Cassie

SATURDAY
31 OCTOBER 2026

DAILY

Court Digest

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

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- **S.25 GWA | Natural guardian needs no S.7 declaration : Jharkhand HC**
- **S.28 Customs Act | Joint duty demand impermissible : CESTAT Kolkata**
- **S.69 Court Fees Act | No refund once evidence recorded : Madras HC**

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Relationships & Family Matters
Custody, Adoption and Guardianship

JHARKHAND HC

Natural guardians can seek custody of a minor without a prior court declaration

The dispute. A doctor and his wife separated, after which the mother took their three-year-old son and filed dowry complaints. Following police inquiry, the father surrendered the child and petitioned for custody and interim visitation. The Family Court dismissed the petition for lack of a prior guardianship declaration, which the father challenged on appeal.

The reasoning. Appointment under Section 7 and custody restoration under Section 25 operate in distinct legal spheres. A recognised natural guardian asserting prior custody requires no court appointment to seek return of a removed child.

> *While Section 7 deals with the appointment or declaration of guardianship, Section 25 provides a remedy in relation to the custody of a ward in the circumstances contemplated therein.*
>
> FROM THE JUDGMENT

For your practice. Parents can file custody petitions directly under Section 25 without prior declaration suits, preventing delays and expediting hearings on child welfare.

The order. The High Court allowed the appeal, set aside the dismissal order, restored the custody suit, and directed expeditious decision on interim visitation.

§ **Section 25, Guardians and Wards Act, 1890**

S. *v.* V.K.

COURT	DECIDED	CASE NO.	CITATION
Jharkhand High Court	29.10.2026	FA/96/2024	2026:JHHC:31659-DB

BENCH
Sujit Narayan Prasad, Pradeep Kumar Srivastava

Contracts & Business Disputes

MADRAS HC

Out-of-court settlements reached after evidence is recorded bar any refund of court fees

The dispute. Two property suit plaintiffs settled their disputes privately with defendants after trial commenced. With proof affidavits filed in one case and witnesses examined in the other, both sought full refunds of paid court fees. Trial courts restricted or denied the refunds, prompting the plaintiffs to file civil revision petitions before the High Court.

The reasoning. The statutory bar on fee refunds once evidence is recorded cannot be overridden by provisions governing court referrals. Full refunds apply solely to pre-issue dispute resolution referrals, excluding mid-trial private settlements.

> *As long as Section 69 remains in the statute book, the provision cannot be rendered otiose by applying the mandate of Section 69-A universally across the board, to all categories of cases.*
>
> FROM THE JUDGMENT

For your practice. Litigants pursuing private settlements after filing proof affidavits must be advised that paid court fees cannot be recovered once trial evidence commences.

The order. Both revision petitions were dismissed without costs, affirming the refusal to refund Rs. 2,54,326 where witnesses were examined. The Court sent its order to the State Law Commission to review refund procedures.

§ Section 69 and Section 69-A, Tamil Nadu Court Fees and Suits Valuation Act, 1955

SUSHEELA KAWAR vs M.PETTU LAKSHMI

COURT	DECIDED	CASE NO.	CITATION	BENCH
Madras High Court	30.10.2026	CRP.4064/2026	2026:MHC:4385	P.b.balaji

Property & Asset Disputes
Tenancy and Lease Matters

MADRAS HC

Supervisory jurisdiction may strike off an abusive suit concealing prior eviction decrees

The dispute. Landowners won an eviction decree against their tenant up to the Supreme Court. Before vacating, the tenant settled the land on his son, whose transferee filed a title suit suppressing all prior decrees. The landowners invoked supervisory jurisdiction before the High Court to strike off the plaint as a fraudulent re-litigation.

The reasoning. Abuse of process and re-litigation cannot be raised under statutory plaint rejection rules. When a plaintiff deliberately suppresses final appellate decrees, supervisory jurisdiction must strike off the proceedings.

> *In the case in hand, the present suit filed by the respondent/plaintiff is a clear abuse of process of court and a re-litigation, which are not grounds that can be raised under Order VII Rule 11 of the CPC.*
>
> FROM THE JUDGMENT

For your practice. Counsel should invoke supervisory jurisdiction to abort suits concealing prior decrees, pleading that abuse of process falls outside routine plaint rejection rules.

The order. The High Court allowed the revision petition without costs and closed connected petitions. The suit was ordered struck off the register of the trial court.

§ **Article 227, Constitution of India**

Lourde Marie Dhambarane vs S.santhi

COURT	DECIDED	CASE NO.	CITATION	BENCH
Madras High Court	29.10.2026	CRP.1196/2022	2026:MHC:4366	N.anand Venkatesh

Work & Employment Issues
POSH, Workplace Harassment & Discrimination

MEGHALAYA HC

Emergency suspension overrides internal procedural delays to ensure a safe work environment

The dispute. The State Women's Commission found that the Meghalaya Cricket Association's Honorary Secretary committed sexual harassment and led a cover-up. Citing workplace safety, the Association President placed the Secretary under emergency suspension and assumed interim administrative control. The Secretary challenged his suspension, members contested the Ombudsman's appointment, and the President challenged rival meetings defying interim orders.

The reasoning. Workplace safety duties override internal procedural delays, justifying emergency suspension to defuse a hostile environment. Institutional continuity also sustains de facto appointments against belated challenges mounted after adverse findings emerge.

For your practice. Advisers to sports bodies and societies must treat statutory anti-harassment duties as overriding internal disciplinary timelines during urgent workplace safety crises.

The order. The Court upheld the suspension, validated the Ombudsman de facto, and declared rival resolutions void. The Secretary must surrender credentials and assets within two weeks, while safety protocols must be implemented within six weeks.

§ **Section 12, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**

JAMES P.K. SANGMA vs RAYANOLD KHARKAMNI & ors.

COURT	DECIDED	CASE NO.	CITATION	BENCH
Meghalaya High Court	30.10.2026	WP(C)/294/2026	2026:MLHC:1217	H. S. Thangkhiew

Tribunals

2 judgments in this edition

KEEP SWIPING →

Government & Public Body Interactions

CESTAT

Customs duty cannot be demanded jointly and severally from persons who are not importers

The dispute. A merchant exporter imported thirteen consignments under advance licences, buying three on high seas from companies directed by the appellant. Alleging export defaults, the department sought recovery of two crore rupees in duty alongside severe personal penalties. The adjudicating commissioner confirmed the duty and penalties jointly and severally, prompting the director to appeal.

The reasoning. Section 28 authorises duty recovery solely from the statutory importer, barring joint demands against third parties. Directors of high sea sellers cannot be held liable for customs duties absent proof of actual importation.

> *We observe that Section 28 of the Customs Act, does not envisage recovery of customs duty on a joint and several basis from persons who are not the importers.*
>
> FROM THE JUDGMENT

For your practice. Noticees can challenge joint show-cause notices at the threshold, forcing revenue to establish individual importer status.

The order. The tribunal allowed the appeal and quashed the joint duty demand of 2.17 crore rupees. Personal penalties totalling 4.17 crore rupees were set aside with consequential relief.

§ Section 28, Customs Act, 1962

Rajendra Jain vs Commissioner Of Customs-Adjudication ...

COURT
Customs Excise and Service Tax Appellate Tribunal

DECIDED
30.10.2026

CASE NO.
Customs Appeal No. 75535 of 2026

BENCH
Ashok Jindal, K. Anpazhakan

Government & Public Body Interactions

CESTAT

Board circulars cannot impose limitation periods absent in the governing statute

The dispute. An exporter converted three air shipping bills to the drawback scheme after design changes required duty payment. Although customs approved the conversion and fixed brand rates, the department subsequently rejected drawback claims worth 6.52 lakh rupees. The adjudicating authority rejected the claims as time-barred under a board circular, prompting the exporter to appeal before the tribunal.

The reasoning. Section 149 of the Customs Act prescribes no limitation period for converting shipping bills. Administrative circulars cannot create statutory bars absent in the governing act, and an unchallenged conversion order binds revenue during sanction.

> *A circular issued by the Board cannot, by itself, introduce a statutory bar that is not contained in the governing provision.*
>
> FROM THE JUDGMENT

For your practice. Exporters can defeat drawback rejections based on circular deadlines, as unchallenged conversion orders attain finality and bind revenue during sanction.

The order. The tribunal allowed the appeal and set aside the rejection order. Authorities were directed to process the drawback claim of 6,52,423 rupees for the three disputed shipping bills with consequential relief.

§ Section 149, Customs Act, 1962

Simpson And Company vs Cc Air Cargo Ch - Vii

COURT
Customs Excise and Service Tax Appellate Tribunal

DECIDED
30.10.2026

CASE NO.
Customs Appeal No. 42235 of 2016

BENCH
M. Ajit Kumar

Also decided today

§ Section 5, Limitation Act, 1963 — CHHATTISGARH HC

Apprehension of arrest is not sufficient cause for condoning delay in eviction appeal

Liberal construction of sufficient cause does not assist a litigant who acted negligently despite receiving notices and engaging counsel. Subjective fear of arrest in collateral criminal cases cannot excuse the failure to pursue civil appellate remedies.

WP227/1367/2026 · 2026:CGHC:45831-DB · 29.10.2026

§ Chapter II Rule 5, Delhi High Court (Original Side) Rules, 2018 — DELHI HC

Mortgagee cannot lose evidence rights for single non-appearance once affidavit is filed

Closing evidence is disproportionate where a mortgagee with substantive rights has already placed its evidence affidavit on record. Courts must condone procedural defaults with costs rather than shut out legitimate claimants for an isolated non-appearance.

O.A.-278/2026 · 2026:DHC:9521 · 29.10.2026

§ Section 114(i), Section 114AA, Section 119, Section 125, Customs Act, 1962 — CESTAT

Customs penalties require proof of knowledge or active abetment rather than mere negligence

Penal liability for illicit export requires proof of mens rea or active abetment rather than mere negligence. Irresponsible conduct in selecting freight forwarders cannot establish complicity when goods were substituted after official container sealing.

Customs Appeal Nos. 78682, 78683, 78715, 78716 of 2018 · 30.10.2026

Also decided, continued

§ Articles 14 and 16, Constitution of India

CAT

Regularised teachers cannot face discriminatory transfers based on initial recruitment mode

Once employees are absorbed into a regular cadre, service conditions must be governed exclusively by cadre rules. Executive instructions imposing discriminatory transfer curbs based solely on initial recruitment modes violate Articles 14 and 16.

O.A. No. 61/233/2023 · 30.10.2026

§ Section 41, Consumer Protection Act, 2019

SCDRC

Insurer is not deficient when claimant ignores document demands and files delayed estimate

An insurer commits no deficiency in service where the insured ignores formal notices to supply essential claim documentation. Total loss cannot be awarded on belated, unsealed estimates without deducting salvage value and directing subrogation.

SC/5/A/12/2024 · 30.10.2026

When allegations of sexual harassment and institutional cover-up emerge within an autonomous body, can internal procedural bye-laws be invoked to paralyze statutory protective mandates? If ensuring a safe and dignified workplace is an immediate statutory obligation under the POSH Act, should governance technicalities ever be permitted to derail emergency measures taken to defuse a hostile work environment?

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Every judgment here, analysed in full.

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

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