



കേരള സർക്കാർ
Government of Kerala
2019



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI

Reg. No. KL/TV(N)/634/2018-20

കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

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PART III

Judicial Department

THE HIGH COURT OF KERALA

RULES

NOTIFICATION

No. D1-65782/2014. 4th February 2019.

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 V of 1908) and of all other powers hereunto enabling it in this behalf, the High Court of Kerala, after previous publication of the draft Rules in the Kerala Gazette Volume VII, No. 35, dated 4th September 2018 as Notification No. D1-65782/2014, dated 6th August 2018, no objection or suggestion having been received thereon, and with the previous approval of the Government of Kerala conveyed in G. O. (Rt.) No. 3812/2018/Home dated 28th December, 2018, hereby makes the following Rules further to amend the Rules of the High Court of Kerala, 1971, namely:—

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. (Land line/mobile) :
e-mail ID :
Name of the Advocate :
Telephone No. :
e-mail ID :

Signature of the Advocate.’

By order,

K. HARIPAL,
Registrar General.

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 of 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) of 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 the 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.

Judicial First Class Magistrate Court Erattupetta

നോട്ടീസ്

നമ്പർ ഡി-208/2019.

2019 ജനുവരി 29.

ഈരാറ്റുപേട്ട ജൂഡീഷ്യൽ ഒന്നാംക്ലാസ്സ് മജിസ്ട്രേറ്റ് കോടതി മുമ്പാകെ തീർപ്പാക്കിയിട്ടുള്ള കേസുകളിൽ ഉൾപ്പെട്ട താഴെ വിവരിക്കുന്ന മോട്ടോർ വാഹനങ്ങൾ ലേലം ചെയ്ത് മുതൽ സർക്കാരിലേക്ക് കണ്ടുകെട്ടുവാൻ തീരുമാനിച്ചിരിക്കുന്നു. ടി വാഹനങ്ങൾ സംബന്ധിച്ച് എന്തെങ്കിലും തരത്തിലുള്ള അവകാശങ്ങൾ ആർക്കെങ്കിലും ഉണ്ടെങ്കിൽ അത് തെളിയിക്കുന്നതിന് ആവശ്യമായ രേഖകൾ സഹിതം ഈ നോട്ടീസ് പരസ്യപ്പെടുത്തി 10 ദിവസത്തിനകം ഈ കോടതി മുമ്പാകെ ഹാജരാക്കേണ്ടതാണ് എന്ന് ഇതിനാൽ അറിയിക്കുന്നു. അല്ലാത്തപക്ഷം അവ പരസ്യലേലം നടത്തി സർക്കാരിലേക്ക് മുതൽ കൂട്ടുന്നതാണ്.

വാഹനവിവരം

1. ST 1637/16, Cr: 926/16 ഈരാറ്റുപേട്ട പോലീസ് സ്റ്റേഷൻ T 238/16, Chasis No. Mp2 A76A2 9FWE 32962 Motorcycle.
2. CC 42/18, Cr: 5/17 ERO, Pala, T 497/17, KL38/4 8386 Motorcycle.

Office of the Judicial
First Class Magistrate,
Erattupetta.

(Sd.)

Judicial First Class Magistrate.

Chief Judicial Magistrate Court

Thalassery

NOTIFICATIONS

(1)

No. A1-557(1)/2019.

31st January 2019.

Sub:—Honorary Special Judicial Magistrate of Second Class (Railways) Kozhikode—Local limits of the area of Jurisdiction—Notification—issued.

Ref:—Notification No. B4(A)-113479/2018 dated 11-1-2019 of the Hon'ble High Court of Kerala.

In exercise of the powers conferred under section 14(1) of the Code of Criminal Procedure 1973 (Central Act 2 of 1974) the Chief Judicial Magistrate, Thalassery hereby defines the area specified under Column-II of the schedule shown hereunder be the local area within which the Magistrate mentioned under Column-I of the schedule may exercise all or any of the powers within which he has been invested by the Hon'ble High Court of Kerala and the Criminal Procedure Code, for a period of one year from the date of assumption of charge.

SCHEDULE

<i>Name of Magistrate and Court</i>	<i>Local Limits of Jurisdiction</i>
I	II
Sri Purushothaman, Puthalath (H) Elathur P. O., Kozhikode, Honorary Special Judicial Magistrate of Second Class (Railways) Kozhikode	Areas comprised within the jurisdiction of Honorary Special Judicial Magistrate of Second Class (Railways) Kozhikode within the District of Thalassery (any part of the Southern Railway within the District of Thalassery)

(2)

No. A1-10383/2018.

31st January 2019.

Sub:—Vesting of jurisdiction over newly established Mattannur Airport Police Station with Judicial First Class Magistrate's Court, Mattannur—Notification issued—Reg.

Ref:—(1) G. O. (P) No. 65/2018/Home Thiruvananthapuram dated 13-10-2018.

(2) Official Memorandum No. D7A(2) 110840/2018 dated 24-1-2019 of the Hon'ble High Court of Kerala.

As per the Official Memorandum referred 2nd above, concurrence of the Hon'ble High Court of Kerala is conveyed to the Chief Judicial Magistrate Thalassery to confer the territorial jurisdiction over newly established Mattannur Airport Police Station with the Judicial First Class Magistrate's Court, Mattannur. Hence the following notification is issued.

In 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 Mattannur Airport Police Station with the Judicial First Class Magistrate's Court, Mattannur. The Judicial First Class Magistrate, Mattannur shall exercise all or any of the powers invested under Code of Criminal Procedure 1974 with effect from the date of opening of Mattannur Airport Police Station.

(Sd.)

Thalassery.

Chief Judicial Magistrate.