Cassie

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DAILY

Court Digest

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

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- Banking Law | Banks cannot seize terminal benefits for debt : Delhi HC
- S.19 Contract Act | Notice of mortgage bars fraud refund : Delhi HC
- State Domicile | Parental job transfers do not break stay : Gujarat HC
- S.5 FTDR Act | Import curbs protect cargo in transit : Bombay HC

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

DELHI HC

Essential features test governs deceptive similarity despite packaging differences

The dispute. The registered owner of the trademark ACNESTAR sued a competitor marketing a skincare serum under the mark ACNE SCAR. The defendants raised descriptive use defences and argued that distinct packaging and prominent house marks averted consumer confusion. After an initial ex-parte restraint was kept in abeyance by consent, the High Court heard the interim injunction application afresh.

The reasoning. Deceptive similarity turns on essential features of a mark, making get-up differences and added house marks immaterial. A single-letter phonetic substitution cannot support a descriptive defence when used as a product identifier.

> *What is common to the rival marks is not merely the word* ACNE, *but the entire structure* ACNE -S-_-A-R, *save one letter.*
>
> FROM THE JUDGMENT

For your practice. Litigators countering descriptive use defences should show that packaging prominence turns an otherwise generic phrase into an infringing brand identifier.

The order. The High Court granted an interim injunction restraining the use of the impugned marks forthwith. The marketing defendant was allowed two months solely to recall trade stock and delist e-commerce inventory.

§ Section 29(2)(b), Trade Marks Act, 1999

MANKIND CONSUMER PRODUCTS PRIVATE LIMITED vs ALAINA HEALTHCARE PRIVATE LIMITED & ors.

COURT	DECIDED	CASE NO.	CITATION
Delhi High Court	16.10.2026	CS(COMM)-280/2026	2026:DHC:9367

BENCH
Purushaindra Kumar Kaurav

Work & Employment Issues
Retirement, Gratuity & Exit Formalities

DELHI HC

Banks cannot seize terminal benefits to recover loans without explicit statutory authority

The dispute. Following an employee's retirement, the State Bank of India closed his outstanding housing and education loans by appropriating his provident fund and gratuity. The bank asserted an entitlement to adjust the dues under loan agreements and pension rules. After a Single Judge and an appellate bench held the deduction unlawful, the bank sought review under Order XLVII Rule 1 of the CPC.

The reasoning. Terminal benefits cannot be appropriated to recover loan liabilities without explicit statutory sanction. General contractual lien clauses do not authorise a lender to prematurely attach or adjust provident fund and gratuity balances.

For your practice. Institutional lenders pursuing debts against retired staff must file regular recovery proceedings rather than invoking general lien clauses against statutory terminal benefits.

The order. The Division Bench dismissed the review petition without costs, affirming that the bank lacked authority to appropriate retirement funds and preserving the employee's terminal benefits intact.

§ **Regulation 49 of the State Bank of Travancore Employees' Pension Regulations, 1995**

STATE BANK OF INDIA & ors. vs SURESH PURI

COURT	DECIDED	CASE NO.	CITATION
Delhi High Court	16.10.2026	REVIEW PET.-489/2026	2026:DHC:9256-DB

BENCH
Vivek Chaudhary

Property & Asset Disputes
Title Verification, Encumbrance Certificate, Vetting and Physical Survey

DELHI HC

Buyer with means to discover an existing mortgage cannot plead fraud for refund

The dispute. A purchaser paid Rs 6.93 crore for a commercial shop in Connaught Place under an agreement to sell. After discovering an undisclosed bank mortgage under SARFAESI proceedings, he sued the vendor and her relatives for a refund. The vendor's relatives applied for deletion from the suit, citing lack of privity and absence of specific fraud particulars.

The reasoning. Under caveat emptor, a purchaser with means to discover encumbrances cannot plead fraudulent misrepresentation. Vague assertions without particulars under Order VI Rule 4 cannot sustain claims against non-signatory relatives.

> *The Plaintiff, on his own admission, is a man of means who regularly sells and buys immovable property and is therefore well aware of the due diligence required to be followed by a buyer in such transactions.*
>
> FROM THE JUDGMENT

For your practice. Conveyancing counsel must independently verify title registers, as courts reject fraud claims where buyer diligence could have uncovered registered encumbrances.

The order. The High Court allowed the deletion applications with Rs 50,000 costs to each relative, removing them from the suit and refusing any refund relief against them.

§ Section 19, Indian Contract Act, 1872

ANIL KUMAR AGRAWAL vs MRS NASIRA BEGUM ALIAS MRS.NASRA BEGUM & ors.

COURT	DECIDED	CASE NO.	CITATION
Delhi High Court	16.10.2026	CS(COMM)-187/2022	2026:DHC:9302

BENCH
Manmeet Pritam Singh Arora

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

GUJARAT HC

Parental Job Transfers Do Not Break Continuous Residence for Minor's Domicile

The dispute. A central government official's minor daughter, residing in Ahmedabad since 2014, applied for a Gujarat domicile certificate for medical admissions. Revenue authorities rejected her application, citing a temporary two-year inter-state relocation due to her father's official transfer. When the appellate authority affirmed the rejection under an executive circular, the student petitioned the High Court challenging the decision as ultra vires.

The reasoning. Gujarat HC held temporary relocation due to a parent's official transfer does not break continuous residence for domicile. Executive circulars requiring unbroken physical stay cannot defeat eligibility where permanent residence in the State is established.

> *This residence, however, need not be continuous but it must be indefinite not purely fleeting.*
>
> FROM THE JUDGMENT

For your practice. Counsel challenging domicile rejections can defeat continuous-stay circulars by establishing that temporary relocations were caused by parental central government transfers.

The order. Rejection orders set aside. High Court directed authorities to issue a domicile certificate to the minor petitioner within three weeks, holding involuntary transfers cannot deprive government employees' children of state educational quotas.

§ Home Department Circular No. DOM/14/2009/F.II

Manushree Manish Agarwal Since Minor Through Mother and Natural Guardian Anju Manish Singhal v. State of Gujarat & ors.

COURT	DECIDED	CASE NO.	CITATION
Gujarat High Court	16.10.2026	R/SCA/13039/2026	2026:GUJHC:65728

Government & Public Body Interactions

BOMBAY HC

Foreign trade import restrictions apply only to goods shipped after e-Gazette publication

The dispute. An importer brought five consignments of platinum jewellery into India under airway bills issued in late March 2026. Customs authorities refused clearance, citing a trade policy notification published online after the consignments landed. The importer filed a writ petition in the High Court seeking clearance for home consumption without an import authorisation.

The reasoning. The High Court held that trade restrictions acquire legal force only upon digital publication in the Official Gazette. Goods dispatched from the exporting country prior to publication remain governed by the unamended import policy.

For your practice. Customs advocates can rely on airway bill shipment timestamps rather than port arrival dates to defeat retrospectively enforced import curbs.

The order. The High Court allowed the petition and directed customs authorities to permit immediate clearance of the platinum jewellery without insisting on an import licence.

§ Section 5, Foreign Trade (Development and Regulation) Act, 1992

Heimerle Refinery Private Limited vs The Union of India

COURT	DECIDED	CASE NO.	CITATION
Bombay High Court	19.10.2026	WP/3274/2026	2026:BHC-OS:22729-DB

BENCH

M. S. Karnik, Sandesh D. Patil

Criminal Issues
Bail, Arrest & Custody Issues

GUJARAT HC

Bail cannot be cancelled for alleged condition breaches without hearing the accused

The dispute. An accused facing trial under POCSO was enlarged on regular bail by the trial court. When the prosecutrix turned hostile in cross-examination, the judge reviewed corridor CCTV footage showing counsel speaking with her and revoked the bail. Remanded to custody immediately without notice or opportunity to respond, the petitioner approached the High Court to quash the revocation.

The reasoning. Cancelling bail curtails personal liberty and requires an opportunity to explain alleged condition breaches before revocation. Inferring witness tampering from CCTV footage where the accused was absent constitutes mere conjecture.

> *The Court held that an inference of breach, unsupported by the petitioner's presence or explanation, cannot sustain a cancellation order.*
>
> FROM THE JUDGMENT

For your practice. Defence counsel facing sudden witness hostility should resist summary revocation by demanding formal notices and evidentiary hearings on alleged witness interference.

The order. The High Court quashed the cancellation order and directed the petitioner's immediate release on bail if not required elsewhere. The registry was directed to notify jail authorities forthwith.

§ **Section 528, Bharatiya Nagrik Suraksha Sanhita, 2023**

Nareshji Rameshji Hariji Thakor (Morersiya) v. State of Gujarat & ors.

COURT	DECIDED	CASE NO.	CITATION	BENCH
Gujarat High Court	16.10.2026	R/SCR.A/15150/2026	2026:GUJHC:65935	M. K. Thakker

Work & Employment Issues
Regularization of Contractual Employees

KARNATAKA HC

Superannuation cannot extinguish a legitimate regularisation claim arising during service

The dispute. A municipal typist appointed through the employment exchange served for 34 years against a sanctioned reserved post. Despite official recommendations, the department regularised twelve peers while leaving her out until she superannuated. The Single Judge dismissed her writ petition as untenable post-retirement, prompting this intra-court appeal before the Division Bench.

The reasoning. The High Court held that superannuation cannot extinguish accrued service entitlements. Selectively regularising peers while excluding an employee who served decades against a sanctioned vacancy violates Article 14.

For your practice. Service petitions can enforce regularisation after retirement where the employer arbitrarily excluded long-serving employees while regularising their peers.

The order. The Division Bench directed regularisation from 11 February 1998, reckoning all 34 years for pension and retiral benefits. The State must comply within eight weeks, or pay 50% salary arrears.

§ Article 14 of the Constitution of India

SMT. GEETA RAMAPPA TERDAL vs COMMISSIONER

COURT	DECIDED	CASE NO.	BENCH
Karnataka High Court	16.10.2026	WA/100680/2025	M. Nagaprasanna, Hema Kulkarni

Property & Asset Disputes
Ancestral Property & HUF Partition

ORISSA HC

A family settlement deed recording a prior arrangement requires no compulsory registration

The dispute. A son filed a partition suit claiming a one-sixth share in ancestral properties including a residential plot in Bhubaneswar. The defendants resisted the claim, relying on a 1988 family settlement recording that he had accepted sixty-five thousand rupees to relinquish his rights. The trial court decreed partition, but the first appellate court reversed that decree based on the deed, prompting this second appeal.

The reasoning. A family arrangement recording an antecedent oral settlement already acted upon creates no fresh rights in immovable property. As a memorandum of past partition rather than an instrument declaring title, it attracts no compulsory registration under Section 17.

For your practice. Litigants relying on unregistered family settlements must plead and prove antecedent partition or separate possession to establish the document as an exempt memorandum.

The order. The High Court dismissed the second appeal without costs, upholding the first appellate decree that excluded the residential plot from partition based on the 1988 memorandum.

§ Section 17, Registration Act, 1908

AFR Dr. Satya Narayan Mishra v. Snigdharani Sarangi @ Mishra & ors.

COURT	DECIDED	CASE NO.	CITATION	BENCH
Orissa High Court	16.10.2026	RSA/356/2026	2026:OHC:210	Sashikanta Mishra

Also decided today

§ Section 438, Code of Criminal Procedure, 1973

SUPREME COURT

Failure to consider video evidence and record independent reasons vitiates grant of bail

Bail orders must record independent reasons showing application of mind rather than reciting rival arguments. Ignoring crucial video footage and witness identification statements vitiates the grant of relief, requiring reconsideration on remand.

Crl.A. No.-004991-004991 - 2026 · 2026 INSC 1139 · 16.10.2026

§ Article 21 of the Constitution of India

DELHI HC

Pending UAPA charges do not bar travel abroad when secured by adequate safeguards

The right to travel abroad under Article 21 cannot be denied solely due to pending criminal charges, however grave.

CRL.M.C.-7711/2026 · 2026:DHC:9372 · 16.10.2026

§ Section 9, Arbitration and Conciliation Act, 1996

DELHI HC

Secured lenders cannot obtain interim arbitration relief absent proof of imminent alienation

Interim protection under Section 9 requires demonstrable necessity, as a mere speculative apprehension of alienation cannot justify injunctive restraint.

O.M.P.(I) (COMM.)-376/2026 · 2026:DHC:9349 · 16.10.2026

Also decided, continued

§ Section 378, Code of Criminal Procedure, 1973 — GUJARAT HC

Ocular testimony must yield to medical evidence when contradicting the cause of death

Ocular testimony must yield to medical evidence when irreconcilable discrepancies negate the alleged weapon or fatal assault. An appellate court cannot disturb an acquittal where the trial court adopted a plausible view of conflicting evidence.

R/CR.A/292/1998 · 2026:GUJHC:65754-DB · 16.10.2026

§ Section 482, Code of Criminal Procedure, 1973 — KARNATAKA HC

Inherent jurisdiction cannot quash civil domestic violence proceedings absent gross illegality

A magistrate granting relief under Chapter IV of the Domestic Violence Act exercises civil rather than criminal jurisdiction. The High Court cannot invoke its inherent criminal powers to quash such proceedings absent manifest illegality or gross injustice.

CRL.P/7018/2019 · 17.10.2026

§ Clause 8.2, Agriculture Policy/Procedure dated 20.09.2022 — RAJASTHAN HC

Accreditation grace periods do not exempt colleges from satisfying mandatory operational norms

A regulatory window to secure accreditation operates independently of mandatory conditions governing interim approvals.

CW / 26067 / 2026 · 2026:RJ-JD:52119 · 18.10.2026

By holding that foreign trade curbs take effect only upon digital e-Gazette publication while ensuring parental government transfers do not break state domicile continuity, courts today reinforced that administrative discretion must yield to personal and commercial certainty. Where should the line be drawn between executive regulatory agility and citizen reliance?

14 judgments **1** Supreme Court **13** High Courts

Every judgment here, analysed in full.

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

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