



കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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PART III

Judicial Department

THE HIGH COURT OF KERALA

NOTIFICATION

No. A5-11632/2015.

8th June 2017.

In exercise of the powers conferred by Article 229 of the Constitution of India, the Honourable the Chief Justice hereby makes the following amendments to the Kerala High Court Service Rules, 2007, namely :

Amendment (C. S. No. 41)

In the Rules,

1. The existing entry 'Assistant Public Relations Officer' occurring in Rule 4 against category 3 in Sub Division 4 of Division I shall be substituted by 'Additional Public Relations Officer'.
2. The existing entry 'Assistant Public Relations Officer' occurring in Rule 17 (2) shall be substituted by 'Additional Public Relations Officer'.

3. In Annexure I, the existing entry 'Assistant Public Relations Officer' occurring in column (4) against category 1 in Sub Division 4 of Division I shall be substituted by 'Additional Public Relations Officer'.
4. In Annexure I, the existing entry 'Assistant Public Relations Officer' occurring in column (4) against category 2 in Sub Division 4 of Division I shall be substituted by 'Additional Public Relations Officer'.
5. In Annexure I, the existing entry 'Assistant Public Relations Officer' occurring in column (3) against category 3 in Sub Division 4 of Division I shall be substituted by 'Additional Public Relations Officer'.

The above amendments shall come into force with immediate effect.

By order,

Kochi-682 031.

ASHOK MENON,
Registrar General.

Explanatory Note

(This note does not form part of the amendment, but is intended to indicate its general purport.)

The High Court had addressed the Government for redesignation of the post of Assistant Public Relations Officer as Additional Public Relations Officer. The Government as per G. O. (Rt.) No. 1115/17/Home dated 4-5-2017, accorded sanction for redesignation of the post of Assistant Public Relations Officer as Additional Public Relations Officer subject to the condition that the scale of pay of the post should not be changed and no additional financial commitment should be incurred owing to the redesignation. The Honourable the Chief Justice has ordered to incorporate the redesignation in the Kerala High Court Service Rules, 2007. Hence this amendment.

NOTIFICATION

No. D1-11392/2014.

16th June 2017.

In exercise of the powers conferred by Article 225 of the Constitution of India, Section 122 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) and of all other powers hereunto enabling it in this behalf, the High Court of Kerala hereby publish for general information the draft of the High Court of Kerala (Amendment) Rules, 2017 proposed to amend the Rules of the High Court of Kerala, 1971.

Notice is hereby given that any objection or suggestion with respect to the draft rules received from any person within 30 days from the date of publication of this notification in the Gazette will be considered by the High Court. Objections or suggestions, if any, shall be addressed to the Registrar General, High Court of Kerala, Kochi-682 031.

DRAFT RULES**1. Short title and commencement:**

(1) These Rules may be called the High Court of Kerala (Amendment) Rules, 2017.

(2) They shall come into force at once.

2. Amendment of the Rules:

In the Rules of the High Court of Kerala, 1971,

(1) in Rule 41, for the existing clause (c), the following clause shall be substituted, namely:

‘(C) Duly authenticated copy of the Writ Petition/ Original Petition, affidavits including counter and reply affidavits and statements, if any, filed in the Writ Petition/Original Petition and annexures thereto, in the case of Writ Appeals filed, in which urgent memos are filed along with it or within one month of its institution and Writ Appeals filed against interim orders in pending Writ Petitions/Original Petitions.’

(2) in Rule 51, in sub rule (1), for the existing proviso, the following proviso shall be substituted, namely:

‘Provided that any process may be ordered to be served in the manner directed by the Court.’

(3) Rule 51A shall be renumbered as Rule 51D and before Rule 51D so renumbered, the following rules be inserted, namely:

‘51A. *Service of notice:* Where the notice is sought to be served by an officer of the court or of a subordinate court, if the respondent is absent from his residence at the time when the service of notice is sought to be effected on him at his residence and there is no likelihood of his being found at the residence within a reasonable time and he has no agent empowered to accept service of the notice on his behalf, service may be made on any adult member of the family, whether male or female, who is residing with him.

Explanation.— a servant is not a member of the family within the meaning of this rule.

51B. *Service of notice by affixing:* Where the respondent or his agent or such other person as aforesaid refuses to sign the acknowledgement, or where the serving officer, after using all due and reasonable diligence, cannot find the respondent who is absent from his residence at the time when the service of notice is sought to be effected on him at his residence and there is no likelihood of his being found at the residence within a reasonable time and there is no agent empowered to accept service of the notice on his behalf, nor any other person of whom service can be made, the serving officer shall affix a copy of the notice on the outer door or some other conspicuous part of the house in which the respondent ordinarily resides or carries on business or personally works for gain, and shall then return the original to the court with a report endorsed thereon or annexed thereto stating that he has so affixed the copy, the circumstances under which he did so, and the name and address of the person (if any) by whom the house was identified and in whose presence the copy was affixed.

51 C. *Substituted service:* (1) Where the Court is satisfied that there is reason to believe that the respondent is keeping out of the way for the purpose of avoiding service, or that for any other reason the notice cannot be served in the ordinary way, the court shall order the notice to be served by affixing a copy thereof in some conspicuous place in the court, and also upon some conspicuous part of the house, if any,

in which the respondent is known to have last resided or carried on business or personally worked for gain, or in such other manner as the court thinks fit.

(2) Where the court acting under sub rule (1) orders service by an advertisement in a newspaper, the newspaper shall be a daily newspaper circulating in the locality in which the respondent is last known to have actually and voluntarily resided, carried on business or personally worked for gain.

(3) Service substituted by order of the court shall be as effectual as if it had been made on the respondent personally.

(4) Where service is substituted by order of the court, the court shall fix such time for the appearance of the respondent as the case may require.'

By order,

ASHOK MENON,
Registrar General.

Kochi-682 031.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per the existing clause (c) of rule 41, copies of the entire pleadings and documents which were before the learned Single Judge are to be filed along with the memorandum of Writ Appeal. This is reportedly causing much inconvenience to the litigants. Since Writ Appeals are in the nature of intra court appeals, the entire pleadings and documents in the proceedings before the Single Judge are available with the High Court. Hence their production needs to be insisted only where urgent motion is made in the Writ Appeal or where the appeal is filed against an interim order. In other cases, production of such papers can be dispensed with. Hence the amendment to rule 41.

Rule 51 of the Rules of the High Court of Kerala, 1971 deals with service of notices. However, it does not contain any provision as in the Code of Civil Procedure, 1908 as to the procedure where the respondent refuses to accept notice or where he can not be found. The lacuna needs to be filled in. The above notification is intended to achieve the said objective.

NOTIFICATION

No. B1(A)-62/2017.

12th June 2017.

In exercise of the powers conferred by Section 9 (3) of the Code of Criminal Procedure, 1973, the High Court of Kerala hereby appoints the persons mentioned in Column (1) of the Schedule hereto attached to be Additional Sessions Judge to exercise jurisdiction in the Court of Sessions mentioned against his name in column (2) thereof from the date of taking charge.

SCHEDULE

<i>Name of Officer</i>	<i>Court of Sessions</i>
(1)	(2)
Sri M. V. Rajakumara, Motor Accident Claims Tribunal, Vadakara	Special Judge, (NDPS Act Cases)/ Addl. District Judge, Vadakara

By order,

K. BABU,
Registrar

Kochi-682 031.

(Subordinate Judiciary).

NOTIFICATION

No. B4(A)-1489/2014.

24th May 2017.

In exercise of the powers conferred by section 13 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the High Court of Kerala hereby:

- (i) appoints Shri Abdulla, N. P., Nedungattukudy House, Mudickal P. O., Perumbavoor, Ernakulam as Honorary Special Judicial Magistrate of the Second Class-I, Ernakulam for a period of one year with effect from the date of assumption of charge, as such
- (ii) confers upon the said Shri Abdulla, N. P., all the powers conferred upon a Magistrate of the Second Class under the said code in regard to cases generally arising in the corporation area of Ernakulam District and empowers him to try such cases sitting singly in the said area;
- (iii) further confers upon him under section 261 of the said code the powers to try summarily the offences set out earlier.

By order,

K. BABU,
Registrar

Kochi-682 031.

(Subordinate Judiciary).

**Office of the Chief Judicial
Magistrate, Ernakulam**

NOTIFICATION

No. E-4387/2015.

29th May 2017.

In exercise of the powers conferred under section 13 of the Code of Criminal Procedure 1973 (Central Act 2 of 1974) the Chief Judicial Magistrate, Ernakulam hereby define the area within which the person mentioned in column No. 1 of the schedule hereunder may exercise all or any of the powers within which he has been invested by the High Court of Kerala for one year with effect from 29-5-2017.

SCHEDULE

<i>Name of Person</i>	<i>Areas comprised within the limits of undermentioned Police Station</i>
Sri Abdulla, N. P., Honorary Special Judicial II Class Magistrate-I, Ernakulam	Petty cases within the limit of ; Thoppumpadi P. S. Mattanchery P. S. Fort Kochi P. S. Harbour P. S.

Ernakulam.

S. AJIKUMAR,
Chief Judicial Magistrate.

**In the Court of the Chief Judicial Magistrate,
Thodupuzha, Muttom**

NOTIFICATION

No. A1-23/2017.

13th June 2017.

*Sub:—*Judl. Dept.—Nyayadhikari, Azhutha at Peermade—placed in full additional charge of Judicial First Class Magistrate I, Peermade—defining local jurisdiction—Notification issued—reg.—

*Ref:—*1. Order No. B1(A)- 62/2017(2) dated 29-5-2017 of Hon'ble High Court of Kerala.

2. Sec. 14(1) of CrI. Procedure Code

In exercise of the powers conferred upon the undersigned as per section 14 (1) of the Criminal Procedure Code, the Chief Judicial Magistrate, Thodupuzha hereby defines the local areas within which the magistrate mentioned in column No. 2 may exercise all or any of the powers with which the magistrate have been invested under the Code with effect from the date of her taking charge as Judicial First Class Magistrate I, Peermade.

<i>Sl. No.</i>	<i>Name of Judicial Officer</i>	<i>Name of Court</i>	<i>Name of Police station limits over which the magistrates mentioned in column No. 2 may exercise the power as Judicial magistrates of the First Class</i>
1	Jomy Anu Isaac	Court of Judicial 1st Class Magistrate I, Peermade	1st and 2nd class offences of IPC and other Acts coming under the limits of Vagamon and Peermade Police Station and all cases coming under K F Act and related rules and Excise cases arising within the Jurisdiction of Peruvanthanam, Vandiperiyar and Kumily Police Stations.

(Sd).

Chief Judicial Magistrate.