Cassie

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23 SEPTEMBER 2026

DAILY

Court Digest

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

IN TODAY'S DIGEST

- **Defamation | Bonnard rule bars gag order on product test : Calcutta HC**
- **Contract Law | Indian governing law bars foreign sanctions : Delhi HC**
- **S.14(1) HSA | Widow estate enlarges without partition : SC**
- **S.238 IBC | Insolvency code overrides rent control laws : NCLAT**
- **S.37 Arb Act | Writs lie against appellate arbitral orders : Orissa HC**

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Supreme Court

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Property & Asset Disputes
Inheritance/Succession Matters

SUPREME COURT

Widow limited interest enlarges into absolute ownership without claiming partition

The dispute. A Hindu widow inherited her husband joint family share under the 1937 Act and remained in joint possession until her death. Surviving coparceners challenged her testamentary bequest and subsequent land sales, arguing her limited interest lapsed without partition. The High Court affirmed the validity of the widow will and alienations, which the agnates challenged before the Supreme Court.

The reasoning. Section 14(1) of the Hindu Succession Act expands any limited interest possessed by a female Hindu into full ownership by operation of law. Actual severance or formal partition is not a prerequisite for statutory enlargement.

For your practice. Title examiners can rely on conveyances executed by a widow legatees without demanding partition decrees or separate possession records.

The order. The Supreme Court dismissed the appeal and upheld the validity of the sale deeds executed pursuant to the widow testament.

§ **Section 14(1), Hindu Succession Act, 1956**

GANAPATI (DEAD) BY HIS LRS vs PRABHAKAR

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	22.09.2026	C.A. No.-000660-000660 - 2019	2026 INSC 1033

BENCH
S.V.N. Bhatti, N.V. Anjaria

Relationships & Family Matters
Divorce and Separation

SUPREME COURT

Anti suit injunction against foreign divorce barred when foreign court is forum conveniens

The dispute. An Indian couple resided and acquired substantial assets in the United Kingdom before matrimonial relations broke down. The husband initiated divorce proceedings in India and sought an anti-suit injunction to restrain the wife from pursuing matrimonial remedies before English courts. The High Court vacated the trial court anti-suit injunction, against which the husband appealed to the Supreme Court.

The reasoning. Anti-suit injunctions require demonstration of oppressive or vexatious foreign litigation. Where parties are habitually resident overseas and property is located abroad, comity of courts and forum conveniens bar domestic anti-suit interference.

For your practice. Cross-border matrimonial litigants cannot obtain unilateral domestic injunctions when the foreign jurisdiction has a closer territorial nexus to the marriage.

The order. The Supreme Court dismissed the appeal and upheld the vacation of the anti-suit injunction without order as to costs.

§ Section 13, Code of Civil Procedure, 1908

MIHIR PRAKASH BAJORIA vs VIDUSHI JAIN BAJORIA

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	22.09.2026	C.A. No.-013096-013096 - 2026	2026 INSC 1034

BENCH
S.V.N. Bhatti, N.V. Anjaria

High Courts

5 judgments in this edition

KEEP SWIPING >>>

Tort and Personal Injury
Defamation

CALCUTTA HC

Interim injunction in defamation requires proof that truth defence is certain to fail

The dispute. Social media influencers published independent laboratory tests revealing heavy metal contamination in commercial Ayurvedic formulations. The manufacturer instituted a defamation suit claiming brand dilution and sought an urgent pre-trial restrain order against further broadcasts. The trial court granted an ex parte ad interim injunction restraining publication, which the creators challenged in appeal.

The reasoning. Under the Bonnard principle, pre-trial injunctions cannot issue where the defendant pleads justification unless the defence is manifestly unviable. The court must preserve public interest debate unless malice is demonstrated.

For your practice. Commercial brand owners cannot secure gag orders against product reviewers without affirmatively disproving laboratory findings at the threshold.

The order. The High Court set aside the ex parte injunction and permitted republication of the laboratory test videos without order as to costs.

§ Ayurvedic Pharmacopoeia of India, 1969

Arpit Mangal & ors. v. Emami Limited & ors.

COURT	DECIDED	CASE NO.
Calcutta High Court	22.09.2026	FMA/1036/2025

BENCH
Sabyasachi Bhattacharyya, Sandip Kumar De

Contracts & Business Disputes
Interim Reliefs, Injunctions & Specific Performance

DELHI HC

Indian governing law clause excludes foreign sanctions defence to software support

The dispute. An Indian refiner contracted enterprise software support under agreements expressly governed by Indian law with exclusive New Delhi jurisdiction. Following European regulatory shifts, the vendor abruptly suspended software keys citing foreign unilateral sanctions. The refiner filed an original suit and sought an interim mandatory injunction directing restoration of enterprise services.

The reasoning. Parties bound by an express Indian choice-of-law clause cannot excuse contractual performance by invoking foreign sanctions without formal proof as foreign law. Unilateral overseas measures do not create frustration or legal impossibility.

For your practice. Global technology vendors operating in India cannot unilaterally terminate maintenance on geopolitical grounds when contracts stipulate Indian law.

The order. The High Court granted an interim mandatory injunction directing immediate restoration of support services within eight weeks, with Rs 25,000 costs.

§ Clause 12.5, General Terms and Conditions

NAYARA ENERGY LIMITED vs SAP INDIA PRIVATE LIMITED & ors.

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	21.09.2026	CS(COMM)-1006/2025	2026:DHC:8119	Vikas Mahajan

Relationships & Family Matters
Divorce and Separation

HIMACHAL PRADESH HC

False complaints to husband military superiors constitute mental cruelty under HMA

The dispute. A wife submitted written petitions to Army authorities alleging her husband maintained an illicit relationship with a relative. In departmental inquiries, the allegations were found baseless, causing severe humiliation in the husband unit. The family court granted a decree of divorce to the husband, which the wife appealed before the High Court.

The reasoning. Making unsubstantiated written allegations of moral turpitude to a spouse military commanding officers strikes at their professional reputation. Such conduct causes profound mental harassment, constituting actionable cruelty under Section 13(1)(i-a).

For your practice. Lawyers must now treat unsubstantiated allegations to professional authorities as per se mental cruelty in HMA cases, shifting burden to the alleging spouse to prove claims and enabling quicker divorce proofs where traditional cruelty evidence is absent.

The order. Appeal dismissed; family court's divorce decree dated 28.09.2020 upheld. No monetary relief, interest, or compliance timelines granted as decree solely dissolved marriage based on wife's proven mental cruelty via false Army complaints.

§ Section 13(1)(i-a), Hindu Marriage Act, 1955

Smt. Raj Kumari v. Sh. Sanjay Kumar

COURT	DECIDED	CASE NO.	CITATION
Himachal Pradesh High Court	22.09.2026	FAO(FC)/2/2021	2026:HHC:40628

BENCH
Ajay Mohan Goel, Yogesh Jaswal

Criminal Issues
UAPA, NSA, Preventive Detention, Sedition, etc.

KARNATAKA HC

Preventive detention invalid without notice of right to represent to detaining authority

The dispute. Police authorities ordered the preventive detention of an individual under drug trafficking prevention laws citing recurring criminal cases. The detention grounds informed the detenu of rights to represent to the State Government and Advisory Board but omitted the detaining authority. The detenu spouse petitioned for a writ of habeas corpus challenging the detention order for constitutional non-compliance.

The reasoning. Article 22(5) guarantees an immediate right to make effective representation to the detaining authority until the order is approved. Failure to inform the detenu of this distinct statutory avenue vitiates the detention at inception.

For your practice. Defence counsel in preventive detention challenges can secure immediate quashing where the communication fails to specify representation to the detaining officer.

The order. The High Court allowed the writ petition, quashed the detention order, and directed the detenu immediate release from custody.

§ **Article 22(5) of the Constitution of India**

SMT. MALA W/O. RAJU KALE vs STATE OF KARNATAKA

COURT	DECIDED	CASE NO.	BENCH
Karnataka High Court	22.09.2026	WPHC/100019/2026	M. Nagaprasanna, Hema Kulkarni

Contracts & Business Disputes
Cross-border Contracts & Jurisdiction Issues

BOMBAY HC

Admiralty suit dispenses with Letters Patent leave when cause of action arises in India

The dispute. An Indian fishing vessel collided with a foreign-flagged oil tanker within Indian territorial waters, causing total loss of the boat. The Indian owner instituted an in personam admiralty damage suit before the High Court without seeking prior leave under Clause XII of the Letters Patent. The foreign vessel management company opposed registration of the suit citing absence of prior Letters Patent leave.

The reasoning. Section 17 of the Admiralty Act 2017 repealed historic Letters Patent requirements for maritime claims. Territorial nexus under Section 7(1)(a) confers complete jurisdiction where the maritime cause of action arose within Indian waters.

For your practice. Maritime practitioners can file in personam admiralty suits directly against foreign operators without the procedural burden of Clause XII leave.

The order. The High Court held no prior leave was required and directed the Registry to number and proceed with the admiralty suit.

§ Section 17, Admiralty Act, 2017

ANTHONYTHASAN DECARTHUS OWNER OF INDIAN FISHING BOAT RUBY REG NO IND TN 15 MM 6742 vs ANGLO EASTERN TANKER MANAGEMENT HONG KONG LTD OWNER OF MV NEW FRONTIER

COURT	DECIDED	CASE NO.	CITATION	BENCH
Bombay High Court	21.09.2026	LPETNL/16349/2026	2026:BHC-OS:20779	Abhay Ahuja

Tribunals

1 judgment in this edition

KEEP SWIPING →



Banking Law, Debt & Money Matters
Personal Bankruptcy & Insolvency

NCLAT

Insolvency Code overrides state rent control statutes for liquidator eviction

The dispute. A corporate debtor under liquidation owned commercial units occupied by parties claiming tenancy without registered leases or rental receipts. The liquidator applied directly to the adjudicating authority to recover custody of the liquidation estate assets. The adjudicating authority ordered summary eviction under Section 60(5)(c), which the occupants challenged before the appellate tribunal.

The reasoning. Section 238 of the IBC contains a non-obstante clause that overrides state rent control protections. The liquidator carries a statutory duty to take custody of corporate assets, and the tribunal possesses jurisdiction to order summary eviction.

For your practice. Insolvency practitioners can evict unauthorized occupants directly through company tribunals without pursuing multi-year state rent control litigation.

The order. The appellate tribunal dismissed the appeals and directed the occupants to vacate the corporate properties within two weeks.

§ **Section 238, Insolvency and Bankruptcy Code, 2016**

M/S Duke Fashions (India) Ltd. And ... vs Sh. Pramod Kumar Misra & ors.

COURT
National Company Law Appellate Tribunal

DECIDED
22.09.2026

CASE NO.
Company Appeal (AT)(INS) No. 1462 of 2026

BENCH
Yogesh Khanna

Also decided today

§ Section 227, Code of Criminal Procedure, 1973 — SUPREME COURT

Absence of original forged document does not bar charge framing if prima facie case exists

At the stage of framing charges under Section 227 CrPC, the court evaluates only whether a prima facie case exists on record. Non-availability of the original disputed document during preliminary inquiry does not entitle the accused to discharge.

Crl.A. No.-004092-004092 - 2026 · 2026 INSC 1032 · 22.09.2026

§ Section 31(7), Arbitration and Conciliation Act, 1996 — SUPREME COURT

Express contractual bar on pre reference interest overrides arbitrator implied discretion

Under Section 31(7)(a) of the Arbitration Act, arbitral power to award pre-reference interest is strictly subject to party agreement. Where the contract expressly bars interest on delayed payments, the tribunal cannot award interest.

C.A. No.-013081-013081 - 2026 · 2026 INSC 1036 · 22.09.2026

§ Section 3(b), Drugs and Cosmetics Act, 1940 — BOMBAY HC

Airport duty free shops remain subject to domestic non fiscal regulatory laws

Customs exemptions for duty-free zones are strictly fiscal and do not confer immunity from substantive public health or regulatory legislation. Domestic statutes apply fully to goods brought into Indian territory regardless of bonded warehousing.

WP/3778/2026 · 2026:BHC-OS:20816-DB · 22.09.2026

Also decided, continued

§ Section 37, Arbitration and Conciliation Act, 1996 — ORISSA HC

Writ petition maintainable against appellate arbitration order despite second appeal bar

Statutory bars on second appeals do not extinguish constitutional supervisory jurisdiction under Articles 226 and 227. High Courts retain power to correct patent jurisdictional errors, perversity, or manifest illegality in arbitral appellate orders.

WP(C)/44/2026 · 21.09.2026

§ Section 15-A, Bombay Rent Control Act, 1947 — BOMBAY HC

Unregistered partnership licensee entitled to statutory tenancy under Bombay Rent Act

Section 15-A of the Bombay Rent Control Act confers statutory tenancy on any licensee occupying premises on the cutoff date. The registration bar under Section 69 of the Partnership Act does not preclude enforcement of this statutory status.

CRA/578/2024 · 2026:BHC-AS:38799 · 22.09.2026

§ Section 56, Madhya Pradesh Panchayat Raj Adhiniyam, 1993 — MADHYA PRADESH HC

Gram panchayat cannot dispossess settled occupant without statutory due process

A local authority cannot summary evict an individual in established possession of land without adhering to the statutory procedure in Section 56 of the Panchayat Act. Even a trespasser in settled possession cannot be dispossessed by force.

SA 31/2004 · 2026:MPHC-IND:26642 · 22.09.2026

Also decided, continued

§ Section 32, Indian Evidence Act, 1872

BOMBAY HC

Dying declaration admissible under Section 32 Evidence Act despite delayed death

Section 32(1) of the Evidence Act does not require the declarant to be under immediate expectation of death when making a statement. A dying declaration remains fully admissible even if death ensues weeks later due to medical complications.

APEAL/234/2018 · 2026:BHC-AS:38669-DB · 22.09.2026

§ Section 482, Bharatiya Nagarik Suraksha Sanhita, 2023

PUNJAB AND HARYANA HC

Deliberate suppression of criminal antecedents is independent ground to deny pre arrest bail

An applicant seeking anticipatory bail under Section 482 of the BNSS carries an absolute obligation of complete candour. Concealment of pending criminal cases or proclaimed offender status disentitles the applicant to discretionary relief.

CRM-M/50816/2026 · 2026:PHHC:135859 · 21.09.2026

§ Section 73, Indian Contract Act, 1872

DELHI HC

Landlord claiming damages under Section 73 Contract Act must prove mitigation of loss

Section 73 of the Contract Act imposes a positive duty on an aggrieved party to take all reasonable steps to mitigate damages. A landlord cannot recover accumulated rental losses without proving prevailing market rates and efforts to relet.

RFA-634/2026 · 2026:DHC:8152 · 22.09.2026

Also decided, continued

§ Order 21 Rule 29 of the Code of Civil Procedure, 1908 — CALCUTTA HC

Pendency of title suit does not warrant stay of execution of arbitral eviction award

Order XXI Rule 29 CPC confers discretionary power to stay execution only where a substantial challenge to the decree exists. A collateral title suit disputing the underlying lease cannot be utilised to paralyse an affirmed arbitral award.

CO/2227/2026 · 22.09.2026

§ Section 12, Consumer Protection Act, 1986 — SCDRC

Insurer cannot enforce policy exclusion clause where terms were not supplied to insured

An insurance company cannot repudiate a mediclaim based on an exclusion clause unless it proves that the complete policy terms were delivered to the insured. Reliance on uncommunicated exclusions constitutes an unfair trade practice.

SC/7/A/452/2024 · 22.09.2026

§ Section 65, Insolvency and Bankruptcy Code, 2016 — NCLAT

Fraudulent initiation plea under Section 65 IBC cannot be raised for first time in appeal

Allegations of fraudulent or malicious insolvency initiation under Section 65 of the IBC require specific pleading before the adjudicating authority. An appellate tribunal will not entertain fresh allegations of fraud to overturn admission.

Company Appeal (AT) (Insolvency) No. 1474 of 2026 · 22.09.2026

Can global enterprise vendors invoke unilateral foreign sanctions to excuse contractual performance in India when the agreement expressly chooses Indian law?

20 judgments **4** Supreme Court **13** High Courts **3** Tribunals

Every judgment here, analysed in full.

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

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