Cassie

THURSDAY, 30 JULY 2026

DAILY

Court Digest

The day's most significant judgments from India's courts.

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- Article 16(4) | Disability reservation cannot be sub-reserved by caste : HP HC
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Supreme Court

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KEEP SWIPING >>>

Relationships & Family Matters · Inheritance/Succession M... SUPREME COURT

Half-share can be gifted without co-owner consent

Why it matters. Lawyers drafting gift deeds must verify whether the donor's share is a coparcenary interest; if it is an undivided half share, consent from other co-owners is not required. Claims for possession must be calibrated to the actual share owned, and partition proceedings become essential to crystallise rights.

> *He, therefore, had every right in law to gift or alienate the same to anyone, including a total stranger.*
>
> FROM THE JUDGMENT

The Court held. No monetary award; each party to bear its own costs. The Supreme Court set aside the lower courts' judgments to the extent they held that the plaintiff was entitled to the entire property. The decree will be drawn up reflecting the plaintiff's right to an undivided half share only, and the plaintiff may seek partition of the property in a separate proceeding.

§ Section 15, Hindu Succession Act, 1956

Maragadham vs Periyaraja and others

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	29.07.2026	C.A. No.-012190-012190 - 2025	2026 INSC 757

BENCH

Justice Sanjay Kumar, Justice Sanjeev Sachdeva



Work & Employment Issues · Regularization of Contractual ... SUPREME COURT

Ad hoc promotion service must be counted for seniority

Why it matters. Lawyers must now treat commission consultation requirements as directory, meaning a missed consultation does not defeat a promotion claim. Evidence of vacancy quotas becomes decisive, and ad hoc service can be credited for seniority once regularised, altering how promotion disputes are argued and seniority lists prepared.

> *The promotees are held entitled to benefit of regular appointment on the post of Deputy Collector with effect from 01.10.2007.*
>
> FROM THE JUDGMENT

The Court held. The Court held that the promotees are entitled to regular appointment as Deputy Collectors with effect from 01.10.2007 and the State must issue a revised seniority list within three months. Civil Appeal No. 3071 of 2024 was allowed; Appeals No. 3070, 3072 and 4452 of 2024 were dismissed. No order as to costs was made.

§ Rule 24(4), Uttaranchal Civil Services (Executive Branch) Rules, 2005

State of Uttarakhand vs Jagdish Chandra Kandpal & Ors.

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	29.07.2026	C.A. No.-003070-003070 - 2024	2026 INSC 759

BENCH
Justice Alok Aradhe

Government & Public Body Interactions · Service Matters ... SUPREME COURT

Entitlement despite missing ACRs

Why it matters. Lawyers must now argue that any denial of promotion or pay scale on the ground of missing ACRs is untenable where the employee was unlawfully removed from service. The judgment mandates assessment based on available ACRs and bars the employer from using its own wrongful act to prejudice the employee's career progression.

> *The absence of the requisite ACRs, therefore, is not attributable to any omission, default or deficiency on the part of the opponent, but is solely the direct consequence of the applicant's wrongful action.*
>
> FROM THE JUDGMENT

The Court held. The Court ordered that the officer be granted Selection Scale effective 16-07-2018 and Super Time Scale effective 16-07-2021. Arrears arising from these scales shall be computed with the 50 % back-wages direction of the 15-03-2022 judgment and must be paid within three months of this judgment. The Rajasthan High Court must revise the officer's pay and disburse the arrears accordingly.

§ Rule 49 and Rule 50, Rajasthan Judicial Service Rules, 2010

Abhay Jain vs High Court of Judicature at Rajasthan & Anr.

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	29.07.2026	MA-002228-002228 - 2026	2026 INSC 762

BENCH

Justice J. B. Pardiwala, Justice Manoj Misra

High Courts

6 judgments in this edition

KEEP SWIPING >>>

Constitutional & Fundamental Rights

MADRAS HC

Writ of mandamus not maintainable against private banks

Why it matters. Lawyers must now scrutinise the public function test before filing writ petitions against private employers. Pension and service disputes with private banks must be pursued in civil or labour courts, not through Article 226, altering the procedural strategy for employment litigation.

> *A private company carrying on banking business as a scheduled bank cannot be termed as an institution or a company carrying on any statutory or public duty. A private body may be amenable to writ jurisdiction only where it may become necessary to compel such body to enforce any statutory obligations or such obligations of public nature casting positive obligation upon it*
>
> FROM THE JUDGMENT

The Court held. The Court dismissed both writ appeals, holding that the writ petitions under Article 226 are not maintainable against ICICI Bank Ltd. and Lakshmi Vilas Bank Ltd. No costs were awarded. The appellants may now approach the appropriate civil forum for their pension claims.

§ Article 226, Constitution of India, 1950

K. Karthikesan v. ICICI Bank Limited & Others; T.V. Chakrapani v. Lakshmi Vilas Bank Ltd. & Others

COURT	DECIDED	CASE NO.	CITATION
Madras High Court	29.07.2026	WA.3735/2025	2026/MHC/3140

BENCH

Justice S. M. Subramaniam, Justice N. Senthilkumaar

Constitutional & Fundamental Rights

HIMACHAL PRADESH HC

Disability reservation cannot be sub-reserved by caste

Why it matters. Lawyers must now ensure that recruitment notices for disabled categories do not contain caste-based qualifiers, and that any district-wise limitation is expressly authorized. Courts will scrutinise reservation rosters for arbitrary sub-reservation, reinforcing the horizontal nature of disability reservations under Article 16(4).

> *The action on the part of the respondents-State to reserve the post of P.E.T. to be filled up from physically challenged person of Scheduled Caste category is illegal, arbitrary, discriminatory and unconstitutional.*
>
> FROM THE JUDGMENT

The Court held. The Court directed the State to appoint the petitioner to the P.E.T. post effective from 01.03.2008 with all consequential benefits, except monetary benefits which are notional. The State must offer the appointment within three months of the judgment; failing that, the petitioner shall be deemed to have received salary after the three-month period. No order as to costs was made.

§ Article 16, Constitution of India, 1950

Hoshiyar Singh v. State of Himachal Pradesh & Others

COURT	DECIDED	CASE NO.	CITATION
Himachal Pradesh High Court	29.07.2026	CWPOA/165/2019	2026:HHC:31275

BENCH

Justice Jiya Lal Bhardwaj

Constitutional & Fundamental Rights

DELHI HC

OBC seats cannot be de-reserved for general candidates after counseling

Why it matters. Lawyers handling admission disputes must now advise clients that any challenge to reservation must be raised before the counselling round ends. Courts will not intervene to de-reserve seats after options are filed; de-reservation requires prior State Government approval, limiting judicial recourse in such matters.

> *Accordingly, the OBC seats allocated to the Respondent No.3 Hospital for DNB PD for 2025 Admission Session should be converted to UR category by the Respondent No.1 and be offered to all candidates including the Petitioner in order of merit...*
>
> FROM THE JUDGMENT

The Court held. No monetary relief was awarded. The appeal filed by the National Board of Examinations in Medical Sciences was allowed and the writ petition filed by Dr. Aditi Panwar was dismissed. The Court directed that de-reservation of OBC seats may only be effected before the seat matrix is published and only after obtaining approval from the concerned State Government. The earlier order dated 16.06.2025 directing de-reservation was set aside.

§ **Clause 4.6, Handbook Centralized Merit Based Counselling for Admission to Post Diploma DNB Courses (2025 Admission Session)**

National Board of Examinations in Medical Sciences v. Dr. Aditi Panwar & Others

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	29.07.2026	LPA-438/2025	2026:DHC:6089	Justice Dinesh Mehta

Criminal Issues · Kidnapping, Abduction & Wrongful Confinem... ALLAHABAD HC

Minor's consent does not excuse kidnapping and rape

Why it matters. Lawyers must now treat any alleged consent by a minor as legally void in kidnapping and rape prosecutions, ensure that sentencing petitions expressly demand the statutory fine, and rely on a victim's credible testimony supported by circumstantial evidence without fearing a requirement for medical corroboration.

> *The prosecution has proved beyond reasonable doubt that the appellant kidnapped the prosecutrix and thereafter committed rape upon her, and the conviction of the appellant under Sections 366 and 376 IPC, and the sentence of seven years' rigorous imprisonment on each count (to run concurrently), call for no interference.*
>
> FROM THE JUDGMENT

The Court held. Seven years' rigorous imprisonment on each count (Sections 366 and 376 IPC), to run concurrently; no fine imposed; appeal dismissed; appellant must surrender within two weeks; bail bonds cancelled; trial court to submit compliance report within two months.

§ Section 366, Indian Penal Code, 1860

Ganga Ram Vs. State Of U.P.

COURT	DECIDED	CASE NO.	CITATION
Allahabad High Court	29.07.2026	Criminal Appeal No. - 2174 of 1987	2026:AHC:157015

BENCH
Justice Santosh Rai

Banking Law, Debt & Money Matters · SARFAESI, Mortgage Suits, Lien, At... KARNATAKA HC

High Courts Cannot Intervene When Statutory Remedy Exists

Why it matters. Lawyers must now ensure that any dispute arising from a SARFAESI notice is first pursued through the statutory mechanism of Section 17 before approaching the High Court under Article 226. Ignoring this requirement will likely lead to dismissal of writ petitions and preservation of the bank's right to enforce possession without judicial delay.

> *The High Court must ordinarily not entertain a petition under Article 226 of the Constitution if an effective remedy is available to the aggrieved person.*
>
> FROM THE JUDGMENT

The Court held. The Court set aside the order dated 11.08.2025, dismissed the writ petition, and restored the bank's right to enforce possession under the SARFAESI Act. No monetary award was granted. The appeal was allowed and all pending interlocutory applications were disposed of.

§ Section 34, SARFAESI Act, 2002

Canara Bank v. M/s SLN Hollow Blocks and Earth Movers & Anr.

COURT	DECIDED	CASE NO.
Karnataka High Court	28.07.2026	WA/1948/2025

BENCH

Justice Vibhu Bakhru, Justice K.S. Hemalekha

Constitutional & Fundamental Rights

ORISSA HC

Certiorari not maintainable against civil court orders, Article 227 applies

Why it matters. Lawyers must now file supervisory challenges to civil court orders under Article 227 rather than seeking certiorari under Article 226. The decision also underscores the necessity of proper roster allocation; a bench lacking the correct roster cannot entertain the petition, preventing jurisdictional overreach and ensuring procedural compliance.

> *The law enunciated in the report leaves no ambiguity in our mind that the writ of certiorari against an order passed by the Civil Court in a civil proceeding is not an appropriate remedy and the High Court is denuded of its power to exercise the certiorari jurisdiction*
>
> FROM THE JUDGMENT

The Court held. No monetary relief was awarded. The order granting stay of execution by the Commercial Court was set aside. The writ petition filed under Article 226 was re-registered as an application under Article 227 and directed to be listed before a bench with the appropriate roster. The Registry was instructed to assign the correct nomenclature and expedite disposal.

§ Article 226, Constitution of India, 1950

M/s. Rashmi Metaliks Limited v. Union of India

COURT	DECIDED	CASE NO.
Orissa High Court	28.07.2026	WA/408/2026

BENCH

Justice Harish Tandon, Justice Murahari Sri Raman

Tribunals

3 judgments in this edition

KEEP SWIPING >>>

Immigration Law · Work Permits, Business & Employment Visas

CESTAT

Licence revocation requires valid offence report

Why it matters. Lawyers must now ensure that any revocation or penalty against a customs broker is preceded by a duly issued offence report under Regulation 17.

> *In the absence of a valid 'Offence Report' as contemplated under Regulation 17, the revocation proceedings initiated in the present case under CBLR, 2018 are not sustainable.*
>
> FROM THE JUDGMENT

The Court held. Penalty of Rs.5,000 and forfeiture of the security deposit were set aside; the licence revocation dated 08.12.2025 was cancelled; the appeal filed by M/s P. B. N. Logistics was allowed, restoring the broker to its pre-order position.

§ Regulation 17, Customs Brokers Licensing Regulations, 2018

P B N Logistics vs Kolkata-Prev

COURT
Customs Excise and Service Tax Appellate Tribunal

DECIDED
29.07.2026

CASE NO.
Customs Appeal No. 75152 of 2026

BENCH
Justice Ashok Jindal, Justice K. Anpazhakan



Banking Law, Debt & Money Matters · Transfer Disputes (Transaction failures, Wron... ITAT

Inclusion of functional comparables and remand for working capital adjustment

Why it matters. Practitioners must now substantiate functional comparability of each benchmark firm and be prepared to provide working-capital data.

> *The functions performed by the assessee is more or less similar and it is within the ambit of ITES. Even the same comparable was selected by the assessee consistently in the earlier two assessment years.*
>
> FROM THE JUDGMENT

The Court held. INR 4,39,59,554 total adjustment; inclusion of Sundaram Business Services Ltd and Silgate Solutions Ltd as comparables; exclusion of Russell Reynolds Associates, Kamdar & Kamdar Associates, Global Innovsource Solutions, AAA Technologies, Interactive Manpower Solutions and Aparajitha Corporate Services; interest rate on receivables reduced to the statutory rate; working-capital adjustment to be recomputed under Rule 10B(1)(e); interest and penalty provisions under sections 234A, 2348, 234C and 270A set aside; compliance required within eight weeks of the order.

§ Section 144C(13), Income-tax Act, 1961

WSP Consultants India Private Limited v. Assessment Unit

COURT	DECIDED	CASE NO.
Income Tax Appellate Tribunal	29.07.2026	ITA No.5386/DEL/2024

BENCH

Shri S. Rifaurraman (Accountant Member), Shri Vimal Kumar (Judicial Member)



Banking Law, Debt & Money Matters

CESTAT

Classification of Nicotine Sulphate upheld, limitation bars duty recovery

Why it matters. Lawyers must now ensure that any claim for duty beyond the standard limitation is supported by clear statutory authority and that prior disclosures of product classification are preserved. Reliance on HSN notes for tariff interpretation is reinforced, and related-party claims require substantive evidence of mutual interest.

> *From the above evidence, it is clear that classification of Nicotine Sulphate by appellant under Chapter Heading 2939 was already intimated to the department and therefore, there is no ground to allege suppression, misstatement etc. in the case to invoke extended period.*
>
> FROM THE JUDGMENT

The Court held. All demands for differential duty of Rs.4,60,00,920, interest under Section 11AA and penalty under Section 11AC are set aside. The demand for Rs.3,56,475 on alleged undervaluation is also dismissed. The revenue's claim for the period June-2015 to June-2017 is barred by limitation. Costs awarded to the appellant.

§ **Section 4(3)(b), Central Excise Act, 1944**

BGP International v. Commissioner, CGST & Central Excise, Gandhinagar

COURT
Customs Excise and Service Tax Appellate Tribunal

DECIDED
29.07.2026

CASE NO.
Excise Appeal No. 10003 of 2021 - DB

BENCH
Dr. Ajaya Krishna Vishvesha, Satendra Vikram Singh

Also decided today

§ Section 28, Land Acquisition Act, 1894

PUNJAB AND HARYANA HC

No interest on interest

Lawyers must now calculate interest on land acquisition compensation as simple interest only, avoid claiming interest on interest.

CR/7758/2023 · 2026:PHHC:104156 · 29.07.2026

§ Section 156(3), Code of Criminal Procedure, 1973

HIMACHAL PRADESH HC

Prospective accused cannot challenge investigation direction

Lawyers must now recognize that a prospective accused cannot file a pre-cognizance challenge to a magistrate's direction for investigation.

CRMMO/542/2026 · 2026:HHC:31279 · 29.07.2026

§ Section 36A(4), Narcotic Drugs and Psychotropic Substances Act, 1985

DELHI HC

Commercial quantity of methamphetamine precludes bail

Lawyers must now ensure that bail applications under the NDPS Act are supported by forensic verification of the drug type and precise weight calculations.

CRL.REV.P.-432/2026 · 2026:DHC:6084 · 28.07.2026

§ Section 41, Punjab Land Revenue Act, 1885

PUNJAB AND HARYANA HC

Second appeal cannot overturn factual findings on land title

Lawyers must now frame regular second appeals strictly on legal or procedural errors; factual disputes on ownership are insulated from interference.

RSA/88/1994 · 2026:PHHC:104299 · 28.07.2026

Also decided, continued

§ Section 138, Negotiable Instruments Act, 1881 DELHI HC

Resignation Does Not Bar Director Liability Until Fact Determined

Lawyers must recognise that a director's resignation does not automatically extinguish liability under Section 138.

CRLMM - 5282/2026 · 2026:DHC:6078 · 28.07.2026

§ Article 226, Constitution of India DELHI HC

Unauthorized vendors cannot be compelled to join future surveys

Lawyers representing street vendors must now focus on securing provisional Certificates of Vending before seeking any statutory benefit.

W.P.(C)-10441/2026 · 2026:DHC:6059-DB · 28.07.2026

Every judgment here, analysed in full.

All 18 judgments in this digest are reported in full on Cassie, with the facts, the reasoning and the precedents each court engaged with.

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Which of these will change how you argue next week? Tell us in the comments.