

## **Abridged Index**

## Latest decisions – 27.11.2024

A single building consisting of different portions owned by different individuals should be treated separately when the construction costs are jointly shared by those individuals- Balamani K. v. Village Officer, Kasaragod, I.L.R. 2024 (4) Ker.804. Neutral citation- 2024:KER:76765

Employees of Central University are not governed by CCS (Pension) Rules in matters of Pension but by National Pension Scheme - Vilfred V. (Dr.) v. Central University of Kerala, I.L.R. 2024 (4) Ker. 798. Neutral citation- 2024:KER:76464

There cannot be a blanket assumption that members being elected to Managing Committee repeatedly and continuously will act to the detriment of the society--When Legislature makes arbitrary rules regulating conditions and qualifications for being elected to Managing Committee of a Co-operative Society, that would be an affront to right of members of society to conduct the society in a democratic manner—Restraint imposed by Section 28(2A)of KCS Act on members to contest three consecutive terms. election again after declared illegal unconstitutional— Babu K. Korah v. State of Kerala, I.L.R. 2024 (4) Ker. 737. Neutral citation- 2024:KER:80385

Administrator or Administrative Committee shall be entitled to enroll members—Challenge against amendments, except for Section 28(2A) of KCS Act, repelled by the Court—Babu K. Korah v. State of Kerala, I.L.R. 2024 (4) Ker. 737 . Neutral citation- 2024:KER:80385

CPC is not applicable to execution proceedings of the arbitration award passed under the Act— Keezhmadu Service Co-operative Bank v. Assistant Registrar of Co-operative Societies (General), I.L.R. 2024 (4) Ker. 780. Neutral citation-2024:KER:42549

No time limit is prescribed for impleading legal representatives of the deceased judgment debtor in execution proceedings—There is no abatement of execution proceedings even if the legal representatives are not impleaded within the timeframe stipulated by the CPC - Keezhmadu Service Co-operative Bank v. Assistant Registrar of Co-operative Societies (General), I.L.R. 2024 (4) Ker. 780. Neutral citation- 2024:KER:42549

Injury can be considered the cause of death, if the complication or outcome is a natural, likely, or necessary result of the injury, and if it can be reasonably expected to occur as a consequence - Saraswathy. K.K. v. Oriental Insurance Co. Ltd., I.L.R. 2024 (4) Ker. 789. Neutral citation- 2024:KER:73502

To convict a person under Section 304A of the IPC, the death must be a direct result of the accused's rash and negligent act, and that act must be the proximate and efficient cause, without the intervention of another party's negligence - Celinamol Mathew v. State of Kerala, I.L.R. 2024 (4) Ker. 766. Neutral citation-2024:KER:78417

The government should issue necessary orders or circulars in line with Jacob Mathew v. State of Punjab [2005 Supp (2) SCR 307] to ensure that nurses, in both government service and private hospitals, are protected from malicious and frivolous prosecution - Celinamol Mathew v. State of Kerala, I.L.R. 2024 (4) Ker. 766. Neutral citation- 2024:KER:78417

3rd proviso to Section 25 (1) of KVAT Act relates to completion of assessment and not to initiation of proceedings - M/s N.K. Trading Company v. State Of Kerala, I.L.R. 2024 (4) Ker.727. Neutral citation- 2024:KER:78170

Contains the article "Contours of Section 68(1) of KCS Act, in the light of law laid down in Mulavoor Urban Co-operative Society Ltd & ors v. Jt. Registrar and anr" by Adv. Arjun Raghav

\*\*\*\*