



Indian Law Reports - Kerala Series

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Obtaining formal permission to conduct further investigation is recognized in law and the same has to be opted invariably as a matter of practise, and when an Investigating Officer fails to seek permission before conducting further investigation, further investigation and the report thereof could not be held as non-est for the said reason alone— Asha v. State of Kerala I.L.R 2024 (4) Ker. 946. [Neutral citation – 2024:KER: 80608](#)

A minor who attains the age of majority during litigation has the right to file a new written statement, replacing the one filed by her guardian, if the guardian's written statement is harmful to the minor's interests - Gopu Narayan v Thekkevaliya Veettil Saleena. I.L.R 2024 (4) Ker. 979. [Neutral citation – 2024:KER: 80204](#)

An ex parte judgment should demonstrate the application of the court's mind, taking into account the pleadings, issues, evidence and prayers, and must include reasons for the decision - Gopu Narayan v. Thekkevaliya Veettil Saleena. I.L.R 2024 (4) Ker. 979. [Neutral citation – 2024:KER: 80204](#)

An appeal may lie from an original decree passed exparte—No bar in filing an appeal against ex parte decree after dismissal of an application for setting aside ex parte decree - Gopu Narayan v. Thekkevaliya Veettil Saleena, I.L.R 2024 (4) Ker. 979. [Neutral citation – 2024:KER: 80204](#)

Trial of Election Petition—An election dispute is a legal process defined by statute, not by common law—It is neither an action at law nor in equity – John C.V v. Mani C. Kappen, I.L.R 2024 (4) Ker. 953. [Neutral citation – 2024:KER: 81633](#)

“Legal aid to poor should not be poor legal aid”—In exercise of its power, NALSA has been periodically laying down the policies and principles for making legal services available under the provisions of the Act and framing schemes and providing for utilization of funds—Standard Operating Procedure on Access to Legal Aid Services to Prisoners and Functioning of the Prison Legal Aid Clinics 2022, formulated by NALSA—Enumerated and directions issued to SLSA’s, DLSA’s and all High Courts of the country - Suhas Chakma v. Union of India, I.L.R 2024 (4) Ker. 901(S.C.). [Neutral citation –2024: INSC: 813](#)

In the absence of any taxing provision in the Motor Vehicles Act, no tax can be imposed by the authority of subordinate legislation—Subordinate legislation is not only required to be in conformity with the plenary legislation under which it is framed but it must also be in conformity with all other plenary legislation made by Parliament or the State Legislature—It cannot be held that a Rule made in exercise of rule-making power under the provisions of Motor Vehicles Act, can tinker with or control the tax imposed by plenary legislation, namely Motor Vehicles Taxation Act—Sanithjan S.

v. Union of India, I.L.R 2024 (4) Ker. 935. [Neutral citation – 2024:KER: 82400](#)

Onus of Election Petitioner—Charges of corrupt practice are treated like criminal charges, and proof must be beyond reasonable doubt, as in criminal trials, not just on the balance of probabilities -John C.V v. Mani C. Kappen, I.L.R 2024 (4) Ker. 953. [Neutral citation – 2024:KER: 81633](#)

The incurring or authorising of expenditure in contravention of Section 77 of R.P. Act, 1951 alone would amount to a corrupt practice—Failure to maintain true and correct accounts does not come within the ambit of corrupt practice -John C.V v. Mani C. Kappen, I.L.R 2024 (4) Ker. 953. [Neutral citation – 2024:KER: 81633](#)

Though borrowing authority as well as lending authority is competent to take disciplinary proceedings against the officer lent, the borrowing authority can exercise disciplinary jurisdiction and impose punishment on the officer lent to it only till such time, the officer is at the disposal of the borrowing authority—It will not be in the interest of justice to drop the disciplinary proceedings on repatriation of the officer to the parent organization — Satis A. v. State of Kerala I.L.R 2024 (4) Ker. 926. [Neutral citation – 2024:KER: 79100](#)
