Cassie

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DAILY

Court Digest

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

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- **Art.226 | Daughter-in-law cannot oust elderly parent : Calcutta HC**
- **Rule 43(b) | Retiree enquiry barred 4 years after event : Patna HC**
- **S.82 CrPC | Stale address cannot sustain absconding FIR : Delhi HC**
- **CPA | Housing authority cannot alter executed lease terms : NCDRC**

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Government & Public Body Interactions

DELHI HC

Intra-group mergers between wholly owned subsidiaries remain exempt from stamp duty in Delhi

The dispute. Freecharge Payment Technologies merged with another wholly owned subsidiary of Axis Bank under an approved amalgamation scheme. The Collector of Stamps rejected the statutory exemption for intra-group transfers and demanded over ₹70 crore in stamp duty and penalties. The transferee company challenged the SDM's assessment order imposing duty and equal penalty through a writ petition.

The reasoning. Notification No. 13 of 1937 remains operative in Delhi and exempts property transfers between ninety percent common subsidiaries. Judicial discipline requires following a coordinate bench ruling upholding the statutory exemption absent an appellate stay.

For your practice. Corporate restructurings should expressly invoke Notification No. 13 during Section 31 stamp duty adjudication for wholly owned subsidiaries to bar arbitrary levies.

The order. The High Court quashed the order dated 26.05.2022 and cancelled the ₹70,95,88,698 demand comprising duty and penalty. The petitioner was declared exempt from stamp liability under Notification No. 13 of 1937.

§ Notification No.13, Indian Stamp Act, 1899

FREECHARGE PAYMENT TECHNOLOGIES PRIVATE LIMITED vs COLLECTOR OF STAMPS GOVERNMENT OF NCT OF DELHI

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	08.10.2026	W.P.(C)-11910/2022	2026:DHC:8991	Amit Mahajan

Relationships & Family Matters
Shared Household & Right to Residence

CALCUTTA HC

Senior citizens have a constitutional right to peaceful residence in self-acquired property

The dispute. An elderly widowed teacher was forced out of her self-acquired home following domestic discord with her daughter-in-law. After her husband died, she sought police assistance to re-enter the residence while matrimonial disputes remained pending. The senior citizen moved the High Court under Article 226 seeking a writ of mandamus for peaceful entry after police closed her complaint.

The reasoning. A daughter-in-law's matrimonial residence right cannot defeat elderly parents' entitlement to occupy their self-acquired home.

For your practice. Senior citizens should frame writ petitions for facilitative re-entry upon advance notice rather than eviction to avoid stalling across pending matrimonial litigation.

The order. The High Court permitted the petitioner to return home upon giving three days' notice, restraining the daughter-in-law from creating obstructions. Local police were directed to ensure peaceful entry if intimation of obstruction is received.

§ Article 226 of the Constitution of India

T.B. v. The State of West Bengal & ors.

COURT	DECIDED	CASE NO.	BENCH
Calcutta High Court	09.10.2026	WPA/3566/2024	Anuj Singh

Government & Public Body Interactions
Administrative & Disciplinary Proceedings against Public Servants

PATNA HC

Departmental proceedings against retirees cannot be initiated four years after the event

The dispute. A retired Deputy Collector faced departmental action for alleged financial irregularities in executing rural schemes between 2006 and 2009. Although the resolution was signed before superannuation, the charge-memo was served ten days post-retirement, culminating in a 75 percent pension cut. The retired officer filed a writ petition challenging the pension deduction, the inquiry report, and the order rejecting his review application.

The reasoning. Under Rule 43(b) of the Bihar Pension Rules, proceedings commence only upon actual service of the charge-memo.

For your practice. Counsel challenging post-retirement penalties must check the date of charge-memo service against statutory limitation to defeat time-barred disciplinary proceedings.

The order. The High Court quashed the 75 percent pension deduction, set aside the inquiry proceedings, and directed full restoration of pension with 6 percent annual interest within eight weeks.

§ Section 43(b), Bihar Pension Rules, 1950

Umesh Kr. Verma vs The State Of Bihar & ors.

COURT	DECIDED	CASE NO.	BENCH
Patna High Court	09.10.2026	CWJC-10673/2018	Kumar Manish

Criminal Issues
Summons and Warrants

DELHI HC

Absconding charges cannot stand without objective verification of the accused's residence

The dispute. An accused in a cheque bounce complaint was declared an absconder after summons and warrants sent to outdated addresses returned unserved. Based on the declaration, police registered an FIR against him under Section 174A IPC for intentional non-appearance. The petitioner petitioned the High Court to quash the absconding FIR, demonstrating that he had not resided or worked at the summoned addresses since 2018.

The reasoning. Section 82 CrPC mandates objective verification that an accused ordinarily resides at the given address and deliberately evades service.

For your practice. Complainants seeking coercive process must furnish verified proof of current residence rather than relying on stale addresses that invalidate subsequent proclamation proceedings.

The order. The High Court quashed the FIR registered under Section 174A IPC at Kalkaji police station along with all consequential proceedings, awarding no monetary costs.

§ Section 82, Code of Criminal Procedure, 1973

TAJINDER MOHAN SINGH vs THE STATE (GOVERNMENT OF NCT OF DELHI)

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	09.10.2026	CRL.M.C.-500/2025	2026:DHC:8954	Girish Kathpalia

Tribunals

1 judgment in this edition

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

NCDRC

Statutory authorities cannot unilaterally alter financial terms of executed lease deeds

The dispute. A housing society executed a lease with MHADA to build a municipal market based on agreed construction cost parameters. After the market was completed and handed over, MHADA unilaterally slashed the cost benchmark to demand over ₹1 crore in differential premium. Facing persistent recovery notices, the society filed an original complaint before the NCDRC challenging the retrospective levy as deficient service.

The reasoning. Statutory housing authorities cannot deploy subsequent internal resolutions to reopen concluded contracts or create retrospective financial liabilities.

For your practice. Parties confronting retrospective demands by statutory bodies should tender deposits expressly under protest to preserve refund rights and defeat limitation defences.

The order. NCDRC ordered MHADA to refund ₹1,09,50,015 with 6% interest from 11.02.2016 and ₹12,79,084 from 29.06.2002 within two months, failing which 9% interest applies.

§ **Section 2(1)(o), Consumer Protection Act, 1986**

MEERA COOPERATIVE HOUSING SOCIETY LIMITED vs MAHARASHTRA HOUSING AND AREA DEVELOPMENT AUTHORITY & ors.

COURT	DECIDED	CASE NO.
National Consumer Disputes Redressal Commission	08.10.2026	NC/CC/3602/2017

BENCH
Inder Jit Singh, Shashi Nandkeolyar

Also decided today

§ Rule 10(a)(i), Tamil Nadu State and Subordinate Services Rules, 1955 SUPREME COURT

Direct recruits selected through open competition must rank senior to compassionate appointees

Candidates entering service through regular competitive selection must rank senior to those appointed through exceptional or stopgap arrangements.

C.A. No.-008757-008757 - 2013 · 2026 INSC 1105 · 09.10.2026

§ Section 175, Bharatiya Nagarik Suraksha Sanhita, 2023 ALLAHABAD HC

Ordering an FIR against public servants requires evaluating the official duty nexus

Section 175(4) BNSS mandates prior consideration of a superior officer's report and the public servant's version before ordering an investigation.

CRIMINAL APPEAL No. - 8381 of 2026 · 09.10.2026

§ Clause 1 of Chapter VIII of the Medical Attendance Rules - Coal India Limited CALCUTTA HC

Colour blindness cannot disqualify office staff absent a functional nexus to duties

Medical fitness standards must bear a demonstrable functional nexus to the specific duties of the post. Where rules limit colour discrimination tests to mining cadres, an employer cannot reject an office accountant absent proof of operational impairment.

WPA/16028/2026 · 2026:CHC-AS:1795 · 09.10.2026

Also decided, continued

§ Section 34(3), Arbitration and Conciliation Act, 1996 DELHI HC

Limitation runs from award receipt and directors are not liable without personal guarantees

Limitation to challenge an arbitral award commences only upon actual delivery of the signed copy to the party, not from its pronouncement.

FAO (COMM)-133/2024 · 2026:DHC:8916-DB · 09.10.2026

§ Section 498A, Indian Penal Code, 1860 CALCUTTA HC

Vague allegations of cruelty cannot sustain prosecution against spouses or distant relatives

Generalised allegations lacking specific dates, locations, or particular instances of harassment fail to disclose the essential ingredients of matrimonial cruelty.

CRR/3541/2024 · 2026:CHC-AS:1797 · 09.10.2026

§ Section 34, Arbitration and Conciliation Act, 1996 MADHYA PRADESH HC

Arbitral rejection of a jurisdictional objection is challengeable only after the final award

Where an arbitral tribunal rejects a jurisdictional objection and proceeds with the reference, the ruling cannot be impugned immediately under Section 34 or Article 226.

WP 38779/2026 · 2026:MPHC-JBP:81501 · 09.10.2026

Also decided, continued

§ Section 14, Hindu Marriage Act, 1955 — DELHI HC

Non-consummation and early separation warrant waiving the one-year bar for mutual divorce

Consensual assertions of non-consummation deposed on oath cannot be dismissed as bald claims merely because marital intimacy lacks external corroboration.

MAT.APP.(F.C.)-337/2026 · 2026:DHC:8866-DB · 08.10.2026

§ Section 34, Specific Relief Act, 1963 — CALCUTTA HC

Unity of possession precludes dismissing a partition suit for lack of physical possession

Where co-sharers share unity of possession, constructive possession inheres in joint title and negates any prayer for consequential recovery.

CO/115/2025 · 08.10.2026

§ Section 142, Central Goods and Services Tax Act, 2017 — CESTAT

Service tax paid under reverse charge after GST implementation is refundable in cash

Section 142(3) of the CGST Act governs refund claims for duties paid under existing law even where deposits occur after the appointed day.

Excise Appeal No.70036 of 2021 · 09.10.2026

When binding coordinate bench precedent confirms that Notification No. 13 of 1937 exempts intra-group subsidiary amalgamations from stamp duty, can revenue authorities disregard judicial finality to impose a ₹70-crore levy? Or does the rule of law demand that administrative discretion yield to established precedent, protecting corporate restructurings from arbitrary fiscal overreach?

14 judgments **1** Supreme Court **11** High Courts **2** Tribunals

Every judgment here, analysed in full.

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

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