Cassie

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DAILY

Court Digest

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

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- S.12(5) Arbitration Act | Unilateral arbitrator appointment void ab initio : Delhi HC
- Restitution of Conjugal Rights Decree Falls Where Cruelty Evidence Is Ignored by Family Court : Jharkhand HC
- S.148 Income Tax Act | Notice and assessment on deceased assessee void ab initio : ITAT

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Supreme Court

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Property & Asset Disputes
Land/Property Acquisition Compensation & Rehabilitation

SUPREME COURT

Article 142 power condones abnormal filing delay where compensation parity demands it

The dispute. Karnataka agriculturists whose land was acquired under a 1999 notification received Rs 3 lakh per acre from the Reference Court and Rs 5 lakh from the High Court, while a parallel set of claimants had already secured Rs 6.5 lakh per acre in Ravindra before the Supreme Court. After a review petition failed in 2015, the appellants filed Special Leave Petitions in 2017 accumulating a delay of 4,427 days.

The reasoning. The Court held that Article 142 permits condonation of even abnormal delay when bona-fide landowners seek parity with an award already made for the same notification.

> *In the circumstances of this case, in exercise of our jurisdiction under Article 142 of the Constitution of India, we extend the compensation determined by this Court in Ravindra (supra) to the Appellants as well.*
>
> FROM THE JUDGMENT

For your practice. Once a higher rate is fixed for a specific notification, parity claims survive any delay under Article 142, but interest does not accrue over the delayed period.

The order. Compensation fixed at Rs 6,50,000 per acre with statutory benefits; interest denied for the entire 4,427-day delay period; Civil Appeals allowed and all pending applications disposed of.

§ Section 4(1), Land Acquisition Act, 1894

LACHCHAPPA vs SPECIAL LAND ACQUISITION OFFICER, UKP, BAGALKOT .

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	07.08.2026	C.A. No.-010250-010252 - 2026	2026:INSC:815

BENCH
S.v.n. Bhatti, N.v. Anjaria

High Courts

5 judgments in this edition

KEEP SWIPING >>>

Contracts & Business Disputes
Arbitration Agreements, Proceedings & Enforcement

DELHI HC

Award rendered by unilaterally appointed arbitrator is a nullity regardless of subsequent.

The dispute. The Union of India unilaterally appointed a sole arbitrator under a defence-procurement contract with Goodrich Foodtech after terminating four supply contracts for alleged defects and forfeiting bank guarantees worth Rs 2.49 crore. The Union petitioned under Section 34 to set aside the award.

The reasoning. The Court held that the proviso to Section 12(5) requires an express agreement in writing, not an agreement to be inferred from conduct, and that participation in arbitral proceedings after an ineligible appointment does not cure the jurisdictional defect.

> *The expression 'express agreement in writing' refers to an agreement made in words as opposed to an agreement which is to be inferred by conduct.*
>
> FROM THE JUDGMENT

For your practice. Arbitration clauses in government and commercial contracts that vest appointment power unilaterally in one party are now ineffective.

The order. Award dated 27 April 2022 set aside and declared a nullity. Termination letter dated 21 August 2018, freezing letters dated 6 September and 24 October 2018, and debarment letter dated 20 November 2018 all quashed.

§ **Section 12(5), Arbitration and Conciliation Act, 1996**

UNION OF INDIA vs M/S GOODRICH FOODTECH LTD

COURT	DECIDED	CASE NO.	CITATION
Delhi High Court	06.08.2026	O.M.P. (COMM)-375/2022	2026:DHC:6441

BENCH
Subramonium Prasad

Relationships & Family Matters
Restitution of Conjugal Rights

JHARKHAND HC

Restitution of Conjugal Rights Decree Falls Where Cruelty Evidence Is Ignored by Family Court

The dispute. Rani Parween, married to Md. Mubarak Ansari in 2013 under Muslim law, left the matrimonial home in 2022 after alleged physical cruelty and threats; she also obtained a Khula from the Qazi-e-Shariat. The wife appealed under Section 19(1) of the Family Courts Act, arguing the decree was perverse for ignoring cruelty evidence.

The reasoning. The court held that the Family Court's findings were perverse under the Arulvelu test because material evidence of cruelty, including a police complaint and the Khula, was ignored entirely.

For your practice. A restitution decree is vulnerable on appeal wherever the trial court omits to weigh cruelty evidence or apply the reasonableness test.

The order. The division bench set aside the Family Court decree dated 06.08.2025 and the order dated 19.08.2025 as perverse, remitted the matter for fresh consideration, and disposed of all pending interlocutory applications.

§ Section 19, Family Courts Act, 1984

Rani Parween v. Md. Mubarak Ansari

COURT	DECIDED	CASE NO.	CITATION
Jharkhand High Court	07.08.2026	FA/202/2025	2026:JHHC:23476-DB

BENCH
Sujit Narayan Prasad, Sanjay Prasad

Criminal Issues
Process, Delay & Legal System Frustrations

CALCUTTA HC

Section 204 CrPC Summons Void Where Magistrate Issues Process Without Applying Judicial Mind

The dispute. Radhasyam Banerjee and two others, accused of breaking a boundary wall in 2013, were summoned by an Additional Judicial Magistrate in Arambagh based on a police investigation report filed more than two years after it was ordered, prepared by a subordinate ASI. The petitioners filed a criminal revision before the Calcutta High Court, arguing the magistrate's order was cryptic.

The reasoning. The court held that a magistrate must apply judicial mind and record a reasoned prima-facie finding before issuing summons under Section 204.

For your practice. Where the magistrate's order issuing summons contains no reasoning and the investigation report was prepared by an unauthorised delegate, a revision under Section 482 will succeed.

The order. The Calcutta High Court set aside the summons order dated 14 March 2016 and the subsequent summons of 2 March 2018, quashed the criminal proceeding against all petitioners, and disposed of all connected applications.

§ **Section 204, Code of Criminal Procedure, 1973**

Radhasyam Banerjee & ors. v. State of West Bengal & ors.

COURT	DECIDED	CASE NO.	CITATION
Calcutta High Court	07.08.2026	CRR/3430/2018	2024:CHC-AS:2511

BENCH
Chaitali Chatterjee Das

Relationships & Family Matters
Maintenance for Spouse & Children

JHARKHAND HC

Loan Repayments Cannot Reduce Permanent Alimony Liability.

The reasoning. A husband's gross earning capacity, not his net income after voluntary loan repayments, is the benchmark for permanent alimony under Section 25 HMA.

For your practice. Lawyers must now assess a husband's gross earning capacity rather than his reduced net income after loan repayments when arguing permanent alimony. Voluntary loans taken during litigation cannot be used to lower maintenance, and courts will apply the multi-factor test from Supreme Court precedents to ensure a fair quantum.

The order. Rs 40,00,000 to the wife, Rs 25,00,000 each to the son and daughter (total Rs 90,00,000) payable in four equal installments over 12 months, first installment within one month; travel expense of Rs 25,000 payable; marriage dissolved; lower court order of 19 Feb 2025 quashed.

§ Section 25, Hindu Marriage Act, 1955

Dr. Rakesh Kumar Tarun v. Anita Kumari

COURT	DECIDED	CASE NO.	CITATION
Jharkhand High Court	06.08.2026	FA/133/2025	2026:JHHC:23530-DB

BENCH
Sujit Narayan Prasad, Sanjay Prasad

Judgment

CALCUTTA HC

ITAT cannot condition a remand on payment of costs; automatic confirmation clause is void

The dispute. Ajitnath Suppliers Private Limited faced an ex-parte addition of Rs 1.23 crore under Section 68 for AY 2018-19, and the CIT(A) dismissed the appeal without a speaking order. The company challenged the cost condition and the automatic confirmation clause before the Calcutta High Court under Section 260A.

The reasoning. The discretion under Section 254(1) to pass orders 'as it thinks fit' does not permit the Tribunal to erect a financial barrier to the statutory right of appeal.

For your practice. Any ITAT order that makes cost payment a condition for a remand's survival can be challenged under Section 260A.

The order. Cost reduced to Rs 25,000, to be deposited with Legal Aid Services, Calcutta High Court, within four weeks; the automatic confirmation clause is quashed; the CIT(A) must pass a speaking order under Section 250(6) within twelve weeks.

§ Section 254(1), Income Tax Act, 1961

Ajitnath Suppliers Private Limited v. The Principal Commissioner of Income Tax-1, Kolkata & ors.

COURT	DECIDED	CASE NO.	BENCH
Calcutta High Court	07.08.2026	ITAT/120/2026	Rajarshi Bharadwaj, Uday Kumar

Tribunals

1 judgment in this edition

KEEP SWIPING →

Judgment

ITAT

Section 148 notice and assessment on a deceased assessee are void ab initio without notice.

The dispute. Ashraj Ali died on 27 January 2024; the Assessing Officer, unaware of the death, issued a Section 148 notice for AY 2019-20 and completed an ex parte assessment on 23 January 2025. His legal heir Shafiq challenged both the notice and the assessment order before the ITAT. The CIT(A) remitted the matter to the AO for fresh adjudication; the legal heir then appealed to the ITAT, producing the death certificate on record.

The reasoning. A Section 148 notice must be served on a living person; issuing it on a deceased assessee without notice to the legal heir is a jurisdictional defect that voids both the notice and the assessment, and cannot be cured under Section 292B.

For your practice. Before issuing any reopening notice, the department must verify whether the assessee is alive.

The order. The appeal was allowed; the Section 148 notice dated 10 March 2026 and the assessment order for AY 2019-20 were quashed as void ab initio. Remaining grounds of appeal were left open.

§ Section 148, Income Tax Act, 1961

ASHRAJ ALI, THROUGH LEGAL HEIR SHAFIQ v. INCOME TAX OFFICER

COURT	DECIDED	CASE NO.
INCOME TAX APPELLATE TRIBUNAL, DEHRADUN BENCH	07.08.2026	ITA No.258/DDN/2026

BENCH

Mahavir Singh, Sanjay Awasthi

Also decided today

§ Section 173, Motor Vehicles Act, 1988

GAUHATI HC

Contributory Negligence Cannot Be Presumed from Two-Vehicle Collision.

The court held that contributory negligence must be positively proved through corroborated evidence and cannot be inferred merely because two vehicles were involved.

MACApp./904/2018 · 2026:GAU-AS:10958 · 07.08.2026

§ Section 25, Hindu Marriage Act, 1955

JHARKHAND HC

Alimony Set at Rs.50,000/Month Plus Rs.30 Lakh Lump Sum

Section 25 HMA empowers a court to award both monthly alimony and a lump-sum settlement where changed circumstances justify it.

FA/100/2023 · 2026:JHHC:23473-DB · 06.08.2026

§ Section 13, SARFAESI Act, 2002

CALCUTTA HC

Writ Petition Not Maintainable When Statutory Remedy Exists

Lawyers must now assess the availability of SARFAESI remedies before filing writ petitions against banks. The decision also underscores that regulatory guidelines, once withdrawn, cannot serve as a basis for judicial relief, prompting practitioners to verify the current status of such directives.

FMAT/145/2026 · 2026:CHC-AS:1220-DB · 07.08.2026

Also decided, continued

§ Section 304-B, Indian Penal Code, 1860

ALLAHABAD HC

Life Imprisonment for Dowry Death Requires Cogent Reasons, May Be Reduced.

Section 354(3) CrPC obliges a trial court to articulate cogent reasons before imposing life imprisonment under Section 304-B IPC; failure to do so renders the sentence vulnerable on appeal.

CRIMINAL APPEAL No. - 1594 of 2018 · 2026:AHC-LKO:54575-DB · 07.08.2026

§ Section 140, Motor Vehicles Act, 1988

JAMMU & KASHMIR AND LADAKH HC

Functional disability tied to earning capacity, not physical impairment percentage

The court must assess functional disability by asking whether the claimant can still perform his pre-accident occupation, not by mechanically applying the medical board's physical impairment percentage.

Mac App/177/2024 · 2026:JKLHC-JMU:2520 · 07.08.2026

§ Section 482, Code of Criminal Procedure, 1973

PATNA HC

Non-Compoundable Dowry Proceedings May Be Quashed After Mutual-Consent.

The High Court's inherent power under Section 482 CrPC is distinct from the compounding power under Section 320 and may be exercised to quash proceedings for non-compoundable offences, including Section 498A IPC.

Cr.Misc.-51269/2016 · 07.08.2026

Also decided, continued

§ Section 313, Criminal Procedure Code, 1973

ALLAHABAD HC

Child witness testimony requires recorded preliminary examination before it can found.

A trial court must conduct and record a preliminary examination of a child witness to establish comprehension and truth-telling capacity before acting on the testimony.

CRIMINAL APPEAL No. - 578 of 1986 · 07.08.2026

§ Section 126, Transfer of Property Act, 1882

MADRAS HC

Unilateral cancellation of settlement deed is void; gift valid without delivery of possession

A registered settlement deed that transfers interest in praesenti is a valid gift under Section 123 of the Transfer of Property Act even if possession is deferred; a life interest reserved for the settlor does not convert the deed into a will.

AS.550/2023 · 2026/MHC/3279 · 07.08.2026

§ Order XVIII, Rule 3A, Code of Civil Procedure, 1908

JHARKHAND HC

Directory provision permits late party witness examination

Lawyers must now treat Rule 3A as a discretionary, not compulsory, requirement. Applications for late party-as-witness testimony can be filed even after other witnesses, provided the court is convinced of essentiality and any health or age factors. Preparing an affidavit-in-chief beforehand strengthens the request and limits cross-examination scope.

C.M.P./675/2025 · 2026:JHHC:23442 · 06.08.2026

Also decided, continued

§ Section 96, Code of Civil Procedure, 1908

GUJARAT HC

Single Appeal Cannot Challenge Two Decrees

Lawyers must now file separate first appeals for each decree when a counter-claim creates an independent decree. A single appeal cannot simultaneously contest a suit decree and a counter-claim decree, preventing procedural dismissals under Section 96 CPC.

R/FA/3925/2007 · 2026:GUJHC:49812 · 07.08.2026

§ Section 114, Indian Evidence Act, 1872

PUNJAB AND HARYANA HC

Habeas Corpus Maintainable for Unlawful Child Custody

Lawyers must now recognise that a writ of habeas corpus can be invoked when a child is detained by persons without legal custody, even if guardianship disputes are ordinarily governed by the Guardians and Wards Act. This expands the toolbox for urgent relief and underscores the presumption of regularity attached to court-recorded statements.

CRWP/7678/2026 · 07.08.2026

§ Order XII Rule 6, Code of Civil Procedure, 1908

CALCUTTA HC

Appellate Court Must Remand Partition Suit for Fresh Trial

Lawyers must now recognise that even with clear admissions and supporting tax receipts, an appellate court cannot bypass the trial court's fact-finding. Appeals in partition suits should focus on procedural lapses rather than seeking a direct judgment on admission, preserving the right to a full evidentiary hearing at first instance.

FAT/48/2024 · 2026:CHC-AS:1208-DB · 06.08.2026

Also decided, continued

§ Section 420, Indian Penal Code, 1860

JAMMU & KASHMIR AND LADAKH HC

Fraudulent intent must exist at time of transaction

Lawyers must now ensure that any criminal complaint based on cheating demonstrates a dishonest intention at the moment of the transaction. Civil rent disputes cannot be weaponised as criminal prosecutions, and courts will scrutinise the factual matrix before allowing IPC provisions to apply, thereby protecting clients from abusive litigation tactics.

CRM(M)/430/2022 · 07.08.2026

§ Section 151, Code of Civil Procedure, 1908

GUJARAT HC

Inherent Power to Restore Possession During Suit Pendency

Lawyers must now appreciate that a High Court can invoke Section 151 CPC to order restoration of possession even when an application is framed under Section 6 of the Specific Relief Act, provided there is clear evidence of unlawful dispossession and irreparable injury.

R/SCA/5287/2026 · 2026:GUJHC:49911 · 07.08.2026

§ Section 319, Code of Criminal Procedure, 1973

PATNA HC

Summoning non-accused upheld on strong evidence

Lawyers must now ensure that any application to invoke Section 319 is supported by robust, corroborated evidence, as the court will not entertain casual or speculative summons. A prior discharge does not immunise a person; fresh material can revive liability, compelling diligent evidence gathering before filing.

Cr.Misc.-46244/2016 · 07.08.2026

Also decided, continued

§ Order VII Rule 11, Code of Civil Procedure, 1908 — JAMMU & KASHMIR AND LADAKH HC

Plaintiff cannot be rejected on defendant's legal status

Lawyers must now ensure that any challenge to a plaintiff's legal capacity is pleaded within the plaint itself; otherwise, it cannot be used to secure a summary dismissal under Order VII Rule 11. The judgment also clarifies that post-2019 re-organisation provisions preserve older society registrations, limiting re-registration arguments.

CR/28/2025 · 2026:JKLHC-JMU:2517 · 07.08.2026

§ Section 138, Negotiable Instruments Act, 1881 — GUJARAT HC

Acquittal Upheld, Presumption Not Overridden

The decision clarifies that the statutory presumption under Sections 118 and 139 of the Negotiable Instruments Act does not create personal liability without clear evidence of a debt. Lawyers must ensure that trust-related liabilities are pursued against the trust and its trustees, and that appeals against acquittals meet the high threshold of perversity or illegality.

R/CR.A/1398/2011 · 2026:GUJHC:49846 · 07.08.2026

§ Order VI, Code of Civil Procedure, 1908 — MADRAS HC

Amendment of pleadings allowed despite procedural technicality

Lawyers must now focus on the substantive effect of amendments rather than fear dismissal for using Order VI Rule 17 CPC. Internal governance issues of societies should be routed to the Registrar, preventing civil courts from being drawn into administrative disputes and ensuring faster resolution of civil suits.

CRP.1496/2023 · 07.08.2026

Also decided, continued

§ Section 2(1)(g) and 2(1)(r), Consumer Protection Act, 1986 SCDRC

Bank must refund excess interest and pay compensation

Practitioners must now ensure banks disclose RBI circulars and obtain explicit borrower consent before altering interest rates. Failure to produce notice copies will be fatal, and courts will readily award restitution and compensation for excess interest and mental distress.

SC/7/CC/1097/2017 · 06.08.2026

§ Consumer Protection Act, 1986 NCDRC

Developer bound by director's authority

Lawyers must now treat agreements executed by a director as binding on the company, even if the director later ceases to hold office. Claims of internal corporate disputes cannot be used to defeat consumer rights under the CPA, 1986, and the burden of proving lack of authority rests on the developer.

NC/FA/1427/2017 · 06.08.2026

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

Purchase for Self-Employment Treated as Consumer

Lawyers must now frame contracts and purchase disputes for small contractors within the consumer framework, emphasizing that purchases for self-employment are excluded from the ‘commercial purpose’ bar. This decision expands consumer protection to a broader class of self-employed individuals and mandates careful factual analysis of the dominant purpose of each transaction.

NC/RP/2484/2018 · 07.08.2026

The Jharkhand High Court has held that permanent alimony under Section 25 HMA is set against a husband's gross earning capacity, not the net income left after loans he chose to repay during the litigation, and awarded Rs 90,00,000 to the wife and two children on that basis. The question that follows: which liabilities incurred after a petition is filed should a court be willing to count at all?

28 judgments **1** Supreme Court **23** High Courts **4** Tribunals

Every judgment here, analysed in full.

The facts, the reasoning and the precedents each court engaged with.

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