



Indian Law Reports - Kerala Series

Abridged Index

I.L.R. – Latest Judgements reported – 15/01/2025

Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996)—Sections 21 and 32—Decisions made prior to commencement do not qualify as awards— An arbitral award requires commencement of proceedings, adherence to prescribed procedure, determination of issues, and final or interim resolution of the dispute - ILR 2025 Kerala OnLine 14 : [Neutral Citation No.2024:KER:91314](#) - George P.V. v. National Highways Authority of India and others.

Central Goods and Services Tax Act, 2017 (Central Act 12 of 2017)— Preamble—Section 7—Supply of service - Imposing penalty for violating terms of Marketing Discipline Guidelines is a deterrent to prevent future violations—Penalty cannot be considered as an amount levied for tolerating violation of terms of Marketing Discipline Guidelines—GST cannot be imposed on such penalty - ILR 2025 Kerala OnLine 20 : [Neutral Citation No.2024:KER:93540](#) - M/s. Aswathy Gas Agencies v. Indian Oil Corporation Ltd. and others.

Conservation of Paddy Land and Wetland Act, 2008 (Kerala Act 28 of 2008)—Section 27A and 27C—Application for conversion of land submitted before 30.12.2017 shall be considered in accordance with unamended Act— Land Tax Act, 1961 (Kerala Act 13 of 1961) - ILR 2025 Kerala OnLine 13 SC : Neutral citation No. - Tahasildar and another v. Renjit George.

Land Reforms Act, 1963 (Kerala Act 1 of 1964)—Section 125(3)— Section 125(3) does not oust the jurisdiction of the appellate court to consider the claim of tenancy - ILR 2025 Kerala OnLine 17 : [Neutral Citation No.2024:KER:91489](#) - Sarasamma K. and others v . Valli Amma Rudrayani Amma (Died) and others

Land Reforms Act, 1963 (Kerala Act 1 of 1964)—Section 2 (57)—The payment of land tax to the government by the mortgagee cannot be considered as consideration from the mortgagee to the mortgagor, and therefore cannot be used to classify the mortgage as a lease - ILR 2025 Kerala OnLine 17 : [Neutral Citation No.2024:KER:91489](#) - Sarasamma K. and others v . Valli Amma Rudrayani Amma (Died) and others

Limitation Act, 1963 (Central Act 36 of 1963)—Section 18—The description of the interest in the assignment is insufficient to constitute an acknowledgment under Section 18 of the Limitation Act ILR 2025 Kerala OnLine 17 : [Neutral Citation No.2024:KER:91489](#) - Sarasamma K. and others v . Valli Amma Rudrayani Amma (Died) and others

Mahomedan Law—A bequest to an heir is not valid unless the other heirs consent to the bequest after the death of the testator—Mere inaction, passive acquiescence, or silence by the plaintiff is not enough to infer implied consent—To establish implied consent, defendants must demonstrate that the plaintiff's inaction, passivity, or silence was a response to actions by defendants that would reasonably cause the plaintiff to believe that his rights as a co-owner of the property were being violated - ILR 2025 Kerala OnLine 15: [Neutral Citation No.2024:KER:96467](#) - Basheer Rawther M. and others v. Salma Ammal and another.

Motor Vehicles Act, 1988 (Central Act 59 of 1988)—Sections 3 and 149 (2) (a) (ii)—Scope and Liability of Vehicle Owner in case of breach of Policy conditions—A Pay and recovery order, permitting the insurer to recover compensation from the vehicle owner after satisfying the claimants, is justified when the vehicle owner had failed to verify that the driver engaged is duly licensed and competent to drive the vehicle - ILR 2025 Kerala OnLine 16 : [Neutral Citation No.2024:KER:94525](#) - Ibrahim Musliar C. v. Yahutty and others.

National Highways Act, 1956 (Central Act 48 of 1956)—Sections 3G (5) and 3G (6)—Maintainability of Writ Petition challenging an Arbitrator's refusal to entertain an application under Section 3G(5)—The Court is empowered to entertain a writ petition to the limited extent of directing the Arbitrator to initiate arbitration proceedings as mandated by statutory provisions - ILR 2025 Kerala OnLine 14 : [Neutral Citation No.2024:KER:91314](#) - George P.V. v. National Highways Authority of India and

others.

National Highways Act, 1956 (Central Act 48 of 1956)—Sections 3G(5) and 3G(6)—Applicability of the Limitation Act, 1963, to arbitration proceedings under the National Highways Act—Limitation Act does not apply as Section 2(4) of the Arbitration and Conciliation Act expressly excludes its application to arbitration conducted under any other enactment—The judgment in K. Leela v. District Collector [ILR 2015 (2) Ker. 745], to the extent it held that specific provisions of the Limitation Act will apply to such arbitration declared per incuriam— Limitation Act, 1963 (Central Act 36 of 1963) - ILR 2025 Kerala OnLine 14 : [Neutral Citation No.2024:KER:91314](#) - George P.V. v. National Highways Authority of India and others.

Negotiable Instruments Act, 1881 (Central Act 26 of 1881)—Section 138— Complaint filed by power of attorney holder—Maintainable even if his personal knowledge is not averred in the complaint—Averment of personal knowledge of the transaction in the affidavit in support of the petition suffice - I.L.R. 2025 Kerala OnLine 19 : [Neutral Citation No.2024:KER:95315](#) - Komalan G. v. Thomas Alexander and another

Tax on Luxuries Act, 1976 (Kerala Act 32 of 1976)—Sections 4 and 17A— Factor to be looked into is as to whether the facility provided is the necessary requirement of an average member of the society—Petitioner is liable to tax on the charges collected as against ‘Sophisticated Medical Beds’ provided by it—Unless and until mens rea is established, no penalty can be levied - ILR 2025 Kerala OnLine 18 : [Neutral Citation No.2024:KER:85681](#) - M/s. Cradle Calicut Maternity Care Pvt Ltd, v. State of Kerala and another