

Abridged Index

I.L.R. - Index of reported cases dt. 30.07.25

Anti-Social Activities (Prevention) Act, 2007 (Kerala Act 34 of 2007)—Sections 3(1), 7(1) and 7(2)— It is trite law that the procedural formalities concerning the preventive detention shall be strictly followed—It is the bounden duty of the detaining authority to ensure that copies furnished to the detenu is legible and readable—Disposal of representation by detenu without addressing the grievances raised therein, is not meaningful consideration of representation—Non-serving of legible copy of documents and inordinate delay in meaningfully considering and disposing the representation will vitiate the order of detention - Manjusha K.P. v. State of Kerala and others - I.L.R. 2025 Kerala OnLine 247: Neutral Citation No. 2025:KER:48477

Code of Civil Procedure, 1908 (Central Act 5 of 1908)—Order VII Rules 1 and 8—Principles contained in the provisions regarding necessity of specific denial in a written statement equally applies to the pleadings in the plaint—Order VII Rule 8 requires the plaintiff to state grounds on which the relief is founded—Order VIII Rule 5 - Varghese C. Philip Kutty v. Varghese Mathai C. and others - I.L.R. 2025 Kerala OnLine 244: Neutral Citation No. 2025:KER:42170.

Code of Criminal Procedure, 1973 (Central Act 2 of 1974)—Section 328—On a plain reading of Section 328, it is clear that Legislature did not want a person of unsound mind and one who is incapable of making his defence to be tried merely because an officer has chosen to lay a charge over him—First and perhaps the most

important thing is to place the prisoner suspected of being of unsound mind under medical observation promptly, so that when case comes up for trial, there would be reliable medical evidence of the state of mind of accused—Penal Code, 1860 (Central Act 45 of 1860)—Section 302 - Mariyappan v. State of Kerala - I.L.R. 2025 (Kerala) OnLine 245: Neutral Citation No.2025:KER:46289.

Code of Criminal Procedure, 1973 (Central Act 2 of 1974)—Section 332—The word "considers" appearing in Section 332 empowers the Court not only to examine the Medical Certificate and also the doctor, if necessary—Court should also consider other factors and the accused should be interrogated by Court and only after due application of mind, the Court should come to the conclusion that accused is capable of making his defence—Magistrate or Court cannot mechanically or blindly rely on a medical certificate issued by a psychiatrist as if it is the end of the matter—Appellant has been denied a fair trial in view of total non-compliance of the procedure contemplated under Section 332—If the order of committal is bad, the trial court order consequent thereto is also vitiated and the conviction arrived at cannot be sustained—Penal Code, 1860 (Central Act 45 of 1860)—Section 302 - Mariyappan v. State of Kerala - I.L.R. 2025 (Kerala) OnLine 245 : Neutral Citation No.2025:KER:46289.

Hindu Succession (Amendment) Act, 2005 (Central Act 39 of 2005)—Section 6(5), Explanation—On and from the commencement of the Amendment Act, 2005, a daughter is entitled to an equal share in the ancestral property of a Hindu who dies after 20.12.2004 in the State of Kerala, subject to the exception provided in Section 6(5) and the Explanation thereto - Rajani N.P. and others v. Radha Nambidi Parambath and others - I.L.R. 2025 Kerala OnLine 246: Neutral Citation No. 2025:KER:49346.

Joint Hindu Family System (Abolition) Act, 1975 (Kerala Act 30 of 1976) —Sections 3 and 4(1)—Sections 3 and 4(1) of the State Act are repugnant to Section 6 of the Hindu Succession (Amendment) Act, 2005, and are thereby rendered inoperative—In case of conflict between a State law and a Central law on a subject in the Concurrent List, the Central law prevails if it is later in time and occupies the same field—Article 254(2)—Constitution of India - Rajani N.P. and others v. Radha Nambidi Parambath and others - I.L.R. 2025 Kerala OnLine 246: Neutral Citation No. 2025:KER:49346.

Succession Act, 1925 (Central Act 39 of 1925)—Section 63—There is no requirement of law under Section 63 that a scribe should affix his signature in the Will—There is nothing in law which prevents a scribe being an attesting witness provided that he intends to affix his signature as an attesting witness—Requirement under Section 68 of Evidence Act and Section 63 (c) of Succession Act, cannot be

insisted in a rigid manner and it requires to be interpreted depending on the facts of each case—Plaintiff cannot claim the benefits of the 'Will' on one hand and seek to sustain the findings of Courts below that the 'will' is not genuine—Evidence Act, 1872 (Central Act 1 of 1872)—Section 68 - Varghese C. Philip Kutty v. Varghese Mathai C. and others - I.L.R. 2025 Kerala OnLine 244 : Neutral Citation No. 2025:KER:42170.

Pl. visit our website - www.ilrkerala.gov.in
