



കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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PART III Judicial Department

THE HIGH COURT OF KERALA

NOTIFICATION

No. D1-65782/2014. 6th August 2018.

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 publishes for general information the draft of the amendments proposed to 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 thirty days from the date of publication of this notification in the Official 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 Rules of the High Court of Kerala (2nd Amendment), 2018.

(2) They shall come into force at once.

2. *Amendment of the Rules*:—In the Rules of the High Court of Kerala, 1971;

(i) in sub rule (7) of Rule 15, for the figures '30', the figures '60' shall be substituted;

(ii) in Rule 19, after sub-rule (5), the following sub-rule shall be inserted, namely:—

'(6) The vakalath shall be accompanied by the telephone number (land line or mobile), e-mail ID of the Advocate concerned as well as the party executing the vakalath and such other details in Form No. 1A.' ;

(iii) to sub-rule (2) of Rule 51, after the existing proviso, the following proviso shall be inserted, namely:—

‘Provided further that no such declaration shall be made where the postal article containing the notice is received back by the Court with an endorsement purporting to have been made by a postal employee to the effect that the addressee has not claimed it.’;

(iv) in Rule 94, after clause (m), the following clause shall be inserted, namely:—

‘(n) Cases of senior citizens and widows’;

(v) after Rule 130, the following Rule shall be inserted, namely:—

‘130A: Copies of legible copies of depositions—

In cases where legible copies of deposition of witnesses are made available by the subordinate courts to the High Court along with the records of the subordinate courts, on an application being made in the prescribed form along with a duly verified petition and on payment of the prescribed copying charges, uncertified copy of such legible copies shall be issued to the parties, on the orders of the Deputy Registrar.’;

(vi) in Rule 144, for sub-rule (2), the following sub-rule shall be substituted, namely:—

‘(2) Every copy issued free of cost under the proviso to sub rule (2) of Rule 128 or under sub-rule (2) of Rule 138 shall bear the following endorsement initialled by the Examiner :—

Copy issued free of cost to the Central Government/ State Government under the proviso to sub-rule (2) of Rule 128 or sub-rule (2) of Rule 138.

1. Name of the Court.
2. Year and number of proceeding.
3. Name of the applicant.
4. Number and date of application.
5. Date when copy was ready.
6. Date notified for appearance to receive the copy.
7. Date when copy was delivered.’;

(vii) to sub-rule (1) of Rule 147, after clause (d), the following Explanation shall be added, namely:—

‘*Explanation:*—The word “order” used in clause (b) does not include proceedings in B diary or the gist of the order extracted from the B diary.’;

(viii) under the heading FORMS, after FORM No. 1, the following FORM shall be inserted, namely:—

‘FORM No. 1A

[Rule 19(6)]

(Details to be filed along with vakalath)

BEFORE THE HIGH COURT OF KERALA

Number of the proceedings :

Name of the parties filing vakalath :

Telephone No. (Landline/Mobile) :

e-mail ID :

Name of the Advocate :

Telephone No. :

e-mail ID :

Signature of the Advocate.’

By order,

N. ANIL KUMAR,
Registrar General.

Kochi-682 031.

Explanatory Note

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

1. The powers of the Registrar with respect to granting time to file lists, pay process or for any similar act to make an appeal or a petition ready need to be enhanced so as to avoid unnecessary posting of cases before the Bench. Hence the amendment to sub rule (7) to Rule 15.

2. With respect to the cases which are referred for mediation, the Mediation Centre publishes cause list of cases which will be taken up on each day. But complaints have been received that such postings often escape the notice of the parties and lawyers concerned. If the telephone numbers and e-mail IDs of the parties and their Counsel are available with the High Court, such complaints can be addressed to a certain extent. Hence the insertion of Rule 19(6) and FORM No. 1A.

3. There has been some ambiguity regarding the procedure to be followed when a notice sent by registered post is returned with an endorsement ‘unclaimed’. There has been divergent decisions on the

point as to whether service of notice can be declared in such cases or not. Insertion of a new proviso to sub rule (2) of Rule 51 intends to remove the said ambiguity.

4. The need for a speedy disposal of cases in which senior citizens or widows are party has been increasingly felt. Hence the amendment to Rule 94.

5. Depositions of witnesses recorded before the subordinate courts have been found unreadable in some cases. Hence the High Court has directed the subordinate courts to forward legible copies of such depositions while sending records to the High Court. There has been demand from the Bar to provide them with copies of such legible copies of depositions. The High Court has felt that the demand is reasonable and hence a new Rule 130A is being inserted.

6. With the insertion of sub rule (2) in Rule 138, no copying charges can be levied from the State Government when the certified copy is applied for by or on behalf of the State Government or its officers in their official capacity. The amendment to sub rule (2) of Rule 144 is only consequential to the said sub rule.

7. The High Court had an occasion to deal with a petition wherein a copy of the proceedings sheet of the subordinate court was produced by the party instead of the impugned order in that case. It was felt that the word 'order' used in sub rule (1) of Rule 147 needs an explanation so as to avoid such instances. Hence the amendment.

**Chief Judicial Magistrate Court
Thalassery**

NOTIFICATION

No. A1-5621/2018.

30th July 2018.

Sub:—Vesting of jurisdiction over newly established Pinarayi Police Station with Additional Chief Judicial Magistrate Court, Thalassery—Notification issued—Reg.

Ref:—1. G. O. (P) No. 26/2018 Home dated 6-6-2018.

2. Official Memorandum No. D7A(2)-59313/2018 dated 26-7-2018 of the Hon'ble High Court of Kerala.

In obedience to the reference cited 2nd above, it is directed to vest the territorial jurisdiction over Pinarayi Police Station with Additional Chief Judicial Magistrate, Thalassery as an interim measure, till a final decision in this regard is arrived. Hence the following notification is issued.

In the exercise of the powers conferred under section 14(1) of the Code of Criminal Procedure 1973 (Act II of 1974), The Chief Judicial Magistrate, Thalassery hereby vests the jurisdiction over local limits of the areas of the newly established Pinarayi Police Station with Additional Chief Judicial Magistrate, Thalassery as an interim measure, till a final decision in this regard is arrived. The Additional Chief Judicial Magistrate, Thalassery shall exercise all or any of the powers invested under Code of Criminal Procedure 1974 with effect from the date of opening of Pinarayi Police Station.

(Sd.)

*Chief Judicial Magistrate,
Thalassery.*