Cassie

SATURDAY
17 OCTOBER 2026

DAILY

Court Digest

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

IN TODAY'S DIGEST

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- **S.27 MB Act | Contract cannot override maternity leave : Raj. HC**
- **Art.21 | Quashed criminal cases warrant identity masking : Delhi HC**
- **S.4 Passport Rules | Separated parents can secure a child's passport without spousal consent : Gujarat HC**

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Supreme Court

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Criminal Issues
Quashing of Cases

SUPREME COURT

Private complaints for false election affidavits do not require public servant sanction

The dispute. An elector filed a private criminal complaint alleging an elected MLA declared a false address in his nomination affidavit. The magistrate took cognizance of the alleged offence of furnishing false election information under the Representation of the People Act. The Karnataka High Court quashed the complaint, ruling that Section 195(1) CrPC required an official complaint by the Election Commission.

The reasoning. Section 125-A carries a non-obstante clause and is omitted from the offences catalogued in Section 195(1) CrPC. Private citizens may thus prosecute false election affidavits directly, while magistrates retain power to dismiss frivolous complaints.

For your practice. Voters can directly file criminal complaints against candidates for false election affidavits without seeking prior sanction from election authorities.

The order. The Supreme Court dismissed the appeal, upholding the quashing of the complaint on facts while holding that private prosecutions under Section 125-A remain maintainable.

§ Section 195, Code of Criminal Procedure, 1973

RAJKUMAR MADKI vs SHAILENDRA BELDALE

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	16.10.2026	Crl.A. No.-003387-003387 - 2026	2026:INSC:1138

BENCH
Dipankar Datta, Sheel Nagu

Criminal Issues
White Collar Crimes (Money laundering, Insider Trading, Financial Frauds, Tax Evasion, Foreign exchange, etc.)

SUPREME COURT

Prior sanction is not required to investigate public servants accused of demanding bribes

The dispute. A police constable in Sirohi was arraigned for corruption after a colleague alleged he demanded a Rs 1.5 lakh bribe. The trial court framed charges under Section 7 of the Prevention of Corruption Act following investigation and sanction. The High Court dismissed his revision petition against the charge for lack of prior investigative approval, prompting this appeal.

The reasoning. Section 17A protects only recommendations or decisions made in the bona fide discharge of official functions. Demanding illegal gratification is an unconnected criminal act outside official duties that requires no prior sanction.

> *Section 17 -A by any stretch of imagination cannot be applied to cases of demand of illegal gratification.*
>
> FROM THE JUDGMENT

For your practice. Defence counsel cannot invoke Section 17A to stall bribery probes that do not stem from official administrative decisions.

The order. The Supreme Court dismissed the appeal and affirmed the High Court order, allowing the trial on bribery charges to proceed.

§ **Section 17A, Prevention of Corruption Act, 1988**

TEJARAM vs STATE OF RAJASTHAN

COURT	DECIDED	CASE NO.
Supreme Court of India	16.10.2026	Crl.A. No.-004988-004988 - 2026

BENCH
S.v.n. Bhatti, N.v. Anjaria

High Courts

5 judgments in this edition

KEEP SWIPING >>>

Work & Employment Issues
PF, ESI & Statutory Benefits Disputes

RAJASTHAN HC

Contractual status cannot defeat statutory maternity leave where eligibility criteria are met

The dispute. A consultant engaged on a one-year contract by a state environmental committee applied for six months of maternity leave. The pollution control board rejected the request, citing a contractual clause permitting only declared public holidays. The consultant filed a writ petition before the High Court challenging the rejection order and claiming paid maternity benefits.

The reasoning. Statutory maternity protections override inconsistent contractual terms under Section 27 of the 1961 Act. Once eligibility criteria are satisfied, the law creates a legal fiction treating the employee as continuing in service to secure benefits.

> *The law creates a fiction in such a case by treating her to be in employment for the sole purpose of availing maternity benefits under the 1961 Act.*
>
> FROM THE JUDGMENT

For your practice. Contractual employees can enforce statutory maternity benefits against the entity utilising their services regardless of restrictive clauses in their appointment orders.

The order. The High Court quashed the rejection order and directed the board to grant 180 days' maternity leave. The board must disburse consolidated salary of Rs 40,000 per month with 6% interest within three months.

§ Section 27, Maternity Benefit Act, 1961

SMT. SHIVANGI KHANDELWAL vs STATE OF RAJASTHAN

COURT	DECIDED	CASE NO.	CITATION	BENCH
Rajasthan High Court	16.10.2026	CW / 1561 / 2023	2026:RJ-JD:49861	Bipin Gupta

Immigration Law

GUJARAT HC

Separated single parents can obtain a child's passport without the estranged spouse's consent

The dispute. A mother separated from her husband sought her minor child's passport renewal as a single parent with custody. The Regional Passport Authority refused to process the application without the estranged father's consent or a court order. The mother approached the Gujarat High Court in a writ petition seeking a direction to issue the passport without spousal approval.

The reasoning. The Passport Rules recognise separated parents as eligible single applicants entitled to declare custody under Annexure C. Demanding spousal consent or custody decrees lacks statutory backing and constitutes an impermissible internal precaution.

For your practice. Single parents living separated can secure a minor child's passport using statutory declarations without seeking custody orders or estranged spousal consent.

The order. The High Court allowed the petition and directed the Regional Passport Authority to issue or reissue the child's passport within eight weeks.

§ Section 4(A)(3)(a), Passport Rules, 1980

Shital Maulik Thakkar Mother of Maulik Thakkar v. Regional Passport Authority

COURT	DECIDED	CASE NO.	CITATION	BENCH
Gujarat High Court	16.10.2026	R/SCA/11277/2026	2026:GUJHC:65535	Nisha M. Thakore

Privacy & Data Protection Law
Breach of Privacy

DELHI HC

Quashed criminal orders require masking of identity markers under right to be forgotten

The dispute. Following his wife's death, the petitioner faced two criminal cases filed by in-laws, both quashed by the High Court in 2021. The unredacted quashed orders remained accessible online, causing severe stigma and harassment to his minor family. The petitioner moved the High Court to mask all identity markers in the quashed orders and across third-party portals.

The reasoning. The right to privacy under Article 21 encompasses the right to be forgotten. Once proceedings are quashed, continuing public online dissemination serves no public purpose and infringes personal dignity.

> *There is no reason why an individual who has been duly cleared of any guilt by law should be allowed to be haunted by the remnants of such accusations easily accessible to the public.*
>
> FROM THE JUDGMENT

For your practice. Seek identity masking rather than blanket expungement after criminal cases are quashed to balance personal privacy against open justice.

The order. The Registrar General must mask identity markers in quashed orders dated 7 September 2021 and 13 May 2021. The petitioner may approach search engines and online platforms to host the masked versions.

§ Article 21, Constitution of India

XX *vs* HIGH COURT OF DELHI THROUGH LD REGISTRAR GENERAL

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	16.10.2026	W.P.(C)-15503/2026	2026:DHC:9375	Amit Mahajan

Government & Public Body Interactions
Caste, Income & Domicile Certificate Disputes

ORISSA HC

Migrants do not carry their Scheduled Caste or Scheduled Tribe status across State borders

The dispute. A Jharkhand migrant belonging to the Bhuiya caste agreed to sell his Odisha land for Rs 10 lakh. The Sub-Registrar refused registration, demanding tribal transfer permission because Bhuiya is a Scheduled Tribe in Odisha. The vendor filed a writ petition before the Orissa High Court challenging the refusal to register the sale deed.

The reasoning. Presidential caste notifications are strictly State-specific and do not travel with a migrant across borders. Statutory land transfer restrictions apply solely to locally notified tribes, exempting unnotified migrants.

> *Thus, a person migrating to another State does not carry with him the status of Scheduled Caste or Scheduled Tribe that he enjoys in his original State.*
>
> FROM THE JUDGMENT

For your practice. Conveyancers must verify a migrant vendor's origin State caste status and certificate rather than mechanically applying destination State transfer curbs.

The order. The High Court allowed the petition, quashed the demand letter, and directed the Sub-Registrar to register the sale deed within three days of receiving the order.

§ **Article 341, Constitution of India**

Binoy Krishna Das v. State of Odisha & ors.

COURT	DECIDED	CASE NO.	BENCH
Orissa High Court	16.10.2026	WP(C)/17774/2026	Sashikanta Mishra

Government & Public Body Interactions

ORISSA HC

States cannot retrospectively withdraw industrial incentives without proven public interest

The dispute. A cement manufacturer invested over Rs 300 crore relying on Odisha's 2015 industrial policy offering net SGST reimbursement. The company filed a writ petition before the High Court challenging the retrospective exclusion and seeking release of the tax benefits.

The reasoning. Policy modification powers do not permit retrospective withdrawal of accrued incentives without proven public interest. Having induced substantial capital investment, the state cannot defeat legitimate expectations on mere fiscal grounds.

> *The financial consequences of continuing an incentive and the legality of withdrawing it for a past period are separate matters.*
>
> FROM THE JUDGMENT

For your practice. Litigants challenging retrospective incentive rollbacks can shift the burden to the state to demonstrate compelling public interest rather than fiscal convenience.

The order. The High Court set aside the retrospective exclusion of cement units under the 2020 resolution. The authorities were directed to determine and release the net SGST reimbursement with applicable interest within four weeks.

§ Section 11, Orissa Industries (Facilitation) Act, 2004

M/S JSW Cement Limited, Jajpur & ors. v. State of Odisha & ors.

COURT	DECIDED	CASE NO.	CITATION
Orissa High Court	16.10.2026	WP(C)/36871/2020	2026:OHC:213-DB

BENCH

Sanjeeb K Panigrahi, Murahari Sri Raman

Tribunals

1 judgment in this edition

KEEP SWIPING >>

Insurance Law & Claims
Mis-selling, Non-disclosure & Proposal Form Issues

SCDRC

Repudiating life insurance claims requires proof that concealed illness was material to risk

The dispute. A widow claimed two lakh rupees under two life insurance policies following her husband's death from cardiac arrest. The public insurer repudiated both claims, asserting that the deceased had concealed prior treatment for hepatitis during policy inception. The District Commission dismissed the consumer complaint upholding the insurer's repudiation, prompting the widow to appeal before the Uttarakhand SCDRC.

The reasoning. Under uberrimae fidei, non-disclosure of a past illness does not justify repudiation unless proved material to the underwritten risk. Absent any medical nexus between the cured hepatitis and the fatal cardiac arrest, the insurer could not deny liability.

For your practice. Practitioners must now insist that insurers demonstrate materiality of any alleged non-disclosure before repudiating claims; mere proof of concealment is insufficient. Interest on awarded sums runs from the date of complaint filing, providing a clear benchmark for calculating relief in insurance deficiency cases.

The order. The appeal is allowed. The District Commission's order dated 30.06.2016 is set aside. The respondents (LIC) are directed to pay ₹2,00,000 to the appellant with interest @ 6% p.a. from 24.03.2014 till actual payment, plus litigation charges of ₹10,000 within one month from the judgment. No costs awarded.

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

Smt. Saroj Gangwar vs Regional Manager, Life Insurance Corporation of India & ors.

COURT	DECIDED	CASE NO.
State Consumer Disputes Redressal Commission	16.10.2026	SC/5/A/167/2016

BENCH
Kumkum Rani, C.M. Singh

Also decided today

§ Section 41, Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 SUPREME COURT

A gift of inam land dedicated to a temple deity is void ab initio

Section 41 of the HRCE Act renders gifts of temple inam land void and empowers the government to sanction only non-gift transfers. Because the statute prohibits validating gifts of property dedicated to a deity, any such conveyance is void ab initio.

C.A. No.-013857-013858 - 2026 · 2026:INSC:1144 · 16.10.2026

§ Section 125, Code of Criminal Procedure, 1973 RAJASTHAN HC

Limitation for maintenance arrears runs from the order date rather than accrual dates

Limitation under Section 125(3) CrPC runs from the order date, not when retrospective monthly instalments accrued. Entitlement arises only upon judicial determination, making all accumulated arrears due as a single sum on the order date.

CRLMP / 3069 / 2023 · 2026:RJ-JD:51130 · 16.10.2026

§ Order XIII-A, Code of Civil Procedure, 1908 DELHI HC

Summary judgment under Order XIII-A is impermissible once issues have been framed

The procedural window for summary judgment under Order XIII-A closes irrevocably once issues are framed under Rule 2. Ordinary civil suits cannot invoke commercial procedure, and existing findings of triable issues mandate a full trial on evidence.

I.A.-16434/2025 · 2026:DHC:9301 · 16.10.2026

Also decided, continued

§ Section 11(6), Arbitration & Conciliation Act, 1996 DELHI HC

Recusal of arbitrators triggers mandate substitution rather than termination of proceedings

Arbitrator recusal constitutes withdrawal of mandate under Section 15, not termination of arbitral proceedings under Section 32. Absent findings of impossibility, simultaneous resignations merely create office vacancies requiring statutory substitution.

ARB.P.-241/2026 · 2026:DHC:9246 · 16.10.2026

§ Section 11, Sexual Harassment of Women at Workplace (Prevention, Prohibition and ... MADRAS HC

Withholding witness statements and barring cross-examination vitiates workplace inquiry

Workplace sexual harassment inquiries must adhere strictly to natural justice as a guarantee of procedural fairness. Withholding witness statements, refusing cross-examination, and relying on unnotified past allegations vitiate the inquiry.

WP.17012/2023 · 16.10.2026

§ Section 14(6), Delhi Rent Control Act, 1958 DELHI HC

Family gift deed between co-owners is not a transfer barring immediate eviction

A gift deed between family members already holding co-ownership by lineage is not an acquisition by transfer under rent law. Review jurisdiction cannot be exercised to re-argue settled questions without an error apparent on the face of the record.

RC.REV.-397/2024 · 2026:DHC:9312 · 16.10.2026

Also decided, continued

§ Section 18, Arbitration and Conciliation Act, 1996 DELHI HC

Unilateral arbitrator appointment clauses are unenforceable for violating equal treatment

Unilateral arbitrator appointment clauses violate equal treatment of parties and remain unenforceable. The procedural invalidity does not nullify the underlying arbitration agreement, leaving the court to appoint an independent tribunal.

ARB.P.-1253/2026 · 2026:DHC:9228 · 16.10.2026

§ Section 21, Arbitration and Conciliation Act, 1996 DELHI HC

Defective service of an arbitration notice does not oust the tribunal's jurisdiction

Defective service of an arbitration notice does not oust the arbitral tribunal's jurisdiction where an agreement exists. The statutory notice fixes commencement for limitation, leaving service defects and maintainability challenges for the tribunal to decide.

ARB.P.-969/2026 · 2026:DHC:9231 · 16.10.2026

§ Regulation 17(4), DERC (Supply Code and Performance Standards) Regulations, 2017 SCDRC

Concealing a prior dismissed complaint bars consumer claims for deficiency of service

Suppressing a prior dismissed complaint on the same cause of action constitutes material concealment that defeats a consumer deficiency claim. Revising sanctioned electricity loads based on recorded maximum demand data conforms with supply regulations.

SC/7/A/501/2024 · 16.10.2026

By establishing that contractual stipulations cannot override statutory protections under Section 27 of the Maternity Benefit Act, has the Rajasthan High Court decisively fortified reproductive rights for precarious workers across the public sector, or will the mandatory imposition of full leave benefits inadvertently disincentivise institutions from engaging female professionals on temporary contracts?

17 judgments **3** Supreme Court **12** 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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