Cassie

FRIDAY
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DAILY

Court Digest

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

IN TODAY'S DIGEST

- **Financing Bank directed to correct the consumer's CIBIL score and pay ₹50k compensation: SCDRC**
- **S.125 CrPC | Mother's earnings do not halve father's liability : SC**
- **S.87A IT Act | Rebate applies to short-term capital gains : ITAT**
- **DigiLocker, mParivahan electronic records equal originals : Gauhati HC**

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Supreme Court

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Criminal Issues
Medical Negligence & Malpractice

SUPREME COURT

Police cannot investigate PCPNDT offences or file charge sheets for judicial cognizance

The dispute. Following a decoy raid at a private hospital for alleged sex determination, the District Magistrate lodged an FIR. The police investigated the matter and filed a criminal charge sheet for statutory and penal offences against the doctors. The High Court quashed the police charge sheet, prompting the State to appeal before the Supreme Court on certified questions.

The reasoning. The special statute vests investigative powers exclusively in the Appropriate Authority, barring independent police investigation. Magistrates are barred from taking cognizance on police reports and may act solely upon formal statutory complaints.

For your practice. Prosecutions under the Act must originate as complaints from the statutory authority, while any accompanying penal code offences proceed separately.

The order. The Supreme Court ruled that police cannot investigate statutory sex-selection offences and magistrates cannot take cognizance on police reports. The appeal was disposed of with a remand to the High Court for consequential orders.

§ **Section 27, Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994**

THE STATE OF UTTAR PRADESH vs BRIJ PAL SINGH

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	20.08.2026	Crl.A. No.-002938 - 2025	2026:INSC:901

BENCH
Sanjay Karol, Nongmeikapam Kotiswar Singh

Relationships & Family Matters
Maintenance for Spouse & Children

SUPREME COURT

A mother's income cannot automatically halve a father's child maintenance liability

The dispute. A paediatrician husband earning two lakh rupees monthly separated from his gynaecologist wife, who earned one lakh fifty thousand rupees. The mother sought interim maintenance under Section 125 CrPC for their two minor daughters in her custody. The Family Court awarded thirty thousand rupees monthly per child, but the High Court halved each award citing the mother's salary.

The reasoning. Child maintenance is a shared parental duty that cannot be divided by arithmetic alone. A mother's professional earnings do not justify reducing the father's obligation without demonstrating an error in the trial assessment.

> *The obligation to maintain the children is shared by both parents, but it cannot be divided by arithmetic alone.*
>
> FROM THE JUDGMENT

For your practice. Courts will not reduce a father's child maintenance obligation merely because the custodial mother earns a substantial independent income.

The order. The Supreme Court restored interim maintenance of thirty thousand rupees monthly per child and directed payment of arrears within three months.

§ Section 125, Code of Criminal Procedure, 1973

SUJATA KUMARI *vs* RAHUL KUMAR

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	20.08.2026	Crl.A. No.-003970-003970 - 2026	2026:INSC:896

BENCH
Vikram Nath, Sandeep Mehta

Property & Asset Disputes
Property Ownership, Title, Registration, Mutation, Division

SUPREME COURT

High Courts cannot overturn concurrent factual findings in second appeal without perversity

The dispute. Legal heirs of a deceased co-owner filed a civil suit for declaration, partition, and permanent injunction over agricultural land. The surviving brother resisted the partition claim by asserting adoption and an unverified 1990 revenue relinquishment. The trial court and first appellate court decreed the suit, but the High Court reversed them on limitation in second appeal.

The reasoning. Section 100 CPC bars second-appeal courts from disturbing factual findings absent manifest perversity. Revenue mutations do not extinguish title, and limitation runs only from the discovery of adverse claims.

> *A finding is not rendered perverse simply because the High Court, upon a fresh look at the evidence, considers a different inference preferable.*
>
> FROM THE JUDGMENT

For your practice. Appellate practitioners must establish patent illegality to displace concurrent factual decrees, as alternative evidential inferences cannot sustain a second appeal.

The order. The Supreme Court set aside the High Court judgment and restored the decrees of the lower courts. Each appellant was confirmed a one-tenth share in the suit property with entitlement to partition and permanent injunction.

§ **Section 100, Code of Civil Procedure, 1908**

JAMNABAI vs VASUDEV

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	20.08.2026	C.A. No.-011173-011173 - 2026	2026:INSC:900

BENCH
Sanjay Karol, Augustine George Masih

High Courts

5 judgments in this edition

KEEP SWIPING >>>



Banking Law, Debt & Money Matters
Surety, Guarantor & Co-borrower Liability Disputes

DELHI HC

Amendment lifting guarantor interim moratorium applies retroactively to pending applications

The dispute. IDBI Trusteeship sued personal guarantors to recover over fifteen crore rupees following a principal borrower's corporate default. A guarantor resisted, claiming that the creditor's pending insolvency petition against him triggered a statutory interim moratorium barring civil suits. He moved an application under Order VII Rule 11 of the Code of Civil Procedure seeking rejection of the plaint as legally barred.

The reasoning. Remedial statutory amendments operate quasi-retroactively on pending proceedings to prevent abuse. Section 96(4) of the IBC therefore applies to pending petitions, extinguishing the guarantor's interim-moratorium shield against civil claims.

For your practice. Creditors may pursue civil recovery and injunctions against personal guarantors without being stalled by pending Section 95 insolvency applications.

The order. The High Court dismissed the guarantor's Order VII Rule 11 application and held the suit maintainable. The commercial proceedings against the personal guarantors were directed to continue on merits.

§ **Section 96, Insolvency and Bankruptcy Code, 2016 (as amended by the Insolvency and Bankruptcy Code (Amendment) Act, 2026)**

IDBI TRUSTEESHIP SERVICES LIMITED vs MANISH JAIN & ors.

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	19.08.2026	CS(COMM)-800/2025	2026:DHC:6887	Tushar Rao Gedela

Government & Public Body Interactions
Tenders, Blacklisting & Debarment by Government Bodies

GAUHATI HC

DigiLocker electronic records equal originals and defeat unproven tender forgery claims

The dispute. Transport contractors awarded LPG carriage tenders verified their Tata-make trucks using DigiLocker and Vahan portal records. The transport firms filed writ petitions challenging the show-cause orders that placed them on a holiday list for alleged forgery.

The reasoning. Electronic records on DigiLocker are statutorily equivalent to original documents under the Information Technology Act, 2000. Allegations of forgery require concrete proof of deliberate fabrication, not mere omissions in a manufacturer's internal records.

> *These electronic records available on DigiLocker or mParivahan are deemed to be legally recognised at par with the original documents as per the provisions of the Information Technology Act, 2000.*
>
> FROM THE JUDGMENT

For your practice. Litigants can rely on authorised portal records as primary proof of compliance, placing the burden on opponents to produce positive evidence of forgery.

The order. The High Court quashed the blacklisting orders dated 2 March 2026. It directed the petitioners to replace the disputed trucks with conforming vehicles and ordered Indian Oil Corporation Limited to induct them within one week.

§ Information Technology Act, 2000

K.C. TRANSPORT AND ASSOCIATES vs THE UNION OF INDIA & ors.

COURT	DECIDED	CASE NO.	BENCH
Gauhati High Court	20.08.2026	WP(C)/1549/2026	Sanjay Kumar Medhi

Intellectual Property (IP) Law
Injunctions and Civil Remedies/Suits for Breach/Infringement of IP

DELHI HC

Suppressing prior notices and trademark objections vitiates an ex-parte interim injunction

The dispute. A trademark owner suing a nutraceutical manufacturer over the mark RewireX concealed its earlier cease-and-desist notice and trademark objections. The plaintiff obtained an ex-parte restraining order after portraying the dispute as an urgent market discovery. The Single Judge granted an ex-parte ad-interim injunction without recording reasons, which the manufacturer challenged before the Division Bench.

The reasoning. Applicants seeking ex-parte relief owe utmost candour and must disclose all prior notices under the Statement of Truth. Concealing prior objections creates false urgency to bypass mediation and invalidates an unreasoned order under Order XXXIX Rule 3.

For your practice. Commercial plaintiffs must disclose all prior correspondence and trademark registry objections in interim applications to prevent immediate vacatur and heavy costs.

The order. The Division Bench vacated the ex-parte injunction, dismissed the interim application, released seized goods from Superdari, and imposed two lakh rupees costs payable within two weeks.

§ **Commercial Courts Act, 2015**

NUGENESYS PHARMACEUTICALS PVT. LTD. AND ANR vs CELAGENEX RESEARCH (INDIA) PVT. LTD. & ors.

COURT	DECIDED	CASE NO.	CITATION
Delhi High Court	20.08.2026	FAO(OS) (COMM)-167/2026	2026:DHC:6947-DB

BENCH
V. Kameswar Rao, Manmeet Pritam Singh Arora

Relationships & Family Matters
Maintenance for Spouse & Children

UTTARAKHAND HC

A husband knowingly marrying a mother cannot deny step-child maintenance on biological grounds

The dispute. A husband knowingly married a woman having a young son from a previous marriage and later fathered a daughter. Following separation, the wife and both children claimed maintenance under Section 125 CrPC against the husband, who earned over one lakh fifty thousand rupees monthly. The Family Court granted maintenance to the wife and daughter but rejected the son's claim for lack of biological paternity, prompting this revision.

The reasoning. A spouse knowingly marrying a parent assumes family obligations and cannot deny maintenance under Section 125 CrPC for lacking biological ties. Quantum must reflect effective income rather than salary reduced by non-statutory deductions.

For your practice. Spouses cannot escape child maintenance by disclaiming biological paternity where they knowingly accepted step-children upon marriage.

The order. The High Court enhanced monthly maintenance to ten thousand rupees for the wife and thirty thousand rupees for the daughter, and awarded ten thousand rupees monthly to the step-son until majority.

§ Section 125, Code of Criminal Procedure, 1973

Revisionist vs State Of Uttarakhand

COURT	DECIDED	CASE NO.	CITATION	BENCH
Uttarakhand High Court	20.08.2026	CRLR/100/2022	2026:UHC:7531	Alok Mahra

Criminal Issues
Cheque Bounce

DELHI HC

Appellate court may waive Section 148 NI Act deposit upon proven financial hardship

The dispute. The petitioner was convicted under Section 138 of the Negotiable Instruments Act and sentenced to sixteen months imprisonment with a heavy fine. In his pending appeal, the appellate court directed a twenty percent compensation deposit and issued warrants upon default. The convict challenged the pre-deposit direction and the non-bailable warrants before the High Court citing severe financial distress.

The reasoning. The deposit condition under Section 148 is discretionary and can be waived upon genuine financial incapacity. Coercive process should not be deployed mechanically where inability to pay is established during a pending appeal.

For your practice. Lawyers handling NI Act convictions must now recognize that a High Court can set aside a Section 148 deposit order when the appellant shows genuine financial distress and the appeal is pending, preventing unnecessary coercive measures and ensuring speedy appellate review.

The order. The Court waived the direction to deposit twenty percent of the compensation amount, recalled the non-bailable warrants, and ordered the First Appellate Court to dispose of the appeal within six weeks. The petitioner remains sentenced to sixteen months imprisonment and a fine of Rs.70,50,000, but no further monetary deposit is required pending the appeal.

§ Section 148, Negotiable Instruments Act, 1881

CHANDER MOHAN vs SANJEEV KUMAR TYAGI

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	19.08.2026	CRL.M.C.-1728/2026	2026:DHC:6929	Manoj Jain

Tribunals

3 judgments in this edition

KEEP SWIPING →



SCDRC

Consumer & Service Problems
Banking, Loans & Financial Services

Financing banks in digital credit schemes are liable for erroneous credit bureau reporting

The dispute. A consumer used the Flipkart Pay Later digital credit facility financed by IDFC First Bank and made all scheduled payments on time. Despite timely repayments, the bank wrongfully reported the consumer as a defaulter, causing a severe drop in his CIBIL credit score. The consumer appealed against the District Commission's order that dismissed his complaint seeking compensation and credit score rectification.

The reasoning. A bank financing digital credit is a service provider and cannot claim intermediary immunity under the Information Technology Act.

For your practice. Fintech lending partners cannot avoid consumer liability through intermediary defences, making financing banks directly accountable for credit report inaccuracies.

The order. The State Commission allowed the appeal and set aside the dismissal order. It directed IDFC First Bank to correct the consumer's CIBIL score, pay Rs 50,000 compensation, and pay Rs 10,000 litigation costs.

§ **Section 41, Consumer Protection Act, 2019**

SHRI UTKARSH PANWAR S/o. yogendra panwar vs IDFC FIRST BANK LIMITED & ors.

COURT	DECIDED	CASE NO.
State Consumer Disputes Redressal Commission	20.08.2026	SC/5/FA/6/2025

BENCH
Kumkum Rani, B.S. Manral

Judgment

ITAT

Section 87A rebate applies to short-term capital gains taxed at special rates

The dispute. An assessee declared income of Rs 4,81,640 under the new tax regime, claiming a Section 87A rebate on short-term capital gains. The Central Processing Centre denied the rebate and rejected rectification, treating special-rate gains as ineligible. The Revenue appealed after the Commissioner of Income Tax (Appeals) reversed the denial and granted the rebate.

The reasoning. Section 87A applies to total computed tax without differentiating between slab and special rates. Administrative circulars cannot override clear statutory text or restrict relief absent express legislative exclusions.

> *section 87A operates on the total tax computed, whether it includes tax at slab rates or special rates, and applies so long as the total income threshold is met.*
>
> FROM THE JUDGMENT

For your practice. Assessees under the new regime can claim Section 87A rebates against special-rate gains, resisting automated denials based on circulars.

The order. The Tribunal dismissed the Revenue's appeal and directed the Assessing Officer to allow the Rs 25,000 rebate for assessment year 2024-25, recomputing tax accordingly.

§ Section 87A, Income-tax Act, 1961

Income Tax Officer, Ward-1, Beawaer, ... vs Rajshree Kothari, Beawar

COURT
Income Tax Appellate Tribunal

DECIDED
20.08.2026

CASE NO.
ITA No. 399/JPR/2026

BENCH
Annapurna Gupta, Kuldip Singh



Consumer & Service Problems
Builder/Construction Matters, Delayed Possession, Structural Issues, etc.

SCDRC

Subsequent purchaser of flat qualifies as consumer entitled to conveyance deed

The dispute. The complainants purchased a residential flat after a prior allotment was cancelled, paying the entire sixty-seven lakh consideration and taking possession. Despite repeated requests, the developers and landowners failed to execute the registered conveyance deed. The purchasers filed an original consumer complaint before the State Consumer Disputes Redressal Commission seeking deed execution and compensation.

The reasoning. A subsequent flat purchaser upon cancellation of an earlier agreement qualifies as a consumer under Section 2(7). Developers and landowners are jointly liable to execute the conveyance deed, and non-execution constitutes deficiency of service.

For your practice. The ruling expands the definition of consumer to include later buyers and imposes joint liability on developers to execute conveyance documents. Lawyers must now draft pleadings that expressly claim specific performance under Section 35(1)(a) and seek clear compliance timelines to enforce consumer rights effectively.

The order. Rs 1,00,000 compensation, Rs 25,000 litigation cost, execution and registration of the deed of conveyance, and supply of the completion certificate are ordered. All directions must be complied with within eight weeks from the order dated 20 August 2026.

§ **Section 2(7), Consumer Protection Act, 2019**

SMT. KRISHNA SEN vs SMT. PAPIYA BAKULY & ors.

COURT	DECIDED	CASE NO.
State Consumer Disputes Redressal Commission	20.08.2026	SC/19/CC/79/2024

BENCH
Bibhas Ranjan De, Mridula Roy

Also decided today

§ Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 SUPREME COURT

Prosecutions under the Gangsters Act fail without a distinct substantive statutory offence

The statute merely defines gang membership without creating an independent substantive offence under Article 20(1). Imposing penal liability purely on the basis of gang charts without a defined statutory act is unconstitutional.

Crl.A. No.-003979-003979 - 2026 · 2026:INSC:894 · 20.08.2026

§ Rule 10, Chhattisgarh State Universities Service Rules, 1983 SUPREME COURT

State cannot conduct de novo eligibility enquiry after Public Service Commission clearance

Rule 10 accords statutory finality to the Commission's eligibility determination and bars any de novo administrative review. Post-selection verification by the State is strictly confined to checking document authenticity and patent illegality.

C.A. No.-000238-000238 - 2026 · 2026:INSC:902 · 20.08.2026

§ Section 302, Indian Penal Code, 1860 SUPREME COURT

Uncorroborated child witness testimony cannot sustain conviction or reverse acquittal

A child witness is vulnerable to tutoring, making independent corroboration indispensable in serious criminal trials. The double presumption of innocence bars appellate courts from reversing an acquittal where the trial court took a plausible view.

Crl.A. No.-000937-000937 - 2014 · 2026:INSC:899 · 20.08.2026

Also decided, continued

§ Section 3(1)(r) and 3(1)(s), Scheduled Castes and Scheduled Tribes (Prevention... SUPREME COURT

Caste insult in enclosed office without public presence attracts no SC/ST Act offence

Offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act mandate that the insult occur in a place within public view. An enclosed room where members of the public are absent does not satisfy the statutory threshold of public view.

Crl.A. No.-003969-003969 - 2026 · 2026:INSC:895 · 20.08.2026

§ Section 2(oo)(bb), Industrial Disputes Act, 1947 DELHI HC

Successive short-term contracts for permanent duties cannot invoke the retrenchment exemption

Serial renewals for regular duties cannot invoke the Section 2(oo)(bb) retrenchment exemption without proof of a temporary project. Where prolonged delays make reinstatement impractical, courts may mould relief by awarding lump-sum monetary compensation.

CW - 18083/2005 · 2026:DHC:6991 · 20.08.2026

§ Section 31, Narcotic Drugs and Psychotropic Substances Act, 1985 PUNJAB AND HARYANA HC

Conviction after alleged offence is not a previous conviction for enhanced NDPS penalty

Section 31 requires a prior conviction antecedent in time to the offence under trial. A subsequent conviction cannot operate retrospectively to alter charges beyond the initial police report.

CRM-M/41512/2026 · 2026:PHHC:114787 · 19.08.2026

Also decided, continued

§ Section 3(1), Prevention of Illicit Traffic in Narcotic Drugs and Psychot... PUNJAB AND HARYANA HC

Stale material and unexplained delay vitiate preventive detention issued after regular bail

An unexplained multi-year delay between the alleged prejudicial activity and the detention order snaps the requisite proximate link. Preventive detention cannot serve as an instrument to nullify or circumvent a judicial order granting regular bail.

CRWP/1237/2026 · 2026:PHHC:114535 · 20.08.2026

§ Order VI Rule 17, Code of Civil Procedure, 1908 HIMACHAL PRADESH HC

Pleadings cannot be amended after trial commences without demonstrating due diligence

The proviso to Order VI Rule 17 restricts post-trial amendments unless the applicant demonstrates due diligence. Supervisory jurisdiction cannot be exercised to reassess discretionary trial court findings absent patent perversity.

CMPMO/198/2026 · 2026:HHC:35417 · 20.08.2026

§ Section 148, Income Tax Act, 1961 GUJARAT HC

Income tax reassessment requires fresh tangible material rather than a mere change of opinion

Reopening a completed scrutiny assessment under Section 148 is impermissible without fresh tangible material demonstrating that income escaped assessment.

R/SCA/18101/2019 · 2026:GUJHC:53217-DB · 19.08.2026

Also decided, continued

§ Section 153D, Income Tax Act, 1961 ITAT

Search assessment passed without demonstrable Section 153D approval is void ab initio

Prior approval of the Joint Commissioner under Section 153D is a mandatory condition precedent for search assessments. Mere narrative recitals in the assessment order cannot substitute for documentary proof, rendering non-compliant assessments void ab initio.

IT(SS)A No.11/SRT/2022 · 20.08.2026

§ Regulation 20(1), SEBI (Substantial Acquisition of Shares and Takeovers) Regulations, 2011 SAT

Competing takeover offer window runs strictly from the first detailed public statement

The statutory fifteen-day window for announcing a competing open offer commences strictly from the first detailed public statement, not subsequent offer documents.

Appeal No.133 of 2025 · 19.08.2026

§ CCS (Pension) Rules, 2021 CAT

Lack of personal notice excuses procedural delay in shifting to Old Pension Scheme

Administrative deadlines cannot bar pension relief when the employer fails to establish personal service of the option circular on the employee. Laches does not defeat a continuing pension claim where third-party rights remain unaffected.

OA No.1721/2025 · 20.08.2026

Can the police investigate or file a charge-sheet when a cognizable sex-selection offence is reported under the PCPNDT Act? Today's lead judgment settles the procedural boundaries by barring police investigation, raising the practical question of how law enforcement and statutory Appropriate Authorities will coordinate joint enforcement on the ground.

23 judgments **7** Supreme Court **10** High Courts **6** Tribunals

Every judgment here, analysed in full.

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

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