

## **Abridged Index**

## Latest decisions - 09/10/2024

Court of law must not mechanically take cognizance of a complaint or final report—There must be application of mind by the court—Contents of final report or complaint should not be blindly accepted by the court - Shastra Sharman Namboothiripad v. State of Kerala, I.L.R. 2024 (4) Ker.139. <u>Neutral citation-2024:KER: 67257</u>

Qualifications and Tenure of appointment of Electricity Ombudsman— Interpretation of the term 'power sector'—Wing of any industry dealing with power can also be termed as the power sector —Concept of power sector to be interpreted broadly to include all sorts of power-generating and transmitting plants - James M. David v. Government of Kerala I.L.R. 2024 (4) Ker. 145. <u>Neutral citation- 2024:KER: 54751</u>

Maintenance Tribunal does not have jurisdiction to order eviction under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 - Pramod.V v. Vimal V., I.L.R. 2024 (4) Ker. 159. <u>Neutral citation- 2024:KER: 62783</u>

Tourist vehicle operator cannot enter into multiple contracts with more than one person and cannot pick up or drop off passengers not included in the contract, enroute a journey - Tourist operators cannot conduct service like stage carriage - Sarath G. Nair v. State of Kerala, I.L.R. 2024 (4) Ker.113. <u>Neutral citation-2024:KER: 68361</u>

Owner of the motor vehicle who has maintained windscreens or window glasses of his vehicle with "Safety Glass" or "Safety Glazing", including "Glazing Faced with

Plastics" which conforms to the Indian Standard cannot be penalized - M/s George and Sons v. Union Of India, I.L.R. 2024(4) Ker. 128. <u>Neutral citation- 2024:KER:</u> 68346

Practice and Procedure—The Acquittal of a claimant of an offence under Section 279 IPC by a criminal court would have a bearing on the finding of contributory negligence by the tribunal and foundation of the finding of the tribunal gets eroded - Ajeesh v. Vibitha Varghese, I.L.R. 2024 (4) Ker. 171. <u>Neutral citation- 2024:KER:</u> 68030

Practice and Procedure—When the claimant is a driver, the notional income should be fixed at Rs.15,600/- as per the principles laid down in Manusha Sreekumar instead of the principles laid down in Ramachandrappa - Ajeesh v. Vibitha Varghese, I.L.R. 2024 (4) Ker. 171. <u>Neutral citation- 2024:KER: 68030</u>

Compensation for Motor Accident Claims—Where the driver is a minor without valid licence- Mere absence of a licence will not establish contributory negligence unless there is evidence that indicates rash or negligent driving - Sanam Sahib v. Akhilraj, I.L.R. 2024 (4) Ker.166. Neutral citation- 2024:KER: 56051

Compensation for Permanent Disability—When there is no reason to doubt the genuineness of the Disability Certificate issued by the Medical Board, compensation to be fixed following the guidelines in Malilikarjun v. Divisional Manager, National Insurance Company & Another- Sanam Sahib v. Akhilraj, I.L.R. 2024 (4) Ker. 166. Neutral citation- 2024:KER: 56051

Representative character of Trade Union functioning in an industry has to be determined by a Referendum through secret ballot - Fact United Employees Liberation v. The Fertilisers And Chemicals Travancore Limited - I.L.R. 2024 (4) Ker.110. Neutral citation- 2024:KER: 63651

In order to apply Section 19 of UAPA, the accused need not be aware that person harboured by him is a terrorist whose name is included in the fourth schedule to the UAPA—Grounds for believing that accusation against the accused is prima facie true must be reasonable grounds and while examining such an issue, Court is not expected to hold a mini-trial— Constitutional Courts will not fall under the expression 'Court' used in the proviso to Section 43D(5) - Saheer E.P. v. National Investigation Agency, I.L.R. 2024 (4) Ker. 93. Neutral citation- 2024:KER: 53759

Judgement of Apex Court in re Pankaj Bansal, would not invalidate arrests already made as on date of judgement on the ground that grounds of arrest are not communicated in writing to the arrested persons - Saheer E.P. v. National Investigation Agency, I.L.R. 2024 (4) Ker. 93. <u>Neutral citation- 2024:KER: 53759</u>

\*\*\*\*\*