Cassie

SATURDAY
15 AUGUST 2026

DAILY

Court Digest

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

IN TODAY'S DIGEST

- **A foreign LL.B. is not the first degree needed for a three-year LL.B. | Bombay HC**
- **Caste insult at a public gathering satisfies prima facie test without victim's presence | Karnataka HC**
- **GST refund cannot be withheld without a s.54(11) order : Patna HC**

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Supreme Court

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KEEP SWIPING >>>



Banking Law, Debt & Money Matters
Recovery Suits, Notices & Legal Pressure

SUPREME COURT

Section 60(1)(ccc) residential exemption is personal to the judgment-debtor

The dispute. Punjab and Sind Bank obtained a compromise decree in 1991 against a company and its directors, including a personal guarantor who died in 1994. The DRAT reinstated the auction after the DRT set it aside, but the Madhya Pradesh High Court in 2009 remanded the matter for fresh inquiry into the notice.

The reasoning. The Court held that the exemption under Section 60(1)(ccc) is expressly confined to a dwelling 'occupied by' the judgment-debtor and is therefore personal; it cannot be claimed by the widow or children after the debtor's death.

> *The plea of exemption under Section 60(1)(ccc) of the Code is personal to the judgment-debtor and is not available to be raised by his legal representatives.*
>
> FROM THE JUDGMENT

For your practice. Counsel for heirs of deceased judgment-debtors cannot invoke the residential exemption.

The order. The Supreme Court quashed the High Court's 2009 judgment and remand order, confirmed the auction of the Delhi property, and allowed Civil Appeals No. 182 and 190 of 2016 while dismissing No. 191 of 2016. No costs were awarded.

§ **Section 60(1)(ccc), Code of Civil Procedure, 1908**

SHEELA GEHLOT vs MOHINI HARDAYAL SINGH .

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	14.08.2026	C.A. No.-000182-000182 - 2016	2026:INSC:863

BENCH
Pamidighantam Sri Narasimha, Alok Aradhe

Relationships & Family Matters
Inheritance/Succession Matters

SUPREME COURT

Registered Will must still satisfy Section 63 ISA and Section 68 Evidence Act for proof

The dispute. Heirs of the first wife of Vaiyapuri Gounder challenged a registered 1976 Will executed by Arukkaniammal, the third wife, bequeathing A-schedule agricultural land entirely to the respondents' branch. The trial court rejected the Will and granted a two-thirds partition share to the appellants; the Madras High Court reversed and upheld the Will.

The reasoning. A Will propounder must establish execution and attestation under Section 63 of the Indian Succession Act and call at least one living attesting witness under Section 68 of the Evidence Act.

For your practice. Lawyers must now ensure that any Will relied upon in succession disputes is proved under Section 63 of the Indian Succession Act and the ordinary mode of proof under Section 68 of the Evidence Act before invoking Section 69. Failure to produce an attesting witness or to dispel suspicious circumstances will lead to the Will being rejected, affecting partition and inheritance claims.

The order. The Court restored the trial court's preliminary decree granting the appellants a two-thirds share in the A-schedule agricultural lands and the B-schedule house property.

§ **Section 63, Indian Succession Act, 1925; Sections 68 and 69, Evidence Act, 1872**

PAZHANATHAL (D) THR. LRS. vs ALAMATHAL (D) THR.LRS.

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	13.08.2026	C.A. No.-010169-010170 - 2013	2026:INSC:860

BENCH
Satish Chandra Sharma, Nongmeikapam Kotiswar Singh

Contracts & Business Disputes
Breach, Disputes & Reliefs

SUPREME COURT

Once a court excludes internal documents, oral testimony about their contents is barred

The dispute. Reliance Industries and NTPC disputed whether a concluded gas supply contract existed following an LOI issued in June 2004. The Supreme Court had in February 2019 set aside a High Court order that permitted such oral evidence; RIL renewed its challenge.

The reasoning. The Court held that once a document is excluded as irrelevant, its contents cannot be proved indirectly through oral testimony under Section 60, because doing so would entirely defeat the earlier exclusion.

For your practice. Where internal documents have been excluded, counsel must build the case from evidence that was not ruled out earlier.

The order. The Court dismissed RIL's appeal, confirmed the High Court's exclusion of the oral evidence, and awarded costs of Rs 10,00,000 to the Supreme Court Advocates on Record Association, payable by RIL within five weeks.

§ Section 60, Indian Evidence Act, 1872

RELIANCE INDUSTRIES LIMITED vs NTPC LIMITED

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	14.08.2026	C.A. No.-010723-010723 - 2026	2026:INSC:862

BENCH
Pamidighantam Sri Narasimha, Alok Aradhe

High Courts

4 judgments in this edition

KEEP SWIPING >>>

Government & Public Body Interactions

BOMBAY HC

Foreign LL.B. Not a ‘First Degree’ for Three-Year LL.B. Admission

The dispute. Yohaan Abraham held a three-year law degree from Queen Mary University of London and could not obtain a UGC equivalence certificate; the University cancelled his provisional admission to its three-year LL.B. Writ petition against the University's cancellation of provisional admission on 6 January 2026.

The reasoning. A foreign law degree recognised by the Bar Council is still not the antecedent first degree the three-year LL.B. requires.

For your practice. Lawyers must now verify that any foreign LL.B. holder seeking admission to India's three-year LL.B. programme possesses a prior Bachelor’s degree, as BCI recognition alone does not satisfy the statutory ‘First Degree’ requirement. This prevents reliance on BCI notifications to bypass the eligibility rules.

The order. The writ petition filed on 6 January 2026 was dismissed on 14 August 2026. The Court held that the petitioner’s foreign three-year LL.B. cannot be treated as the qualifying ‘First Degree’ for admission to the three-year LL.B. course. No order as to costs was made. The judgment clarifies that the petitioner may still pursue a Bridge Course or Qualifying Examination for eventual enrolment as an Advocate.

§ Section 7, Advocates Act, 1961

YOHAAN ABRAHAM vs CHHATRAPATI SHIVAJI MAHARAJ UNIVERSITY AND ANR

COURT	DECIDED	CASE NO.	BENCH
Bombay High Court	14.08.2026	WP/4739/2026	R.I. Chagl A, Farhan P. Dub Ash

Contracts & Business Disputes
Arbitration Agreements, Proceedings & Enforcement

DELHI HC

Unilateral arbitrator appointment without written waiver is void under Section 12(5)

The dispute. BHEL sub-contracted civil and mechanical works for a 520 MW hydroelectric project to Fitwell Constructions under a 2011 contract worth Rs 13,93,00,000. BHEL filed a petition under Section 34 of the Arbitration and Conciliation Act challenging the award dated 8 February 2023, contending that its own.

The reasoning. The Court held that Section 12(5), read with the Seventh Schedule, creates an automatic ineligibility that cannot be waived by conduct or participation in proceedings.

For your practice. Any arbitration clause allowing one party to appoint the sole arbitrator is unenforceable without a post-dispute written waiver.

The order. Award dated 8 February 2023 set aside; appointment of sole arbitrator on 16 August 2021 held to violate Section 12(5) of the Arbitration and Conciliation Act, 1996; petition allowed; pending application disposed of; no costs awarded.

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

BHARAT HEAVY ELECTRICALS LTD vs FITWELL CONSTRUCTIONS

COURT	DECIDED	CASE NO.	CITATION
Delhi High Court	13.08.2026	O.M.P. (COMM)-292/2023	2026:DHC:6675

BENCH
Avneesh Jhingan

Criminal Issues
Financial & Economic Offences

BOMBAY HC

Only the SEBI Board can initiate criminal prosecution for front-running offences

The dispute. Viresh Joshi, former Chief Dealer of Axis Asset Management, was named in a private complainant's FIR alleging front-running under IPC provisions. The complainant claimed losses exceeding Rs 2.52 lakh crore; SEBI had already issued an interim order to Joshi in February 2023. Joshi filed Criminal Application No. 1036/2025 under Section 528 BNSS seeking to quash FIR No. 0369/2024.

The reasoning. The court held that Section 26 of the SEBI Act creates an absolute bar: no court may take cognizance of a securities-market offence unless the complaint originates from the SEBI Board.

> *The SEBI Act being a Special Act, it is mandatory that the procedure as prescribed in the SEBI Act is followed. It was not open for the Complainant to directly approach the Court and file a complaint.*
>
> FROM THE JUDGMENT

For your practice. Any FIR for front-running or allied securities offences filed without a SEBI Board complaint is now vulnerable to quashing.

The order. FIR No. 0369/2024 quashed; Interim Applications No. 4102/2025 and 4642/2025 dismissed.

§ Section 26, Securities and Exchange Board of India Act, 1992

VIRESH GANGARAM JOSHI vs STATE OF MAHARASHTRA AND ANR

COURT	DECIDED	CASE NO.	BENCH
Bombay High Court	13.08.2026	APL/1036/2025	Ranjitsinha Raja Bhonsale

Criminal Issues
Religious & Communal Offences

KARNATAKA HC

Caste insult at a public gathering satisfies prima facie test without victim's presence

The dispute. Sirajuddin Sheikh allegedly directed caste-based slurs at Manjunath S.L. and his uncle during a political rally and two other public gatherings in August 2023. Twenty-one eyewitnesses and forensically authenticated video footage were placed before the court in support of the prosecution. The Additional Sessions Judge declined discharge under Section 227 CrPC.

The reasoning. Section 3(1)(r) of the SC/ST Act requires that the insult occur in public view and be directed at a member of a Scheduled Caste; the victim's physical presence at the moment is not a statutory condition.

For your practice. Lawyers must now appreciate that a prima facie case under the SC/ST Act can be established solely on public-view insults and circumstantial evidence, limiting the scope for discharge under Sec 227 CrPC and reinforcing the need for robust evidentiary support at the pre-trial stage.

The order. The Court dismissed the petition seeking discharge under Section 227 CrPC, holding that there are sufficient prima facie materials to frame charges against the petitioner under Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 504 of the Indian Penal Code. No monetary or custodial relief was ordered; the trial will proceed.

§ **Section 3(1)(r), Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**

MR. SIRAJUDDIN @ SIRAJ SHEIKH vs STATE OF KARNATAKA

COURT	DECIDED	CASE NO.	BENCH
Karnataka High Court	14.08.2026	CRL.P/8882/2024	M. Nagaprasanna

Tribunals

2 judgments in this edition

KEEP SWIPING →



Consumer & Service Problems

SCDRC

Developers Must Execute Deed of Conveyance

The dispute. The complainants bought a 1,750 sq ft flat for Rs 27,90,500 under a 2008 agreement and took possession in 2009, but the developer never executed the deed of conveyance despite a legal notice in 2018. Consumer complaint under Section 12 before the West Bengal State Commission.

The reasoning. A developer paid the whole consideration must execute the deed of conveyance, and failing to do so is a deficiency in service.

For your practice. The order clarifies that developers cannot rely on pending civil or criminal suits to avoid executing a deed of conveyance. Lawyers must now advise home-buyers to enforce specific performance under Section 12 and ensure developers are bound to register the title promptly, or face compensation and cost liabilities.

The order. The Court ordered the opposite parties to execute and register the deed of conveyance for the flat and covered car parking within forty-five days, with the complainants bearing stamp duty and registration fees. OP Nos.4-6 must pay Rs.1,00,000 as compensation and Rs.25,000 as litigation costs within the same period. No costs order was made against OP Nos.1-3. Non-compliance will permit execution proceedings as per law.

§ Section 12, Consumer Protection Act, 1986

Sri Samrat Das & ors. vs Smt. Pravati Gangulee & ors.

COURT
State Consumer Disputes Redressal Commission

DECIDED
13.08.2026

CASE NO.
SC/19/CC/992/2019

BENCH
Soma Bhattacharjee, Ananda Kumar Tiwari



Consumer & Service Problems

SCDRC

Refusing a legitimate health claim is a deficiency in service

The dispute. The respondent was hospitalised in ICU with COVID-19 in May 2021 and incurred Rs 51,700; the insurer refused reimbursement and the District Commission found a deficiency in service. Insurer's appeal against the West Tripura District Commission's award.

The reasoning. Refusing a legitimate hospitalisation claim is a deficiency in service, though compensation for mental agony is calibrated, not awarded at large.

For your practice. Lawyers must now treat insurance policyholders as consumers and anticipate that courts will award interest on delayed reimbursements, while calibrating mental-agony compensation to actual hardship, thereby shaping claim strategy and settlement negotiations.

The order. The appellant-insurance company shall pay Rs.35,018 with 7.5% interest per annum from 22.12.2022 until payment, plus Rs.50,000 for mental agony and harassment and Rs.50,000 for litigation costs, all within six weeks of the judgment, default to attract an additional 12% per annum interest.

§ Section 2(11), Consumer Protection Act, 2019

THE SBI GENERAL INSURANCE COMPANY LIMITED Through its Represented by its Authorised person/persons vs SRI PULAK SAHA S/o. Sri Nakul Chandra Saha

COURT
State Consumer Disputes Redressal Commission

DECIDED
14.08.2026

CASE NO.
SC/16/FA/15/2025

BENCH
Address - Natra

Also decided today

§ Section 166, Motor Vehicles Act, 1988 — SUPREME COURT

Motor accident consortium fixed at Rs 48,400 with mandatory 10% triennial uplift

The Court applied the Pranay Sethi framework, fixing funeral expenses and loss of estate at Rs 15,000 each and consortium at Rs 40,000 per claimant, subject to a 10% uplift every three years.

C.A. No.-010738-010738 - 2026 · 2026:INSC:864 · 14.08.2026

§ Section 302, Indian Penal Code, 1860 — SUPREME COURT

Murder conviction cannot stand where accidental drowning is the more plausible inference

A conviction under Section 302 IPC requires proof beyond reasonable doubt of homicidal intent; where the post-mortem records drowning as the cause, the injuries are non-grievous, no weapon is recovered.

Crl.A. No.-000076-000076 - 2020 · 2026:INSC:859 · 13.08.2026

§ Section 7, Central Goods and Services Tax Act, 2017 — GUJARAT HC

Corporate guarantees to subsidiaries are not a taxable supply under the CGST Act

A corporate guarantee satisfies none of the four conditions Section 7 demands: supply, service, to a related party, and in the course of business; a contingent promise without consideration cannot be deemed a supply without an express legislative provision.

R/Special Civil Application No. 12175 of 2024 · 2026:GUJHC:51510-DB · 14.08.2026

Also decided, continued

§ Section 13, Commercial Courts Act, 2015 DELHI HC

Commercial Courts Act bars appeals from pre-Act suits on orders outside Order XLIII

Section 13 of the Commercial Courts Act attaches from the Act's commencement on 23.10.2015, not from the date of formal re-numbering, so any pending commercial suit transferred to the Commercial Division falls within the Act's appellate regime.

FAO(OS) (COMM)-31/2020 · 2026:DHC:6650-FB · 14.08.2026

§ Section 74, Evidence Act, 1872 GUJARAT HC

RTI-obtained copies of private documents remain private under Section 74 Evidence Act

A private document does not become a public document merely because a public authority holds it; only the record of the document, such as a register entry, acquires public status under Section 74(2).

R/SCA/17104/2021 · 2026:GUJHC:51855 · 14.08.2026

§ Section 14, Specific Relief Act, 1963 BOMBAY HC

Courts cannot grant mandatory injunction to restore a determinable contract under Section 14

Section 14 of the Specific Relief Act bars restoration or specific performance of a contract that is by nature determinable, even if the termination is later found wrongful; the party must pursue damages through arbitration.

ARBPL/23312/2026 · 14.08.2026

Also decided, continued

§ Rule 6(2), Nagaland Services (Discipline and Appeal) Rules, 1967 GAUHATI HC

Deemed suspension lapses after ninety days without a charge-sheet and review order

A deemed suspension must be reviewed within ninety days; if no charge-sheet is served in that period, continuance violates Article 21.

WA/18/2026 · 14.08.2026

§ Section 34, Arbitration and Conciliation Act, 1996 DELHI HC

Arbitral award survives Section 34 challenge where patent illegality is not established

A domestic arbitral award can be set aside under Section 34 only for patent illegality going to the root of the matter or for a public policy breach; errors of contract interpretation do not qualify.

FAO(OS) (COMM)-236/2023 · 2026:DHC:6680-DB · 14.08.2026

§ Section 37(1)(c), Arbitration and Conciliation Act, 1996 DELHI HC

Builder-buyer arbitral awards survive where factual findings are evidence-based

Section 37(1)(c) permits interference only for jurisdictional defects or public-policy violations, not disagreement with an arbitrator's factual findings.

FAO (COMM)-53/2022 · 2026:DHC:6679-DB · 14.08.2026

Also decided, continued

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

Joint account holder cannot be prosecuted without signing

Liability under Section 138 attaches to the drawer who signed the cheque, so a joint account holder named only as the drawer's spouse cannot be prosecuted.

R/CR.MA/6821/2024 · 2026:GUJHC:51863 · 14.08.2026

§ Section 42, Prevention of Money Laundering Act, 2002 — DELHI HC

Interim orders cannot direct use of frozen proceeds for third-party liabilities

Frozen proceeds of crime cannot be released without express statutory authority, so an interim order applying them to another company's dues is ultra vires.

MISC. APPEAL(PMLA)-112/2026 · 2026:DHC:6683-DB · 14.08.2026

§ Article 226, Constitution of India — DELHI HC

Prior Experience Remains Valid Despite Shareholding Change

Past completed works remain valid experience despite a later change in shareholding, and an injunction from another court is no ground for review.

REVIEW PET.-327/2026 · 2026:DHC:6648-DB · 14.08.2026

§ Section 156(3), Criminal Procedure Code, 1973 — CALCUTTA HC

Dismissal for default does not preclude filing a second FIR

A complaint dismissed for default rather than on merits creates no bar, so a fresh FIR on the same facts is competent.

CRR/178/2024 · 14.08.2026

Also decided, continued

§ Section 11B, Central Excise Act, 1944 CESTAT

Refund of service tax paid by mistake of fact carries interest at 12 per cent per annum

The Tribunal held that a payment made by mistake of fact is classified as a deposit, not a tax receipt, and must be refunded with interest.

Service Tax Appeal No.70277 of 2026 · 14.08.2026

§ Section 123, Customs Act, 1962 CESTAT

Section 123 presumption of smuggling requires objective reasonable belief at the time

The Tribunal held that the statutory presumption under Section 123 operates only when a reasonable belief of smuggling is founded on objective circumstances existing at the time of seizure, not on post-seizure conjecture or quantity alone.

Customs Appeal No.70148 to 70152 of 2026 · 14.08.2026

The Supreme Court has now fixed the non-pecuniary consortium award in motor accident claims at Rs 48,400, subject to a 10% increase every three years. Does a judicially fixed quantum serve MACT claimants better than case-by-case assessment, or does it foreclose legitimate variations in loss?

24 judgments **5** Supreme Court **15** 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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