



THE HIGH COURT OF KERALA

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Date: **21-06-2023**

No: **DI-1/104010/2019**

OFFICIAL MEMORANDUM

Sub: Rules of the High Court of Kerala (Second Amendment), 2023 –
notification published in the Kerala Gazette – reg.

Ref.: Notification No. DI-1/104010/2019 dated 06/06/2023 amending the
Rules of the High Court of Kerala, 1971 published in the Kerala
Gazette Vol. XII, No.24 dated 13/06/2023.

A copy of the notification mentioned under reference is communicated for
information and necessary action.

(By order)

P. Krishna Kumar,
Registrar General

(Signature)

Encl.: as above

To

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GOVERNMENT OF KERALA

കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA

2023



THE HIGH COURT OF KERALA**NOTIFICATION**

No. DI-1/104010/2019.

6th June 2023.

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, after previous publication of the draft Rules in the Kerala Gazette Vol. XI, No. 34, dated 23rd August, 2022 as Notification No. DI-1/40160/2018, dated 29th July 2022 and in Kerala Gazette Vol. XI, No. 42, dated 18th October, 2022 as Notification No. DI-1/104010/2019, dated 14th September, 2022, no objection or suggestion having been received thereon, and with the previous approval of the Government of Kerala conveyed in G.O. (Rt.) No. 1269/2023/HOME dated 19-5-2023, hereby makes the following Rules further to amend the Rules of the High Court of Kerala, 1971, namely:—

RULES**1. Short title and Commencement.—**

- (1) These rules shall be called the Rules of the High Court of Kerala (Second Amendment), 2023.
- (2) They shall come into force at once.

2. Amendment of the Rule.—

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

(1) in rule 35,—

(i) for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) All Petitions, Affidavits, Memoranda of appeal and other proceedings presented to the Court shall be typewritten or printed on both sides, fairly and legibly, on A4 size papers (21.0 X 29.7 cms) having thickness not less than 75 GSM, with page set up and style of text as follows,—

Left and Right margin : 3.5 cm

Top and bottom margin : 2 cm

Justification : Full

Font : Times New Roman

Font size : 14

Line spacing : 1.5

Numbers shall be expressed in figures. Wherever exhibits imprinted on larger size papers are reduced to A4 size while taking photocopies, such copies shall be legible”;

(ii) after sub-rule (7), the following sub-rule shall be inserted, namely:—

“(8) Interlocutory Applications for impleading additional petitioner/plaintiff or respondent/defendant in pending cases shall contain the full name, age, residence, address and description of the parties sought to be impleaded either as petitioner/plaintiff or as respondent/defendant, which shall be shown in the cause title itself. This Rule shall apply to impleading petitions filed in appeals also.”;

(2) in rule 51, after sub-rule (2), the following sub-rule shall be inserted, namely:—



“(3) In addition to other modes of service, the Court may issue notice to the parties through electronic mode:

Provided that where process is ordered by the Court through electronic mode, the petitioner/appellant shall furnish digital copy of the entire papers and e-mail addresses of the respondents.”;

(3) (i) the existing rule 146A shall be renumbered as rule 146AA;

(ii) before rule 146AA as so renumbered, the following rule shall be inserted, namely:—

“**146A. Details in Public Interest Litigation.**—The pleadings in a Public Interest Litigation shall contain the details of all earlier Public Interest Litigations, if any, filed by the petitioner, which shall include case number, name of the Court, status and brief description of the order/judgment passed and costs, if any, awarded or imposed for or against the petitioner.”;

(iii) after Rule 146AA, the following rules shall be inserted, namely:—

“**146AB.** The pleadings in a Public Interest Litigation shall clearly state as to whether it is filed on behalf of a class of persons and if so, it shall indicate the details of persons for whose benefit the Public Interest Litigation is filed.

146AC. If the petitioner in a Public Interest Litigation is a society or association of persons, the petitioner shall produce a true copy of the resolution passed by such society or association of persons, authorising the filing of such a Public Interest Litigation. A copy of the bye-laws of the said society or association of persons shall also be annexed to the Public Interest Litigation.

146AD. The pleadings in a Public Interest Litigation shall state as to whether the petitioner has given any representation to a competent authority and if so, a copy of the same and the reply, if any, received from that authority shall also be annexed to the Public Interest Litigation.”

By order,

P. KRISHNA KUMAR,
Registrar General.

Explanatory Note

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

The High Court had already adopted the use of A4 size papers with printing on both sides, vide High Court Notification No. DI-1/104010/2019 dated 22-9-2020 and therefore it has become necessary to incorporate a corresponding provision in the Rules of the High Court of Kerala, 1971. After the adoption of A4 size papers for pleadings, there are instances where exhibits imprinted on legal size papers are reduced to A4 size while taking photocopies and such copies are not legible. Hence, the amendment to sub-rule(1) of Rule 35.

There is no prescribed format in the Rules of the High Court of Kerala for applications seeking impleadment, due to which there is no uniform pattern in the impleading petitions filed before it.



In order to bring uniformity in the matter, it was decided to introduce necessary amendments to the Rules of the High Court of Kerala. Hence, the new sub-rule (8) of Rule 35 is inserted.

There is no provision for service of summons/notice through electronic means in the Rules of the High Court of Kerala. An amendment to Rule 51 becomes necessary for the service of summons/notice through electronic media with intention for the speedy disposal of cases.

The High Court after considering the decision rendered by the Honourable Supreme Court in State of Uttaranchal v. Balwant Singh Chaufal [(2010) 3 SCC 402] and the 'Rules to regulate the Public Interest Litigations filed under Article 226 of the Constitution of India framed by the High Court of Madras' decided to incorporate some more provisions to regulate Public Interest Litigations in the Rules of the High Court of Kerala, 1971.

The notification is intended to achieve the above objects.

