

Run By Shorthand Dictation Legal Matters

Since 2005

(Sir Isaac Pitman's Shorthand)

Krishna Shorthand Institute

कृष्णा आशुलिपिक संस्थान

(English Only) By. A.V. Kushwaha

(For Govt. Jobs, SSC (Group D & C), Supreme Court, High Court, District Courts, ASRB, CRPF, Railway, CBSC & all other departments requiring "English Stenographer/ Personal Assistant/Private Secretary"

(87, Sulem Sarai, Prayagraj, Uttar Pradesh)

(Contact No. 7355504435)

Note:

- 1. This dictation has two parts ie dictations No. 9 & 10.**
- 2. First, the dictation passage will be provided.**
- 3. Then outlines of important underlined words and phrases.**
- 4. Thereafter, important vocabulary and accuracy tips.**
- 5. Lastly, Some analysis of punctuation.**

Krishna Shorthand Institute, Online English Shorthand Class at 7355504435 by Sir AV Kushwaha, Shorthand Dictation Legal Matters.

NOTE: Very important latest created passage for Supreme Court/High Court/District Court/Tribunal etc. related skill tests apart from speed building.

Volume 1, Dictation No. 10

Note: Outlines of all highlighted words/phrases are given at the end of the passage. Adopt all better outlines than yours.

The bar contained in Section 34 is wide and encompasses even matters which are yet to be taken, provided they fall within the domain of the Tribunal. At the same time, the extraordinary jurisdiction of the High Court under Article 226 is not completely excluded, though it is to be exercised sparingly in cases where the action complained of is wholly without jurisdiction or in violation of principles of natural justice. In the present case, it is not in dispute that the account of the appellant was declared non-performing asset, and immediately thereafter, notice under Section 13(2) was issued. Objections filed by the appellant were duly considered and rejected. Thereafter, possession notice and sale notice were issued, which culminated in the proposal for auction of the

Krishna Shorthand Institute, Online English Shorthand Class at 7355504435 by Sir AV Kushwaha, Shorthand Dictation Legal Matters.

secured assets. The appellant not only approached the Civil Court but also sought interim injunction against the proposed sale. The plaint was, however, rejected on the ground that the suit was barred under Section 34. This Court finds no error in the reasoning adopted by the Commercial Court, for once measures under Section 13(4) were taken, the exclusive jurisdiction to adjudicate any grievance vested in the Debts Recovery Tribunal.

The contention advanced on behalf of the appellant that declaration of account as a non-performing asset is not a measure under Section 13(4) and therefore challenge to it could be laid before a Civil Court, cannot be accepted. As held by this Court in *Mardia Chemicals*, the bar applies not only to measures actually taken but also to matters which may be taken in pursuance of the power conferred under the Act. Declaration of account as non-performing asset is an integral step leading to the exercise of powers under Section 13(4). It cannot be dissected from the subsequent measures, for the entire scheme is inter-connected.

Another argument advanced on behalf of the appellant is that the plaint ought to have been examined only on the averments contained therein, without reference to the defence of the bank. This submission, though attractive at first glance, does not hold good when the plaint itself, as amended, contained reference to the notices and measures

Krishna Shorthand Institute, Online English Shorthand Class at 7355504435 by Sir AV Kushwaha, Shorthand Dictation Legal Matters.

undertaken by the bank. Once the plaint itself adverts to such proceedings, the Court was fully justified in considering the same for deciding the application under Order VII Rule 11 of the Code of Civil Procedure.

At this juncture, it is apposite to observe that the law does not countenance a situation where a borrower can by clever drafting of the plaint circumvent the statutory remedy and create jurisdiction in a forum which is otherwise excluded. The courts have repeatedly cautioned against such attempts and have insisted that the scheme of the Act must be respected. The Tribunal has been constituted precisely to deal with disputes between borrowers and secured creditors, and it would defeat the very object of the legislation if borrowers are permitted to resort to Civil Courts at every stage.

(Contact No. 7355504435)

On the question of exercise of writ jurisdiction by the High Court, this Court is equally clear that the dismissal of the writ petition cannot be faulted. The High Court rightly observed that the petitioner had an efficacious alternative remedy before the Tribunal. It is only in rare and exceptional cases of palpable lack of jurisdiction or blatant violation of natural justice that the writ jurisdiction would be exercised, and the present case does not fall in that category.

In conclusion, this Court holds that the order of the Commercial Court rejecting the plaint does not suffer from any infirmity, and the High Court was correct in refusing to entertain the writ petition. The appeal, therefore, deserves to be dismissed.

Total Words 608

Total Words 631 Total 601+608=1209

Since 2005

(Sir Isaac Pitman's Shorthand)

Krishna Shorthand Institute

Outlines of all highlighted words and phrases.

Adopt only those outlines which are better than yours.

bar

Govt. Jobs, SSC (Group D & C), Supreme Court, High Court, District Courts, ASRB, CRPF, Railway, CBSC & all other departments requiring "English Shorthand" Personal Assistant/Private Secretary

**contained
in Section
wide**

(87, Sulem Sarai, Prayag

(Contd.)

encompasses

domain

within the

Tribunal

At the same time

extraordinary jurisdiction

excluded

sparingly

Krishna Shorthand Institute, Online English Shorthand Class at 7355504435 by Sir AV Kushwaha, Shorthand Dictation Legal Matters.

principles of natural justice

in the present case

it is not

in dispute

objections

possession

culminated

assets

Run By Shorthand Dictation Legal

(Sir Isaac Pitman's Shor

approached

interim injunction

sought

plaint

barred

Commercial Court

exclusive

grievance vested

on behalf of the

appellant

in pursuance of the

conferred

integral

exercise of powers

dissected

it cannot be

subsequent

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

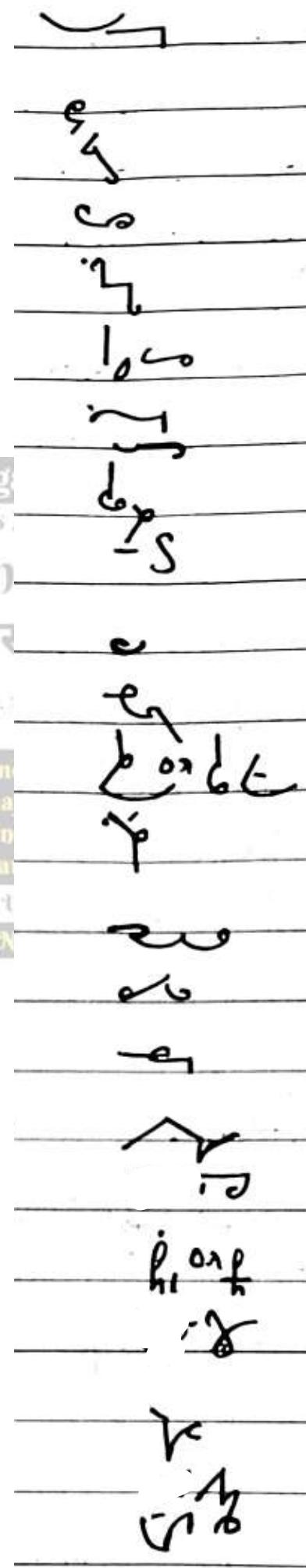
13.

14.

15.

Krishna Shorthand Institute, Online English Shorthand Class at 7355504435 by Sir AV Kushwaha, Shorthand Dictation Legal Matters.

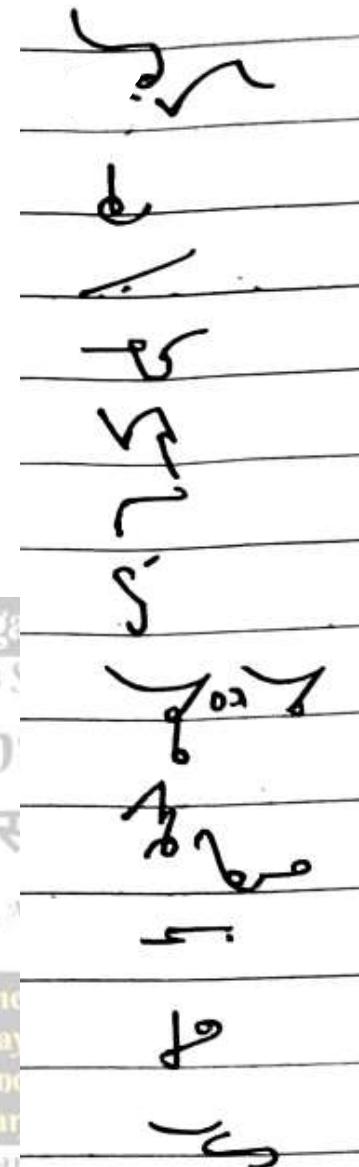
inter-connected
is that the
ought to have been
averments
attractive
at first glance
amended,
undertaken
adverts
to such proceedings
application
under Order
Code of Civil Procedure.
At this juncture
apposite
countenance
circumvent
excluded
repeatedly
cautioned
constituted
precisely
to deal with
writ jurisdiction
faulted



SSC/Court Skill Test Based Dictations: It covers all skill tests conducted by SSC etc including any Court (Supreme Court, High Court, District Courts, Tribunals, Law Firms).

Krishna Shorthand Institute, Online English Shorthand Class at 7355504435 by Sir AV Kushwaha, Shorthand Dictation Legal Matters.

efficacious
alternative
it is only
rare
exceptional
palpable
lack of
blatant
natural justice
writ jurisdiction
present case
category
deserves
infirmity
in conclusion



www.shorthanddictation.com

(Increase your vocabulary:

Learn New and Important Words of the Matter)

Keep revising all new words learned.

Legal/General Matter

1. **bar:** (noun/verb) legal prohibition or obstruction प्रतिबंध

2. **barred:** (verb) (past tense) prohibited or blocked प्रतिबंधित किया

3. **contained:** (verb) (past tense) included or held within समाहित किया

Accuracy Mantra:

4. **wide:** (adjective) broad, extensive व्यापक

Accuracy Mantra: Don't transcribe it as vide, which means to see देखें

• **Wide Meaning:** broad

Pronunciation: /waɪd/ → वाइड (waid)

• ✓ **Example:** The road is wide.

• **Vide Meaning:** see, refer to (legal/official use)

- **Pronunciation:** /'viː.də/ or /vɔɪd/ → वैडी (vaidee) / वैड (vaid)
- ✓ **Example:** Vide Section 10 of the Act.

5. encompasses: (verb) (present tense) includes or covers within scope समाहित करता है

6. domain: (noun) area of authority or control क्षेत्राधिकार

7. at the same time: (adverbial phrase) simultaneously साथ ही साथ

8. extraordinary jurisdiction: (noun phrase) special legal authority असाधारण न्यायाधिकार

9. excluded: (verb) (past tense) left out or barred बाहर रखा गया

10. sparingly: (adverb) in limited amounts; rarely सीमित रूप से

11. principles of natural justice: (noun phrase) basic fairness rules प्राकृतिक न्याय के सिद्धांत

12. objections: (noun) (plural) formal disagreements or protests आपत्तियां

13. possession: (noun) the state of owning or controlling कब्जा

14. culminated: (verb) (past tense) reached the highest point परिणत हुआ

15. assets: (noun) (plural) valuable possessions or property संपत्ति

16. interim injunction: (noun phrase) temporary court order अंतरिम निषेधाज्ञा

17. sought: (verb) (past tense) requested or tried to obtain मांगा

18. plaint: (noun) written statement of claim in court वादपत्र

19. exclusive: (adjective) sole; not shared with others अनन्य

20. grievance: (noun) complaint or feeling of injustice शिकायत

21. **vested:** (verb) (past tense) legally established or settled निहित

22. **in pursuance of the:** (prepositional phrase) in accordance with के अनुसरण में

23. **conferred:** (verb) (past tense) granted or bestowed प्रदान किया

24. **integral:** (adjective) essential; forming a whole अभिन्न

25. **exercise of powers:** (noun phrase) use of authority शक्तियों का प्रयोग

26. **dissected:** (verb) (past tense) analyzed in detail विच्छेदित किया

27. **inter-connected:** (adjective) linked together परस्पर जुड़ा हुआ

28. **averments:** (noun) (plural) positive assertions in pleading अभिकथन

29. **at first glance:** (adverbial phrase) at first sight पहली नजर में

30. **amended:** (verb) (past tense) officially changed or modified संशोधित किया

31. **undertaken:** (verb) (past tense) carried out or performed किया गया

32. **adverts:** (verb) (present tense) refers to or mentions संदर्भित करता है

33. **at this juncture:** (adverbial phrase) at this point इस मोड़ पर

34. **apposite:** (adjective) very appropriate; relevant उपयुक्त

35. **countenance:** (verb) accept or approve of स्वीकार करना

36. **circumvent:** (verb) find a way around; bypass दरकिनार करना

37. **cautioned:** (verb) (past tense) warned सावधान किया

38. **constituted:** (verb) (past tense) established or formed गठित किया

39. precisely: (adverb) exactly; accurately

सटीक रूप से

40. writ jurisdiction: (noun phrase) court's power to issue writs रिट न्यायाधिकार

41. faulted: (verb) (past tense) criticized or found fault with दोष लगाया

42. efficacious: (adjective) effective; producing desired result प्रभावी

43. alternative: (adjective/noun) another option; different choice विकल्प

44. rare: (adjective) uncommon; infrequent दुर्लभ

45. exceptional: (adjective) unusual; out of the ordinary असाधारण

46. palpable: (adjective) clearly evident; obvious स्पष्ट

47. blatant: (adjective) openly disregardful; flagrant खुला

48. **natural justice**: (noun phrase) fundamental fairness principles प्राकृतिक न्याय

49. **category**: (noun) class or division श्रेणी

50. **deserves to be**: (verb phrase) merits or is worthy of योग्य है

51. **infirmity**: (noun) weakness or defect कमज़ोरी

Accuracy Builder: Capitalization

Following words to be written in capital letters;

1. **Section 34** - Statutory references are capitalized when referring to specific provisions

2. **Tribunal** - Capitalized when referring to a specific judicial body

3. **High Court** - Proper noun referring to a specific judicial body

4. **Article 226** - Reference to specific constitutional provision

5. **Section 13(2)** - Statutory references are capitalized when referring to specific provisions
6. **Civil Court** - Proper noun referring to a specific type of court
7. **Section 34** - Statutory references are capitalized when referring to specific provisions
8. **Court** (referring to Supreme Court) - Always capitalized when referring to the Supreme Court or specific court
9. **Commercial Court** - Proper noun referring to a specific type of court
10. **Section 13(4)** - Statutory references are capitalized when referring to specific provisions
11. **Debts Recovery Tribunal** - Proper noun; official name of a specific legal institution
12. **Mardia Chemicals** - Case name (proper noun)

13. **Act** - Capitalized when referring to a specific statute

14. **Order VII Rule 11** - Reference to specific procedural rule

15. **Code of Civil Procedure** - Official name of a specific legal code

16. **Court** (multiple instances) - Capitalized when referring to specific judicial institutions

17. **Civil Courts** - Proper noun referring to specific type of courts

Accuracy Builder: Comma

Comma Usage in the Passage - Simple Explanation

1. INTRODUCTORY PHRASES/CLAUSES

Use commas after introductory phrases that come before the main clause

- "At the same time, the extraordinary jurisdiction..."
- "In the present case, it is not in dispute..."
- "Thereafter, possession notice and sale notice..."
- "At this juncture, it is apposite to observe..."

Simple Rule: When you start a sentence with a phrase that sets up the main idea, put a comma after it.

2. NON-RESTRICTIVE (EXTRA INFORMATION) CLAUSES

Use commas to enclose clauses not essential to the meaning of a sentence

- "The plaint was, however, rejected..."
- "As held by this Court in Mardia Chemicals, the bar applies..."

Simple Rule: If you can remove the information between commas and the sentence still makes sense, use commas around it.

3. COMPOUND SENTENCES (JOINING CLAUSES)

Use commas before coordinating conjunctions (but, and, or) when joining independent clauses

- "...it is to be exercised sparingly in cases where the action complained of is wholly without jurisdiction, or in violation of principles..."
- "The appellant not only approached the Civil Court, but also sought interim injunction..."

Simple Rule: When joining two complete thoughts with "and," "but," "or," put a comma before the connecting word.

4. ITEMS IN A SERIES

Use commas to separate items in a list

- "Objections filed by the appellant were duly considered, and rejected"
- "...possession notice, and sale notice were issued"

Simple Rule: When listing three or more items, put commas between them.

5. PARTICIPIAL PHRASES

Use commas with participial phrases

- "Declaration of account as non-performing asset is an integral step, leading to the exercise of powers..."

Simple Rule: When a sentence has an "-ing" phrase that adds extra information, use commas around it.

6. TRANSITIONAL/CONNECTING PHRASES

Use commas after transitional words and phrases

- "As held by this Court in Mardia Chemicals, the bar applies..."
- "Therefore, challenge to it could be laid..."
- "In conclusion, this Court holds..."

Simple Rule: Words like "however," "therefore," "in conclusion" get commas after them.

7. BEFORE RELATIVE CLAUSES (NON-ESSENTIAL)

- "...matters which are yet to be taken, provided they fall within the domain..."

Simple Rule: Use commas before "which," "who," "where" when the information is extra (not essential to identify what you're talking about).

8. APPositives (Renaming/Explaining Phrases)

- "This submission, though attractive at first glance, does not hold good..."
- "...the plaint itself, as amended, contained reference..."

www.shorthanddictation.com

Simple Rule: When you add extra information that explains or renames something, surround it with commas.

9. CONDITIONAL CLAUSES

- "...provided they fall within the domain of the Tribunal"
- "...if borrowers are permitted to resort to Civil Courts..."

www.shorthanddictation.com

Simple Rule: Use commas to separate conditional statements that begin with "if," "provided," "unless."

MEMORY TRICK: Ask yourself: "Can I remove this part and still understand the main message?" If yes, use commas around it!

By Sir AV Kushwaha,

Principal,

Krishna Shorthand Institute,

via online Telegram Class through 7355504435

www.shorthanddictation.com