Cassie

FRIDAY, 31 JULY 2026

DAILY

Court Digest

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

IN TODAY'S DIGEST

- Section 33 ISA | Property owned by wives not husband's estate : SC
- Section 2(j) ID Act | Religious institution not an industry : Calcutta HC
- Specific Performance | Sale deed upheld despite claim of unfair price : Madras HC

20	3	12	5
JUDGMENTS	SUPREME COURT	HIGH COURTS	TRIBUNALS

Swipe to read all 20 judgments >>>

Inside this digest

20 judgments reported in full on cassie.in

— SUPREME COURT

Shakuntala v. Robert Anthony — Supreme Court 4

State of Karnataka v. Prabhu Shankar & Anr. — Supreme Court 5

Reliance General Insurance Company Ltd. v. Om Prakash — Supreme Court 6

— HIGH COURTS

Armenian Holy Church of Nazareth v. Bijoy Biswas & Anr. — Calcutta HC 8

Rakesh Kumar Gupta Vs. Union Of India And 3 Others — Allahabad HC 9

Nirmala Thapa & Anr. v. Akshay Thapa — Himachal Pradesh HC 10

Shri Amarjeet Singh v. Shri Hardeep Singh — Delhi HC 11

TV Today Network Ltd. v. Saurashtra Aaj Tak — Delhi HC 12

International Asset Reconstruction Company Private Limited v. Rachna... — Delhi HC 13

Surajit Dasgupta v. State of Tripura — Tripura HC 14

Sanjiv Kumar v. State of Haryana — Punjab and Haryana HC 15

S. Rajendran v. K. Manivannan — Madras HC 20

Ashok Kumar Sharma v. Sushma Sharma — Himachal Pradesh HC 20

Ratan Lal Sharma v State of Punjab — Punjab and Haryana HC 20

Udayveer Singh Vs. Rent Tribunal And 2 Others — Allahabad HC 20

— TRIBUNALS

M/s. GSP Shipping & Logistics Agency & Shri Prakash Jha v.... — CESTAT 17

Karimulla Habibulla Sayed v. ITO — ITAT 18

Smt. Sampa Basak v. Cholamandalam Investment & Finance Co. Ltd. — Consumer Commission 19

Jitendra Saini Vs. ITO — ITAT 21

Aarya Shrivastava vs Ministry Of Environment — NGT 21

Supreme Court

3 judgments in this edition

KEEP SWIPING >>>

Property & Asset Disputes · Inheritance/Succession Matters

SUPREME COURT

Property owned by wives not husband's estate

Why it matters. Lawyers must now verify the name on title documents before invoking intestate succession provisions. A sale of a co-owner's share without consent is void, altering strategies for partition and alienation of jointly-owned property in Christian families.

> *Since the property was bought in the names of the two wives, it is their property and not that of the deceased husband. The application of Section 33 ISA is therefore misplaced.*
>
> FROM THE JUDGMENT

The Court held. The Court set aside the High Court order of 7 February 2020, declared the sale deed dated 19 August 2002 illegal and void, restored the plaintiffs' entitlement to vacant possession of the entire 1,776 ft² plot, and awarded them two-thirds of Filomina's half-share (effectively one-third of the total property). No costs were awarded and all pending applications stand disposed.

§ Section 33, Indian Succession Act, 1925

Shakuntala & Ors. v. Robert Anthony & Ors.

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	30.07.2026	C.A. No.-009830-009830 - 2026	2026 INSC 765

BENCH

Sanjay Karol, Nongmeikapam Kotiswar Singh, JJ

Criminal Issues · Quashing of Cases

SUPREME COURT

High Courts Must Not Conduct Mini-Trials When Quashing FIRs

Why it matters. Lawyers must now frame petitions for quashing FIRs strictly around the existence of a prima facie case, avoiding arguments based solely on delay or alleged lack of demand, as the Supreme Court has clarified that such factors are for the trial court to evaluate.

> *The power to quash an FIR vested in the High Court under Section 482 of the Criminal Procedure Code, 1973 (hereinafter referred to as "CrPC") is an extraordinary and discretionary power, which must be exercised sparingly and with great circumspection.*
>
> FROM THE JUDGMENT

The Court held. The Court set aside the High Court orders dated 08.09.2021 quashing FIRs No. 17/2020, 15/2020, 16/2020, 23/2020, 63/2020 and 64/2020 and restored the FIRs for investigation and trial. No monetary award was ordered; the respondents remain liable to face prosecution under the Prevention of Corruption Act and the IPC.

§ Section 482, Code of Criminal Procedure, 1973

State of Karnataka v. Prabhu Shankar & Anr.

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	30.07.2026	Crl.A. No.-003540-003540 - 2026	2026 INSC 766

BENCH

Sanjay Karol, Nongmeikapam Kotiswar Singh, JJ

Insurance Law & Claims · Motor Insurance Claims (Own, Second and Thir... SUPREME COURT

Insurer not liable where driver lacked valid licence at accident

Why it matters. Lawyers must now ensure that any motor insurance claim is supported by the original licence of the driver at the accident date. Reliance on secondary documents or unexplained data gaps will no longer suffice to impose insurer liability. The ruling also reinforces the owner's statutory obligation to verify licence validity, shifting risk back to drivers and owners in policy disputes.

> *No person shall drive a motor vehicle in any public place unless he holds an effective driving licence... No owner or person in charge of a motor vehicle shall cause or permit any person who does not satisfy the provisions of section 3 or section 4 to drive the vehicle." It noted that the licence is a statutory document that must be proved by primary evidence under Sections 61 to 64 of the Indian Evidence Act, 1872. The Court reiterated the hierarchy of evidence, emphasizing that secondary evidence is admissible only when the original is lost or destroyed and the party explains the loss per Section 65.*
>
> FROM THE JUDGMENT

The Court held. Rs 86,95,947 with 7.5% interest (rising to 9% after two months) as awarded by the Motor Accidents Claim Tribunal remains enforceable. The High Court award of Rs 1,08,08,909 with 8% interest is set aside.

§ **Motor Vehicles Act, 1988, Sections 3, 4 and 5 (licence requirement and owner responsibility)**

Reliance General Insurance Company Ltd. v. Om Prakash & Ors.

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	30.07.2026	C.A. No.-009831-009832 - 2026	2026 INSC 767

BENCH

Sanjay Karol, Nongmeikapam Kotiswar Singh, JJ

High Courts

8 judgments in this edition

KEEP SWIPING >>>



Work & Employment Issues · Workplace Rights & Unions

CALCUTTA HC

Religious institution not an industry

Why it matters. Lawyers must now reassess the viability of industrial dispute claims against religious or charitable bodies. The judgment clarifies that mere employer-employee relations and wage payments do not satisfy the statutory definition of industry, forcing practitioners to seek alternative legal avenues for such employees.

> *Thus the petitioner (Armenian Holy Church of Nazareth) is not an "industry" as defined under Section 2(j) of the Industrial Dispute Act.*
>
> FROM THE JUDGMENT

The Court held. The Court quashed the award dated 11 June 2025, held that the Armenian Holy Church of Nazareth is not an "industry" under Section 2(j) of the Industrial Disputes Act, 1947, and consequently the respondent is not a "workman" under Section 2(s). The writ petition was allowed; all related applications and interim orders were dismissed.

§ Section 2(j), Industrial Disputes Act, 1947

Armenian Holy Church of Nazareth v. Bijoy Biswas & Anr.

COURT	DECIDED	CASE NO.	CITATION
Calcutta High Court	29.07.2026	FA/102/2023	2026:CHC-AS:1142-DB

BENCH

Justice Shampa Dutt (Paul)

Constitutional & Fundamental Rights

ALLAHABAD HC

Unjustified administrative delay violates constitutional rights

Why it matters. Lawyers must now treat any prolonged, unexplained administrative inaction as potential malice in law, enabling mandamus relief. Drafting of show-cause notices should reference statutory timelines and policy revisions, and arguments must link arbitrariness to Articles 14, 19(1)(g) and 21 to secure prompt issuance of licences and certificates.

> *Any action taken wrongfully and intentionally, without just cause, excuse, or lawful justification, is distinct from personal ill-will or malice in fact and would be construed as malice in law.*
>
> FROM THE JUDGMENT

The Court held. The Court noted that the No Objection Certificate was finally issued on 25 June 2026, thereby removing the substantive dispute. Consequently, the petition was disposed of, with no order as to costs. The Court directed the District Magistrate to act promptly in future matters involving citizen rights and to adhere to Government Orders dated 30 January 2023 and 18 December 2025.

§ Article 14, Constitution of India, 1950

Rakesh Kumar Gupta Vs. Union Of India And 3 Others

COURT	DECIDED	CASE NO.	CITATION
Allahabad High Court	30.07.2026	WRIT - C No. - 23761 of 2026	2026:AHC:159148-DB

BENCH

Justice J.J. Munir, Justice Indrajeet Shukla

Property & Asset Disputes · Ancestral Property & HU... HIMACHAL PRADESH HC

Appellate Court Cannot Substitute Trial Court Findings

Why it matters. Practitioners must now ensure that appeals under Order 43 are limited to jurisdictional errors or perverse orders; they cannot use an appeal to re-argue evidential matters or replace a trial judge's discretion. Drafting of interlocutory applications must anticipate that appellate review will not overturn a well-founded trial court decision unless a clear perverse finding is demonstrated.

> *The learned first appellate Court has exceeded its jurisdiction by allowing the appeal, as, at the time of deciding the appeal, the learned first appellate Court was not exercising the power of trial Court, nor the findings have been recorded by learned first appellate Court that the decision of learned trial Court suffers from perversity,*
>
> FROM THE JUDGMENT

The Court held. The Court set aside the appellate order dated 02.06.2025, restored the trial court order dated 20.01.2024, dismissed the application under Order 39 Rules 1 and 2 CPC, and directed that the status-quo restraining alienation of the suit land remain in force.

§ **Order 43, Code of Civil Procedure, 1908**

Nirmala Thapa & Anr. v. Akshay Thapa

COURT	DECIDED	CASE NO.	CITATION
Himachal Pradesh High Court	30.07.2026	CMPMO/729/2025	2026:HHC:31518

BENCH
Justice Virender Singh

Criminal Issues · Cheque Bounce

DELHI HC

Moratorium under IBC cannot stay criminal cheque dishonour proceedings

Why it matters. Lawyers must now understand that insolvency moratoria cannot be invoked to block criminal actions for cheque dishonour. Creditors can continue criminal prosecution under Section 138 even when the debtor is under IBC proceedings, while pursuing civil recovery separately.

> *The moratorium contemplated under Sections 96 and 101 of the Insolvency and Bankruptcy Code does not extend to criminal prosecution under Section 138 of the Negotiable Instruments Act,1881 .*
>
> FROM THE JUDGMENT

The Court held. The Court set aside the stay order dated 17.11.2022, restored the criminal complaint under Section 138 NI Act to the trial court, and disposed of any pending applications. No monetary relief or specific deadline was ordered; the matter proceeds in accordance with law.

§ Section 138, Negotiable Instruments Act, 1881

Shri Amarjeet Singh v. Shri Hardeep Singh

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	30.07.2026	CRL.M.C.-2494/2023	2026:DHC:6083	Justice Madhu Jain

Intellectual Property (IP) Law · Trademarks Registration, Rejection,... DELHI HC

Permanent injunction against ‘Saurashtra Aaj Tak’

Why it matters. Lawyers must now recognise that a prior user can enforce passing off even without being the registered trademark owner, and that a disclaimer will not suffice where the dominant element of the mark is identical, prompting a shift to seek full permanent injunctions.

> *The suit in question was filed for passing off, and not infringement of the mark ‘Aaj Tak’, ... the relevant provisions, i.e., Section 27 and Section 28 of the Trade Marks Act, that are invoked in a suit for passing off, are as follows...*
>
> FROM THE JUDGMENT

The Court held. The Court set aside the 29 Feb 2012 decree, granted a permanent and mandatory injunction restraining the respondent from using the name ‘Saurashtra Aaj Tak’ in any manner, ordered the newspaper to change its title to one not similar to ‘Aaj Tak’, and awarded costs. No monetary damages were awarded.

§ Section 27, 28, 34, Trade Marks Act, 1999

TV Today Network Ltd. v. Saurashtra Aaj Tak & Another

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	30.07.2026	RFA-320/2012	2026:DHC:6103	Justice Mini Pushkarna

Contracts & Business Disputes · Arbitration Agreements, Proceedi... DELHI HC

Appointment of Sole Arbitrator on loan assignment

Why it matters. Lawyers must recognize that courts will appoint arbitrators when a written arbitration clause exists, even if the opposite party is absent. Assignments of loan rights do not extinguish arbitration rights, and courts will enforce venue and language provisions, limiting procedural delays.

> *In the present case, Clause 10 of the loan agreement categorically and explicitly provides for arbitration for dispute resolution.*
>
> FROM THE JUDGMENT

The Court held. Rs.9,60,466.18 claim amount; Mr. Kartikay Sharma appointed as sole arbitrator; arbitrator to enter reference within two weeks of 29 July 2026 and disclose conflicts within three weeks; arbitration to be conducted under DIAC rules; parties may raise objections on arbitrability, jurisdiction and limitation before the arbitrator.

§ Section 11(6), Arbitration and Conciliation Act, 1996

International Asset Reconstruction Company Private Limited v. Rachna Mall

COURT	DECIDED	CASE NO.	CITATION
Delhi High Court	29.07.2026	ARB.P.-2109/2025	2026:DHC:6070

BENCH

Justice Om Prakash Shukla

Government & Public Body Interactions · Service Matters of Go... TRIPURA HC

High Court Will Not Interfere Without Mala Fide, Arbitrariness or Lack of Evidence

Why it matters. Lawyers must now appreciate that disciplinary compulsory retirements are upheld unless the order is shown to be arbitrary, mala fide or unsupported by evidence. A criminal acquittal on a different incident cannot be used to overturn a disciplinary finding, so counsel should focus on the specific conduct examined in the inquiry.

> *We find no reason to interfere with the decision of Disciplinary Authority as well as of the Appellate Authority.*
>
> FROM THE JUDGMENT

The Court held. The writ petition was dismissed on 30 July 2026. The order of compulsory retirement dated 15 September 2023, issued by the District & Sessions Judge, Gomati, remains in force. No relief was granted to the petitioner and all pending applications were disposed of.

§ Section 90, Tripura Police Act, 1974

Surajit Dasgupta v. State of Tripura & Others

COURT	DECIDED	CASE NO.	CITATION
Tripura High Court	30.07.2026	WP(C)/590/2024	TRHC 0100/2024

BENCH

Chief Justice M.S. Ramachandra Rao, Justice S. Datta Purkayasta

Government & Public Body Interactions · Service... PUNJAB AND HARYANA HC

Emergency treatment at non-empaneled hospital must be paid

Why it matters. Lawyers must now rely on emergency certificates and Supreme Court precedent to overcome empanelment objections, and advise clients that CGHS claims must be settled within one month or attract 9% annual interest, while ministries must set up fast-track committees for pensioner grievances.

> *The right to medical claim cannot be denied merely because the name of the hospital is not included in the Government Order.*
>
> FROM THE JUDGMENT

The Court held. Rs.72,500 to be paid to the petitioner within one month of the order; if delayed, interest at 9% per annum will accrue. The order dated 18-04-2019 rejecting the claim is set aside. The State must also constitute a Secretary-level High-Powered Committee to dispose of pensioner medical claims within seven days and ensure reimbursement within one month of claim submission.

§ Central Government Health Scheme (CGHS), 2005

Sanjiv Kumar v. State of Haryana & Others

COURT	DECIDED	CASE NO.	CITATION
Punjab and Haryana High Court	29.07.2026	CWP/32871/2019	2026:PHC:104408

BENCH
Justice Sudepti Sharma

Tribunals

3 judgments in this edition

KEEP SWIPING >>>

Immigration Law · Foreign Income, Investment and Tax, Foreign Exchange Issues, e... CESTAT

Penalties cannot be imposed on customs brokers without prior knowledge

Why it matters. Practitioners must now ensure that any allegation of aiding customs duty evasion against brokers is backed by concrete evidence of knowledge. Merely processing importer-provided documents is insufficient for penalty under Section 112(a)(ii), prompting brokers to maintain detailed due-diligence records and communications to safeguard against future liability.

> *In the absence of the above said facts, it cannot be alleged that the appellants were involved in aiding and abetting customs duty evasion by mis-declaring the quantity of goods imported by the importer.*
>
> FROM THE JUDGMENT

The Court held. The Tribunal set aside the penalties of Rs.1,00,000 each imposed on M/s. GSP Shipping & Logistics Agency and Shri Prakash Jha under Section 112(a)(ii) of the Customs Act, 1962. The appeals were allowed, and no monetary penalty was awarded. The decision was pronounced on 30 July 2026 after hearing on 27 July 2026.

§ Section 112(a)(ii), Customs Act, 1962

M/s. GSP Shipping & Logistics Agency & Shri Prakash Jha v. Commissioner of Customs (Port)

COURT
Customs Excise and Service Tax Appellate Tribunal

DECIDED
30.07.2026

CASE NO.
Customs Appeal No. 78795 & 78796 of 2018

BENCH
Hon'ble Shri Ashok Jindal, Hon'ble Shri K. Anpazhakan



Banking Law, Debt & Money Matters

ITAT

Time-barred reassessment notices are void

Why it matters. Lawyers must now compute the surviving limitation period by excluding the deemed-notice stay and the two-week response window under Section 149, as the Tribunal has clarified that any Section 148 notice issued after this cut-off is void, irrespective of subsequent procedural compliance.

> *The notice dated 29/07/2022, issued by Respondent no.1 under Section 148 of the IT Act is beyond the time period specified under Section 149(1) of the IT Act. It is therefore quashed.*
>
> FROM THE JUDGMENT

The Court held. The Tribunal quashed the notice dated 29 July 2022 issued under Section 148 and set aside the assessment order dated 22 May 2023 for assessment years 2016-17 and 2017-18. Both appeals (ITA No.410/PAN/2025 and ITA No.411/PAN/2025) were allowed, and the reassessment proceedings were declared null and void. No monetary relief or costs were awarded.

§ Section 148, Income Tax Act, 1961

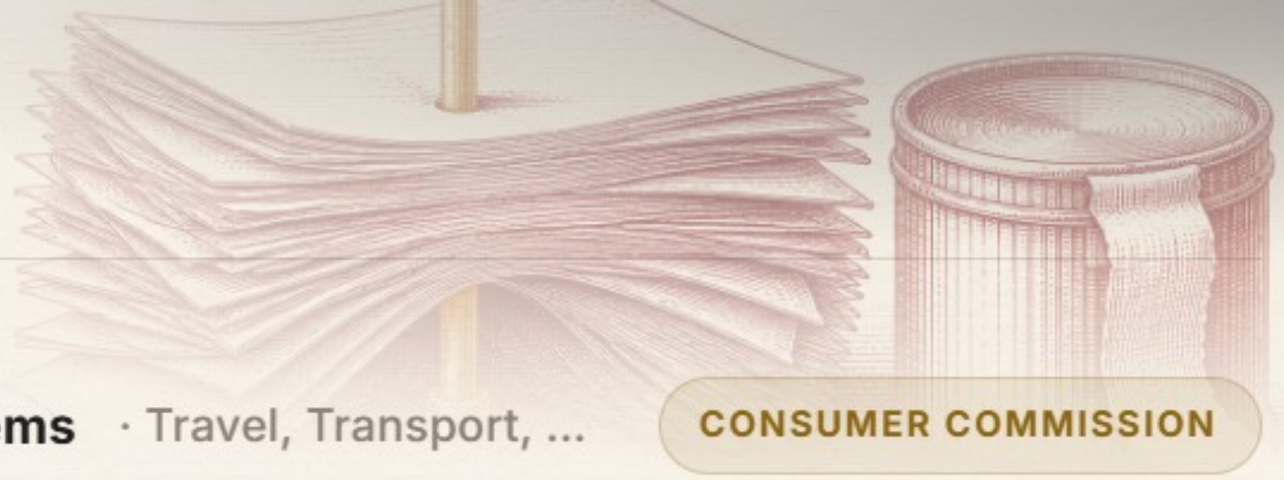
Karimulla Habibulla Sayed v. ITO

COURT
Income Tax Appellate Tribunal

DECIDED
30.07.2026

CASE NO.
ITA Nos.410 & 411/PAN/2025

BENCH
Manish Borad, Vinay Bhamore



Consumer & Service Problems · Travel, Transport, ...

CONSUMER COMMISSION

Self-employment qualifies under CPA 1986; illegal repossession is deficiency in service

Why it matters. Lawyers must now treat self-employed borrowers as consumers under the CPA, ensuring that any repossession follows the statutory seven-day notice requirement. Failure to provide notice or to demonstrate an actual default will expose financiers to liability for deficiency in service and significant monetary awards.

> *A financier cannot invoke the harsh remedy of repossession when there is no active financial default on the specific asset.*
>
> FROM THE JUDGMENT

The Court held. Rs.16,76,974 compensation (Rs.8,76,974 loss of property, Rs.5,00,000 loss of livelihood, Rs.3,00,000 mental agony) plus Rs.40,000 litigation costs. Loan account declared closed and fully satisfied as of the judgment date. Opposite Party must pay within 45 days; default amount of Rs.15,40,000 will attract 9% per annum interest from the date of default. Vehicle salvage to remain with the financier.

§ **Section 2(1)(d)(ii), Consumer Protection Act, 1986**

Smt. Sampa Basak v. Cholamandalam Investment & Finance Co. Ltd. & Others

COURT	DECIDED	CASE NO.
State Consumer Disputes Redressal Commission	30.07.2026	SC/19/CC/844/2018

BENCH

Hon'ble Mr. Rajes Guha Ray, Hon'ble Mr. Santanu Saha

Also decided today

§ Section 20, Specific Relief Act, 1963 — MADRAS HC

Sale deed upheld despite claim of unfair price

Lawyers must recognise that a registered sale deed enjoys a presumption of regularity and that courts will not admit post-appeal documents

SA.1043/2013 · 30.07.2026

§ Order 22, Rule 4, Code of Civil Procedure, 1908 — HIMACHAL PRADESH HC

Appeal abates when deceased co-owner not represented

Lawyers must now ensure that any deceased party in a co-ownership appeal has a legal representative brought on record within the statutory period

RSA/293/2007 · 2026:HHC:31622 · 30.07.2026

§ Section 304, Indian Penal Code, 1860 — PUNJAB AND HARYANA HC

Intent Required, Rash Driving Falls Under Sec 279/304-A

Lawyers must now ensure that prosecutions for Sec 304 IPC in traffic fatalities are supported by clear evidence of intent or knowledge.

CRR/785/2023 · 2026:PHC:104415 · 30.07.2026

§ Section 21(2), Uttar Pradesh Regulation of Urban Premises Tenancy Act, 2021 — ALLAHABAD HC

Photocopy Insufficient for Expert Analysis

Lawyers must now ensure the original document is produced before requesting forensic handwriting analysis.

MATTERS UNDER ARTICLE 227 No. - 3845 of 2026 · N/A · 29.07.2026

Also decided, continued

§ Section 147, Income Tax Act, 1961 — ITAT

"And" is conjunctive, limiting AO jurisdiction

Lawyers must now argue that any reassessment under Section 147 cannot extend to income not part of the original reason to believe.

ITA No. 226/JPR/2026 · 30.07.2026

§ Bhoj Wetland Rules, 2021 — NGT

Mandatory removal of remaining encroachments and demarcation of protected zones

Lawyers must now ensure that any construction within the 50-metre Full Tank Level buffer is treated as illegal, coordinate eviction

Original Application Nos. 77/2020(CZ), 07/2022(CZ), 12/2022(CZ), 12/2025(CZ) · 29.07.2026

Every judgment here, analysed in full.

All 20 judgments in this digest are reported in full on Cassie, with the facts, the reasoning and the precedents each court engaged with.

cassie.in/newsletter

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