A decorative graphic on the left side of the slide consists of two overlapping triangles pointing to the right. The top triangle is outlined in purple, and the bottom triangle is outlined in orange. The area where they overlap is filled with a solid purple color.

HOW TO ANALYSE A CASE LAW

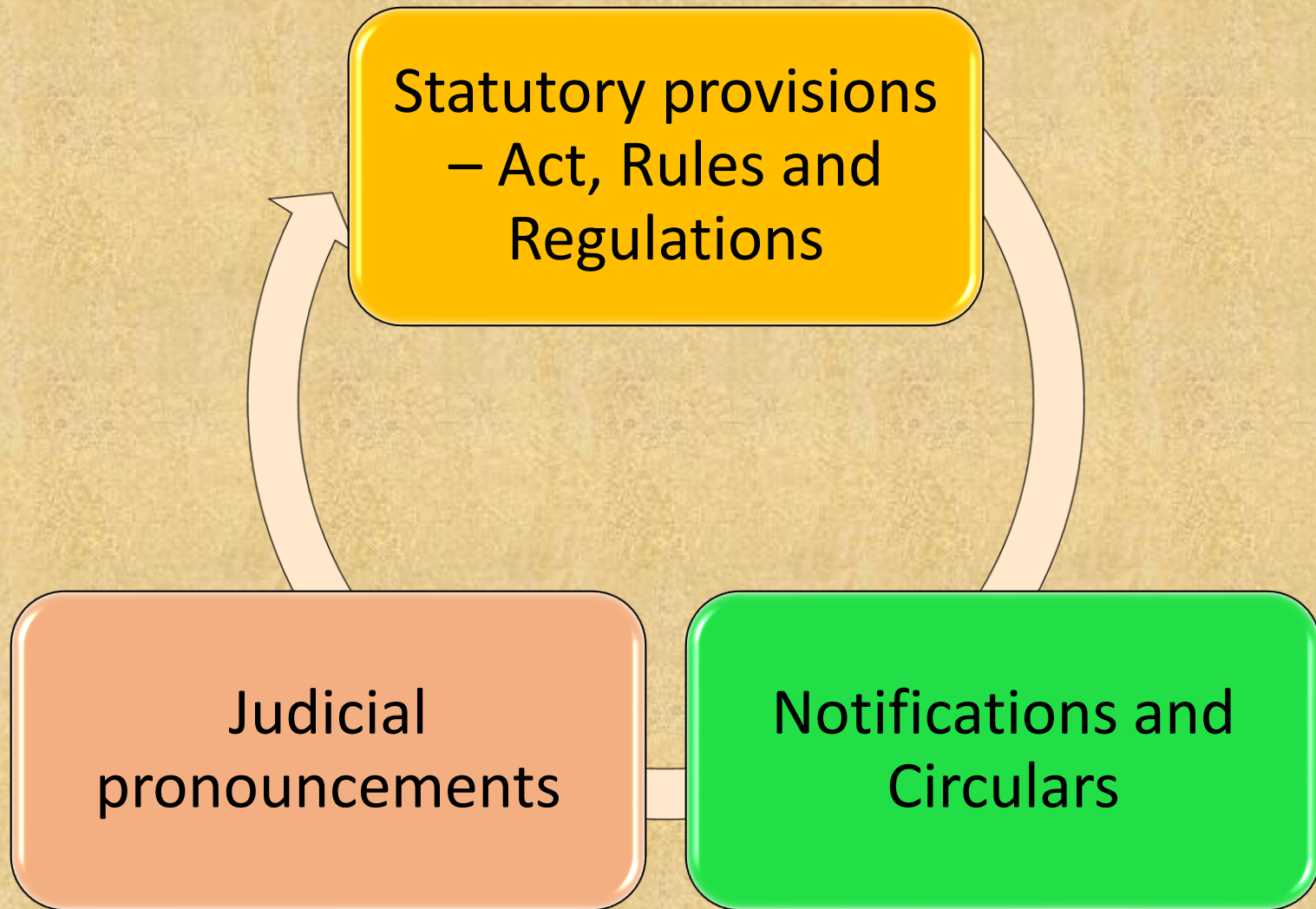
Presented by
Ad. Bharat Agarwal
Managing Partner
Acelegal

AGENDA

- **What is a Case Law?**
- **Elements of a Case Law**
- **How to Analyze a Case Law**
- **Example**



SOURCE OF LAW



WHAT IS A CASE LAW ?

- A judgment is a legal case that establishes a principle or rule of law.
- Judgment can be based on statutory provisions, rules, previous judicial decisions, or precedents, which can be used for future reference.
- This precedent is then used by the court or other judicial bodies use when deciding later cases with similar issues or facts.



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Facts of the case

Issues

Arguments of parties

Decision

Reasoning

Judgment

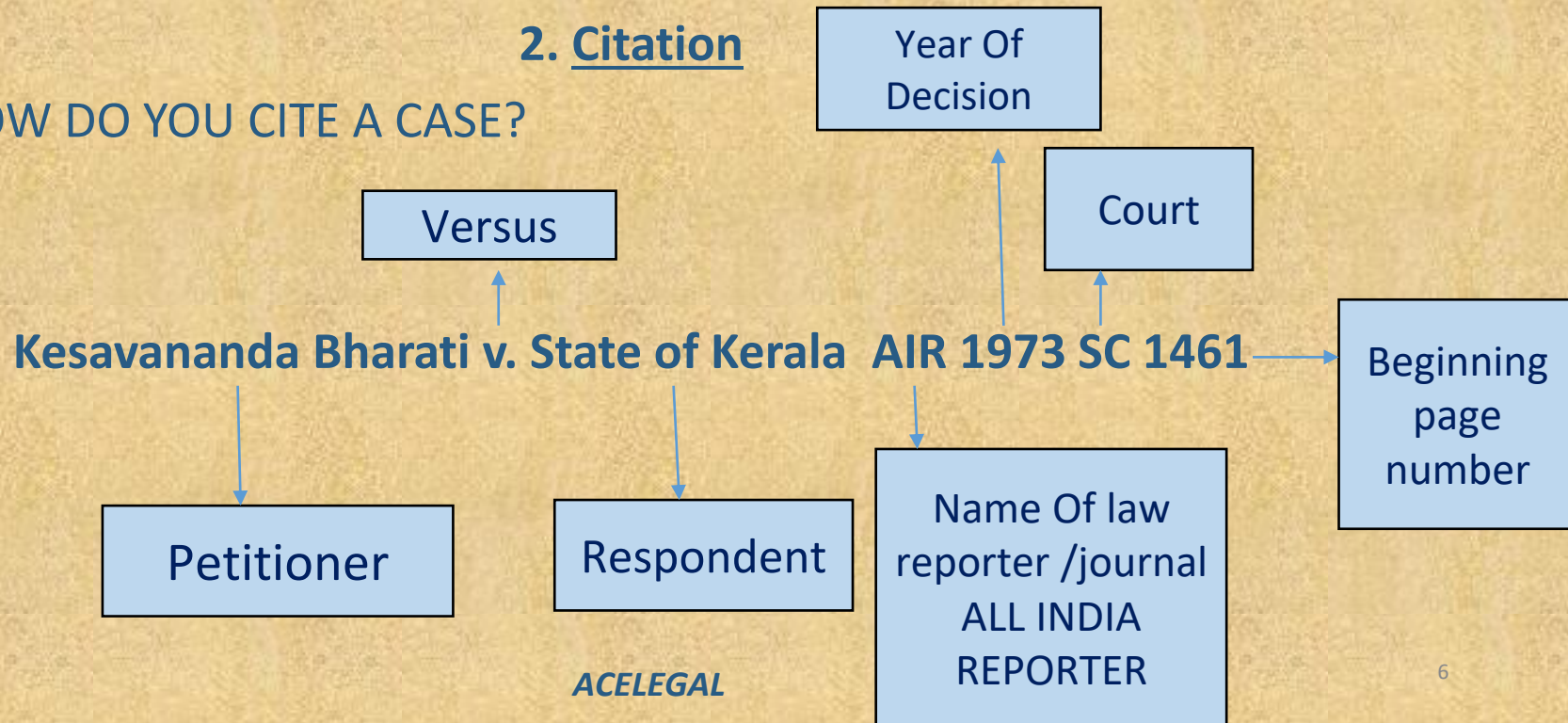
1. Title

- Name of the court
- Parties to the *lis*
- Number of the case

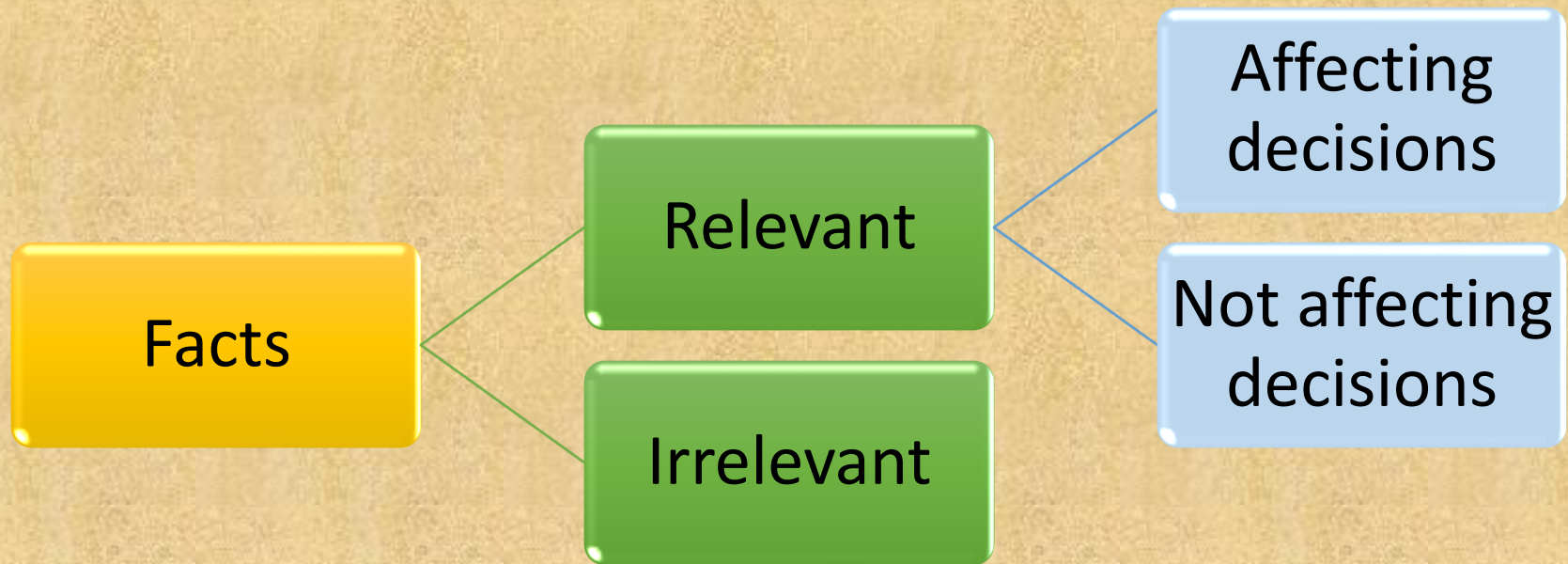


2. Citation

HOW DO YOU CITE A CASE?

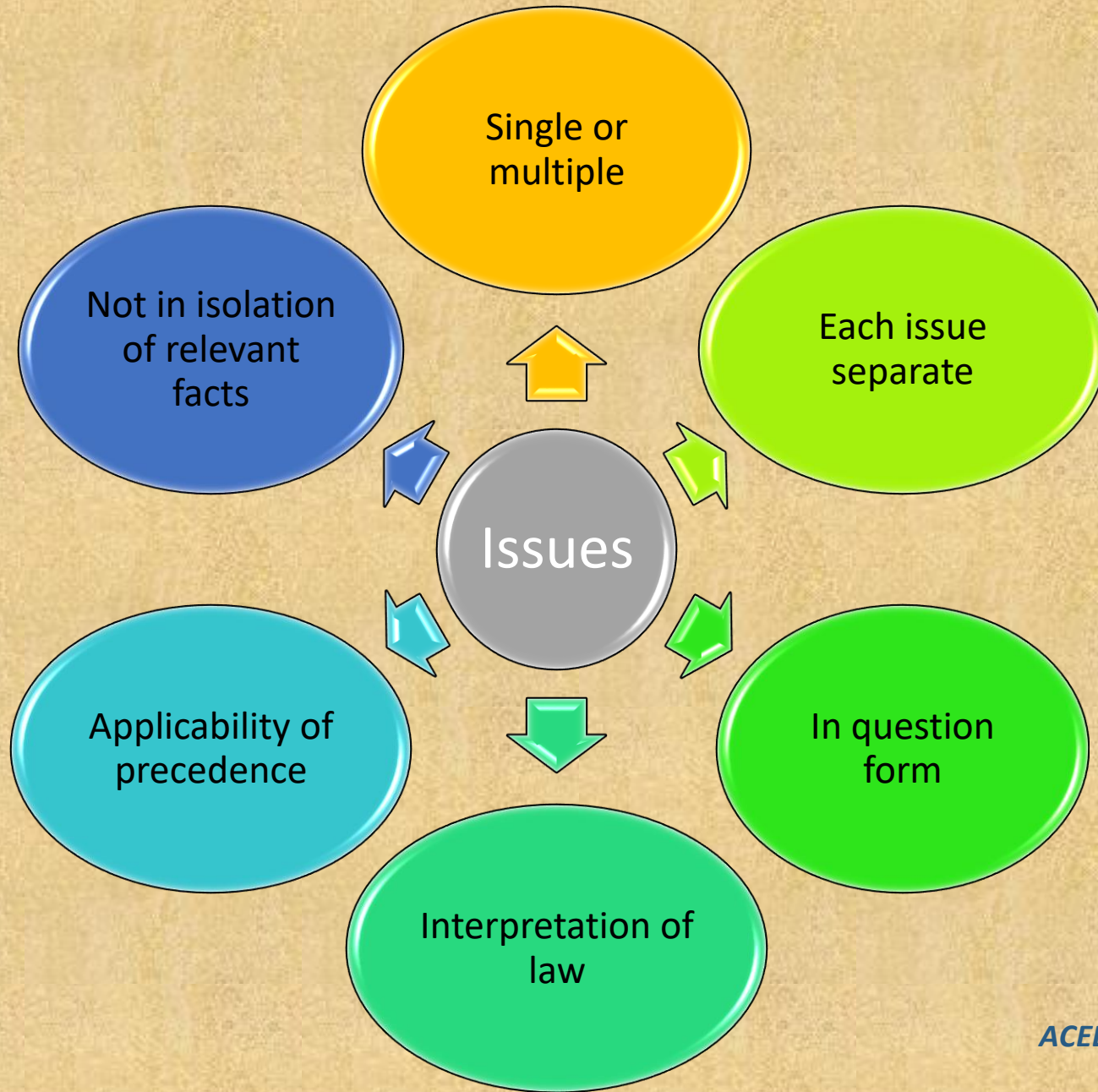


3. FACTS OF THE CASE



- It will show the nature of the dispute,
- who sued whom, based on what occurrences, and
- what happened in the history of the case which resulted in the consequence ending up as a law suit.

4. ISSUES



- The issues raised by the facts peculiar to the case are often stated explicitly by the court in the form of a question.
- Constitutional cases frequently involve multiple issues, some of interest only to litigants and lawyers, others of broader and enduring significance to citizens and officials alike . Always stated as a question .

5. ARGUMENTS BY PARTIES

ARGUMENTS BY PLAINTIFF / APPELLANT:

- On facts – disputed or undisputed
- Propositions of law placed
- Precedents cited
- Statutory provisions relied upon

6. DECISIONS

- The decision, or holding, is the court's answer to a question presented to it.
- If the issues have been drawn precisely, the holdings can be stated in simple "yes" or "no" answers

or

- in short statements taken from the language used by the court.

7. REASONING

- The reasoning, or rationale, is the chain of argument which led the judges in either a majority or a dissenting opinion to rule as they did.
- After looking at the facts and arguments judges are bound to give a reasoning for their decisions.

8. SEPARATE OPINIONS

- A judicial opinion is a form of legal opinion written by a judge or a judicial panel in the course of resolving a legal dispute, providing the decision reached to resolve the dispute, and usually indicating the facts which led to the dispute and an analysis of the law used to arrive at the decision.
- A dissenting opinion (or dissent) is an opinion written by one or more judges expressing disagreement with the majority opinion. A dissenting opinion does not create binding precedent nor does it become a part of case law.

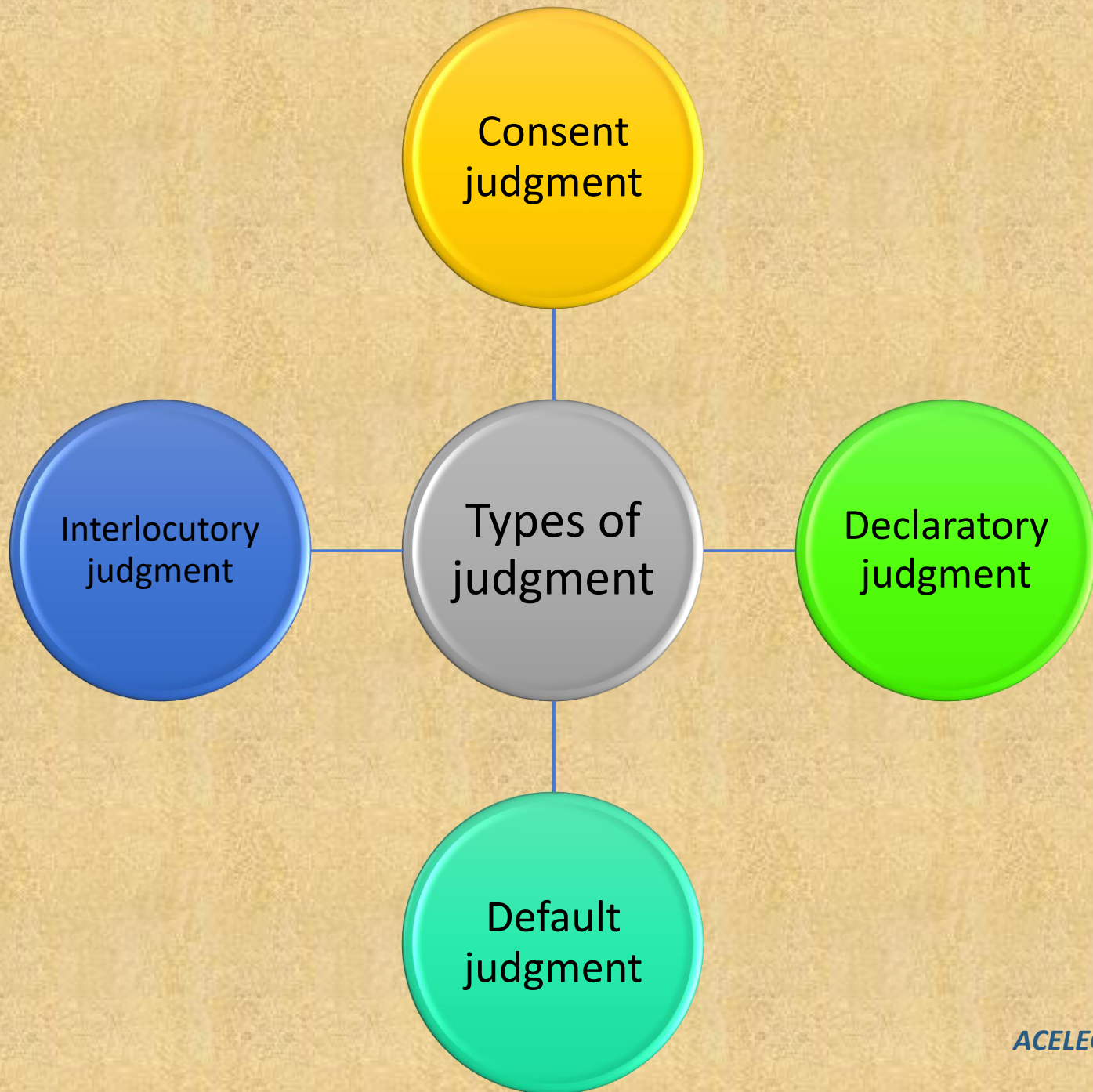


9. JUDGMENT

- In law, a judgment is a decision of a court explaining the rights and liabilities of parties in a legal action or proceeding. Judgments also generally provide the court's explanation of why it has chosen to make a particular court order.
- A judgment may be provided either in written or oral form depending on the circumstances.
- Judgment could be understood as the mixture of decision and reasoning.

Types of judgment given by courts

In law, a judgment is a decision of a court regarding the rights and liabilities of parties in a legal action or proceeding. Judgments also generally provide the court's explanation of why it has chosen to make a particular court order.



- Consent Judgment: also referred to as an "agreed judgment," a consent judgment is a settlement agreed upon by the parties and authorized by a judge. Consent judgments are often used in the regulatory context, particularly in antitrust and environmental cases.
- Declaratory Judgment: a judgment that determines the rights and liabilities of the parties without enforcing a judgment or otherwise requiring the parties to do anything. A declaratory judgment may be useful where the parties have differing views about their rights and duties or are wishing to clarify them without seeking any other remedy.

- Default judgment: a judgment rendered in favour of one party based on the other party's failure to take action. Default judgments are commonly used where the defendant fails to appear before the court or submit a defence after being summoned.(ex-parte judgment)
- Interlocutory Judgment: an intermediate or interim judgment providing a temporary decision on an issue that requires timely action. Interlocutory orders are not final and may either not be subject to appeal or may follow a different appeal procedure than other kinds of judgments.



How to analyze a case law

1. IDENTIFY THE PARTIES

- Plaintiffs are those who file the case who are the aggrieved party to the case whereas defendants are those against whom the case is being filed that is the accused.
- To make party identification even more confusing, party names may switch sides of the "v." in the case caption depending on who appealed.
- For example Sally Sunshine sued Marvin Moon. The case's caption would be "Sunshine v. Moon."
- The trial court in favour of Ms. Sunshine but Mr. Moon appealed. The caption then becomes "Moon v. Sunshine."
- To continue , suppose the appellate court found in favor of Mr. Moon, but Ms. Sunshine appealed that ruling to a higher court. Now the case's caption is "Sunshine v. Moon" again.

2. READ THE CASE

Identify and analyse important facts.

Read external material on the said case like newspaper and magazine articles about it.



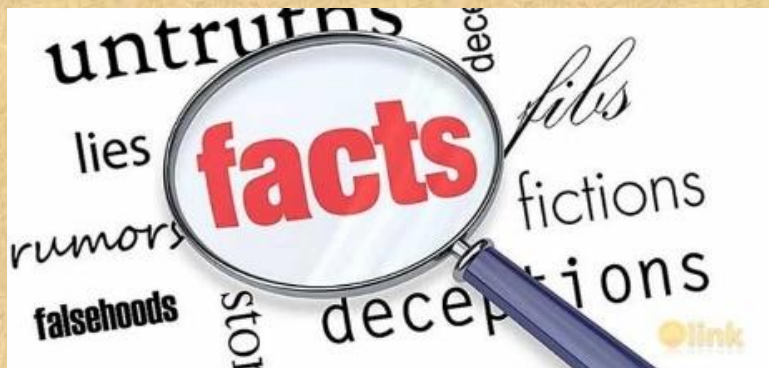
3. OUTLINE THE CASE'S PROCEDURAL HISTORY.

- Determining parties to suit –
 - 1) Appellant / Plaintiff / petitioner
 - 2) Respondent / Defendant
- Determining the Lower Courts and their decisions



4. ISOLATE THE RELEVANT FACTS

- There always is a story of a dispute between two parties – but not all of the facts and circumstances surrounding this dispute will be important to the holding of the case. To analyse case law, you must determine which parts of the story are relevant to the issue presented to the court that made the decision
- At the appellate level, the courts are concerned with legal issues, not questions of fact.



5.DETERMINE THE LEGAL ISSUE RAISED BY THE FACTS

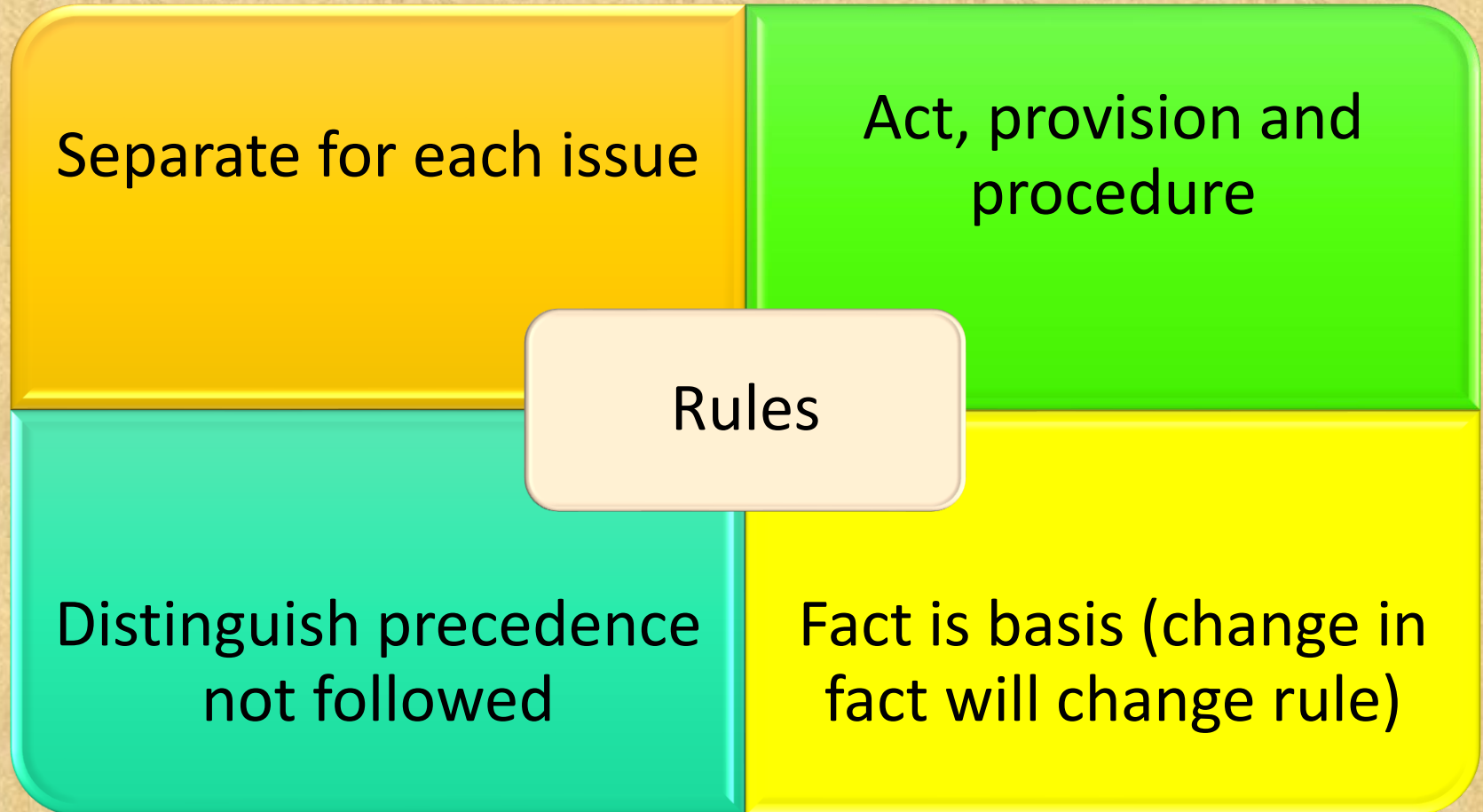
- The core of case law analysis is figuring out the exact issue or issues the court is being asked to resolve, and the process by which the court resolved it. Essentially, you're looking for what the person who appealed the court's wanted to happen. that didn't. To find the issue, you must figure out what that person thought the lower court did wrong, and why.



6. PHRASE THE ISSUE AS A YES/NO QUESTION

- The simplest way to understand a court's reasoning and analysis of the legal issue before it is to create a question being asked of the court, and phrase it in a way that it can be answered with a straight yes or no. In some cases, the issue before the court involves multiple yes/no questions.
- This usually happens when a factual situation has never been explained by any other court. The court must first determine whether a particular law applies to that factual situation at all before it can decide how the law applies.

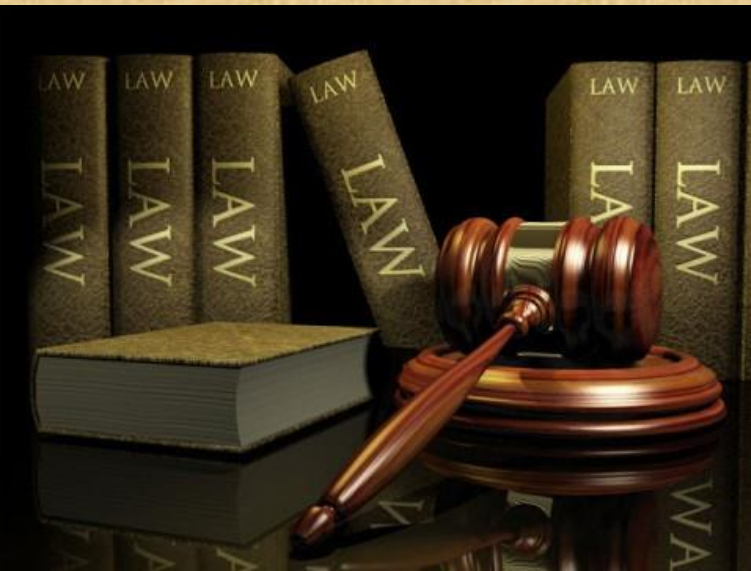
7. IDENTIFY THE LEGAL RULES USED BY THE COURT



- The rules used by the court to apply the law to a case's facts typically are precedents established by previous court decisions in similar cases. Make note of the case from which the rule came, although typically it's not necessary for you to go back and read the case itself to understand the rule.
- In some opinions (especially those penned by judges with straightforward writing styles), the rule used by the court will follow trigger phrases such as "the rule we apply is" or "we decide this case by applying the rule from" – phrases that alert you the court is about to tell you exactly what rule they used. Most opinions won't be this direct, and require a closer analysis of the language to ascertain the rule the court used.

8. APPLY THE RULE TO THE FACTS OF THE CASE.

- Arguments from opposing sides at the appellate level typically offer competing analogies, and sometimes argue that different precedents should apply.
- It is important to know that in supreme court cases the court wouldn't have accepted the case in appeal if it didn't present a new issue that hadn't already been decided in an earlier case.



9. HIGHLIGHT FACTS THE COURT FOUND MOST IMPORTANT

- Among the relevant facts you've already identified, some will be more important than others because they represent the reason the court chose one rule over another, or applied the rule in a particular way.
- Although many other facts may be relevant, or important to some other aspect of the case, those aren't the facts that made the court rule the way it did.

10. CONSIDER HOW THE RULE WOULD APPLY TO DIFFERENT FACTS:

- No court case exists in isolation. Once a court issues a decision, the legal interpretation and rules it establishes become part of the larger body of law devoted to that particular issue. Each opinion helps future courts understand more about the statute or constitutional provision at the heart of the case.
- You don't have to wait for future courts to apply the rule you've just learned. However take the facts in the original case and twist them slightly, then apply the rule yourself.

Commissioner Of Income-Tax v. M/S. Sun Engineering
Works (P.) Ltd.
(1992) 198 ITR 297 (SC)

“ It is neither desirable nor permissible to pick out a word or a sentence from the judgment of this Court, divorced from the context of the question under consideration and treat it to be the complete 'law' declared by this Court. The judgment must be read as a whole and the observations from the judgment have to be considered in the light of the questions which were before this Court . **A decision of this Court takes its colour from the questions involved in the case** in which it is rendered and while applying the decision to a later case , the courts must carefully try to ascertain the true principle laid down by the decision of this Court and not to pick out words or sentences from the judgment, divorced from the context of the questions under consideration by this Court, to support their reasoning.

Ratio Decidendi

- Ratio Decidendi is a Latin phrase which means “The Reason” or “the rationale for the decision ” The ratio decidendi is "the point in a case that determines the judgement" or "the principle that the case establishes“.
- In other words, ratio decidendi is a legal rule derived from, and consistent with, those parts of legal reasoning within a judgment on which the outcome of the case depends.
- It is a legal phrase which refers to the legal, moral, political and social principles used by a court to compose the rationale of a particular judgment.

- The ratio decidendi with a proper understanding of the ratio of a precedent, the advocate can in effect force a lower court to come to a decision which that court may otherwise be unwilling to make, considering the facts of the case.
- Search the judgment for the abstract principles of law which have led to the decision and which have been applied to the facts before the court.
- Unlike obiter dicta, the ratio decidendi is, as a general rule, binding on courts of lower and later jurisdiction—through the doctrine of stare decisis.

OBITER DICTA

- All that is said by the court by the way or the statements of law which go beyond the requirements of the particular case and which lay down a rule that is irrelevant or unnecessary for the purpose in hand, are called obiter dicta.
- Obiter dicta (often simply dicta,' or obiter) are remarks or observations
- made by a judge that, although included in the body of the court's opinion, do not form a necessary part of courts decision.



BINDING ON SUPREME COURT(OBITER DICTA)

- The Apex Court in the case of **Arun Kumar Agarwal v. State of Madhya Pradesh (AIR 2011 SC 3056)** held that obiter dicta is a mere observation or remark made by the Court, by way of aid, while deciding the actual issue before it. The mere casual statement or observation “which is not relevant, pertinent or essential to decide the issue in hand”, the Court said, did not form the part of the judgment of the court and had no authorities value.
- In the case of **Madhav Rao Jivaji Rao Scindia v. Union Of India (AIR 1971 SC 530)** the Apex Court while stating about the relevancy of obiter dicta held that it is difficult to regard a word, clause or an expression occurring in a judgment as the full exposition of law even if it is not answering the direct questions of law to the case in hand.

- Although in the previous slide we saw that how the obiter dicta of the courts were not binding on the lower court, however there have been cases wherein the Obiter dicta given by the supreme court is binding as given in the constitution itself under **Art 141** which states that “Law declared by Supreme Court to be binding on all courts The law declared by the Supreme Court shall be binding on all courts within the territory of India”.

OBITER DICTA VS. RATIO DECIDENDI

- Here is a list of some cases where the supreme courts obiter dictum was binding -

1. *Jabalpur v Shivkant Shukla AIR 1976 SC 1207*

2. *Amar Nath Om Prakash v State of Punjab AIR 1985 SC 218*

3. *MCD v Gurnam Kaur AIR 1989 SC 38*

4. *Sanjay Dutt vs State through C.B.I Bombay (I) Bombay (1994) 5 SCC 402*

- Generally even an obiter dictum is expected to be followed and obeyed. Sometimes well considered Obiter Dicta is taken as a precedent, but every passing expression of the judge cannot be treated as an authority.

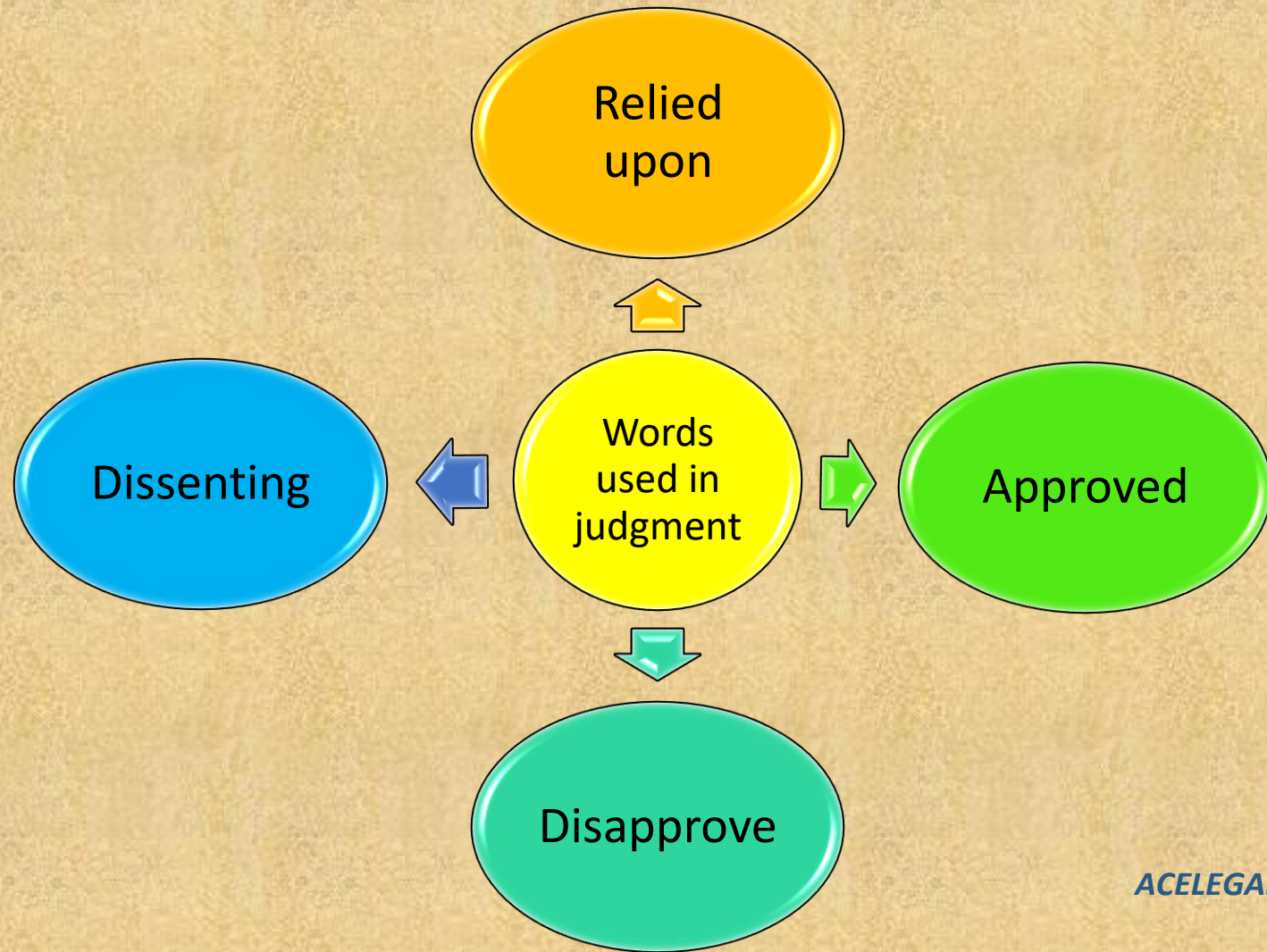
On all Fours

- On all fours is a phrase used to express the idea that a case at bar is in all points similar to another. One is said to be on all fours with the other when the facts are similar and the same questions of law are involved. It is a reference to a lawsuit in which all the legal issues are identical to another case, particularly an appeals decision which is a precedent in deciding the suit before the court.

Stare Decisis

- Stare decisis is a Latin term meaning "to stand by that which is decided."
- Stare decisis ensures that cases with similar scenarios and facts are approached in the same way. Simply put, it binds courts to follow legal precedents set by previous decisions.

Words used by the court in the judgments and their meaning



RELIED ON

The courts may rely on decisions given by the higher courts such as the supreme court . As we read earlier under Art 141 the decision given by the supreme court is binding on all courts.

APPROVE

When the court says it approve of the decision, they mean to say that they approve with the decision given by the lower courts .

DISAPPROVE

The higher courts have the power to review the decision if they feel that the lower court has gone beyond their power to exercise the jurisdiction .They may disapprove with their decision and reverse it.

DISSENTING

The judges express their opinions on the case. The judges who do not agree with the majority vote can write formal opinions as well, explaining why they disagreed with the ruling. This is called a dissenting opinion

CASE STUDY 1

Gurucharan Singh and Others v.
Angrez Kaur and Others
Civil Appeal no. 6835/2009 (SC)
Order dt. 19/03/2020

Fact 1 :

A (Land Owner) married B
and had 2 daughters

A divorced B

B along with 2 daughters
lived with brother of A

Fact 2 :

A lived with appellants.

Family settlement affected on
15/06/1994 suit property given
to appellants.

Admitted in court and decree
was passed in favour of
appellants

Issue :

Whether decree of court
require registration under
Registration Act ?

Rule 1

Decree which declares pre
existing rights do not
require registration

Rule 2 :

Section 17(2) – Court orders not to be
registered unless :

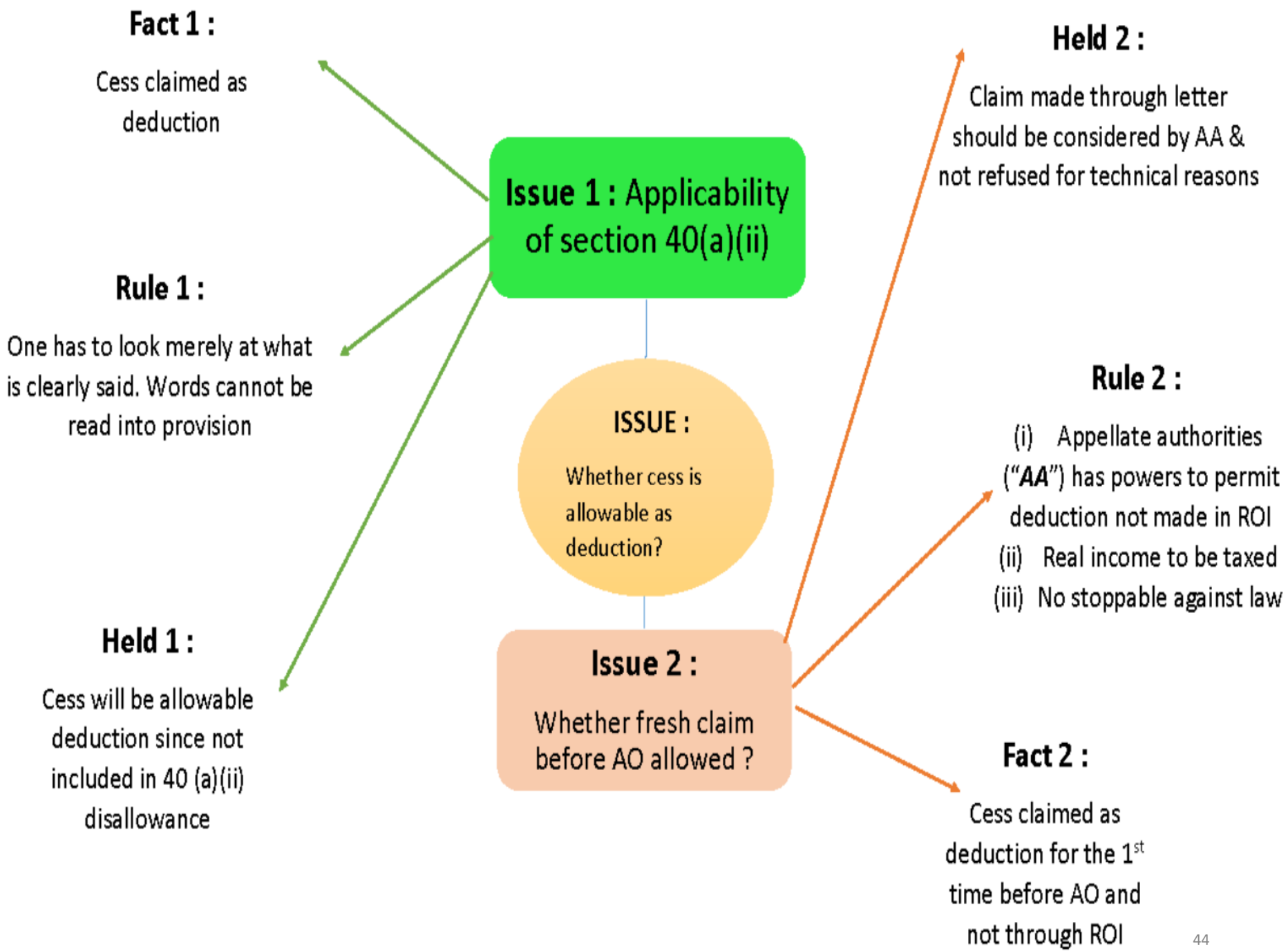
- (i) Made on compromise
- (ii) Comprise immovable property
other than that which is subject
matter of suit / proceedings

Held :

1. The pleadings and WS
showed that suit filed
on basis of pre
existing rights
2. Pre existing rights
admitted by A before
trial court

CASE STUDY 2

Sesa Goa Limited v. JCIT
ITA no. 17 and 18/2013 (Bombay High
Court at Goa), order dated
28/02/2020





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