

## **Abridged Index**

## Latest decisions - 16/10/2024

CAT is constituted to exercise power of judicial review of administrative action—Tribunal cannot convert itself into an administrative authority by undertaking the task of re-fixation of pay of employees – Fixation of pay of a retired employee cannot be revisited without following the basic tenets of natural justice—Ramkumar R. v. Union of India, I.L.R. 2024 (4) Ker. 198. Neutral citation - 2024:KER:46885

Apology tendered by contemner—An apology cannot be a mere set of words; and Courts should not and would not accept it, if it is intended to be a legal trick to wriggle out of responsibility—Apology tendered by contemner should be an act of penitence, contrition or regret and should be tendered at the first possible opportunity—Even if the apology contains all the aforementioned ingredients, Court should not automatically accept it and discharge the contemner, because this would then encourage everyone to adopt this method as a matter of course— Aqib Sohail.P.S. v. Raneesh V. R., I.L.R. 2024 (4) Ker.227. Neutral citation - 2024:KER: 67250

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Section 84—Writ Petition challenging such an attachment is not maintainable—Kerala State Co-operative Bank Ltd v. Mathew C.C., I.L.R. 2024 (4) Ker. 190. Neutral citation - 2024:KER:64529

Contractual matters involving third party cannot be tinkered with or re-structured giving benefit to one party and loss to another—Any order of the Government issued in the interest of the particular sect, has to be weighed on a weighing scale impartially/equitably, but the order should not be detrimental to one of the affected parties— State of Kerala v. Thekkumbhagam Service Co-operative Bank Ltd., I.L.R. 2024 (4) Ker. 210. Neutral citation - 2024:KER:67054

The only difference the Evidence Act makes between public and private documents is in the admissible form of secondary evidence— For public documents, it is a certified copy, and there is a presumption of its genuineness—In all other respects, there is no distinction between the two—Difference between 'proof of contents of a document' and 'proof of the truth of contents of a document', explained —Marking certified copy of a public document does not prove disputed facts or truth of contents of a document—Truth or existence of facts stated in the document cannot be proved by mere production or marking of the document, especially if such facts are disputed and are in issue — Divakaran N. v. David Livingston, I.L.R. 2024 (4) Ker. 242. Neutral citation - 2024:KER:54474

Family Court cannot declare a litigant ex parte solely because he/she did not appear for mediation in response to a notice issued under the provisions of Rule 4A of the Family Court (Kerala) Rules, 1989 - Vipin Vijayan v. Vimitha Velayudhan, I.L.R. 2024 (4) Ker, 220. Neutral citation - 2024:KER:61599

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The power of the Collector cannot be exercised under Clause 6 of the K.L.U. Order in respect of the applications filed after 30.12.2017—Applications filed prior to 30.12.2017 should be considered in accordance with KLU Order—All applications filed after 30.12.2017 for change of use or utilisation of the unnotified land under Paddy Act shall be only in accordance with Section 27A—Those who applied prior to 30.12.2017 and obtained order after 30.12.2017 need not pay the fees stipulated under Section 27A—Revenue Divisional Officer v. Jacob Boban, I.L.R. 2024 (4) Ker. 183 (FB). Neutral citation - 2024:IO:KER: 35

Section 23 of POCSO Act, 2012 establishes a broad scope by referencing offenders as "No Person" in Section 23 (1) and "any person" in Section 23 (4)—Operation of section is not limited to media persons alone - Sojan.M.J. v. State of Kerala, I.L.R. 2024 (4) Ker.252. Neutral citation - 2024:KER:68990

Refund of purchase money—Where the auction sale conducted under RR proceedings is cancelled, the auction purchaser is entitled to receive interest on the amount deposited by her - Ayshath Hafeeda v. State of Kerala, I.L.R. 2024 (4) Ker.266. Neutral citation - 2024:KER: 70733

Purpose behind excluding MSP (Military Service Pay) and X-pay from the last pay drawn by ex-serviceman, explained— Ramkumar R v. Union of India, I.L.R. 2024(4) Ker.198. Neutral citation - 2024:KER:46885

Also contains the Advocates (Amendment) Act, 2023 and Speeches rendered in full court reference on the occasion of the appointment of the Hon'ble Chief Justice, Mr. Justice Nitin Jumdar.

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