Cassie

THURSDAY
24 SEPTEMBER 2026

DAILY

Court Digest

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

IN TODAY'S DIGEST

- **Custody | Child welfare overrides tender years in relocation : SC**
- **S.89 MHCA | Rehab detention without dual medical exam illegal : Uttarakhand HC**
- **S.381 UCC | Police protection for live-in partners : Uttarakhand HC**
- **S.69 IT Act | Bank credits alone not unexplained investment : ITAT**

14	1	12	1
JUDGMENTS IN ALL	SUPREME COURT	HIGH COURTS	TRIBUNAL

Swipe to read all 14 judgments >>>

Inside this digest

14 judgments reported in full on cassie.in

— SUPREME COURT

Child welfare overrides tender years doctrine in relocation 4

— HIGH COURTS

Rehab detention without dual medical certification is unlawful 6

Live in couples entitled to protection during UCC registration 7

Unchallenged digital chats establish mental cruelty in divorce 8

Arbitral interim restraint extends to non signatory entity 9

Bank not deemed defaulter when customer account has zero balance 10

Developer justified in cancelling allotment for stamp duty default 11

Section 9 interim measures continue until tribunal constitution 14

Appointment approvals governed by preponderance of probabilities 14

Inadequately stamped arbitral award must be impounded 14

Investigating officer must issue advance notice for presence 15

Res judicata does not bar fresh electronic evidence affidavit 15

Partial payment of land premium without reservation estops challenge 15

— TRIBUNALS

Bank credit entries alone not unexplained investment under S.69 13

Supreme Court

1 judgment in this edition

KEEP SWIPING >>>

Relationships & Family Matters
Custody, Adoption and Guardianship

SUPREME COURT

Child welfare overrides tender years doctrine in cross border parental relocation

The dispute. A mother secured academic employment at an overseas university offering substantial remuneration and sought permission to relocate with her minor children. The father opposed removal citing tender years and parental alienation, while facing pending criminal allegations. The Family Court and High Court denied permission to relocate abroad, prompting the mother to appeal before the Supreme Court.

The reasoning. Paramount consideration in custody rests on the overall welfare and development of minor children. The tender years doctrine cannot subordinate a custodial parent career when relocation provides superior educational and living environments.

For your practice. Matrimonial practitioners can defend international relocation by proving enhanced living standards, defeating rigid objections founded on tender age alone.

The order. The Supreme Court set aside the impugned orders, permitted relocation to the United Kingdom, and directed schooling details to be submitted within six weeks.

§ **Section 3, Juvenile Justice (Care and Protection of Children) Act, 2015**

DEBARATI BHUNIA CHAKRABORTY vs SUMAN SANKAR BHUNIA

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	23.09.2026	C.A. No.-012774-012774 - 2026	2026 INSC 1043

BENCH
Sandeep Mehta

High Courts

6 judgments in this edition

KEEP SWIPING >>>

Criminal Issues
Bail, Arrest & Custody Issues

UTTARAKHAND HC

Detention in rehabilitation facility without dual medical certification is unlawful

The dispute. A private wellness centre admitted and confined an individual against his will following family representations regarding substance abuse. Confinement was sustained solely on a general practitioner screening report without psychiatric evaluation or mental illness diagnosis. The detenu filed a writ of habeas corpus challenging his involuntary institutionalisation as unconstitutional and violative of statutory safeguards.

The reasoning. Section 89 of the Mental Healthcare Act mandates certification by two medical practitioners, including a psychiatrist, for involuntary admission. Addiction alone does not establish mental illness justifying custodial confinement without consent.

For your practice. Counsel pursuing habeas corpus against de-addiction facilities can secure immediate discharge by demonstrating non-compliance with dual-certification mandates.

The order. The High Court declared the confinement illegal, ordered the detenu immediate release, and issued directions to state authorities to inspect rehabilitation centres.

§ Section 89, Mental Healthcare Act, 2017

Ankush Chauhan v. State of Uttarakhand & ors.

COURT	DECIDED	CASE NO.	CITATION
Uttarakhand High Court	23.09.2026	HABC/44/2026	2026:UHC:8601-DB

BENCH
Ravindra Maithani, Siddhartha Sah

Relationships & Family Matters
Live-in Relationships & Cohabitation Rights

UTTARAKHAND HC

Adult live in partners entitled to police protection while registering under UCC

The dispute. Two consenting adult partners living together faced imminent violent threats, intimidation, and familial harassment from opposing relatives. The couple sought protective intervention while preparing statutory registration on the state Uniform Civil Code portal. The partners filed a criminal writ petition seeking police protection against private interference with their life and liberty.

The reasoning. Consensual cohabitation between adults is a protected liberty under Article 21. Procedural compliance with Section 381 UCC registration mandates cannot operate as an obstacle to immediate state protection against familial intimidation.

For your practice. Counsel defending inter-community live-in couples can obtain immediate protective orders without waiting for formal completion of UCC portal formalities.

The order. The High Court directed local police to assess threat levels immediately and provide necessary security, with liberty to complete portal registration.

§ Section 381(1), Uttarakhand Uniform Civil Code, 2024

Najuk v. State Of Uttarakhand

COURT	DECIDED	CASE NO.	CITATION	BENCH
Uttarakhand High Court	23.09.2026	WPCRL/1962/2026	2026:UHC:8597	Alok Mahra

Relationships & Family Matters
Divorce and Separation

CHHATTISGARH HC

Unchallenged digital chats and substantiated police reports establish mental cruelty

The dispute. A wife endured persistent verbal harassment, humiliation, and abandonment by her spouse shortly after their marriage. In matrimonial proceedings, she submitted extensive abusive electronic chat transcripts alongside contemporaneous police complaints, which remained unrefuted during trial. The Family Court dismissed her divorce petition for want of physical injury evidence, which she challenged on first appeal.

The reasoning. Cruelty under matrimonial law is not restricted to physical violence and encompasses severe psychological trauma. Unchallenged electronic communications reflecting sustained hostility provide cogent foundation to dissolve the marital tie.

For your practice. Matrimonial advocates can prove mental cruelty by proving electronic chat histories where opposing parties fail to specifically cross-examine or deny them.

The order. The High Court set aside the Family Court decree, dissolved the marriage under Section 13(1)(i-a), and granted liberty to seek permanent alimony.

§ Section 13, Hindu Marriage Act, 1955

ARCHANA SINGH vs ANAND KUMAR GUPTA ARCHANA SINGH VS ANAND KUMAR GUPTA

COURT	DECIDED	CASE NO.	CITATION
Chhattisgarh High Court	23.09.2026	FA(MAT)/189/2024	2026:CGHC:41301-DB

BENCH
Parth Prateem Sahu, Sushma Sawant

Contracts & Business Disputes
Interim Reliefs, Injunctions & Specific Performance

BOMBAY HC

Arbitral interim restraint extends to non signatory entity breaching non compete

The dispute. A beverage franchisor granted exclusive regional bottling rights subject to strict non-compete and confidentiality covenants. The franchisee incorporated an associate enterprise through immediate family members to manufacture and distribute an identical competing packaged water brand. The franchisor initiated Section 9 arbitration proceedings seeking urgent pre-arbitral injunctive relief against both entities.

The reasoning. Section 9 empowers courts to restrain non-signatories where necessary to preserve arbitral subject matter. Contractual prohibitions against indirect competition cannot be circumvented by establishing associate concerns through alter egos.

For your practice. Commercial litigators can seek Section 9 injunctions against third-party affiliates to prevent clandestine circumvention of negative covenants.

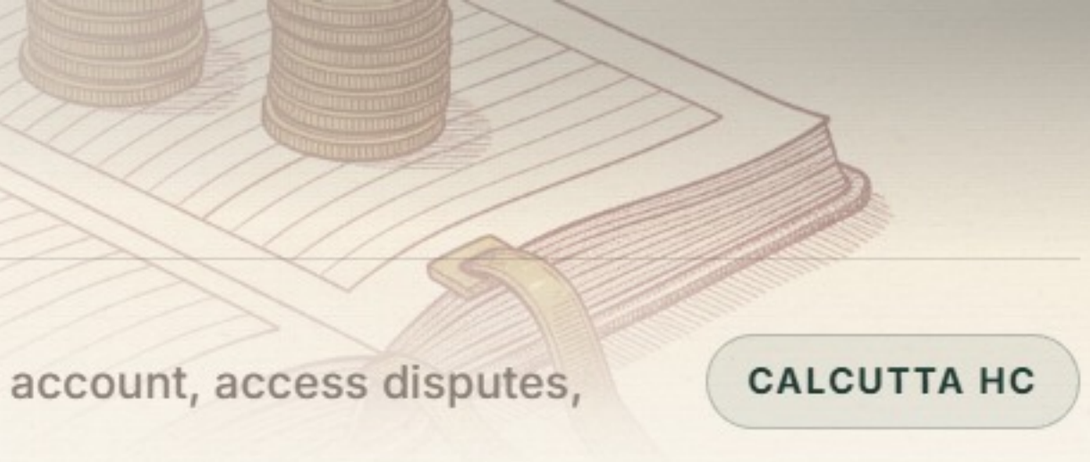
The order. The High Court restrained the respondent and its associate from manufacturing competing beverages, ordering compliance and asset disclosure within four weeks.

§ **Section 9 of the Arbitration and Conciliation Act, 1996**

Parle Agro Private Limited vs Udayak Agro Products Pvt Ltd

COURT	DECIDED	CASE NO.	CITATION
Bombay High Court	23.09.2026	CARBPL/25994/2026	2026:BHC-OS:20863

BENCH
Amit Borkar



Banking Law, Debt & Money Matters
Account & Locker Matters (Account freeze/lien, joint account, access disputes, theft, etc.)

CALCUTTA HC

Bank not liable as deemed defaulter for customer dues when account has zero balance

The dispute. Social insurance authorities issued coercive garnishee orders directing central bank recovery from a commercial bank for outstanding employer statutory dues. The defaulting enterprise account held with the bank was dormant, inoperative, and maintained a continuous zero balance. The bank challenged the garnishee proceedings before the High Court under Article 227 as unlawful and violative of natural justice.

The reasoning. Section 45G of the ESI Act attaches third-party liability only to money due or held on behalf of a defaulting employer. A financial institution cannot be deemed an employer in default when no funds exist to satisfy the attachment warrant.

For your practice. Banking litigators can quash administrative garnishee attachments against financial institutions where debtor customer accounts possess zero credit.

The order. The High Court quashed the garnishee notices and restraint orders against the bank, holding the recovery proceedings arbitrary and without authority of law.

§ Section 45G, Employees State Insurance Act, 1948

State Bank of India & ors. Versus Employees State Insurance Corporation & ors.

COURT	DECIDED	CASE NO.	CITATION	BENCH
Calcutta High Court	23.09.2026	CO/822/2025	2026:CHC-AS:1614	Shampa Dutt



Consumer & Service Problems
RERA, Delayed Possession, Structural Issues, etc.

BOMBAY HC

Developer justified in cancelling flat allotment upon buyer default in stamp duty

The dispute. A homebuyer booked a residential unit and deposited initial booking sums but failed to pay requisite stamp duty and registration fees despite repeated notices. Instead of paying the treasury directly, the buyer transferred partial amounts to the promoter account without official challans. MahaRERA and the Appellate Tribunal directed execution of the sale agreement, which the promoter challenged before the High Court.

The reasoning. Section 13 of RERA requires strict compliance with statutory registration charges before execution of agreements. Mere fund transfers to a developer without official tax challans do not discharge statutory obligations, justifying termination.

For your practice. Real estate counsel representing builders can sustain allotment cancellations where purchasers fail to provide valid government stamp duty receipts.

The order. The High Court set aside the tribunal orders, upheld cancellation, and directed the builder to refund the booking amount with SBI MCLR plus 2% interest.

§ Section 13, Real Estate (Regulation and Development) Act, 2016

J P BUILDERS AND DEVELOPERS vs SANTOSH AMARSINGH SANDHU

COURT	DECIDED	CASE NO.	CITATION	BENCH
Bombay High Court	23.09.2026	IA/7688/2025	2026:BHC-AS:38974	Sandeep V. Marne

Tribunals

1 judgment in this edition

KEEP SWIPING →



Banking Law, Debt & Money Matters

ITAT

Bank credit entries alone do not constitute unexplained investment under Section 69

The dispute. Assessing authorities treated unexplained bank deposits as undisclosed investments under Section 69, levying consequential penalties for concealment. The assessee proved that no tangible or intangible assets were acquired from the credited sums. The CIT(Appeals) sustained the addition, which the taxpayer appealed before the Income Tax Appellate Tribunal.

The reasoning. Additions under Section 69 of the Income Tax Act require the identification of an underlying unrecorded asset or investment. Mere credit entries in a bank account cannot be treated as unexplained investments without linking them to specific acquisitions.

For your practice. Practitioners must now ensure that Assessing Officers identify a specific asset or investment before invoking Section 69, and must correlate bank credits with debit entries; otherwise additions and penalties are vulnerable to challenge.

The order. The Tribunal deleted the addition of INR 1.27 cr. under Section 69 and the penalty of INR 38 lakhs under Section 271(1)(c) for the assessment year 2012-2013, restoring the returned income of INR 1,24,670/-. No costs or interest were awarded.

§ Section 69, Income Tax Act, 1961

Hasmukhlal Prabhulal Mehta,Ahmedabad vs The Ito, Ward-1(2)(2), Ahmedabad

COURT
Income Tax Appellate Tribunal

DECIDED
23.09.2026

CASE NO.
ITA No.1010/AHD/2017 & ITA No.1499/AHD/2024

BENCH
B.R.R. Kumar, Rahul Chaudhary

Also decided today

§ Section 11, Arbitration and Conciliation Act, 1996 DELHI HC

Court interim measures under Section 9 continue until arbitral tribunal constitution

Interim protection granted under Section 9 may be extended until the arbitral tribunal is formally constituted under Section 11. Upon constitution, the petition is treated as a Section 17 application, preserving all contentions before the arbitrator.

O.M.P.(I) (COMM.)-219/2026 · 2026:DHC:8234 · 23.09.2026

§ Section 138, Negotiable Instruments Act, 1881 CALCUTTA HC

Administrative approval of appointments governed by preponderance of probabilities

Administrative bodies deciding approval of educational appointments must apply the preponderance of probabilities standard. Demanding proof beyond reasonable doubt or relying on outdated inspection reports constitutes an error of law.

FMA/605/2024 · 23.09.2026

§ Section 33, Indian Stamp Act, 1899 DELHI HC

Inadequately stamped arbitral award is unenforceable and must be impounded

Under Section 33 of the Indian Stamp Act, courts cannot enforce an arbitral award that lacks adequate stamp duty. The enforcing court must impound the instrument while permitting the decree holder liberty to cure the fiscal defect.

OMPENFCOMM - 225/2024 · 2026:DHC:8221 · 23.09.2026

Also decided, continued

§ Section 35(3), Bharatiya Nagarik Suraksha Sanhita, 2023 — UTTARAKHAND HC

Investigating officer must issue advance written notice to require personal presence

Section 35(3) of the BNSS mandates written advance notice before an investigating officer can compel personal attendance of any person. Oral summons or coercive demands for immediate police presence violate procedural safeguards guaranteed by law.

WPCRL/1698/2026 · 2026:UHC:8600 · 23.09.2026

§ Section 65B, Evidence Act, 1872 — CALCUTTA HC

Res judicata does not bar subsequent electronic evidence affidavit for new documents

Rejection or limitation of an earlier Section 65-B certificate does not bar a subsequent certificate regarding distinct electronic records. Res judicata does not apply when the evidentiary subject matter of the subsequent filing is entirely different.

CS-COM/497/2024 · 23.09.2026

§ Section 211, Bombay Land Revenue Act, 1879 — GUJARAT HC

Unreserved partial payment of land premium creates estoppel against challenging demand

Voluntary payment of statutory premium without reserving rights creates an estoppel by conduct against challenging the underlying order. Litigants who accept the benefit of administrative determinations cannot turn around to impugn the calculation.

R/SCA/1163/2008 · 2026:GUJHC:59951 · 23.09.2026

Does the conferment of suo motu revisional jurisdiction 'at any time' allow revenue authorities to destabilise settled land rights after decades, or does constitutional rule of law impose an implied deadline of reasonable time?

14 judgments **1** Supreme Court **12** High Courts **1** Tribunal

Every judgment here, analysed in full.

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

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