



Indian Law Reports - Kerala Series

Abridged Index

ILR Index of reported cases dt. 16.04.2025

Code of Civil Procedure, 1908 (Central Act 5 of 1908)—Order VI Rule 17—Amendment of Pleadings—The Doctrine of Relation Back would apply when the proposed amendment does not change the basic structure of the suit or counterclaim and only the nature of relief is sought to be changed - Belwin Raj and another v. Muttayyan (died) and others - I.L.R. 2025 Kerala OnLine 126 : [Neutral Citation No. 2025:KER:24309.](#)

Commercial Courts Act, 2015 (Central Act 4 of 2016)—Sections 2(c) (vi), 2 (c) (xi) and 15—Intention of the parties to genuinely participate in the business activity jointly is a necessary ingredient to form a joint venture —When one of the parties plays fraud on another, without any intention to commence any business, to embezzle money from the other and induce the other party to enter into an agreement which is sham in nature, it cannot have the colour of a joint venture - Teliz Realtors and others v. J.T.L. Project Private Ltd. and others - I.L.R. 2025 Kerala OnLine 128 : [Neutral Citation No. 2025:KER:24497.](#)

Constitution of India—Article 226—Disability Rights—Scholarship for Students with disabilities—Local Self Government Institutions (LSGIs) are bound to implement the State's welfare policy and guidelines ensuring payment of monthly scholarship and allowances to eligible students with disabilities, as mandated under the 14th Five-Year Plans and Circular dated 19.01.2025—Directions issued to ensure strict

implementation, appointment of nodal officers, maintenance of beneficiary data and provision for deterrent action against defaulting officers - Martin Paul v. State of Kerala and others - I.L.R. 2025 Kerala OnLine 130 : [Neutral Citation No. 2025:KER:27081.](#)

Kerala Value Added Tax Act, 2003 (Kerala Act 30 of 2004)—Section 25 A—Power under Section 25A cannot be exercised beyond the period of limitation prescribed under Section 25 (1) of the Act—Once the assessing officer arrives at the satisfaction envisaged under Section 25A, he has to proceed to re-assess the dealer by following the procedure under Section 25 (1) of the Act - M/s. Koola Timber Industries & Saw Mill v. State Tax Officer and others - I.L.R. 2025 Kerala OnLine 129 : [Neutral Citation No. 2025:KER:22607.](#)

Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012)—Section 33 (2)—When it is specifically stipulated that questions shall be put through the Special Court by virtue of an enabling provision, in deviation from the practice in other cases, the only possible conclusion is that the special safeguard is mandatory; and not otherwise - Abdul Azeez v. State of Kerala and another - I.L.R. 2025 Kerala OnLine 127: [Neutral Citation No. 2025:KER:8272.](#)

Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012)—Section 36 (2)—The victim/ child witness cannot be screened from the defence counsel during cross examination—If the facility is misused either by the Prosecutor or the defence counsel, the Court can place a screen between the witness and the Advocate—Screening the witness is an exception and not the rule - Abdul Azeez v. State of Kerala and another - I.L.R. 2025 Kerala OnLine 127: [Neutral Citation No. 2025:KER:8272.](#)

Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989)—Section 3, 18 and 18A—When content of the video is certainly abusive, derogatory and depicting the victim as a woman of loose morals, the offence under Section 3(1)(r) is made out even if the accused does not specifically refer to the caste name of the victim, and in such circumstances the bar under Sections 18 and 18A is attracted— Court noted the gap in the legal framework in addressing the issues of cyber bullying or online harassment, particularly in respect of those incidents devoid of any sexual context—Court observed that the situation requires immediate rectification by the authorities concerned to ensure that cyberbullying, in all its forms, is adequately regulated—Information Technology Act, 2000 (Central Act 21 of 2000)—Sections 66E and 67A - Fakrudeen K V @ Fakrudeen Panthavoor v. State of Kerala and another - I.L.R. 2025 Kerala OnLine 125 : [Neutral Citation No. 2025:KER:24735.](#)

Service—Deprivation of pension without any justifiable reason should be visited with consequences of payment of interest for the delayed payment—Pensionary benefits cannot be withheld after retirement on the grounds of pending judicial proceedings unrelated to Government affairs, as no departmental proceedings can be initiated post- retirement, and the Government loses the authority to assess service satisfaction under Rule 59 of Part III KSR, once the employee has superannuated—Service Rules, 1956 (Kerala)—Part III—Rule 3, 3A and 59—Constitution of India – Article 300A - State of Kerala and others v. Jose K.K. - I.L.R. 2025 Kerala OnLine 132 : [Neutral Citation No. 2025:KER:23106.](#)

Transfer of Property Act, 1882 (Central Act 4 of 1882)—Section 53A— Performance, or the willingness to perform one's part of the contract, is one of the essential elements of the plea of part performance—Doctrine of Part Performance—Essential Ingredients Discussed - Belwin Raj and another v. Muttayyan (died) and others - I.L.R. 2025 Kerala OnLine 126 : [Neutral Citation No. 2025:KER:24309.](#)
