Cal 8, 12]	Gross Negligence on the part of a next friend in conducting a suit would be a ground for allowing the minor to institute a fresh suit.	Page 27 (footnote 2), Page 49
13.	1894	Abu Fateh v Russomoy (LR 22 I.A 76),	Private Waqf.	
14.	1896	Norendra Nath Sircar v Kamala Basini Dasi (23 I.A 18),	The Privy Council gave a warning against the use of English cases to interpret wills of people of India.	Page 85
15.	1908	Akshay Chandra Bhattacharya v Hari Das Goswami (I.L.R 35 Cal 721)	Inheritance.	Page 56
16.	1920	Satish Chandra Chakravarti v. Ram Doyal De, [(1920) I.L.R 48 Cal 388]	Defamation.	Page 50
17.	1921	Gokal Chand v. Hukum Chand [(1921) ILR 2 Lah 40],	Gains of Learning, and the law governing it.	
18.	1921	Vidya Varuthi Thirtha v. Balusami Ayyar &ors (1921 48 I.A 302)	Alienation of property by head of a Mutt.	Page 46
19.	1930	Maharban Khan v. Makhana (57 I.A 168)	Mortgage. Redemption.	Page 83
20.	1939	Krishna Mudaliar v. Marimuthu Mudaliar [(1939) AIR Bom 59]	Gotrajasapindas should dislodge atmabandhus as if they were indeed true gotrajas.	Page 46
21.	1940	The Mosque Known as Masjid Shahid Ganj & Ors v. Shiromani Gurudwara Parbandhak Committee,	The Court Authority held that on the change of sovereignty in 1857-58, it was the English law and not law of the	

		Amritsar, and Anr [(1940) 67 I.A 251),	previous regimes that would apply.	
22.	1953	Namdeo Lokman Lodhi v. Narmadabai and Ors (1953 AIR 228)	Section III (g) of the Transfer of Property Act, 1882	Page 66
23.	1955	Chinnaswami Chettiar v. Sundarammal [(1955) 1 M.L.J 312, 315]	A fire had spread to a neighbour's property thereby damaging it.	Page 51
24.	1965	Murari Lal v. Devkaran (AIR 1965 SC 225)	Clog on equity of redemption.	Page 65
25.	1970	Khushro v. Guzder (AIR 1970 SC 1468)	Tort. The Court upheld that the old English law, prior to Brown v. Mooton (80 HR 47), must be applied as it was closer to the principles of Justice, Equity and Good Conscience.	Page 101-109

**STATUTES RELATED TO JUSTICE, EQUITY AND GOOD CONSCIENCE  
AS STATED IN THE COMPILATION**

Sr No	Year	Statute	Reference
1.	1781	Impey's Regulation of 1781	Page 27
2.	1781	Regulations for the Administration of Justice in the Courts of Dewannee Adaulut (Divani Adalat or Civil Court) of the provinces of Bengal, Bihar and Orissa	Page 21
3.	1793	Regulation III of Bengal	Page 65 (footnote 4)
4.	1802	Regulation II of Madras	Page 65 (footnote 4)
5.	1827	Regulation of 1827	
6.	1827	Regulation IV of Bombay	Page 65 (footnote 4)
7.	1832	Regulation VII	Page 53
8.	1858	Government of India Act	
9.	1863	Act XX of 1863	
10.	1872	Punjab Laws Act, Act IV of 1872 (stating that customs should not be contrary to natural justice)	Page 44
11.	1873	Madras Civil Courts Act	Page 65
12.	1887	Bengal Civil Courts Act	Page 65
13.	1913	Mussalman Wakf Validating Act	
14.	1930	Mussalman Wakf Validating Act	
15.	1930	Hindu Gains of Learning Act	