



## Indian Law Reports - Kerala Series

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#### Latest Decisions – 02/10/2024

Amendment to the second part of Rule 5(1)(a) of Kerala Abkari Shop Disposal Rules, 2002 by which preference is given in allotment of toddy shops only to those exonerated licensees who had conducted toddy shops during the period from 2020-21 to 2022-23 and extended period is not discriminatory—A person whose license was cancelled before the previous license period and a person whose license was cancelled in the current year due to an offence but who has since been exonerated stand on two different platforms and are not homogeneous groups – *Ajithkumar v. State of Kerala*, I.L.R. 2024 (4) Kerala 42. [Neutral citation – 2024:KER: 63773](#)

Order of transfer can be challenged only by employee affected by the order and not by the association of employees - *State of Kerala v. Kerala Government Veterinary Officers Association*, I.L.R. 2024 (4) Kerala 18. [Neutral citation – 2024:KER: 67430](#)

Subordinate authorities cannot be heard to say that an order issued by an appellate authority acting under the provisions of Kerala Assignment of Land Within Municipality and Corporation Areas Rules, 1995 is not binding upon them, since the directions are not acceptable to them - *Sidhiq S. v. State of Kerala*, I.L.R. 2024 (4) Kerala 85. [Neutral citation – 2024:KER: 46833](#)

Extraction of granite on account of construction of a pond, and using the said granite to construct boundary walls for the pond, would fall under Rule 106 of Kerala Minor Mineral Concession Rules, 2015 —Expression 'such as' employed in the beginning part of Rule 106 (1), wherefore the case or class of cases is not exhausted by two

utilities specified in the rule—Other case or class of cases can also fall under Rule 106, wherein extraction of minor mineral is inevitable as part of the work—Rule 104 envisages a larger activity, which requires special permission from the State Government - Rajesh K. v. District Geologist, I.L.R. 2024 (4) Kerala 81. [Neutral citation – 2024:KER: 45503](#)

If Tribunal has any doubt regarding authenticity or correctness of the disability certificate, a second opinion can be sought, as provided in the relevant Government Order or in exercise of the power conferred under Rule 387—Tribunal cannot decline the certificate for the sole reason that Doctor who issued the same was not examined—Motor Vehicles Rules, 1989 (Kerala)—Rules 387. Joby George v. Siby Valloran, I.L.R. 2024 (4) Kerala 56. [Neutral citation – 2024:KER: 52428](#)

Where ownership of the vehicle stood transferred without reporting the factum of transfer to the registering authority, the person in actual possession of the vehicle (de facto owner) as well as the person in whose name the vehicle stood in RTO records (registered owner) are liable to compensate the 3rd party, who had sustained injuries in the accident involving that vehicle—High Court cannot increase the quantum of compensation in an appeal filed by the owner/insurer— Abbas v. Sabira N.K., I.L.R. 2024 (4) Kerala 61. [Neutral citation – 2024:KER: 52565](#)

Reasonable and fair provision and maintenance is the amount required by the divorced wife to maintain herself in contrast with the status of the parties, capacity, income, assets, ability of the former husband and the entire attendant circumstances - Shaji Ahammed v. Saleena, I.L.R. 2024 (4) Kerala 66. [Neutral citation – 2024:KER: 65829](#)

A Muslim divorced woman is entitled to get reasonable and fair provision and maintenance for her future not only during the iddat period but beyond the iddat period till she remarries - Shaji Ahammed v. Saleena I.L.R. 2024 (4) Kerala 66. [Neutral citation – 2024:KER:65829](#)

The Multiplier to calculate loss of income in motor accident cases fixed in Sarla Verma's case, followed by the Constitution Bench decision in Pranay Sethi's case, to be followed as a guideline while fixing the reasonable and fair provision and maintenance till the legislature makes the calculation procedure with certainty by prescription - Shaji Ahammed v. Saleena, I.L.R. 2024 (4) Kerala 66. [Neutral citation – 2024:KER65829](#)

An Under Secretary can certainly be authorised to sign a petition to be filed before the High Court under Articles 226 and 227 of the Constitution of India — State of Kerala v. Kerala Government Veterinary Officers Association, I.L.R. 2024 (4) Kerala 18. [Neutral citation – 2024:KER:67430](#)

Verification of pleadings—Secretary to Government can authorise Under Secretary to sign pleadings on his behalf before the High Court, if the latter is acquainted with facts of the case—A written authority issued by the Secretary shall be filed along with

an affidavit sworn to by the Under Secretary concerned and stating that he is acquainted with the facts of the case— State of Kerala v. Kerala Government Veterinary Officers Association, I.L.R. 2024 (4) Kerala 18. [Neutral citation – 2024:KER: 67430](#)

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Succession to property of parties married under the Special Marriage Act—Indian Succession Act will apply to succession to the estate of a Muslim who registers his existing marriage as per Section 15 of the Special Marriage Act— Mohamood K.M. v. Adam C.P. (Died), I.L.R. 2024 (4) Kerala 31. [Neutral citation – 2024:KER: 68650](#)

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