

**RULES OF
THE HIGH COURT OF KERALA
1971**

(As Amended upto 11-1-2022)

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***RULES OF THE HIGH COURT OF KERALA, 1971**

By virtue of the powers conferred by Article 225 of the Constitution of India, Section 122 of the Code of Civil Procedure, 1908 and all other powers enabling it in this behalf, the High Court of Kerala hereby makes, with the previous approval of the Government of Kerala conveyed in G.O. (Ms.) 241/70/Home dated 19-11-1970 and after previous publication, the following rules to regulate its procedure:—

PRELIMINARY

1. *Short title.*— These rules may be called the Rules of the High Court of Kerala, 1971.

2. *Commencement.*— These rules shall come into force on such date as the Chief Justice of the High Court of Kerala may, by notification in the Gazette, appoint and shall apply, as far as may be, to all pending proceedings.¹

3. *Repeal.*—All existing rules in so far as they relate to matters provided for in these rules shall stand repealed.

4. *Forms.*—The forms prescribed by these rules shall be used with such variations as the circumstances may require.

5. *Definitions.*— In these rules, unless the context otherwise requires:—

- (1) “Advocate” includes a partnership of Advocates;
- (2) “appointed day” means the date on which these rules shall come into force;
- (3) “Chief Justice” means the Chief Justice of the High Court of Kerala;
- (4) “clear days” excludes the first and the last day;
- (5) “Code” means the Code of Civil Procedure, 1908 or the Code of Criminal Procedure, 1898, as the case may be;
- (6) “Constitution” means the Constitution of India;
- (7) “Court” means the High Court of Kerala;

²[(7A) “Electronic Filing (e-filing)” means the electronic transmission of petitions, appeals and other proceedings to the court using the court’s electronic filing system;

* Published under Notification No. D1-14606/66 dt. 8-2-1971 in K.G. No. 21 dt. 1-6-1971, Part III

¹ Date of commencement: 1-9-1971 by Notification No. D1- 14606 dt. 23-6-1971 published in K.G. No. 28 dt. 20-7-1971.

² Inserted by Notification No.D1-1/20613/2018 dt. 8-12-2021 published in K.G. No. 2 dt. 11-1-2022.

Explanatory Note:

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

The High Court of Kerala proposes to introduce facilities for e-filing of cases and e-payment of money into and out of court. E-filing when implemented will promote paperless filing and thus help in saving cost and time.

The High Court of Kerala, also proposes to introduce facility for online submission of application for certified copies. Payment of requisite fees by way of e-payment is also envisaged.

The amendment will empower the High Court to introduce the above facilities.

The notification is intended to achieve the above objectives.

- (7B) “Electronic Payment (e-payment)” means all payments into court and out of court made through electronic means.]
- (8) “Form” means a form appended to these rules;
- (9) “prescribed” means prescribed by or under these rules;
- (10) “Registrar” and “Registry” mean respectively the Registrar and the Registry of the Court.
- (11) “Verified” means verified in the manner prescribed by Order VI, Rule 15 of the Code; and
- (12) All other expressions used herein shall have the respective meanings assigned to them by the Code or the General Clauses Act, 1897, as the case may be.

6. *Reckoning of prescribed days.*—In all cases in which any particular number of days not expressed to be clear days is prescribed by these rules, the same shall be reckoned exclusive of the first day and inclusive of the last day, unless the last day falls on a day on which the office of the Court is closed, in which case the days shall be reckoned exclusively of that day also and of any other following day or days during which the office may continue to be closed.

7. *Taking of steps required.*—Where, by these rules or by any order of the Court, any step is required to be taken in connection with any cause, appeal, or matter before the Court, that step shall, unless the context otherwise requires, be taken in the Registry.

CHAPTER I

OFFICERS OF THE COURT

8. *Exercise of powers and authorities.*—The powers and authorities which, under these or other rules or the practice of the Court, are exercisable by the Registrar may except such as may, from time to time, be expressly excepted by the Chief Justice, be exercised by the Deputy Registrar or by the Assistant Registrar—Judicial.

9. *Discharge of other duties.*—Where any duty to be discharged under the Code or other enactment or these or other rules is a duty which heretofore has been discharged by any officer, such duty shall, unless and until otherwise ordered, continue to be discharged by the same officer or by such other officer as the Chief Justice may direct; and where any new duty is to be discharged, the proper officer to discharge the same shall be such officer as the Chief Justice may, from time to time, direct.

10. *Custody of records.*—The Registrar shall have the custody of the records of the Court.

11. *Official Seal.*—The official seal to be used in the Court shall be kept in the custody of the Registrar.

12. *Use of the Official Seal.*—Subject to any general or special directions given by the Chief Justice, the seal of the Court shall not be affixed to any writ, rule, order, summons or other process save under the authority of the Registrar, or the Deputy Registrar.

13. *Seal on certified copies.*—The seal of the Court shall not be affixed to any certified copy issued by the Court save under the authority of the Registrar or of the Deputy Registrar.

14. *Functions of the Registrar in his absence.*—In the absence of the Registrar, the Deputy Registrar may exercise all the functions of the Registrar.

15. *Powers and duties of the Registrar.*—In addition to the powers conferred by other rules, the Registrar shall have the following duties and powers, subject to any special or general order made by the Chief Justice:

Provided that the Registrar may in his discretion refer any proceeding before him for the decision of the Court:

Provided also, that, at the request of any party, the Registrar shall post the matter before the Court.

(1) To receive all appeals, petitions and proceedings.

(2) To return any memorandum of appeal, petition or other proceedings which is insufficiently stamped or undervalued or whose presentation is defective by reason of failure to comply with the prescribed procedure or which requires any amendment to conform to the procedure or practice of the court for being re-presented within a period not exceeding 15 days, after supplying the deficiency, curing the defect or making the amendment, or to require that the deficiency be supplied, the defect cured or the amendment made within a period not exceeding 15 days of the presentation.

(3) To admit all appeals, petitions and other proceedings and issue summons or notices to the opposite party:

Provided that with regard to appeals against appellate decrees not coming under clause (d) of sub-section (1) of Section 100 of the Code and revision petitions, he shall post the same before the Court for admission.

(4) To determine whether notices of appeal or other process has been duly served and to direct the issue of fresh notice or other process in the ordinary way or by substituted service.

(5) To direct service under Order XLIA, Rule 5, of the Code.

(6) To extend the period mentioned in Order XLIA, Rule 2(2), of the Code as follows:—

(a) If the respondent resides beyond the limits of the State of Kerala but within the limits of India, to not more than 6 weeks.

(b) If the respondent resides beyond the limits of India, to not more than 10 weeks.

(7) To allow from time to time any period or periods not exceeding ³[60] days in all for filing lists, furnishing information for paying process fees or for any similar act necessary to make an appeal or a petition ready.

(8) To permit the search of the records of the Court when permissible.

(9) To give directions as to the preparation of the records in connected appeals.

(10) To permit or require any person to offer evidence by affidavit with respect to any application or matter which he is empowered to dispose of under the rules.

(11) To adjourn cases ready for hearing except those appearing in the fair list.

(12) To stop, at his discretion, the issue of all or any papers to any Advocate who has failed to pay any fee or charges due to the Court.

(13) To call for a further deposit, when the deposit already made in a case is not sufficient to defray the cost of preparing the records.

(14) To order repayment of the unexpended balance of charges deposited for the preparation of the record in any proceeding.

(15) To make an order for payment of costs of any application heard by him.

⁴[(16) To fix a time limit in the notice for receiving refund cheques by the Advocates and to issue notice to the Advocates concerned.]

16. *Application to be decided by the Registrar.*— In addition to the powers conferred under the preceding rule, the Registrar shall, subject to any special or general order that the Chief Justice may make, hear and determine the classes of applications set forth herein:

Provided that the Registrar may refer in his discretion any proceedings before him for the decision of the Court:

³ Substituted for the figure '30' by Notification No. D1-65782/2014 dt. 4-2-2019 published in K.G. No. 7 dt. 12-2-2019.

⁴ Added by Notification No. D1-31688/86 dt. 1-1-1991 published in K.G. No. 4 dt. 22-1-1991.

Provided also that at the request of any party, the Registrar shall post the matter before Court for orders:

(1) To extend the time allowed or prescribed by these rules in matters to be determined by the Registrar.

(2) For extension of time to enter appearance.

(3) To grant leave to withdraw appearance.

(4) For an order directing substituted service under Order V, Rule 20 of the Code.

(5) For dispensing with printing or for leave to use previously printed papers.

(6) To dispense with the production of a certified copy of the judgment of the lower court on the ground that such a copy has already been filed in the Court in another case arising from the same judgment.

(7) By a guardian *ad-litem* for funds for the conduct of the case.

(8) For the appointment of a guardian *ad-litem* for persons of unsound mind in cases where they have been so found.

(9) To appoint or discharge a next friend or guardian *ad-litem* for a minor (except in cases under appeal to the Supreme Court) and to direct the amendment of the record accordingly.

(10) To bring on the record the names of the legal representatives of any deceased party, if uncontested, except in cases under appeal to the Supreme Court.

(11) For excusing the delay in remedying any defect or in a re-presentation or in payment of deficit court fee.

(12) For amendment of grounds of appeals or for filing additional grounds.

(13) For amendment of cause title.

(14) To advance the hearing of cases posted as ready on the Notice Board of the Court.

(15) For copies of judicial records of or in the custody of the Court presented by persons who are not parties to the proceedings to which such records relate.

(16) To order the expeditious grant of certified copies.

(17) For leave to determine a Vakalath under Order III, Rule 4(2) of the Code.

(18) For change of advocates.

(19) For the return of documents produced in pending cases.

(20) To make an order for the production of documents by a party.

(21) To extend the time originally fixed for furnishing security or to grant further time when default has been made in furnishing security within the time originally fixed.

(22) To order the refund of court-fee paid under a bona fide mistake.

⁵[(23) For removal of any party or adding of another party, if uncontested.]

CHAPTER II

ADVOCATES AND THEIR REGISTERED CLERKS

17. *Production of Vakalath.*—(1) No Advocate shall be entitled to act in any proceeding, unless he files a Vakalath:

Provided that where an advocate already on record in any proceeding appoints another advocate to appear for him at the hearing of the case, it shall not be necessary for the latter to file a Vakalath:

Provided further that an advocate appearing for an accused person in a criminal proceeding may, instead of filing a vakalath, file a memorandum of appearance containing declaration that he has been duly instructed to appear by/ or on behalf of the accused.

(2) An advocate appearing on behalf of the Central or State Government or on behalf of any public servant sued or suing in his official capacity shall be required to file only a memorandum of appearance.

18. *Particulars in the memorandum.*—The memorandum of appearance referred to in the preceding rule shall contain ⁶[the name and address of the Advocate, roll number] the number and year of the proceeding, the names of the parties to the same and the name and position in the proceeding of the party for whom the advocate appears.

19. *Form and attestation of Vakalath.*—(1) Every Vakalath shall, unless otherwise permitted by the Court, be in Form No. 1 and may authorise the advocate to appear in subsequent proceedings such as applications for leave to appeal to the Supreme Court, appeals to a Division Bench, etc. The name of the advocate or the advocates' if more than one advocate, is appointed, shall be inserted in the Vakalath before it is executed. It shall be dated at the time of its execution and of its acceptance. Its execution shall be attested by a Judicial Officer, a District Registrar, a Sub Registrar, the Chief Ministerial Officer of a Civil or Criminal Court in the State of Kerala, a member of Parliament or of the Legislature of any State in India, the Mayor, Chairman, President, Executive

⁵ Inserted by Notification No. D1-36023/79 dt. 2-7-1980 published in K.G No. 40 dt. 7-10-1980.

⁶ Inserted by Notification No. D1-28111/5/(1) dt. 27-4-2013 published in K.G No. 22 dt. 28-5-2013

Authority or member of any Municipal Corporation, or Municipal Council, or other Local Authority in India, a Village Officer, a Gazetted Officer serving in connection with the affairs of the Union or of any State in India, a Commissioned Officer in the Defence Forces of India, an Ambassador or Envoy duly accredited by or to the Central Government, or an advocate other than the advocate accepting the vakalath:

Provided that any other person may attest the vakalath where the executant is personally known to the advocate in whose favour the vakalath is executed and where the executant signs the same in the presence of the advocate and an endorsement is made by the advocate to the above effect.

(2) The authority attesting the vakalath under sub rule (1) shall certify that it has been duly executed in his presence and subscribe his signature over his name and designation. No vakalath shall be attested unless the advocate's name is inserted therein previous to its execution. When vakalath is executed by a party who appears to the person before whom it is executed to be illiterate, blind or unacquainted with the language in which the vakalath is written, the person shall certify that the vakalath was read, translated and explained in his presence to the executant, that he seemed to understand it and that he made his signature or thumb mark in his presence.

(3) The execution of a vakalath by a person in custody may be authenticated by the Jailor, Station House Officer or other Officer in charge.

⁷[(4) The execution of vakalath other than those covered by sub rule (3) shall be made in the presence of at least one witness. When a registered clerk signs as witness to the execution of a vakalath, he shall affix his full signature and legibly write his name along with the register number allotted to him from the Registry of the High Court.]

⁸(5) Every vakalath shall contain an endorsement of the advocate in whose favour it is executed that it has been accepted by him. There shall also be endorsed on the vakalath a statement of his address for service. If more advocates than one are named in the vakalath it shall be accepted by all such advocates but the address for service may be of any one of them.

⁹(6) The vakalath shall be accompanied by the telephone number (landline 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.

⁷ Sub rule (4) inserted by Notification No. D1-86157/6 dt. 22-5-2014 published in K.G. No. 24 dt. 17-6-2014

⁸ The existing sub rule (4) renumbered as sub rule (5) by Notification No. D1-86157/6 dt. 22-5-2014 published in K.G. No. 24 dt. 17-6-2014

⁹ Inserted by Notification No. D1-65782/2014 dt. 4-2-2019 published in K.G. No.7 dt. 12-2-2019

20. *Change of Vakalath.*—An advocate proposing to enter appearance in a proceeding for a party for whom there is already an advocate on record, may not do so unless he produces the written consent of such advocate, or, where such advocate refuses his consent, he obtains the special permission of the Court.

21. *Vakalath in connected causes.*—Where a person is a party to two or more connected causes he shall execute a separate vakalath in each cause notwithstanding that he may retain the same advocate in all of them.

22. *Party not to be heard in person.*—A party who has retained an advocate in any proceeding shall not be heard in person unless he first withdraws his vakalath.

23. *Robes and costume.*—Every advocate, when appearing before the Court, shall wear such robes and costume as may, from time to time, be prescribed by the Court.

24. *Partnership of Advocates.*—Two or more advocates may enter into a partnership with each other, any partner may act in the name of the partnership provided that the partnership is registered with the Registrar. Any change in the composition of the partnership shall be notified to the Registrar.

25. *Employment of clerks.*—An advocate may employ one or more clerks to attend the Registry for presenting or receiving any papers on his behalf:

Provided that the clerk has been registered with the Registrar on an application made to the Registrar for the purpose:

Provided further that the said clerk gives an undertaking that he shall attend the Registry regularly.

26. *Notice of application.*—Notice of every application for the registration of a clerk shall be given to the Secretary, Kerala Advocates' Association who shall be entitled to bring to the notice of the Registrar, within 7 days of the receipt of the notice, any facts which, in his opinion, may have a bearing on the suitability of the clerk to be registered.

27. *Procedure regarding unsuitable persons.*—The Registrar may for reasons to be recorded in writing decline to register any clerk, who in his opinion, is not sufficiently qualified, or is otherwise unsuitable to be registered as such, and may for reasons to be recorded in writing, remove from the register the name of any clerk after giving him and his employer an opportunity to show cause against such removal. Intimation shall be given to the Secretary, Advocates' Association, of every order registering a clerk or removing a clerk from the register.

28. *Identity Card.*—Every clerk shall, upon registration, be given an identity card which he shall produce whenever required, and which he shall surrender when he ceases to be the clerk of the Advocate for whom he was registered. Where a fresh identity card is required in substitution of one that is lost or damaged, a stamped application shall be made for the issue of the same.

29. *Prohibition of employment of touts.*—No Advocate shall employ as his clerk any person who is a tout.

30. *List of touts and inclusion of names therein.*—(1) The Registrar shall publish lists of persons proved to his satisfaction, by evidence of general repute or otherwise, habitually to act as touts to be known as ‘list of touts’ and may, from time to time, alter and amend such lists.

A copy of every list of touts shall be displayed on the notice board of the Court.

Explanation.—In this Chapter—

(a) “tout” means a person who procures or attempts to procure in consideration of any remuneration moving from any advocate or from any person acting on his behalf, the employment of such advocate in any legal business, or who, for purposes of such procurement, frequents the precincts of the Court.

(b) The passing of a resolution by a Bar Association declaring any person to be a tout shall be evidence of general repute of such person for the purpose of this rule.

(2) No person shall be included in the list of touts unless he has been given an opportunity to show cause against the inclusion of his name in such list. Any person may appeal to the Chief Justice against the order of the Registrar including his name in such list and such appeal shall be heard by the Chief Justice or such other Judge of the Court as the Chief Justice may appoint in that behalf.

(3) The Registrar may, by general or special order, exclude from the precincts of the Court all persons whose names are included in the list of touts.

31. *Communication by Registered Clerks.*—A registered clerk may communicate personally with the Superintendent on the judicial side, the Examiner and the Accountant; but he shall not communicate with the other subordinate members of the establishment or enter the record room.

CHAPTER III

FORM AND INSTITUTION OF PROCEEDINGS

32. *Presentation of Proceedings.*—

¹⁰[(1) All petitions, appeals and other proceedings shall be presented in person by the party or his advocate or the advocate's registered clerk ¹¹[or by electronic filing (e-filing)].

¹¹[(2) The Chief Justice may from time to time issue practice directions for electronic filing of the category of cases and the said directions shall be effective from the dates as may be notified.]

33. *Papers sent by post.*—Unless the Court otherwise orders, no document required to be presented to or filed into Court which is sent by post or by telegram shall be received or filed into Court.

34. *Office hours.*—(1) The office of the Registrar shall be open for the transaction of business from 10 a.m. to 3.30 p.m. on all days except Sundays and holidays. On Saturdays the office shall be closed for money transactions at 1.30 p.m.

(2) An urgent matter may, however, be transacted after 3.30 p.m. with the permission of the Registrar.

¹²[35. *Form of Proceedings.*—

(1) All petitions, affidavits, memoranda of appeal and other proceedings presented to the court shall be type-written or printed on one side, fairly and legibly, on stamp paper or on white foolscap folio paper, with an outer margin of about 4 c.m. and an inner margin of about 1.5 c.m. Numbers shall be expressed in figures.

¹⁰ Renumbered as 'sub rule (1)' by Notification No. D1-1/20613/2018 dt. 8-12-2021 published in K.G. No. 2 dt. 11-1-2022.

¹¹ Inserted by Notification No. D1-1/20613/2018 dt. 8-12-2021 published in K.G. No. 2 dt. 11-1-2022.

¹² Substituted by Notification No. D1(A)-41808/2007/A1 dt. 3-6-2008 published in K.G. No. 25 dt. 17-6-2008.

Prior to substitution it read as under:

“35. Form of Proceedings:—

(1) All Petitions, affidavits, Memoranda of appeal and other proceedings presented to the Court shall be written in blue-black ink or type-written or printed on one side, fairly and legibly, on stamp paper or on substantial white foolscap folio paper, with an outer margin of about 4 cm. and an inner margin of about 1.5 cm. Numbers shall be expressed in figures.

(2) All main proceedings such as Original Petitions, Writ Appeals, Contempt Petitions, Civil and Criminal Appeal Memoranda, Revision Petitions etc., shall be presented to the Court with covering sheets of thick durable paper (eg. M. G. Pulp Board—200 GSM-11.9 Kg.) Placed at the top and the bottom.

(2) All main proceedings such as Writ Petitions, Writ Appeals, Contempt Petitions, Civil and Criminal Appeal Memoranda, Revision Petitions, etc., shall be presented to the Court with thick covering sheets of thick durable paper bearing protected holes at the top and bottom left hand corner one inch apart from the outer edges, placed at the top and bottom.

(3) All proceedings shall be presented in book form without folding, neatly stitched in one bunch on the left margin and the pages therein shall be consecutively numbered. In the main proceedings, the thick covering sheets at the top and bottom shall be left unstitched and shall be tied together with other papers by passing removable tags through the holes at the top and bottom left hand corners. The entire case file proceedings shall further be tied across using white tape.

(4) All main proceedings shall contain an index sheet placed immediately below the covering sheet, setting forth the brief description of the contents therein with reference to the respective page numbers. One blank sheet shall be placed below the index sheet for making further entries.

(5) A synopsis containing the dates and events chronologically arranged, points to be urged, Acts/Rules to be referred and authorities to be cited shall be filed along with all main proceedings and shall be placed below the blank sheet.

(3) All proceedings shall be presented in a book form without folding and with two holes punched at the centre 8 cm. apart on the outer margin. Separate sheets shall be tied together by passing removable tags through the punched holes.

(4) One blank ledger paper each shall be placed immediately below the covering sheet at the top and immediately before the covering sheet at the bottom respectively in all main proceedings presented to the Court.

(5) A synopsis containing the dates and events chronologically arranged, points to be urged, Acts/Rules to be referred and authorities to be cited shall be filed along with all main proceedings such as Original Petitions, Writ Appeals, Contempt Petitions, Civil and Criminal Appeal Memoranda, Revision Petitions etc. and it should be placed immediately below the index sheet.

(6) Miscellaneous Petitions filed along with main proceedings shall be placed immediately below the covering sheet at the bottom of the main proceedings.”

by Notification No. D1(A)-34761/2000 dt. 19-6-2003 published in K.G. Ext. 1076 dt. 19-6-2003. Original Rule 35 in 1971 by Notification No. D1-14606/66 dt. 8-2-1971 published in K.G. No. 21 dt. 1-6-1971, Part III read as under:

35. *Form of Proceedings.*—All petitions, affidavits, memoranda of appeal and other proceedings presented to the Court, shall be written in blue black ink, or type-written or printed, fairly and legibly on stamp paper or on substantial white foolscap folio paper, with an outer margin of about 4 c.m. and an inner margin of about 1.5 c.m. and separate sheets shall be stitched together book-wise. Numbers shall be expressed in figures. Except in the case of main petitions of momoranda of appeal, the writing or printing may be on both sides of the paper:

Provided, however, that the last sheet shall, in all cases, be written or printed on the inner page only.

(6) Miscellaneous petitions filed along with main proceedings shall be placed immediately before the covering sheet at the bottom of the main proceedings and shall be flagged noting "I.A. No....".

(7) Miscellaneous petitions and pleadings filed in pending cases shall be flagged noting thereon "I.A. No....."/brief description of pleading such as "Counter by R..... Reply by R...../Statement by" etc.]

36. *Statement regarding value of the Appeal etc.*— Every memorandum of appeal or objection and every application for review shall contain a statement of the value of the appeal or objection and the value of the suit or proceeding giving rise to the appeal, for the purpose of court fee and jurisdiction. Every revision petition shall state the value of the suit or other proceeding from which it arises. The section of the Court Fees Act under which the appeal, petition or other proceeding falls shall also be stated.

37. *Date and Signature.*—(1) Whenever under the Code or under these rules or any other law for the time being in force, any proceeding filed in Court has to be signed by any party, he shall subscribe his name beneath or against his signature:

Provided that when the signature consists of his name, it is not necessary that the name should be repeated, but if the name be not easily decipherable from the signature the name should be legibly written.

(2) Every proceeding filed in Court shall be dated the day it is signed as also the day it is presented in Court.

¹³[38. *Docketing.*—All proceedings and other documents filed in Court shall be docketed on the face of the covering sheet placed at the top endorsing the name of the Court, the number and year of the proceeding to which it relates, the name of the person presenting the same and the date of presentation in Court. In addition to the above particulars, in the case of a memorandum of appeal or petition, an abbreviated cause title and a short description of its contents shall also be given in the docket as in Form No. 2:]

¹³ Substituted by Notification No. D1(A)-34761/2000 dt. 19-6-2003 published in K.G. Ext. 1076 dt. 19-6-2003.

Original Rule 38 in 1971 by Notification No. D1-14606/66 dt. 8-2-1971 published in K.G. No. 21 dt. 1-6-1971, Part III read as under:

38. *Docketing.*—All proceedings and other documents filed in Court shall be docketed on the reverse of the final page endorsing the name of the Court, the number and year of the proceedings to which it relates, the name of the person presenting the same and the date of presentation in Court. In addition to the above particulars, in the case of a memorandum of appeal or petition, an abbreviated cause title and a short description of its contents shall also be given in the docket as in Form No. 2.

¹⁴[Provided that the docketing for main proceedings such as Original Petitions, Civil and Criminal Appeal Memorandum, Revision Petitions etc. shall be on thick durable paper, preferably Maplitho or Double Crown Paper.]

39. *Date stamping of papers.*—All papers presented in Court shall be date stamped immediately they are received.

40. *Cancellation of stamps.*—(1) The Superintendent in the court-fee section shall, on receiving any document which is stamped, cancel the same with his initials and date and shall also note on the top of the documents the total value of the stamp the document bears.

(2) All court-fee stamps, whether impressed or in the form of labels, in every document received by the Court, shall be cancelled in the immediate presence of the said Superintendent by punching out the insignia of the State in the stamps in such manner to leave the amount designated on the stamps untouched.

¹⁵[41. *Papers to be filed with memoranda of appeals.*— Every memorandum of appeal shall be accompanied by the following documents, namely:—

- (a) Certified copy of the judgment of or order appealed against.
- (b) Duly authenticated copy of petition, affidavit including reply affidavit and annexures thereto, in the case of Company Appeals.

¹⁴ Added by Notification No. D1-36809/95 dt. 2-11-1996 published in K.G. No. 50 dt. 17-12-1996.

¹⁵ Substituted by Notification No. D1-86157/06 dt. 22-5-2014 published in K.G. No. 24 dt. 17-6-2014. Original Rule 41 in 1971 by Notification No. D1-14606/66 dt. 8-2-1971 published in K.G. No. 21 dt. 1-6-1971, Part III read as under:

41. Papers to be filed with memoranda of appeals.—Every memorandum of appeal shall be accompanied by as many clear authenticated copies thereof as there are respondents to be served and by two additional copies for the use of the Court, by such papers as are referred to in the Code with regard to appeals, by the fees prescribed for service of notice on the respondents and by the particulars for service as set out in Form No. 3:

Provided that in the case of a memorandum of appeal presented after the expiration of the time limited by law, or a memorandum of appeal presented in *forma pauperis* the fees for the service of notice of the appeal may be paid within seven days of the final order of the Court excusing the delay or granting leave to file the said proceedings in *forma pauperis*, as the case may be.

- ¹⁶[(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.]
- (d) As many clear authenticated copies of the memorandum of appeal as there are respondents to be served, two additional copies with the documents mentioned in clauses (a), (b) and (c) for the use of the Court and in appeals where the State is a respondent, two more copies for the use of that respondent.
- (e) Such papers as are referred to in the Code with regard to Appeals.
- (f) The fees prescribed for service of notice on the respondent.
- (g) The particulars for service as set out in Form No. 3.

Provided that in the case of a memorandum of appeal presented after the expiration of time limited by law, or memorandum of appeal presented in *forma pauperis*, the fees for the service of notice of the appeal may be paid within seven days of the final order of the Court excusing the delay or granting leave to file the said proceeding in *forma pauperis*, as the case may be:

¹⁷[Provided further that one of the additional copies filed for use of the Court shall be in ledger paper.]

42. *Appeals barred by limitation.*—Every memorandum of appeal or other proceeding which is presented after the expiration of the time limited by law, shall be accompanied by a petition to excuse the delay and as many copies thereof as there are respondents to be served and by two additional copies for the use of the Court, by the fees prescribed for service of notice of the petition on the respondents and by the particulars for service as in Form No. 3.

¹⁶ Substituted by Notification No. D1-11392/2014 dated 13-6-2018 published in K.G No. 27 dated 3-7-2018.

Prior to the substitution it read as under:

(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.

By Notification No. D1-86157/2006 dated 22-5-2014 published in K.G. No. 24 dated 17-6-2014.

¹⁷ Added by Notification No. D1-31688/86 dt. 1-1-1991 published in K.G No. 4 dt. 22-1-1991

43. *Appeals under Section 5 of the High Court Act.*—(1) When an appeal against an appellate decree or order has been disposed of by a Single Judge an application for a declaration that the case is a fit one for further appeal under Section 5 of the Kerala High Court Act, 1959, may be made orally immediately after the judgment is delivered.

(2) If no oral application is made as aforesaid a written application may be made within 15 days from the date of the judgment. Such application shall be accompanied by a copy of the judgment.

(3) The application shall be posted before the Judge who passed the judgment and he may, after hearing the applicant or his advocate, either allow or dismiss the application.

(4) Where the application is granted, the applicant shall present the appeal together with a copy of the order granting the application within 30 days from the date of the order.

(5) The provisions of Orders XLI and XLIA of the Code shall apply, as far as may be, to appeals presented under this rule.

(6) The provisions of Sections 5 and 12 of the Limitation Act, 1963, shall apply to applications and appeals under this rule.

44. *Revision Petitions.*—Where no period of limitation is prescribed by any other law, a revision petition shall be presented within 90 days of the order complained of. The provisions of Sections 5 and 12 of the Limitation Act, 1963, shall apply to such petitions.

45. *Papers to accompany revision petitions.*—A revision petition shall be accompanied by a certified copy of the order or decree sought to be revised, a certified copy of the judgment, if any, on which the decree or order is based, a certified copy of the judgment or order, if any, of the Court or tribunal of the first instance, one additional set of typewritten ¹⁸[or printed] copies of the judgments and orders above-mentioned, by as many authenticated copies of the revision petition as there are respondents, two additional copies of the same for the use of the Court and the fees prescribed for service of notice with the particulars thereof.

¹⁹[45A. *Petition under Section 482 of the Code of Criminal Procedure, 1973.*—All petitions under Section 482 of the Code of Criminal Procedure, 1973 shall be accompanied by a copy of the proceeding against which the petition is directed, certified as true by the Advocate of the petitioner or by the petitioner when the petition is filed in person.

Explanation.—The expression “proceeding” shall include complaint, F.I.R. charge or order as the case may be.]

¹⁸ Added by Notification No. D1-42202/74 dt. 9-6-1975 published in K.G No. 28 dt. 15-7-1975.

¹⁹ Inserted by Notification No. D1 - 11413/81 dt. 13-5-1983 published in K.G. No. 24 dt. 14-6-1983.

46. (1) *Certain provisions of the Code to apply to Civil Revision Petitions.*—The provisions of Rules 11(2), 17, 18, 19 and 21 of Order XLI of the Code as modified by Order XLIA shall apply *mutatis mutandis* to civil revision petitions.

(2) *Provisions regarding abatement.*—The provisions of Order XXII of the Code and the Limitation Act, 1963, relating to abatement shall apply to civil revision petitions.

47. *Statement of facts.*—The memorandum in second appeals, civil miscellaneous appeals and civil revision petitions shall contain a brief statement of the facts of the case and shall set forth the grounds of objection to the judgment or order appealed against or sought to be revised.

48. *Matters requiring admission.*—Notwithstanding anything in Rules 41, 45 and 148 in matters which require orders admitting the same, the copies to be produced for service on the respondents and the fees for service of notice may be presented within seven days of the order admitting the matter:

Provided that any interim order passed in the case shall not be communicated to the concerned court or tribunal or the respondents, until the process fees and the necessary papers have been filed for service on the respondents, both in the main and in the interlocutory matter.

49. *Name of the Pleader in the Subordinate Court to be stated.*—Every proceeding instituted prior to the disposal of the main proceedings in a subordinate court shall mention, as far as possible, the names and addresses of the pleaders, if any, who represented the opposite parties in the subordinate court for effecting service under Rule 59.

50. *Return of papers in improper language etc.*—All papers which are couched in improper language or are illegible or are unnecessarily prolix shall be returned for rectification.

Explanation.—Papers written in pencil shall be deemed to be illegible for the purpose of this rule, unless they be the originals received by the party.

CHAPTER III A

PAYMENTS BY ELECTRONIC METHOD

²⁰[50A. *Electronic Payment.*—Payments into court and out of court shall be made by the method of electronic payment (e-payment).

50B. *Chief Justice to issue directions.*—The Chief Justice may from time to time issue practice directions for electronic payment of the category of cases and the said directions shall be effective from the dates as may be notified.]

²⁰Inserted by Notification No.D1-1/20613/2018 dt. 8-12-2021 published in K.G. No.2 dt. 11-1-2022.

CHAPTER IV
SERVICE OF NOTICES

51. *Manner of issue of notice.*— ²¹[(1)] Unless otherwise ordered, every notice shall be sent, in the first instance, to the address of the respondent given in the memorandum of appeal or petition, as the case may be, by means of registered post, acknowledgement prepaid. An acknowledgement purporting to be signed by the respondent shall be deemed to be sufficient proof of service of such notice:

²²[Provided that any process may be ordered to be served in the manner directed by the Court.]

²³[(2)] 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 respondent or his agent had refused to take the delivery of the postal article containing the notice when tendered to him, the Court shall declare that the notice had been duly served on the respondent:

Provided that where the notice was properly addressed, prepaid and duly sent by registered post, acknowledgement due, the declaration referred to in this sub rule shall be made notwithstanding the fact that the acknowledgment having been lost or mislaid, or for any other reason, has not been received by the Court within thirty days from the date of the issue of the notice.]

²⁴[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].

²¹ The existing Rule 51 renumbered as sub rule (1) by Notification No. D1-34561/81 dt. 27-5-1983 published in K.G. No. 29 dt. 19-7-1983.

²² Substituted by Notification No. D1-11392/2014 dated 13-6-2018 published in K.G. No. 27 dated 3-7-2018. Original proviso in sub rule (1) of Rule 51 in 1971 by Notification No. D1-14606/66 dated 8-2-1971 published in K.G. No. 21 dated 1-6-1971, Part III read us under:

Provided that the following processes shall be served by an officer of the Court or of a subordinate court—

- (a) Notice to a proposed guardian
ad litem;
- (b) Writs and injunctions.

²³ Sub rule (2) and proviso inserted by Notification No. D1-34561/81 dt. 27-5-1983 published in K.G. No. 29 dt. 19-7-1983.

²⁴ Proviso inserted by Notification No. D1-65782/2014 dt. 4-2-2019 published in K.G. No. 7 dt. 12-2-2019.

²⁵[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 on 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.

51C. *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.

²⁵ Inserted by Notification No. D1-11392/2014 dt. 13-6-2018 published in K.G. No. 27 dt. 3-7-2018.

(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.]

²⁶[²⁷(51D) *Letter instead of notice in certain cases.*—Notwithstanding anything contained hereinabove, the Registry under the orders of the Honourable Chief Justice or the Judge concerned may substitute for a notice, a letter signed by the Registrar or such officer as the Chief Justice may appoint in this behalf, where the respondent is in its opinion of a rank entitling him to such mark of consideration and issued in the case in his official capacity. The letter shall contain all the particulars required to be stated in a notice and shall be treated in all respects as a notice.]

52. *When Notice is unserved.*— If any notice is returned unserved, that fact and the reason therefor shall be notified on the notice board of the Court. Within 15 days thereafter, except when the notice has not been served because the respondent concerned is dead, the party or his advocate shall deposit a further fee for service of a fresh notice with particulars for service of such notice.

²⁸[53. *Payment of fees for service.*— The expenses for the service of notices shall be paid in the form of postal stamps of sufficient value, which shall be affixed on the envelope of adequate size and produced by the party concerned, immediately on the Court ordering notice on any proceedings.]

54. *No fees in certain references.*— In references under the provisions of the Divorce Act and the Stamp Act no fee shall be charged for the issue of notices to any of the parties to such references.

²⁹[55. *x x x x*].

56. *Production of printed forms, envelopes and postal acknowledgment forms.*— (1) In cases where processes have to be issued, the parties shall along with the process memorandum file printed forms of processes in duplicate, legibly filled up leaving the date for appearance and the date of the process blank.

²⁶ Inserted by Notification No. D1-86157/06 dt. 22-5-2014 in K.G. No. 24 dt. 17-6-2014.

²⁷ The existing Rule 51A renumbered as Rule 51D by Notification No. D1-11392/2014 dt. 13-6-2018 published in K.G. No. 27 dt. 3-7-2018.

²⁸ Substituted by Notification No. D1(A)-58526/01 dt. 4-6-2003 published in K.G. No. 27 dt. 8-7-2003. Original Rule 53 in 1971 by Notification No. D1-14606/66 dt. 8-2-1971 published in K.G. No. 21 dt. 1-6-1971, Part III read as under:

53. Payment of fees for service – The fees for the service of notices shall be paid in the form of court-fee labels, which shall be affixed to the memorandum which is to accompany the proceedings file–09765432ED in Court.

²⁹ Omitted by Notification No. D1(A)-58526/01 dt. 4-6-2003 published in K.G. No. 27 dt. 8-7-2003. Original Rule 55 in 1971 by Notification No. D1– 14606/66 dt. 8-2-1971 published in K.G. No. 21 dt. 1-6-1971, Part III read as under:

55. Postal Charges – The postage required for the transmission of process by post shall be met by the Court by use of service stamps.

(2) The parties or their advocates shall sign in the form in the left bottom corner and shall be responsible for the accuracy of the entries.

(3) When orders for the issue of the process are passed, the date fixed for appearance shall be inserted in the form by the concerned section, striking out the portions of the form which do not apply.

(4) The process shall be dated and signed by the Superintendent of the concerned section, and sealed with the seal of the Court.

(5) Printed forms will be supplied by the office on payment of ³⁰[twenty five paise] per form.

³¹[(6) The necessary envelope, as prescribed in Rule 53 and postal acknowledgement form, with the address of the party to be served written thereon, shall be produced along with the process by the party or his advocate.]

57. *Rates of fees.*—Process fees shall be levied at the rates prescribed from time to time under the Court Fees Act.

58. *Notice to respondent entering appearance.*— Where in any petition, appeal or other proceeding appearance has been entered for the opposite party by an advocate before notice is served, a copy of the notice shall be served by the office on the advocate immediately on his entering appearance. Such notice shall for all purposes be deemed to be notice to the party.

59. *Service of notice on the Pleader in the Subordinate Court.*—
(1) In an appeal from a preliminary decree or in any appeal, or other proceeding instituted in the High Court before the disposal of the main proceeding in the Subordinate Court, notice may be served on the pleader who represents the party in the proceeding in the Subordinate Court and such service shall be deemed to be sufficient service on the party who is represented by such pleader. Where a party is not represented by a pleader in the main proceeding, notice shall be served on the party direct.

³⁰ Substituted by Notification No. D1-8766/93 dt. 29-6-1994 published in K.G. No. 36 dt. 6-9-1994, for the words “one paisa”.

³¹ Substituted by Notification No. D1(A)-58526/01 dt. 4-6-2003 published in K.G. No. 27 dt. 8-7-2003. Original sub rule (6) of Rule 53 in 1971 by Notification No. D1-14606/66 dt. 8-2-1971 published in K.G. No. 21 dt. 1-6-1971, Part III read as under:

(6) The necessary envelope and postal acknowledgment form with the address of the party to be served written thereon shall be produced along with the processes by the party or his advocate.

(2) Where the pleader on record for a party declines to receive such notice, the case shall be posted before Court for orders.

60. *Failure to pay process.*—When the fees required for service of notice on the opposite party have not been paid within the time prescribed the case shall be posted for orders of the Court.

61. *Notice in revision petitions.*—On an application of an interlocutory character presented in any Revision Petition, if an interim order is passed with a direction to issue notice to the respondents in the application, notice shall be issued simultaneously fixing the same hearing date both in the application and in the Revision Petition on payment of a single process fee in respect of respondents common to both the proceedings.

62. *Fixing of date of hearing.*—Unless otherwise ordered, the day fixed for hearing shall be not less than 14 days from the date of presentation of the petition and the case shall be posted for hearing not earlier than seven clear days after the notice has been served.

63. *Time for payment of process.*—Unless otherwise ordered by the Court or provided for otherwise by these rules, where notice has been ordered, the party shall pay the prescribed fees for service of notice within three days after the date of the order. If an interim order has been made upon the application, it shall not be issued until the prescribed fees have been paid.

64. *Application how made.*—An application with respect to any of the matters mentioned in these rules shall be made by a petition to the Court stating the relief sought and the order prayed for and the provision of law under which it is sought. Any evidence thereon shall be given by affidavit.

65. *Service of notice of the application.*—(1) If notice of the application is to be given the applicant shall pay the prescribed fee for the service of notice on the respondent and shall also file a copy of the petition and affidavit, if any, and thereupon the notice and copy of the petition and affidavit shall be served in the same manner as notice of appeal provided that if the respondent has already entered appearance through an advocate notice may be served by serving a copy of the application on the advocate.

(2) Unless the Court otherwise directs, notice need not be given to a party who has been served in the main case but has not entered appearance.

66. *Urgent applications.*—(1) A party wishing to move an application urgently shall file a memorandum for the purpose giving notice thereof to counsel for such of the other parties as have appeared by counsel.

(2) In case of urgency, any party may ask for the immediate posting of an application by means of a memorandum.

(3) If at the hearing notice is ordered, notice shall issue for a date which shall, unless otherwise directed, be within 3 weeks of the date on which notice is ordered.

67. *Procedure in case of default.*—If on the day fixed for hearing it appears that notice has not been served owing to the default of the applicant, the Court may order fresh notice to be issued or may dismiss the application.

68. *Notice to Attorney-General or Advocate-General.*—(1) In any proceeding in which a substantial question of law as to the interpretation of the Constitution is involved, the Court may direct issue of notice of the proceeding—

(a) to the Attorney-General of India if the question of law concerns the Union Government, or

(b) to the Advocate-General if the question of law concerns the State Government.

(2) The Court may also direct issue of notice of any other proceeding to the Advocate-General.

(3) The Attorney-General or the Advocate-General to whom notice is given may appear and take such part in the proceeding as he may be advised.

(4) The Attorney-General or the Advocate-General may apply to be heard in any proceeding before the Court, and the Court may, if, in its opinion, the justice of the case requires, hear the Attorney-General or the Advocate-General, subject to such terms as to costs as the Court may deem fit.

CHAPTER V

APPOINTMENT OF GUARDIANS

69. *Guardian Application.*—Every application for the appointment of guardian for a minor respondent shall be supported by an affidavit stating that the proposed guardian has no interest in any matter in question in the proceeding adverse to that of the minor. No order shall be made on the application unless notice thereof has been duly served upon the father or guardian of the minor or upon the person with whom the minor resides, 7 clear days before the day named in the notice for the hearing of the application.

70. *Application not to be combined with application to bring on record legal representatives.*—An application for the appointment of a guardian *ad litem* shall not be combined with an application for bringing on record the legal representatives of a deceased appellant, petitioner or respondent.

71. *Provision of Funds.*—When a guardian *ad litem* of a minor respondent is appointed, and it appears to the Court that the guardian is not in possession of any or sufficient funds for the conduct of the case on behalf of the respondent, and that the respondent will be prejudiced in his defence thereby, the Court may, from time to time, order the appellant or petitioner to advance moneys to the guardian for the purpose of his defence, and all moneys so advanced shall form part of the costs of the appellant or the petitioner. The order may direct that the guardian do, as and when directed, file in Court an account of the moneys so received by him.

CHAPTER VI AFFIDAVITS

72. *Heading of affidavits.*—Every affidavit shall be entitled “In the High Court of Kerala” and shall set forth the cause title of the appeal or other matter in which the affidavit is sought to be filed. An affidavit in support of, or in opposition to, an interlocutory application relating to a pending appeal, petition or other proceeding shall also be entitled as made in such appeal, petition or other proceeding.

73. *Form of affidavit.*—Every affidavit shall be drawn up in the first person and be divided into paragraphs numbered consecutively; and each paragraph, as nearly as may be, shall be confined to a distinct portion of the subject-matter.

74. *Contents of affidavits.*—Every affidavit shall state the full name, age, description and place of abode of the deponent, and shall be signed or marked by him. Where the affidavit covers more than one page, the deponent shall sign every page. The description shall include the father’s or Karnavan’s or husband’s or mother’s name and such other particulars as may be necessary to identify the person.

75. *Alterations, erasures etc.*—Alterations, erasures and interlineations shall, before an affidavit is sworn or affirmed, be authenticated by the persons before whom the affidavit is signed, and no affidavit having therein any alteration, erasure or interlineation not so authenticated, shall, except with the leave of the Court, be filed or made use of in any matter.

76. *Persons authenticating affidavits.*—Affidavits may be sworn or affirmed before any judicial officer, a District Registrar or Sub Registrar, the chief ministerial officer of any civil or criminal court in the State of Kerala, a member of Parliament or of the Legislature of any State in India, the Mayor, Chairman, President, Executive Authority or a member of any Municipal Corporation, Municipal Council, or other local authority in India, a gazetted officer serving in connection with the affairs of the Union or of any State in India, a commissioned officer in the Defence Forces of India, or an Advocate.

77. *Mode of authentication.*—The person before whom an affidavit is sworn or affirmed shall state the date on which, and the place where the same is made, and sign under his name and designation at the end as in Form No. 4.

78. *Blind or Illiterate deponent.*—Where an affidavit is sworn or affirmed by any person who appears to the person authenticating the affidavit to be illiterate, blind or unacquainted with the language in which the affidavit is written, the person authenticating shall certify that the affidavit was read, explained or translated by him or in his presence to the deponent, that the deponent seemed to understand it, and made his signature or mark in the presence of the person authenticating as in Form No. 5.

79. *Identification of deponent.*—(1) If the deponent of an affidavit is not known to the person authenticating the same, the identity of the deponent shall be caused to be testified by any person known to him, who shall attest the signature or mark of the deponent in token thereof.

(2) Where the deponent is a paradanashin lady she shall be identified by a person to whom she is known and that person shall verify the identification by a separate affidavit.

80. *Documents referred to in affidavits.*—Documents mentioned in and accompanying an affidavit shall be referred to as exhibits and shall be marked in the same manner as exhibits and shall bear a certificate as in Form No. 6 signed by the person before whom the affidavit is sworn or affirmed.

81. *Affidavit stating opinion.*—Every affidavit stating any matter of opinion shall show the qualification of the deponent to express such opinion, by reference to the length of experience, acquaintance, with the person or matter as to which the opinion is expressed or other means of knowledge of the deponent.

82. *Affidavit on information or relief.*—Every affidavit shall clearly express how much is a statement of the deponent's knowledge and how much is a statement of his belief, as in Form No. 7. The grounds of belief must be stated with sufficient particularity to enable the Court to judge whether it would be safe to act on the deponent's belief.

83. *Filing of affidavits in Court.*—Except with the leave of the Court, no affidavit which has not been filed in Court and of which copy has not been given to the ³²[other parties] at least three days before the hearing shall be used in any matter.

84. *Counter-affidavits.*—The parties to whom copies of affidavits have been given shall be entitled to file counter-affidavits, copies of which shall be given to the ³³[remaining parties], who may, if they choose, file further affidavits in reply; but, except with the leave of the Court, no further affidavits shall be filed.

CHAPTER VII

SEARCH OF RECORDS

85. *Application for search.*—A person desiring to make a search of the records of the Court for the purpose either of inspection or of obtaining copies of records, shall submit an application for the same as in Form No. 8.

86. *Separate applications when not necessary.*—A separate application need not be presented in respect of enclosures or annexures to a document or in respect of each document for which a search is required, if the documents are in the record of a single proceeding.

87. *Who can make the search.*—When leave has been granted, the advocate, his authorised assistant or the party in person may search the record in the presence of the Record-keeper or his assistant.

88. *Fees.*—The fee for a search shall be two rupees for every hour or part of an hour and it shall be paid in court-fee stamps affixed to the application.

89. *Copy not to be taken.*—The payment of fees for a search will entitle the applicant to read the document or to have it read to him. But it shall not entitle him to take a copy of the document or any part thereof or to take extracts therefrom. He shall, however be entitled to make a memorandum of the date, the nature of the document and the name of the parties thereto.

90. *Prohibition regarding certain items.*—Nothing in these rules shall entitle any person to inspect:

- (i) the Judges' notes or minutes;
- (ii) correspondence confidential or not strictly judicial;
- (iii) autograph judgments; and
- (iv) registers of the Court.

³² Substituted by Notification No. D1-51093/5 dt. 30-11-2012 published in K.G. No. 28 dt. 18-12-2012 for the word "opposite side".

³³ Substituted by Notification No. D1-51093/5 dt. 30-11-2012 published in K.G. No. 28 dt. 18-12-2012 for the words "opposite parties".

CHAPTER VIII
POSTING OF CASES

91. *Notifying cases when ready.*—Cases which have become ready for hearing shall be so notified on the notice board of the Court and shall be sent to the Bench for hearing only after the expiration of the following periods, unless otherwise ordered:

- (i) First appeals —14 clear days
- (ii) All other appeals and matters—Seven clear days.

92. *Priority for certain cases in the daily cause list.*—Part-heard cases, referred trials, cases in which the accused persons have been produced in Court, cases in which reports have been called for or findings have been submitted, cases which have been directed to be posted to a specific date or on the expiry of a specified period and cases in which the hearing has been directed to be expedited or advanced shall be included at the top of the daily cause lists, subject to any special or general directions given by the concerned Bench or Judge.

93. *Applications for early posting.*—An application for the early posting of a case shall be made by petition, notice of which shall be given to the Advocates appearing in the case.

94. *Cases which are to be expedited.*—The following classes of cases shall be got ready and posted for hearing expeditiously:

- (a) Cases in which other proceedings have been stayed.
- (b) Cases, the pendency of which causes delay in the disposal of cases pending in lower courts.
- (c) Appeals from decisions of a Single Judge.
- (d) Appeals in Probate and Succession cases.
- (e) Appeals in Matrimonial cases.
- (f) Appeals in Land Acquisition cases.
- (g) Appeals under Special Acts, such as the Companies Act, Guardian and Wards Act and Insolvency Act.
- (h) Cases of a quasi-criminal nature such as contempt of court.
- (i) Cases in which execution of decrees or orders of a lower court has been stayed.
- (j) Appeals against orders of remand.

(k) All references under Section 113 of the Code or under any other enactment.

(l) Petitions for leave to appeal to the Supreme Court and any interlocutory applications therein.

(m) Cases affecting the assessment or collection of taxes; posting being so made as to ensure that, as far as possible, such cases are heard within three months of their becoming ready for hearing.

³⁴[(n) Cases of senior citizens and widows].

95. *Counsel to exchange lists of authorities.*—Before the date of hearing, counsel shall exchange lists of authorities they propose to cite, at the same time, filing a copy thereof into Court, and, unless the Court approves it, no authority other than those appearing in the lists shall be cited.

96. *Notice of receipt of finding and objection thereto.*—Where, in any case, a finding, as called for, has been received from a subordinate court, notice thereof shall be given to the Advocates appearing in the case. Any party objecting to the finding shall file a memorandum to that effect within 14 days of the receipt of notice and serve a copy thereof on the other advocates appearing in the case.

97. *Posting of urgent matters before a Bench.*—If a matter is urgent and the Bench before which it ought to be moved is not sitting, the party may apply to the Chief Justice for permission to move the same before another Bench and the Chief Justice may issue the necessary orders in that behalf.

³⁵[CHAPTER VIII A

OPERATION OF INTERIM ORDERS IN SPECIFIED CASES

97A. *Operation of interim orders.*—(1) Notwithstanding anything contained in these rules, unless otherwise ordered by the Court, every notice in the cases arising under Article 226 or Article 227 of the Constitution of India, or under Section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908) or under Sections 401, 407 and 482 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) seeking to challenge or stay or transfer the lower court proceedings, including execution proceedings and investigation of criminal cases, shall be sent as returnable within a period not exceeding two weeks.

³⁴ Inserted by Notification No. D1-65782/2014 dt. 4-2-2019 published in K.G. No. 7 dt. 12-2-2019.

³⁵ New chapter VIIIA inserted by Notification No. D1(A)-32050/06/D1 dt. 29-8-2013 published in K.G. No. 39 dt. 1-10-2013.

(2) Unless otherwise ordered by the Court, the proceedings in such cases referred to in sub rule (1), after the date fixed for the appearance of the respondent, shall be heard on a day-to-day basis till their disposal.

(3) The Court hearing the cases shall endeavour to dispose of the same within two months and unless otherwise ordered by the Court, interim orders, if any, granted in such cases, shall stand vacated on the expiry of two months.

(4) If notice is not served on the respondent before the date fixed for the appearance of the parties owing to the laches on the part of the petitioner, the stay or interim order shall not be extended unless otherwise ordered by the Court for special reasons.]

CHAPTER IX

PAPER BOOKS AND PRINTING RULES

98. *Paper books in first appeals.*—In appeals from original decrees (excluding orders having the force of decrees) the following papers shall be printed or typed at the cost of the appellant and shall form the paper book:

- (a) a table of contents and a facing sheet;
- ³⁶[(aa) synopsis as prescribed in sub rule (5) of Rule 35;]
- (b) the plaint;
- (c) the written statement of the parties to the appeal;
- (d) any further pleadings of the parties to the appeal;
- (e) the judgment (unless already printed) and the decree appealed against;
- (f) the memorandum of appeal;
- (g) any order calling for a finding or report any finding or report, and the objections thereto;
- (h) any document, or portion thereof, the construction of which is in controversy provided that, where papers are typed, a manuscript copy may be furnished of documents in Malayalam;
- (i) in appeals arising out of Land Acquisition References:
 - (i) the valuation statement of the Revenue Officer, containing the description and other details, if any, relating to the property acquired;
 - (ii) the written statements filed by the parties before the Collector;

³⁶ Inserted by Notification No. D1(A)-34761/00 dt. 19-6-2003 published in K.G. Ext. No. 1076 dt. 19-6-2003.

- (iii) the award of the Collector;
- (iv) the petition filed before the Collector for reference to the Court and the order thereon, and the Collector's letter of reference to the Court.

Note.—Plans need not be printed. Schedules of property to the plaintiff, decree and other exhibits need not be printed unless they are necessary for the decision of the appeal.

99. *Paper Books in Second Appeals.*—In Second Appeals (excluding Second Appeals from orders having the force of decrees) the following papers shall be printed or typed at the cost of the appellant to form the paper books:—

- (a) a table of contents and a facing sheet;
- ³⁷[(aa) synopsis as prescribed in sub rule (5) of Rule 35;]
- (b) the plaint;
- (c) the written statements of the parties to the appeal;
- (d) any further pleadings of the parties to the appeal;
- (e) the judgment and decree of the Court of first instance, if not already printed;
- (f) the memorandum of first appeal;
- (g) the judgment (if not already printed) and decree of the lower Appellate Court;
- (h) the memorandum of second appeal;
- (i) any order of remand passed in the case (if not already printed);
- (j) any order in the case calling for a finding or report, any finding or report, and the objection thereto;
- (k) any document, or portion thereof, the construction of which is in controversy provided that, where papers are typed, a manuscript copy may be furnished of documents in Malayalam.

Note.—Plans need not be printed. Schedules of property to the plaintiff, decree and other exhibits need not be printed unless they are necessary for the decision of the appeal.

100. *Memo of cross objections.*— A memorandum of cross objections shall be printed or typed at the cost of the objector and be attached to the paper book in the appeal.

³⁷ Inserted by Notification No. D1(A)-34761/00 dt. 19-6-2003 in K.G Ext. No. 1076 dt. 19-6-2003.

³⁸[100A. *Printing where legal aid is allowed.*— In cases where the party, who is liable to meet the printing charges under Rules 98, 99 or 100 has been allowed the benefits of the rules relating to legal aid to the poor, the papers shall be got printed by the Registrar in the Government Press and no printing charges shall be collected from the party.]

101. *Printing of other papers.*— (1) If a party desires that any paper, not covered by Rules 98, 99 or 100 should be printed, he may file a list of such papers together with true copies of the papers to be printed and such papers will be printed at his cost.

(2) Such lists and copies shall be filed, if the applicant is the appellant, within 30 days of the admission of the case or if he is a respondent within 30 days of the service of notice on him:

Provided that, when a memorandum of cross objections has been filed, the appellant may file the list with the copies within 15 days of service of the copy of the memorandum on him:

Provided further that the Registrar may, at any time, order the printing of any paper, on application made by a party, without prejudice to the posting of the case.

102. *Objection to the inclusion of the additional papers.*— A copy of the list mentioned in the preceding rule shall be served on the advocates appearing in the case and it shall be open to them to object to the inclusion of any papers on the ground that the said papers are unnecessary for the decision of the case. The Court may disallow any portion of the printing charges if the objection is found to be tenable at the final hearing of the case.

103. *Separate paper books.*— Papers, the printing of which is compulsory and papers which are printed under Rule 102 shall be printed in separate paper books.

104. *Printing of new documents.*—When an application is made for the printing of any document not on the record with a view to its admission in evidence, the printing may be ordered by the Registrar at the cost of the applicant without prejudice to the posting of the case.

³⁸ Inserted by Notification No. D1-7162/70 dt. 7-11-1973 published in K.G. No. 49 dt. 11-12-1973.

105. *Papers not in the paper book not to be referred to.*—At the hearing of a case, the Court may refuse to permit either party to refer to or to rely on any paper not included in the record prepared in accordance with these rules.

106. *Form of the paper book.*—The paper book shall be printed or typed on substantial white foolscap paper with an outer margin of about 5 cm. and an inner margin of about 2.50 cm. and separate sheets shall be stitched together bookwise. The pages shall be consecutively numbered, and printing shall be on both sides of the paper. Numbers shall be expressed in figures. Every tenth line on each page shall be numbered. Manifolded paper may be used for typing in which case typing shall be only on one side.

107. *Preparation of the paper books.*—Printed paper books shall, unless the Court otherwise directs, be prepared by the Court. Typewritten paper books shall be furnished by the parties.

108. *Number of the copies.*—In the case of printed paper books ten copies shall be prepared and in the case of typewritten paper books four copies shall be supplied. All paper books supplied by a party shall be authenticated by his advocate or if he has no advocate, by the party himself.

109. *Distribution of copies.*—Of the ten copies of the printed paper books, two shall be given to the party at whose cost it is printed and five retained for the use of the Court. The remaining three copies may be distributed free of cost among the opposite parties according to the directions of the Registrar.

³⁹[110. *Translation.*—Any document which is in a language other than English shall be translated into English. Any document which is in Malayalam shall be translated into English at the instance of the party wishing to make use of it and shall be attested to be a true translated copy. In the case of documents

³⁹ Substituted by Notification No. D1(A) – 24896/96 dt. 9-1-1998 published in K.G. No. 7 dt. 17-2-1998.

Original Rule 110 in 1971 by Notification No. D1-14606/66 dt. 8-2-1971 published in K.G. No. 21 dt. 1-6-1971, Part III read as under:

110. Translation.—Any document which is in a language other than English or Malayalam shall be translated into English at the cost of the party wishing to make use of it. The translation shall be done by the members of the Court establishment deputed for the purpose and charge levied at the rate fixed by the Chief Justice from time to time. If there is no member of the establishment familiar with the language the Registrar shall get the documents translated by some duly qualified person at a cost to be fixed by him in each case.*

*In Rule 110, the sentence “No translation shall, however, be collected from any party, who has been allowed the benefits of the rules relating to legal aide to the poor” added at the end by Notification No. D1-7162/70 dt. 7-11-1973 published in K.G. No. 49 dt. 11-12-1973.

other than in Malayalam, it shall be done by the members of the Court Establishment deputed for the purpose and charge levied at the rate fixed by the Chief Justice from time to time. If there is no member of the Establishment familiar with the language, the Registrar shall get the documents translated by some duly qualified person at a cost to be fixed by him in each case.]

111. *Copies of plans.*—Where a document is a plan, two copies thereof shall be prepared for the use of the Court at the cost of the party wishing to use it. If the case is posted before a Full Bench, an additional copy shall be prepared at the cost of the party. Copying charges as fixed by the Registrar shall be paid in advance. ⁴⁰[No copying charges shall, however, be collected from any party, who has been allowed the benefits of the rules relating to legal aid to the poor.]

112. *Apportionment of charges in connected cases.*—(1) Where more appeals than one are preferred against the same decree or order, the cost of printing the appeal memorandum shall be borne by the respective appellants and the remaining cost shall be equally apportioned among them.

(2) The provisions of sub rule (1) shall, as far as may be, apply in the case of connected appeals preferred from the decrees in connected or cross suits.

113. *Production of copies.*—True copies of the papers which are to be printed compulsorily shall be produced by the party concerned within 30 days of the filing of the appeal or other proceeding, provided, however, that in cases requiring admission, the period may be calculated from the date of admission of the case.

114. *Request for preparation of copies of plans.*—A request for preparing copies of plans under Rule 111 shall be by letter addressed to the Registrar and it shall be made within the period mentioned in Rule 113.

115. *Authentication of copies.*—If the copies produced under Rule 113 are not certified copies, they shall be authenticated as true copies by the party or his advocate; such copies shall be written or typed neatly and accurately and on one side of the paper only.

116. *Comparing charges.*—Along with the authenticated copies, comparing fees at the rate of five paise per page shall be produced by the parties, but no fees shall be levied for certified copies. ⁴⁰[No comparing charges shall, however, be collected from any party, who has been allowed the benefits of the rules relating to legal aid to the poor.]

⁴⁰ Added by Notification No. D1-7162/70 dt. 7-11-1973 published in K.G. No. 49 dt. 11-12-1973.

117. *Defective copies to be returned.*—If the copies produced are not authenticated or if they are not neat, legible or accurate, they shall be returned to the parties who shall, within seven days of the return, produce fresh copies, without defects. A party, failing to do so, shall be deemed to be in default.

118. *Only copies to be sent to the printer.*—The original papers shall not be sent to the printer, but only the copies produced by the parties, after comparison with the originals.

119. *Fixing of printing charges.*—Printing charges including the cost of paper shall be fixed by the Registrar at the rates sanctioned by the Chief Justice. The charges to be levied shall be calculated at the rate prevailing at the time of calling for the printing charges. These rates, which are liable to be revised from time to time, shall be published in the Gazette and on the court's notice board.⁴¹

120. *Calculation of charges.*—The printing charges shall be calculated on the basis of a uniform rate per page of 50 lines of printed matter approximating to 700 words whether it be in English or Malayalam or Tamil, 25 lines and more being reckoned as a full page and less than 25 lines as half a page.

⁴¹ Substituted by Notification No. 719/78/Printing dt. 24-7-1979 published in K.G. No. 32 dt. 7-8-1979.

<i>For printing the records of Appeals to the High Court.</i>	₹ P.
Per page (Foolscap Form—50 lines per page for 10 copies)	09.00
Per page for every additional copy above 10 copies	00.20
<i>For printing the records of Appeals to the Supreme Court.</i>	
<i>For Civil Appeals.</i>	
Per page (Demi Quarto Form—44 lines per page—for 26 copies)	10.00
Per page for additional copies above 26 copies	00.50
<i>For Criminal Appeals.</i>	
Per Page (Demi Quarto Form—44 lines per page—for 16 copies)	09.50
Per page for additional copies above 16 copies.	00.30

Prior to the substitution it read as under:

FOR PRINTING THE RECORDS OF APPEALS TO THE HIGH COURT

Per page (Foolscap form) of 50 lines for 10 copies	: ₹ 3.50
Per page (Foolscap form) for every additional copy above 10 copies	: ₹ 0.10

By Notification No. 40135/71/Printing dt. 7-3-1972 Published in K.G. No. 22 dt. 30-5-1972.

121. *Additional charges for certain items.*—For tabular statements, genealogical trees and the like, an additional charge amounting to one-third of the rates calculated under Rule 20 shall be levied.

122. *Language of printing.*—Papers that are in English shall be printed in English and those in Malayalam in Malayalam. In the case of papers in other languages, the translation of the same in English prepared under Rule 110 shall be printed.

123. *Payment of printing charges.*—Printing charges shall be called for, by notice on the notice board of the printing section, soon after the necessary copies have been produced by the parties. The charges called for shall be paid within 15 days of the notice.

124. *Remittance of the charges.*—A person paying money into Court for printing charges shall apply by letter to the Registrar to receive the printing charges, giving the number of the case, the cause title, and the amount of printing charges to be deposited. The printing section shall verify the particulars given in the letter and forward it to the accounts section with the order of the Registrar to receive payment. The payer shall then pay the money to the Accountant.

125. *Receipt for payment.*—Upon payment of the printing charges under the preceding rule, a receipt shall be issued by the Accountant and the fact of payment intimated to the printing section.

126. *Refund of balances.*—Any balance that may remain, after meeting the printing charges in a case, shall be refunded to the party or to his advocate, if authorised. The payment shall be deferred if there are other dues outstanding against the party in that case or in any other case in which he is a party. Every application for refund shall be supported by an affidavit as to whether or not dues as aforesaid are outstanding.

127. *Procedure on receipt of the paper books.*—On receipt of the printed papers, the printing section shall transmit 5 copies to the current records section and retain the remaining copies for distribution as provided in Rule 110. If typed copies are supplied by the parties, they shall be transmitted to the current records section.

CHAPTER X
CERTIFIED COPIES

⁴²[128. *Application for Certified Copies to be filed in person or online.*—

(1) Any application, for obtaining a certified copy of any proceeding or judgment or document filed in or in the custody of the Court, shall be filed in Form No.9, either in person or by online process after paying the requisite fees prescribed under Rule 137 by electronic payment (e-payment).

(2) An application not accompanied by the requisite fees shall be rejected.

129. *Power of Chief Justice to issue practice directions.*—The Chief Justice may from time to time issue practice directions regarding any of the matters contained under this Chapter.

130. *Defective Copy Applications.*—When copy applications are returned for rectification of defects, a time limit of seven days shall be fixed for their representation. Defective applications which are not rectified within the period fixed shall be struck off by the Assistant Registrar (Judicial).

131. *Application for Copies by a Party to the Proceedings in the High Court.*—(1) A party shall be entitled to obtain a copy of any proceeding or judgment or document filed in, or in the custody of the Court by presenting an application.

(2) Where the State Government or the Central Government is a party, a copy of the judgment may be issued to the State Government or the Central Government, as the case may be, by the Registry, free of cost without levying copying charges, on receipt of an online application.

(3) Copies of Judges' minutes or of correspondence and other papers, not strictly judicial, will be granted only under orders of the Court.

132. *Application for Copies by Persons not Party to the Proceedings.*—

(1) A person who is not a party to the proceedings is entitled to copies of judgments and decrees on presenting an application.

(2) A person who is not party to the proceedings is entitled to copies of other records of the proceedings of the case in the High Court, only on the orders of the Court. A person who requires such copies shall file an affidavit along with a duly verified petition in the Court stating the purpose for which the copy is required. On orders of the Court, certified copies shall be issued, on receipt of the application.

⁴² Rule No.128 to 138 are substituted by Notification No. D1-1/20613/2018 dt.8-12-2021 published in K.G. No.2 dt. 11-1-2022.

133. *Copies of documents filed in Subordinate Courts.*—(1) A party to the proceedings in the Subordinate Courts, who requires copies of the documents including copies of maps, plans, genealogical trees etc., which form part of the records of the Subordinate Courts, shall file a duly verified petition before the Registrar (Judicial) setting forth the necessity and the reason as to why the copy was not obtained from the Subordinate Court. On orders of the Registrar (Judicial) the certified copies shall be issued:

Provided that when the copies applied for cannot be copied on ordinary paper, they shall be prepared with the help of skilled labour employed for the said purpose.

(2) The Registrar (Judicial) shall fix the balance copying charges including the amount to be paid for the skilled labour and the party who requires the copies shall pay the amount so fixed. The court shall prepare the copy only on payment by the party the balance amount so fixed.

134. *Application for more than one document in a particular case.*—A single application containing all the details need be filed, if a person requires more than one document in a particular case. But for each document, the copying charges shall be paid separately.

135. *Intimation of date of delivery of copy.*—The authorised officer shall intimate the date for appearance to receive the copy in the e-mail address of the applicant. The authorised officer shall also notify the date for the appearance to receive the copy, on the notice board in the section.

136. *Destruction of Certified Copies.*—The certified copies, if not received by the applicant within 30 days from the date of intimation/notification, shall be destroyed.

137. *Copying Charges for Certified Copy of Judgments and other Documents.*—Copying charges for certified copy of judgments and other documents shall be as fixed by the Chief Justice from time to time which shall be notified and published in the official website of the High Court of Kerala.

138. *Sealing and Certificate.*—(1) Every certified copy furnished by the Court, shall be certified to be true copies by the officer authorised for the purpose and shall be sealed with the seal of the Court.

(2) Every certified copy shall bear an endorsement showing the following particulars:

1. Name of the Court :
2. Number and Year of the Case :
3. Name of the Applicant :
4. Number and Date of Application :
5. Date notified for appearance to receive the copy :
6. Date when copy was delivered :

(3) Every certified copy issued free of cost under sub rule (2) of Rule 131 shall bear the following endorsement:

1. Name of the Court :
2. Number and Year of the Case :
3. Name of the Applicant (State Government/Central Government) :
4. Number and Date of Application :
5. Date notified for appearance to receive the copy :
6. Date of Delivery of the Copy :

(4) Certified copy can also be issued in digitized form in the manner as may be prescribed from time to time by the Chief Justice of the High Court of Kerala.]

⁴³[139. xxxxx

140. xxxxx

141. xxxxx

142. xxxxx

143. xxxxx

144. xxxxx]

⁴³ Rule No.139 to 144 are omitted by Notification No. D1-1/20613/2018 dt.8-12-2021 published in K.G. No.2 dt. 11-1-2022.

CHAPTER XI

⁴⁴[PROCEEDINGS UNDER ARTICLES 226, 227 AND 228
OF THE CONSTITUTION]

145. *Form and presentation.*—An application under Article 226 or under Article 227 ⁴⁵[or under Article 228] shall be by original petition to be entitled “ORIGINAL PETITION No.OF.....” and shall be filed by the petitioner or his duly authorised advocate:

Provided that, in case of an application for a Writ of Habeas Corpus, the application may, if the applicant is in jail, be presented to the officer in charge of the jail for being forwarded to the Registrar.

⁴⁶[146. *Contents of the applications.*—Every application shall set out the provision of law under which it is made, the name and description of the petitioner and the respondent, a clear and concise statement of facts, the grounds on which the relief is sought and the relief sought shall be signed by petitioner and by his Advocate, if he has appointed one, as in Form No. 10.]

⁴⁷[Provided that no petition shall be entertained by the Registry unless it contains a statement as to whether the petitioner had filed any petition seeking similar reliefs in respect of the same subject-matter earlier and if so, the result thereof.]

⁴⁸[146A. *Affidavits in Public Interest Litigation.*—A person filing a Public Interest Litigation, in addition to the requirements stipulated in the other rules of this chapter, shall precisely and specifically affirm in the affidavit to be sworn to by him the public cause he is seeking to espouse, that he has no personal or private interest in the matter, that there is no authoritative pronouncement by the Supreme Court or the High Court on the question raised and that the result of the litigation shall not lead to any undue gain to himself or to anyone associated with him.]

⁴⁴ Substituted by Notification No. D1-86157/2006 dt. 22-5-2014 published in K.G. No. 24 dt. 17-6-2014 for “PROCEEDINGS UNDER ARTICLES 226 and 227 OF THE CONSTITUTION”.

⁴⁵ Substituted by Notification No. D1-86157/2006 dt. 22-5-2014 published in K.G. No. 24 dt. 17-6-2014 for “or under both”.

⁴⁶ Substituted by Notification No. D1 – 2051/71 dt. 26-10-1972 published in K.G. No. 46 dt. 21-11-1972. Original Rule 146 in 1971 by Notification No. D1- 14606/66 dt. 8-2-1971 published in K.G. No. 21 dt. 1-6-1971, Part III read as under:

146. *Contents of the applications.*—Every application shall set out the provision of law under which it is made, the name and description of the petitioner and the respondent the nature of the relief sought and the grounds therefor and shall be signed by the petitioner and by his advocate, if he has appointed one as in Form No. 10.

⁴⁷ Added by Notification No. D1-52026/95 dt. 18-7-1997 published in K.G. No. 42 dt. 28-10-1997.

⁴⁸ Inserted by Notification No. D1-8845/2010 dt. 9-1-2015 published in K.G. No. 5 dt. 3-2-2015.

⁴⁹[146B. *Costs in Public Interest Litigation.*—Notwithstanding anything contained in these rules, the Court may direct the petitioner in a Public Interest Litigation to pay such amount as may be fixed by the Court as compensation or costs to all or any of the respondents, in the event of the litigation being found to be vexatious, frivolous or mala fide.]

147. *Documents to accompany petitions.*— (1) The application shall be accompanied by:

- (a) an affidavit verifying the facts relied on,
- (b) a copy of the impugned order, if any, and
- (c) a schedule of the documents relied on in the affidavit with copies of such of those documents as are in the possession of the petitioner.

⁵⁰[(d) synopsis as prescribed in sub rule (5) of Rule 35.]

⁵¹[*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].

(2) The copies of the document filed under sub rule (1) shall be authenticated as true copies by the advocate, and, if there be no advocate by the party.

⁵²[(3) Two authenticated copies of the application, the affidavit and the annexures thereto for the use of the Court, and in petitions where the State is a respondent, two more copies of the applications, the affidavit and the annexures thereto for the use of that respondent.]

⁵³[* * *]

⁴⁹ Inserted by Notification No. D1-8845/2010 dt. 9-1-2015 published in K.G. No. 5 dt. 3-2-2015.

⁵⁰ Inserted by Notification No. D1(A)-34761/2000 dt. 19-6-2003 published in K.G. Ext. No. 1076 dt. 19-6-2003.

⁵¹ Added by Notification No. D1-65782/2014 dt. 4-2-2019 published in K.G. No.7 dt. 12-2-2019.

⁵² Substituted by Notification No. D1(A)-66424/2002 dt. 28-3-2003 published in K.G. No. 17 dt. 29-4-2003.

Original sub ruled (3) of Rule 147 in 1971 by Notification No. D1-14606/66 dt. 8-2-1971 published in K.G. No. 21 dt. 1-6-1971, Part III read as under:

(3) one authenticated copy of the application, the affidavit and the annexures thereto for the use of the court and as many additional copies as there are respondents shall be produced along with the application.

⁵³ Omitted by Notification No. D1(A)-66424/2002 dt. 28-3-2003 published in K.G. No. 17 dt. 29-4-2003.

Prior to the omission it read as under:

“Provided that when the State is a respondent to the petition 2 copies of the application, the affidavit, and the annexures thereto shall be produced along with the application for the use of that respondent”.

by Notification No. D1-12071/74 dt. 22-2-1975 published in K.G. No. 11 dt. 18-3-1975.

⁵⁴[147A. More persons than one may join in one writ petition as petitioners in whom any right to relief in respect of or arising out of the same act or transaction or series of acts or transactions is alleged to exist, whether jointly, severally or in the alternative, where, if such persons present separate writ petitions, any common question of law or fact would arise provided that each person joining in such writ petition shall pay the court-fee payable under Article 11(r) of Schedule II of the Kerala Court Fees and Suits Valuation Act, as if each of them had filed a separate writ petition.]

148. *Addition of parties.*—All persons directly affected shall be made parties to the petition. Where such persons are numerous, one or more of them may, with the permission of the Court on application made for the purpose, be impleaded on behalf of or for the benefit of all persons so affected; but notice of the original petition shall, on admission, be given to all such persons either by personal service or by public advertisement as the Court in each case may direct.

⁵⁵[Provided that in cases where the State Government is a party, the Secretary to the Government Department concerned shall be arrayed as party representing the Government:

Provided further that if the subject-matter of the petition relates to two or more Government Departments or, if the petition is of such a nature, the disposal of which warrants information from two or more Government Departments, the Chief Secretary to Government and the Secretaries to those Government Departments shall be made as party representing the Government.]

⁵⁶[148A. *Service of notice in cases where Central Government/State Government is a party.*—An application under Article 226 or 227 ⁵⁷[or 228]of the Constitution, in which the Central Government or the State Government is a party, shall not be moved, unless the court otherwise directs, without serving a prior notice with a copy of the application on the previous day before 4 p.m. and in case where motion is made on the same day before 12 noon on that day, on the Central Government Standing Counsel or the Advocate General.]

⁵⁴ Inserted by Notification No. D1-3135/74 dt. 23-6-1975 published in K.G. No. 28 dt. 15-7-1975.

⁵⁵ Added by Notification No. D1(A)-56238/2004 dt. 3-6-2008 published in K.G. No. 30 dt. 22-7-2008.

⁵⁶ Inserted by Notification No. D1(A)-4657/99 dt. 23-8-2000 published in K.G. No. 1 dt. 2-1-2001.

⁵⁷ Inserted by Notification No. D1-86157/2006 dt. 22-5-2014 published in K.G. No. 24 dt. 17-6-2014.

⁵⁸[149. *Posting for admission.*—Every petition shall, soon after it is numbered, be posted for order of Court for admission. The Court may, upon hearing the petitioner or his advocate, either admit the same or reject it. On admission notice shall be ordered to the respondents. Where notice has been ordered, the petitioner shall furnish as many copies of petition, affidavit and annexures thereto as there are respondents, forthwith, unless the Court otherwise directs. Where the petition stands disposed of on admission with direction to any one or more of the respondents, petitioner shall furnish as many copies of petition, affidavit and annexures thereto as there are respondents against whom direction is issued.]

⁵⁹[150. *Interim orders.*—(1) In admitting the application, it shall be competent for the court to pass interim order on motion made for the same so as to meet the ends of justice.

(2) Any motion for interim relief at the time of admission may be made in the application under Article 226 or 227 ⁶⁰["or 228"] of the Constitution itself in the relief portion:

*[Provided that any motion for an interim order seeking stay of collection of tax, duty or revenue should not be made, unless the Judge otherwise directs, without serving a prior notice with a copy of the application under Article 226 of the Constitution or copy of the interim application, if such interim application is separately moved, on the previous day before 4 p.m. and in cases where the motion is made on the same day before 12 noon on that day, on the Advocate General, Central Government Standing Counsel or the Standing Counsel for the Income Tax Department as the case may be:]

⁵⁸ Substituted by Notification No. D1(A)-66424/2002 dt. 28-3-2003 published in K.G. No. 17 dt. 29-4-2003.

Original Rule 149 in 1971 by Notification No. D1-14606/66 dt. 8-2-1971 published in K.G. No. 21 dt. 1-6-1971, Part III read as under:

149. *Posting for admission.*—Every petition shall, soon after it is numbered be posted for orders of Court for admission. The Court may upon hearing the petitioner or his advocate, either admit the same or reject it. On admission notice shall be ordered to the respondents and along with the notice copies of the application, affidavit and annexures shall be served on the respondents.

⁵⁹ Substituted by Notification No. D1(A)-34761/2000 dt. 19-6-2003 published in K.G. Ext. No. 1076 dt. 19-6-2003

Original rule 150 in 1971 by Notification No. D1-14606/66 dt. 8-2-1971 published in K.G. No. 21 dt. 1-6-1971, Part III, read as under:

150. *Interim orders.*—In admitting the application it shall be competent for the court to pass interim orders on motion made for the same as to meet the ends of justice.

⁶⁰ Inserted by Notification No. D1-86157/2006 dt. 22-5-2014 published in K.G. No. 24 dt. 17-6-2014

*Prior to the substitution it read as under:

“Provided that an application for an interim order seeking stay of collection of tax,
(Contd....next...page)

**[Provided further that no petition shall be entertained by the Registry unless it contains a statement as to whether the petitioner had filed any petition seeking similar reliefs in respect of the same subject-matter earlier and if so, the result thereof.]

151. *Process Fees.*—Except in the case of a petition for a Writ of Habeas Corpus, the petitioner shall pay the necessary process fee for service of notices and orders on the respondents.

152. *Hearing of third parties.*—(1) The Court may order notice of the petition to any person not made party thereto.

(2) At the time of the hearing of the petition for admission or at a later stage, any person, who desires to be heard in the matter and appears to the Court to be a proper person to be heard, may be heard, notwithstanding that he is not a party, but subject to such conditions as to costs or otherwise as the Court may deem fit to impose.

153. *Procedure for filing counter-affidavits.*—(1) Any respondent filing a written objection to the application shall file it in the form of a counter-affidavit, and such objection shall, unless the Court otherwise orders, be filed within three months of the receipt of the notice of the application in the case of the Central or State Government and within one month in other cases.⁶¹[In the case of an application which is dismissed in *limine*, but from which an appeal has been admitted, the respondent filing a written objection shall, unless the court otherwise orders, file the same within the periods aforesaid, calculated from the date of receipt of the notice of the appeal.]

duty or revenue should not be moved, unless the Judge otherwise directs, without serving a prior notice with a copy of the application and the application under Art. 226 of the Constitution, on the previous day before 4 p.m. and in cases where the motion is made on the same day before 12 noon on that day; on the Advocate General, Central Government Standing Counsel or the Standing Counsel for the Income-tax Department as the case may be.”

by Notification No. D1-38444/74 dt. 19-1-1976 published in K.G. No. 7 dt. 17-2-1976.

** Prior to the substitution it read as under:

“Provided that no petition shall be entertained by the Registry unless it contains a statement as to whether the petitioner had filed any petition seeking similar reliefs in respect of the same subject-matter earlier and if so, the result thereof.”

by Notification No. D1-52026/95 dt. 18-7-1997 published in K.G. No. 42 dt. 28-10-1997.

⁶¹ Added by Notification No. 2051/71 dt. 26-10-1972 published in K.G. No. 46 dt. 21-11-1972.

(2) The objection shall be accompanied by a schedule of the documents relied on with copies of such of those documents as are in his possession.

(3) The copies of documents filed under sub rule (2) shall be authenticated as true copies by the advocate and if there be no advocate, by the party.

⁶²[(4) Three authenticated copies of the objection and the annexures thereto for the use of the Court and as many additional copies for the use of the petitioner and other respondents shall be produced along with the objection.]

(5) The petitioner may file a reply to the objections, and such reply shall, unless the Court otherwise orders, be filed within three weeks of the date of receipt of the copy of the objections. The provisions of sub rules (2) and (3) shall apply to such reply. Three authenticated copies of the reply and the annexures thereto for the use of the Court and as many additional copies as there are contesting respondents shall be produced along with the reply.

(6) With regard to the copies required to be produced under sub rules (4) and (5) above for service on the opposite party, the party may instead of filing the copies in Court serve the copy on the opposite party and file a memorandum in Court to that effect.

⁶³[153A. *Exchange of copies of pleadings etc.*

Copies of pleadings, petitions, applications and affidavits, counter-affidavits, reply affidavits and rejoinders shall be served on all the parties appearing in the case, through counsel or otherwise, except when the Court, by order, exempts from doing so.]

154. *Proof of facts and documents.*—Proof of facts and documents shall be tendered by affidavit.

⁶² Substituted by Notification No. D1-51093/2005 dt. 30-11-2012 published in K.G. No. 28 dt. 18-12-2012. Original sub rule (4) of Rule 153 in 1971 by Notification No. D1-14606/66 dt. 8-2-1971 published in K.G. No. 21 dt. 1-6-1971, Part III read as under:

(4) Three authenticated copies of the objection and the annexures thereto for the use of the Court and an additional copy for the use of the petitioner shall be produced along with the objection. One of the copies filed for the use of the court will be made available by the Registrar for the inspection of the other respondents free of charge.

⁶³ Added by Notification No. D1-51093/2005 dt. 30-11-2012 published in K.G. No. 28 dt. 18-12-2012.

155. *New ground or relief not to be raised.*— No ground shall be relied upon and no relief sought at the hearing except the grounds taken and reliefs sought in the Original Petition and the accompanying affidavit:

Provided that the Court may, at the hearing allow the said petition and affidavit to be amended upon such terms as to costs or otherwise as the Court thinks fit.

156. *Paper Books.*— (1) The petitioner shall, within 15 days of a petition appearing in the ready list, produce 6 copies of a printed or typed paper book containing the following papers, arranged in that order:

- (i) Index
- ⁶⁴[(ia) Synopsis as prescribed in sub rule (5) of Rule 35]
- (ii) Petition
- (iii) Petitioner's affidavit
- (iv) Counter-affidavits of the respondents
- (v) Petitioner's reply affidavit
- (vi) Petitioner's Exhibit
- (vii) Exhibits of the respondents

(2) The pages shall be consecutively numbered. Manuscript copies may be furnished of documents which are not in English. Plans and Schedules of property need not be included in the paper book.

(3) Three copies of the paper book will be reserved for the use of the Court. The remaining three copies may be distributed free of cost among the opposite parties according to the direction of the Registrar.

157. *Costs and security.*— (1) In all proceedings to which these rules apply, and in appeals therefrom, the Court may make such order as to costs and security as it may consider just and necessary.

(2) Where costs are awarded to a party, such costs may include the court-fees paid on the petition and other documents under these rules the cost of making copies of the petition, affidavit etc., which are furnished to the Court and which by these rules are required to be served on the opposite party or parties the cost of the paper book and the Advocate's fees allowed by the Court.

⁶⁵[157A. *Transmission of order of costs for execution.*—Where costs have been awarded by the Court in a proceeding to which these rules apply or an appeal therefrom but have not been paid, the person entitled to such costs may apply to the Court for execution of the order. The application shall be

⁶⁴ Inserted by Notification No. D1(A)-34761/2000 dt. 19-6-2003 published in K.G. Ext. No. 1076 dt. 19-6-2003.

⁶⁵ Inserted by Notification No. D1-86157/2006 dt. 22-5-2014 published in K.G. No. 24 dt. 17-6-2014.

accompanied by an affidavit stating the amount of costs awarded and the amount remaining unpaid. The Court may direct the order to be sent to the District Court of the District in which the order is to be executed. The order may be executed by such court as if it is a decree for costs passed by itself or transferred for execution to any subordinate Court.]

158. *Communication of orders.*— Any order passed by the Court shall be communicated for compliance to such person or persons as may be necessary.

159. *Appeals from decisions of Single Judges.*—⁶⁶[(1)] The procedure prescribed for appeals in Order XLIA of the Code, excluding Rule 2 thereof, shall as far as may be, be followed in appeals from decisions of Single Judges in writ matters:

⁶⁷[Provided that in Writ Appeals against judgments dismissing original petitions *in limine* copies produced under Rule 147(3) shall also be served on the respondents along with the notice of Writ Appeal:]

⁶⁸[Provided further that no decree need be drawn up in Writ Appeals:]

⁶⁹[Provided also that in appeal from decision of a Single Judge dismissing Writ Petition *in limine*, the appellant shall produce, on notice being ordered in the Writ Appeal, as many copies of the Writ Petition as there are respondents in the appeal, forthwith unless the Court otherwise directs.]

⁷⁰[(2) More persons than one may join in one writ appeal as appellants in whom any right to relief in respect of or arising out of the same act or transaction or series of acts or transactions is alleged to exist, whether jointly, severally, or in the alternative, where, if such persons present separate writ appeals any common question of law of fact would arise provided that each person joining in such writ appeal shall pay the court-fee payable under Article 3(iii)A(2)(c) of Schedule II of the Kerala Court Fees and Suits Valuation Act as if he had brought a separate Appeal.]

⁶⁶ Renumbered by Notification No. D1-3135/74 dt. 23-6-1975 published in K.G. No. 28 dt. 15-7-1975.

⁶⁷ Added by Notification No. D1-41357/77 dt. 5-7-1985 published in K.G. No. 39 dt. 1-10-1985.

⁶⁸ Added by Notification No. D1-15278/87 dt. 25-11-1987 published in K.G. No. 5 dt. 2-2-1988

⁶⁹ Inserted by Notification No. D1(A)-66424/2002 dt. 28-3-2003 published in K.G. No. 17 dt. 29-4-2003.

⁷⁰ Added by Notification No. D1-3135/74 dt. 23-6-1975 published in K.G. No. 28 dt. 15-7-1975.

160. *Affidavit in a Writ of Habeas Corpus.*—An application for a writ of Habeas Corpus shall be accompanied by an affidavit of the person restrained stating that the application is made at his instance and setting out the nature and circumstances of the restraint:

Provided that, where the person restrained is unable, owing to the restraint, to make the affidavit, the application shall be accompanied by an affidavit to the like effect made by some other person and the affidavit will state the reason why the person restrained is unable to make the affidavit himself.

161. *Issue of Rule Nisi.*—If the Court is of opinion that a *prima facie* case for granting the application is made out, a rule *nisi* shall be issued calling upon the person or persons against whom the order is sought, to appear on a day to be named therein, to show cause why such order should not be made and at the same time to produce in Court the person or persons alleged to be illegally or improperly detained to be dealt with according to law. Copies of the application and the affidavit shall be served on each of the respondents along with the notice.

162. *Procedure on final hearing.*—On the return day of such rule, or on any day to which the hearing thereof may be adjourned if no cause is shown, or if cause is shown and disallowed, the Court shall pass an order that the person or persons improperly detained shall be set at liberty. If cause is shown, the rule shall be discharged. The order for release made by the Court shall be a sufficient warrant for any gaoler, public official or other person for the release of the person under restraint.

163. *Forms.*—Form Nos. 11 to 22 shall be used wherever appropriate.

CHAPTER XII

CONTEMPT PROCEEDINGS

164. *Preliminary Procedure.*—(1) Where no formal application has been made to the Court, cases of contempt of subordinate courts and, except of where they are summarily disposed of, the High Court, shall be dealt with on the administrative side in the first instance. If it is decided that a formal application for contempt should be made, the papers will be forwarded to the Advocate General who shall make such an application.

(2) Nothing in this rule shall be deemed to preclude the Court from proceeding *suo motu*, if it thinks fit.

165. *Application for punishment for contempt.*—(a) An application for punishment for contempt shall be registered as an Original Petition (Contempt).

(b) The application shall be accompanied by a memorandum of charges with a statement of the facts constituting the contempt and shall be supported by an affidavit.

166. *Posting of the application.*—The application shall be posted before a Bench of two Judges in accordance with the directions of the Chief Justice.

167. *Service of notice.*—A copy of the application of the memorandum of charges and of the affidavit shall accompany the notice to be served upon the party in contempt. ⁷¹[Unless the Court otherwise directs the notice shall require the respondent to appear in person on the date fixed in the notice.] Where the Court is satisfied that such party is keeping out of the way to avoid service, or cannot be found, the Court may order substituted service and also order his arrest.

168. *Procedure where party absconds etc.*—If the party in contempt cannot be arrested by reason of his absconding or keeping out of the way to avoid arrest, the Court may, upon being satisfied thereof, order attachment of his property for such amount as the Court deems reasonable and proceed to realise the amount in the same manner as upon execution of a decree for money and pass such orders as to the disposal of the amount whether by confiscation or by payment of compensation to any party aggrieved or otherwise as it thinks fit. If after such attachment, the party in contempt appears and shows to the satisfaction of the Court that he did not abscond, or keep out of the way to avoid arrest, the Court may release the property from the attachment, or if it has already been sold, direct payment of the net proceeds of the sale to the party upon such terms as to costs and otherwise, as the Court thinks fit.

169. *Production of the party and subsequent procedure.*—Every person arrested for contempt shall be brought before the Court forthwith, and may be examined orally. If he confesses the contempt committed by him, and submits to the judgment of the Court thereon, his submission and confession shall be recorded and the Court may, in its discretion, either commit him to jail or accept bail for his appearance before the Court, at such time as may be appointed to receive the judgment of the Court for his contempt.

170. *Drawing up of orders.*—The Deputy Registrar shall draw up the orders made on the application and take the necessary steps for enforcing them.

171. *Grant of certified copies.*—The Deputy Registrar may grant applications for certified copies of proceedings in contempt, including applications by strangers to the proceedings subject to the payment of the prescribed charges.

⁷¹ Added by Notification No. D1-14606/66 dt. 11-1-1972 published in K.G. No. 7 dt. 15-2-1972.

CHAPTER XIII
CRIMINAL CASES

172. *Posting of cases for admission.*— All appeals except those preferred from jail or in which the prisoner has been sentenced to death and all revision petitions shall be posted for admission soon after they are filed.

173. *Notice to State Prosecutor in transfer applications.*— No application for transfer, in which previous notice is prescribed by the Code, shall be moved unless 24 hours notice has been given to the State Prosecutor.

174. *Personal notice in the absence of Advocate.*— Notices in criminal cases shall be served on the parties personally unless they are represented by an advocate in which case notice shall be given to such advocate:

Provided that, when on admitting a criminal appeal or revision petition presented by an advocate, the Court directs notice to issue to a party to show cause against enhancement of sentence, notice shall be served on the appellant or petitioner in person:

⁷²[Provided further that if service of notice cannot by the exercise of due diligence, be effected as provided above, the serving officer shall affix one of the duplicates of the notice to some conspicuous part of the house or homestead in which the person on whom the notice has to be served ordinarily resides; and thereupon the Court, after making such inquiries as it thinks fit, may either declare that the notice has been duly served or order fresh service in such manner as it considers proper.]

175. *Notice to State Prosecutor in referred trials.*— In cases referred to the High Court under Section 374 of the Code, notice shall be issued to the State Prosecutor to appear in the cases on behalf of the prosecution.

176. *Service on prisoners through jail authorities.*— Notices for service on parties in jail shall be forwarded to the officer-in-charge of the jail and an endorsement by the officer that the notices were duly served shall be taken as proper service.

177. *Paper Books.*— (1) Printed or typewritten paper books shall be prepared by the office of the Court in referred trials and cases taken up for enhancement of sentence to one of death.

(2) 10 copies of the book, if printed and four copies, if typewritten shall ordinarily be prepared.

⁷² Added by Notification No. D1-11413/81 dt. 13-5-1983 published in K.G. No. 24 dt. 14-6-1983.

(3) One set each of the paper book shall be given to the State Prosecutor and the Advocate for the accused and two copies shall be kept for the use of the Court.

178. *Order on reference under Section 374 of the Code.*—An order on a reference under Section 374 of the Code shall be certified to the Court of Session on the same day on which judgment is pronounced.

179. *Despatch of judgments and orders.*

⁷³[(1) Certified copies of Judgments or Orders shall be electronically transmitted to the lower courts and the authorities concerned.

(2) In places where there is no facility for electronically receiving the judgments or Orders, a hard copy of the same shall be communicated.]

180. *Orders to be issued in advance to avoid delay.*—Where, in any of the following cases, the judgment cannot be certified to the Lower Court on the day on which it is pronounced, an order drawn up in conformity with the judgment shall be certified on the day on which the judgment is delivered or the next working day.

(i) every case in which a judgment of acquittal or release is passed or upheld where the accused is in custody;

(ii) every case in which a sentence is passed, enhanced, or confirmed where the accused is on bail or otherwise at large;

(iii) every case in which a sentence on an accused person, who is entitled to early or immediate release upon such order, is reduced or altered; and

(iv) every other case which, by its nature, requires urgent or immediate action.

181. *Certificate under Article 132 or 134 of the Constitution.*—In cases where a certificate under Article 132 or Article 134 of the Constitution is granted to a person under sentence of death, the date of the issue of the certificate shall forthwith be intimated to the Government and the Superintendent of the jail in which the prisoner is confined.

182. *Communication of orders to Subordinate Magistrates.*—Every order and judgment relating to a magisterial enquiry or trial shall be communicated to the Magistrate or Magistrates concerned through the District Magistrate in the absence of special urgency.

⁷³ Substituted by Notification No. D1-1/20613/2018 dt. 8-12-2021 published in K.G. No.2 dt. 11-1-2022.

183. *State brief.*— (1) An Advocate shall be engaged at the cost of the State to defend an accused person who has not engaged an Advocate and who is under sentence of death or has been called upon to show cause why a sentence of death should not be passed on him or in an appeal filed under Section 417 of the Code where a sentence of imprisonment is impossible.

(2) In other cases, an advocate may be engaged at the cost of the State, if the Court considers it necessary in the interest of justice.

(3) Separate advocates may be appointed for the several accused in a case if it appears from their pleas that the engagement of the same Advocate for all of them will not be proper or desirable.

⁷⁴[184. *Supply of papers to counsel.*— A copy of the judgment of the lower court, copies of appeal memorandum, charge, statement of the accused, depositions and exhibits shall be given by the office of the Court to the Advocate engaged at the cost of the State.]

185. *Fees.*— The fee payable to the Advocate shall be in the discretion of the High Court. Where no fee is specified in a particular case, a minimum fee, which the High Court may by general order specify, shall be payable⁷⁵.

⁷⁴ Substituted by Notification No. D1-2033/72 dt. 4-10-1973 published in K.G. No. 45 dt. 13-11-1973. Original Rule 184 in 1971 by Notification No. D1-14606/66 dt. 8-2-1971 published in K.G. No. 21 dt. 1-6-1971, Part III read as under:

184. *Supply of papers to counsel.*—A copy of the lower court's judgment shall be given by the office of the court to the advocate engaged at the cost of the State and he shall receive copies of or peruse the records of the case from the office of the Advocate General.

⁷⁵ Inserted by Notification No. D1-99232/2011 dt. 16-1-2012 published in K.G. No. 8 dt. 21-2-2012.

[1. ₹ 2,500 for conducting a case before the Single Bench except appeals coming under the NDPS Act.

2. ₹ 3,000 for conducting a case before the Division Bench and for appeals coming under the NDPS Act, before a Single Bench.

This will apply to all State Briefs in cases argued on and after the date of this notification.]

Prior to the Notification it read as under:

1. ₹ 1,500 for conducting a case before a Single Bench except appeals coming under N.D.P.S. Act.

2. ₹ 2,000 for conducting a case before Division Bench and in appeals coming under N.D.P.S. Act before a Single Bench.

This will apply to all State Briefs in cases argue on and from the date of this notification.

By Notification No. D1(A)-83192/2003 dt. 25-3-2004, published in K.G. No. 16 dt. 20-4-2004.

186. (1) *Return of records and material objects.*— On the termination of the case, the lower court records with the material objects, if any, shall be returned to the Court from which they were received.

(2) *Return of enclosures.*—Enclosures to a case produced by the parties shall be returned to them on the termination of the case on their requisition in that behalf, under orders of the Registrar.

187. *Payment of batta.*—A batta not exceeding 3 rupees per diem and actual travelling expenses by the lowest class by bus, boat or train, to reach his home shall be paid to a prisoner directed to be released by the Court, on production before it, if he lives at a distance of more than 15 km. from the Court and has not sufficient means of his own.

CHAPTER XIV

TAX REFERENCES AND APPLICATIONS

188. *Numbering of Reference.*—A reference under Section 256 of the Indian Income Tax Act, 1961 (Act 43 of 1961) hereinafter in this chapter referred to as the Act by the Appellate Tribunal stating a case for the opinion of the Court shall be numbered as a Referred Case. No court fee shall be levied thereon.

189. *Submission of copies and records.*—The Registrar, Income Tax Appellate Tribunal, shall, together with the letter of reference, submit two copies of the said letter and of any records necessary for the consideration of the reference.

190. *Procedure after numbering.*—(1) On the said reference being numbered, the Registrar shall issue intimation thereof to the Income Tax Appellate Tribunal and to the Commissioner of Income Tax.

(2) Within a fortnight of the receipt of the intimation, the Commissioner of Income Tax shall file a memorandum giving particulars for service on the parties concerned in Form No. 3 together with the necessary fees.

191. *Petition to require tribunal to state a case.*—(1) An application under Section 256(2) of the Act requiring the Appellate Tribunal to state a case for the opinion of the High Court shall be by Original Petition. The petition shall be verified and shall specify the point of law upon which the case is to be stated and shall set out concisely the material facts and the nature and purport of the proceedings which have taken place before the Income Tax Officer, Appellate Assistant Commissioner and the Appellate Tribunal. True copies of the orders of:

- (i) the Income Tax Officer,
- (ii) the Appellate Assistant Commissioner of Income Tax,
- (iii) the Appellate Tribunal under Section 254 of the Act out of which the question of law has arisen, and
- (iv) the Appellate Tribunal under Section 256 of the Act refusing to state a case, shall be filed with the petition.

(2) An application under Section 256(2) of the Act filed by an assessee shall be accompanied by a certificate from the Income Tax Appellate Tribunal to the effect that the assessee has not withdrawn his application for reference under Section 256(1) of the Act before the said Tribunal.

192. *Copies etc., to accompany petition.*— A petition under Rule 191 shall be accompanied by two extra copies, both of the petition and the orders referred to therein. The two extra copies shall be legibly typed on substantial white paper, paged, indexed and stitched in book form. The petition shall also be accompanied by a memorandum giving particulars necessary for service on the respondent in Form No. 3 together with the necessary fees.

193. *Contents of case referred or stated.*— A case referred or stated by the Appellate Tribunal shall, as far as possible, be divided into paragraphs, numbered consecutively and shall concisely state such facts and refer to such documents (with true copies annexed) as may be necessary to enable the Court to decide the question raised thereby.

194. *Point of law to be specified.*— The concluding paragraph of every reference and every statement of the case shall specify the point of law to be decided as stated in the application of the assessee or of the Commissioner of Income Tax or any modified form thereof which the Court may have directed.

195. *Notice to Respondent.*— (1) In the case of a reference, on receipt of the memorandum and the requisite fees referred to in Rule 195, the Registrar shall issue notice to the respondent in Form No. 23.

(2) In the case of a petition, after it is numbered, the Registrar shall issue notice to the respondent in Form No. 24 with suitable modifications wherever necessary.

(3) The rules in Chapter IV shall, as far as may be, apply to the service of notice in Referred Cases and Petitions under Section 256 of the Act.

196. *Paper Book.*— The statement of the case, the documents annexed thereto, as well as other necessary papers shall be printed or typed at the cost of the party at whose instance the case is referred.

197. *Rules for Printing.*— Ten copies shall be printed and the rules relating to the preparation and printing of records in appeals shall, as far as may be, apply.

198. *Number of typed books.*—If typed paper books are prepared, the party shall supply 4 copies of the same.

⁷⁶[199. *Cases under other Statutes.*—The rules in this Chapter shall apply *mutatis mutandis* to references, applications and revisions under (i) fiscal statutes and (ii) references under the Gold (Control) Act, 1958.]

CHAPTER XV

REFERENCES UNDER THE CHARTERED ACCOUNTANTS ACT

200. *Numbering of cases.*— All cases received under Section 21 of the Chartered Accountants Act, 1949 hereinafter in this Chapter referred to as the Act shall be numbered as Civil Miscellaneous References.

201. *Papers to be forwarded by the Council.*—(1) The Council of Institute of Chartered Accountants of India (hereinafter referred to as the Council) shall forward to the Court one set of material papers relating to the enquiry which will be regarded as the original set. It shall include the following records:—

- (a) The finding of the Council
- (b) The Report of the Disciplinary Committee
- (c) Complaint or information
- (d) Written statement of defence
- (e) Depositions of witnesses, affidavits, exhibits and other oral and documentary evidence
- (f) Notes of the hearing before the Disciplinary Committee and the Council
- (g) Such other papers which were before the Disciplinary Committee and the Council, as the Council may consider relevant or the Court may require for the disposal of the case.

⁷⁶ Substituted by Notification No. D1-343/81 dt. 25-7-1985 published in K.G. No. 37 dt. 17-9-1985. Original Rule 199 in 1971 by Notification No. D1-14606/66 dt. 8-2-1971 published in K.G. No. 21 dt. 1-6-1971, Part III read as under:

199. Cases under similar statutes.—The rules in this Chapter shall apply *mutatis mutandis* to similar references and applications under other fiscal Statutes like the Estate Duty Act, Agricultural Income-tax Act etc.

(2) The Council shall also furnish the Court with two additional authenticated copies of the papers aforesaid.

202. *Translation of documents.*—A translation in English of the documents which are not in that language and are included in the material papers shall be furnished by the Council under its own authority. If the Court considers that an official translation of any document is necessary such translation shall be made in the Court, the expenditure incurred in that behalf being recovered from the Council.

203. *Copies of material papers.*—In case the Central Government or any person interested requires copies of the material papers, the Council shall furnish such copies on application made to it, subject to such terms and conditions as may be prescribed by the Council.

204. *Address to be furnished.*—The Council shall forward along with the material papers a memorandum containing the full and correct postal addresses of all persons or authorities on whom notices are required to be served under Section 21(6) of the Act.

205. *Date of hearing and issue of notice.*—On the case being numbered, the Registrar shall fix a date for the hearing of the case and shall issue notice under Section 21(6) of the Act in Form No. 25. The date of hearing shall be so fixed that there will be an interval of not less than 15 days between the date of service of notice and the date of hearing.

206. *Copies of order to be communicated.*—The Registrar shall send a certified copy of any order that may be passed by the Court in the case to the Secretary to the Council and to the Secretary to the Government of India (Ministry of Finance).

CHAPTER XVI

ELECTION PETITIONS

207. *Definitions.*—In this Chapter,

(1) ‘the Act’ shall mean the Representation of the People Act, 1951;
and

(2) ‘the Judge’ shall mean the Judge of the Court who has been assigned by the Chief Justice under sub-section (2) of Section 80(A) of the Act, for the trial of Election Petitions.

208. *Numbering.*—Every Election Petition shall be registered as ‘Election Petition’ and given a separate serial number of the year and shall be entered with complete details in a separate register maintained for the purpose.

209. *Information as to the date of election.*—Every petition shall, in addition to the contents required by the Act, contain information as to the date of election of the returned candidate or if there be more than one returned candidate at the election and the dates of their election are different, the later of the two dates and shall also show that the election petition is within the time allowed by Section 81 of the Act.

210. *Summons.*—Immediately after registering, the petition shall be placed before the Judge for such orders as may be required to be passed under Section 86 of the Act. If the petition is not dismissed under Section 86(1) of the Act, a summons, on the direction of the Judge shall be issued to the respondents to appear before the High Court on a fixed date and answer the claim or claims made in the petition. Such date shall not be earlier than three weeks from the date of the issue of the summons. The summons shall be for written statement and settlement of issues and shall be served on the respondents by the process staff of the High Court or the District Courts, all steps being taken to effect service with the utmost expedition.

211. *Additional summons by post.*—In addition to service of summons to be effected as aforesaid a summons shall also be sent to the respondents to the address given by the petitioner by registered post prepaid for acknowledgment.

212. *Copies of petitions etc., to be furnished.*—(1) Every petition shall be accompanied by 3 authenticated copies of the application for the use of the Court and twice the number of additional copies as there are respondents to be produced along with the application for service along with summons as per Rules 210 and 211.

(2) Any respondent filing written objection to the petition shall serve a copy on the opposite party and file a memorandum in court to that effect in addition to furnishing 3 authenticated copies for the use of the court.

(3) In case the petitioner files any reply to the objections he shall serve a copy on the opposite party and file a memorandum in court to that effect in addition to furnishing 3 authenticated copies for the use of the court.

213. *Discovery, inspection and production of documents.*—After the pleadings in the election petition are received, a date shall be fixed, at the direction of the Judge, for (1) discovery of documents, (2) inspection of the documents disclosed, and (3) the production of documents which are in the possession and power of the parties.

214. *Settlement of issues and witness list.*—As soon as may be after the pleadings are received issues will be settled and the election petition will be posted for hearing. Within seven days of the settlement of issues, parties shall file a list of witnesses and pay the process fees and travelling allowance, the diet allowance and the total conveyance allowance for such of them who are required to be summoned.

215. *Issue of witness summons.*—Parties shall apply for the issue of witness summons sufficiently in time for the attendance of witnesses after service. Parties may also produce witnesses without a summons on the date of hearing provided they have filed a list of the same as required under Rule 214.

216. *Expenses of witnesses.*—A party applying for a summons to a witness shall be required to deposit at the time of applying for summons, a sum sufficient to cover the travelling allowance, the diet allowance and the local conveyance allowance of the witness according to the scale prescribed in the Civil Rules of Practice for summoning of witnesses in the subordinate courts. Payment shall be made to the witness out of the amounts so deposited after the witness has given evidence or he is discharged by the Judge.

217. *Diary or Index.*—A diary or index of proceedings showing the course of the election petition from the beginning to the end in chronological order shall be maintained in each election petition.

218. *Application in the petition.*—All applications in each Election Petition shall be separately recorded in a register maintained for the purpose. When an application is filed, the same shall be placed before the Judge as part of the Election Petition for passing necessary orders.

219. *English translation of documents.*—No document in any language other than English shall be admitted in evidence unless it is accompanied by an English translation which shall either be the official translation or a translation the accuracy of which is certified by an Advocate of the High Court. Costs of the translations shall be at the discretion of the Court.

CHAPTER XVII
APPEALS TO THE SUPREME COURT

220. *Applicability of the rules.*— Subject to the provisions of Order XLV of the Code and the Rules of the Supreme Court governing the case or any special directions that the Supreme Court or the High Court may give in any particular case, the rules in this Chapter shall govern the procedure in relation to appeals to the Supreme Court:

Provided that proceedings pending on the appointed day shall continue to be governed by the rules in force prior to that date, unless otherwise ordered by the Court or the Supreme Court.

221. *Petition for Certificate for appeal.*— A petition for a Certificate for appeal to the Supreme Court shall be accompanied by a certified copy and two typewritten or printed copies, duly pagged, on plain paper, of the judgment or final order appealed against.

222. *Posting of the petition for admission.*— The petition shall be posted for admission before the Judge or Judges whose decision is sought to be appealed against and in case any or all of such Judges are not available, before such other Judge or Judges as the Chief Justice may direct.

223. *Order on the petition.*—The Court may, after hearing the petitioner, either dismiss the petition or order notice to the respondents.

224. *Service of notice.*—Within seven days of the order of notice, the petitioner shall serve copies of the petition on the Advocates for the opposite parties in the proceeding appealed against, such service being deemed to be sufficient regarding those parties and shall produce the necessary fees along with authenticated copies of the petition for service of notice on the other respondents in the manner prescribed.

225. *Posting for final orders.*—After notice has been served, the petition shall be posted for final hearing before the Judge or Judges who ordered notice and in case any or all of such Judge or Judges are not available, before such other Judge or Judges as the Chief Justice may direct.

226. *Service of copy of the petition of appeal.*—(1) Where a respondent to be served with a copy of the petition or appeal under Order XV, Rule 11 of the Supreme Court Rules was represented by an Advocate in the proceedings appealed against, the notice shall be served on such Advocate and it shall be deemed to be service on such party.

(2) Notices intended for the State of Kerala shall be served on the Advocate General.

227. *Certificate of service of notice.*—The certificate required to be sent under Order XV, Rule 11(ii) of the Supreme Court Rules shall be in Form No. 26.

228. *Procedure for translation.*—As soon as the notice of the petition of appeal is received from the Supreme Court, the Registrar shall give notice to the appellant to remit within 10 days the estimated charges for translation required to be done under Order XV, Rule 14 of the Supreme Court Rules. Such charges shall be calculated at the rates sanctioned by the Chief Justice.

229. *Failure to deposit the charges.*—If the appellant fails to make the deposit as aforesaid, the procedure prescribed in Rule 23 of Order XV of the Supreme Court Rules shall be followed.

230. *Enquiry regarding substitution of parties.*—No enquiry under Order XV, Rule 33 of the Supreme Court Rules shall be conducted without notice to the parties proposed to be added or substituted.

231. *Refund of unexpended balance.*—An application for refund of the unexpended balance of the amount deposited towards translation or printing charges may be made by a letter addressed to the Registrar and payment may be made to the advocate of the party, if so authorised.

232. *Procedure in criminal matters.*—Subject to the provisions of Order XXI of the Supreme Court Rules, the rules in the Chapter shall, with necessary modifications and adaptations, apply to criminal matters.

CHAPTER XVIII

REGISTERS AND RECORDS AND THEIR DESTRUCTION

233. *Cancellation of stamps.*—(1) The record keeper shall, when the record is consigned to his custody, punch a second hole in each court-fee label with a wad cutter punch in a diamond form in such manner as not to render it difficult to ascertain the value of the stamp.

(2) When documents having court-fee label affixed to them are returned to the parties at any stage of a case before judgment, the court-fee labels should be punched a second time as aforestated.

234. *Registers.*—The Chief Justice shall prescribe the registers to be maintained in the office of the Court.

235. *Index paper to be opened.*—An index in Form No. 27 shall be put up with the record of every case when it is first filed in Court.

236. *Numbering of the papers.*—Each paper, as and when it is filed in the record, shall be numbered and entered in the index under the appropriate part to which it belongs, as determined with reference to the table in Schedule A to this Chapter.

237. *Division and deposit of the papers.*—Every record, book and paper shall, after completion, be deposited in the record room and divided into parts according to the table referred to in Rule 236.

238. *Date of completion of records.*—(1) A record shall be held to have reached completion on the date of the final decree or order of the Court; in the event of an appeal to the Supreme Court, on the date of the final order of the Supreme Court and in case an application for review or restoration is filed, on the date of the final decree or order made on review or restoration.

(2) In the case of books and papers, the date of completion shall be the date on which the book was closed and the date of the final order on the paper respectively.

239. *Periods of retention of records.*— All papers coming under Part I of Schedule A to this Chapter shall be retained permanently and all papers falling under Part II thereof shall be retained for a period of 4 years from the date of their completion.

240. *Periods of retention of registers etc.*— The Court registers, books and papers described in the table in Schedule B to this Chapter shall be retained for the periods respectively specified against them, reckoning from their dates of completion.

241. *Destruction after prescribed period.*—All records, registers, books and papers shall be destroyed, without fail, on the expiry of the prescribed periods of retention.

242. *Provision regarding copper plate deeds of grant etc.*—Copper plate deeds of grant, public records or other documents of archaeological or historical interest shall be destroyed only after obtaining the orders of the Government as to whether such articles are to be forwarded to the Government or should be destroyed.

243. *Certain records not to be destroyed.*—The following shall on no account be destroyed:—

(i) Records connected with expenditure which is within the statute of limitation.

(ii) Records connected with expenditure on projects, schemes or works not completed, although beyond the period of limitation.

(iii) Records connected with claims to service and personal matters affecting persons in the service, and

(iv) Orders and sanctions of a permanent character until revised.

⁷⁷[244. *Notice of destruction.*—A notice shall be published by affixture to the notice board of the Court stating that all documents filed in the proceedings to be therein enumerated, will, unless previously reclaimed, be destroyed on the expiry of a period of three months from the date of publication of the notice. The notice shall be published by the 15th of January and the 15th of July of each year and shall remain on the board for not less than a month.]

245. *Manner of destruction.*—At the end of the period specified in the notice all records, registers, books and papers which are to be destroyed except Gazettes, shall be burnt in the presence of the Superintendent of the Records Section or disposed of in such other manner as the Registrar may direct. Gazettes, which are to be destroyed, may be sold as waste paper.

246. *Power of Registrar to direct permanent retention.*—The Registrar may direct the transfer of any paper from Part II to Part I of the retention of any paper, book or register for a period longer than that prescribed for reasons to be recorded in writing.

247. *List of documents destroyed.*—Whenever records, registers, books or papers are destroyed or disposed of under these rules, a complete list of such records, registers, books or papers so destroyed or disposed of shall be prepared and the date of destruction shall be entered at the head thereof. The record keeper shall certify the correctness of the list.

248. *Registers to be maintained.*—The record keeper shall maintain such registers as may be prescribed.

⁷⁸[248A. With regard to the destruction of records, the Record Keeper shall maintain the following registers:—

1. The register relating to destruction of records pertaining to the Administrative Side specified in Section 11 of Schedule B as List of Registers, Files, etc. (Administrative Side) as in Form No. 28.

⁷⁷ Substituted by Notification No. D1-14606/66 dt. 21-7-1972 published in K.G. No. 31 dt. 1-8-1972. Original Rule 244 in 1971 by Notification No. D1-14606/66 dt. 8-2-1971 published in K.G. No. 21 dt. 1-6-1971, Part III read as under:

244. *Notice of destruction.*—A notice shall be published in January of each year on the notice board of the Court and in the Gazette to the effect that the documents specified in the notice shall, unless previously reclaimed, be destroyed after the end of April of that year.

⁷⁸ Inserted by Notification No. D1-40118/72 dt. 11-12-1974 published in K.G. No. 1 dt. 7-1-1975.

2. Register relating to destruction of records pertaining to Judicial Side specified in Part II Civil, and Part II Criminal, of Schedule A as in Form 29.

3. Register relating to destruction of registers (Judicial Side) specified in Section 1 of Schedule B as in Form 30.]

249. *Documents filed by Officers of Government etc.*—Nothing in these rules shall be deemed to authorise the destruction of any document filed by any Officer of Government or produced by such officer upon summons. Such documents, if not previously reclaimed, shall invariably be returned to the Court or office from which they were produced.

⁷⁹[CHAPTER XIX

REFERENCES, REVISIONS AND APPEALS UNDER THE COMPANY SECRETARIES ACT, 1980

250. A Reference under Section 21 of the Company Secretaries Act, 1980 (hereinafter referred to as the “Act”) shall be filed in the Registry of the High Court and shall be numbered as C.S. Reference and entered in a separate register.

251. An appeal or a Revision under Section 30 of the Act shall be made by a memorandum and shall be filed in the Registry of the High Court. An appeal shall be numbered as M.F.A. (CS) and a Revision as CSR. Such Appeal or Revision shall also be entered in separate registers.

252. (i) The Council of the Institute of Company Secretaries of India (hereinafter referred to as the “Council”) shall, in a reference forwarded by it to the High Court, furnish one set of material papers relating to the enquiry. This will be regarded as the original set and shall include the following records:

- (a) Complaint or information.
- (b) Written statement of defence.
- (c) Depositions of Witnesses, Affidavits, Exhibits and other oral and documentary evidence.
- (d) Notes of the hearing before the Disciplinary Committee and the Council.
- (e) The report of the Disciplinary Committee.
- (f) The findings of the Council.
- (g) Such other papers as are relevant or are required for the disposal of the case before the Court.

⁷⁹ Rule 250 to 256 added by Notification No. D1(A)—6319/97 dt. 29-3-2000 published in K.G. No. 21 dt. 23-5-2000.

(ii) The Council shall also furnish to the Registry two extra copies of all the papers mentioned in sub rule (i) above.

(iii) A translation in English of the documents which are not in that language and are included in the material papers shall be furnished by the Council under its own authority. If the Court considers that an official translation of any document is necessary, such translation shall be made in the Court, the expenditure incurred in that behalf being recovered from the Council.

(iv) In case the Central Government or any person interested, requires copies of material papers, the Council shall furnish such copies, on application made to it, subject to such terms and conditions as may be prescribed by the Council.

(v) The Council shall forward along with the material papers a memorandum containing the full and correct postal addresses of all persons or authorities on whom notices are required to be served under Section 21(6) or Sections 30(1) and (2) of the Act, and these rules.

253. When a Reference Appeal or Revision Petition is filed, the Court shall fix a date for the hearing of such Reference, Appeal or Revision Petition and shall order issue of Notices in Form Nos. 32 to 38, as the case may be.

254. (i) In the case of a Reference under Section 21 of the Act, Notices shall be sent to (1) the Council (2) the Secretary to the Government of India in the Ministry of Finance and (3) the complainant, if any.

(ii) In the case of an Appeal under Section 30(1) of the Act, Notices shall be sent to (1) the Council, (2) the Secretary to the Government of India in the Ministry of Finance, and

(iii) In the case of a Revision Petition under Section 30(2) of the Act, Notices shall be sent to (1) the Council, (2) the Member of the Institute concerned, (3) the complainant, if any, and (4) any other respondent to the proceedings.

(iv) In all cases, Notices shall be sent by registered post to the addresses supplied by the Council and shall be served not less than one month before the date fixed for the hearing of the case.

255. In an Appeal or Revision Petition, under Section 30(1) or 30(2) of the Act, the Council, shall, on being served with Notice of the Appeal or Revision Petition forward to the Registry of the High Court, within two weeks from the date of service, the findings of the Council and all other documents mentioned in Rule 252(i) and extra copies referred to in Rule 252(ii).

256. The Registrar of the High Court shall send to the Council a certified copy of the final order passed by the High Court in every Reference, Appeal or Revision Petition.]

SCHEDULE A

DIVISION OF THE RECORD AND DESCRIPTION OF PAPERS
FALLING UNDER EACH DIVISION

CIVIL

PART I

1. Index.

2. All judgments and orders (Judges' autographs and office copies including orders calling for findings on issues or reports and the findings or reports).

3. All decrees and decretal orders.

4. Compromise petitions and awards of arbitrators where the decrees are based thereon.

5. One complete set of the Paper Book.

In cases where a paper book has not been prepared, all memoranda of appeal, second appeal, writ appeal, civil miscellaneous appeal and revision petition, additional grounds of appeal, cross-objections and one set of copies of lower courts' judgments and decrees filed by the parties.

In Original Petitions, petitioner's affidavit and petition, counter-affidavits and reply affidavit.

In Miscellaneous references, the statement of the case.

The main petition and objections thereto in Banking Company Petitions, claims and suits and company petitions.

6. Judgments and orders of the Supreme Court on appeal.

7. Applications for review and for amendment of decree and orders passed thereon.

8. Applications for compromises by a next friend or guardian *ad litem* under Order XXXII, Rule 7 of the Code and the orders thereon.

9. Any other papers which the Registrar may direct to be included in this Part.

PART II

All Papers not included in Part I**CRIMINAL**

PART I

1. Index in all classes of cases.
2. Petition of appeal or references under Sections 307 and 374 of the Code.
3. Application for revision.
4. Letters of referring Court for revision of proceeding.
5. Judgments of lower courts taken up for revision by the High Court *suo motu* or judgments and orders which form part of records in Criminal Appeals, references and applications for revision.
6. All judgments and orders (Office copies and Judges' autographs).
7. One complete set of the paper book, including Sessions judgments, if any, including that containing Judges' autograph judgment.
8. Orders confirming, reversing or commuting sentences of death.
9. Any other papers which the Registrar may direct to be included in this Part.

PART II

All Papers not included in Part I

SCHEDULE B

1. LIST OF REGISTERS (JUDICIAL SIDE)

Court Fee Section

1. Daily Register of Court Fees	12 years
2. Filing Registers	6 years
3. Register of Court Fee Refunds	do.
4. Court Fee Audit Register	do.
5. Court Fee Defects Register	3 years
6. Local Delivery Book	1 year

O.P. Section

7. Register of Original Petitions	Permanent
8. Register of Miscellaneous Petitions	12 years
9. Register of Return of Documents	do.
10. Register of Pending Cases	6 years
11. Disposal Register	do.
12. Process Register	3 years
13. Fair-copy Register	do.
14. Despatch Register	do.
15. Personal Register	do.
16. Register for Review Petitions	do.
17. Register for Leave to Appeal	do.

Company Section

18. Register of Company Petitions	Permanent
19. Register of Banking Company Petitions	do.
20. Register of Company Suits	do.
21. Register of Banking Company Suits	do.
22. Register of Banking Company Claims	do.
23. Liquidation Register of Companies	do.
24. Liquidation Register of Banking Companies	do.
25. Register of Applications	12 years
26. Register of Criminal Complaints	do.
27. Register of Criminal Miscellaneous Petitions	do.
28. Register for Return of Documents	do.
29. Company Petitions Appearances Books	6 years
30. Banking Company Petitions Appearances Book	do.
31. Documents Register of Company Petitions	do.
32. Documents Register of Banking Company Petitions	do.
33. Posting Book	do.
34. Disposal Register	do.
35. Process Register	3 years
36. Transmission Register	do.

Appeal Section

37. Register of First Appeals	Permanent
38. Register of Appeals from First Appeals	do.
39. Register of Appeals from Second Appeals	do.
40. Register of Writ Appeals	do.
41. Register of Election Appeals	do.
42. Register of Miscellaneous Petitions	12 years
43. Register of Pending First Appeals	6 years
44. Register of Pending Appeals from First Appeals	do.
45. Register of Pending Appeals from Second Appeals	do.
46. Register of Pending Writ Appeals	do.
47. Register of Review Petitions	do.
48. Register of petitions for leave to appeal to Supreme Court	do.
49. Disposal Registers	do.
50. Register of Civil Miscellaneous Petitions for stay	3 years
51. Transmission Registers	do.
52. Posting Register of Civil Miscellaneous Petitions	do.
53. Register for Calling of Records from Lower Courts	do.
54. Register for despatch of Decrees etc.	do.
55. Register of Copy Applications	do.
56. Process Register	do.
57. Register for Receipt of Notices	do.
58. Local Delivery Book	1 year

Second Appeal Section

59. Register of Second Appeals	Permanent
60. Register of Miscellaneous Petitions	12 years
61. Register of Pending Second Appeals	6 years
62. Register of Review Petitions	do.
63. Register of Pending Review Petitions	do.
64. Disposal Register	do.
65. Register of Applications for Leave to Appeal to Division Bench and to Supreme Court	do.

66. Register of Cases remanded for findings	3 years
67. First Hearing Book	do.
68. Despatch Registers	do.
69. Transmission Register	do.
70. Register for Calling of Records from Lower Courts	do.
71. Process Register	do.
72. Register of Receipt of Notices	do.
73. Local Delivery Book	1 year

Miscellaneous Cases Section

74. Register of C.M.As.	Permanent
75. Register of C.R.Ps.	do.
76. Register of T.R.Cs.	do.
77. Register of I.T.Rs.	do.
78. Register of CM References	do.
79. Register of Miscellaneous Petitions	12 years
80. Register for Return of Documents	do.
81. Register of Pending Cases (for various categories)	6 years
82. Disposal Register	do.
83. Refund Register	do.
84. Fair Copy Register	3 years
85. Process Register	do.
86. Transmission Register	do.
87. Letter Book	do.
88. Despatch Register	do.

Criminal Section

89. Register of Criminal Appeals	Permanent
90. Register of Criminal Revision Petitions	do.
91. Register of Referred Trials	do.
92. Register of Criminal References	do.
93. Register of Calendar Revisions	do.

94.	Register of Criminal Miscellaneous Petitions	12 years
95.	Register for Return of Documents	do.
96.	Registers of Pending Cases	6 years
97.	Disposal Register	do.
98.	Register of Material Objects	do.
99.	Register of State Brief appointments	3 years
100.	Register of Calendars received	do.
101.	Transmission Registers	do.
102.	Register of Copy Applications	do.
103.	Despatch Register	do.
104.	Process Register	do.
105.	Letter Book	do.

Translation Section

106.	Register for receipt and transmission of records	3 years
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Printing Section

107.	Register of Papers sent for printing (Calculation of printing charges and refunds)	Permanent
108.	Register of Papers sent to the Presses (Ledger)	do.
109.	Register of Miscellaneous Petitions	12 years
110.	Register for Return of Documents	do.
111.	Work Distribution Register	3 years
112.	Register for Calling of Printing Charges	do.
113.	Plans Register	do.
114.	Register of Referred Trial Cases sent for Printing	do.
115.	Register of Referred Trial Cases Judgments sent for Printing	3 years
116.	Transmission Register	do.
117.	Proof Delivery Register	do.
118.	Acknowledgment Book	do.
119.	Local Delivery Book	1 year

Bench Clerks Section

- | | |
|----------------------------|---------|
| 120. A Diary | 6 years |
| 121. Disposal Register | do. |
| 122. Pendency Register | 3 years |
| 123. Cause List File Books | do. |

Stenographers Section

- | | |
|----------------------------|---------|
| 124. Transmission Register | 3 years |
|----------------------------|---------|

Typists Pool

- | | |
|---|---------|
| 125. Register for receipts of Judgments | 3 years |
| 126. Register for receipt of Orders | do. |

Comparing Section

- | | |
|---|---------|
| 127. Fair Copy Registers | 3 years |
| 128. Transmission Registers | do. |
| 129. Register for receipt of Original Judgments | do. |
| 130. Weekly Statement Register | do. |

Decree Section

- | | |
|------------------------------|----------|
| 131. Register of Decrees | 12 years |
| 132. Advocate's Fee Register | 3 years |

General Records Section

- | | |
|--|-----------|
| 133. Destruction Register | Permanent |
| ⁸⁰ [133A. Register for destruction of records on the Judicial Side | do. |
| 133B. Register for destruction of registers on the Judicial Side as in Form No. 30.] | do. |
| 134. A Register | 12 years |
| 135. B Register | do. |
| 136. C Register | do. |
| 137. Register for Return of Documents and Enclosures | do. |
| 138. Register of Application for refund of Court Fees | 6 years |

⁸⁰ Inserted by Notification No. D1-40118/72 dt. 11-12-1974 published in K.G. No. 1 dt. 7-1-1975.

139.	Register of Copy Applications	3 years
140.	Register for Receipt of Judgments and Orders from the Supreme Court	do.
141.	Despatch Register	do.
142.	Record Issue Register	do.
143.	Register of Disposed cases	do.
144.	Register for checking of Lower Court records	do.

Indexing Section

145.	Yearly Index Register	Permanent
146.	Register of Cases sent for permission to report	3 years
147.	Judgment Distribution Register	do.
148.	Register for Receipt of Judgments	do.
149.	Register for Return of Judgments	do.

Copying Section

150.	A Register	3 years
151.	B Register	do.
152.	C Register (Daily work statement)	do.
153.	D Register in Form D	do.

General

154.	Works statement books of the various seats	1 year
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II. LIST OF REGISTERS, FILES ETC. (ADMINISTRATIVE SIDE)

1.	Files of papers closed in 'R' series	Permanent
2.	Cash Book (Day book)	do.
3.	Lapsed lists of judicial deposits	do.
4.	Government of India Gazette except Part II together with any extraordinary issues containing Acts, Bills, Ordinances, Orders & Rules	do.
5.	Do. list of the above	do.
6.	Register of books received in the Library i.e., Stock Register	do.

7. Kerala Gazette	Permanent
8. Fort Saint George Gazette	do.
9. Index maintained in the Record	do.
10. Personal Registers	⁸¹ [5 years]
11. Administration Reports (General) Kerala	⁸¹ [Permanent]
12. Administration Reports Civil and Criminal Justice (Kerala)	do.
13. Stamp Register (maintained in Current Section)	do.
14. Register of receipts (Civil and Criminal Court Deposits)	do.
15. Register of payments (Civil and Criminal Court Deposits)	do.
16. Ledger	do.
17. Register of Government Securities	do.
18. Stock & Issue Register of Uniforms, Liveries etc.	do.
19. Stock Register of Typewriters	do.
20. Furniture Register (Day book of furniture)	do.
21. Stock Register of furniture	do.
22. Register of Accounts of cushion, cushion covers, table cloths, etc., used in the chambers and benches	do.
23. Stock Register of furniture (room wise)	do.
24. Register of Service Books	do.
25. Service Book issue Register	do.
26. Pay bills and acquittance rolls where these are maintained separately for last grade servants	45 years

Note.—Where however the service of the last grade servants is verified annually, the period of preservation of the pay bills and acquittance rolls will be only six years.

⁸¹ Substituted by Notification No. D1-35028/82 dt. 17-8-1985 published in K.G. No. 42 dt. 22-10-1985 for the letters “do”.

27. Security Register	40 years
28. Annual Establishment Returns	35 years
29. Pay bills and acquittance rolls where these are maintained separately of Government servants for whom no establishment returns are submitted or no service books or rolls are maintained	do.
30. Cases (including service books and leave accounts attached thereto) in which invalid or compensation pension have been granted	25 years
31. Counterfoils of receipt books and used cheque books	do.
32. Day book	do.
33. Refund Register	do.
34. Receipt Book	do.
35. Remittance Register	do.
36. Cash Balance Register	do.
37. Cheque Book	do.
38. Attendance Register	do.
39. All Administration Reports not otherwise specifically provided for	20 years
40. Periodical Register and Annual Returns	do.
41. Spare copies of Government Orders	do.
42. Record issue Register	12 years
43. Files of papers closed in 'D' series	10 years
44. Government of India Gazettes Parts I, III and IV	do.
45. Pay bills of other classes of Government servants (except those provided for in items 34 and 36 above and acquittance rolls for pay and allowance other than travelling allowance, when maintained separately)	6 years
46. Other pension cases (including service books and leave accounts attached thereto)	After retirement

47. Detailed budget estimates of an office	5 years
48. Register of abstract of daily receipts	do.
49. Register of receipts and charges	do.
50. Contingent Register	do.
51. Day book (Contingent Account)	do.
52. Registers not specifically provided for	do.
53. Permanent Advance Disbursement Register	do.
54. Cash received and despatched book	do.
55. Treasury Bill Books	do.
56. Register of applications for cheques	do.
57. Register of undisbursed pay	do.
58. Register of Recoveries	do.
59. Register of Cheques	do.
60. Register of lapsed refunds bills	do.
61. Salary Register (maintained in G2)	do.
62. Register of Audit objection	do.
63. Trunk Call Register	do.
64. Telephone Register	do.
65. Register of claims of medical reimbursement	do.
66. Register of endorsement bills	do.
67. Register of telegrams—Deposit Account System	do.
68. Repair Register of cycles	do.
69. Stock book of stores and stock	do.
70. Files of papers closed in 'L' series	3 years
71. Quarterly returns	do.
72. Stock Book of Stationery Articles	do.
73. Stock Book of Forms	do.
74. Stock Book of Registers	do.

75. Stock Book of Electric Bulbs	3 years
76. Circular Book	do.
77. Work Distribution Register	do.
78. Remittance Chalans	do.
79. Chalan Book	do.
80. Lodgment schedules	do.
81. Vouchers, parties receipts, cheque applications, lapsed statements, papers relating to safe custody of jewels and other miscellaneous petitions	do.
82. Travelling allowance bills and Acquittance rolls relating thereto	do.
83. Repair Register of typewriters	do.
84. Register of tenders	do.
85. Furniture repair register	do.
86. Stock Book of stationery articles purchased locally	do.
87. Statement of monthly progressive expenditure and correspondence relating to discrepancies in the figures	2 years
88. Casual leave Registers	do.
89. Register of Assumption and delivery of charge of District Judges, etc.	1 year
90. Applications for budget allotment	do.
91. Tapal petitions and papers ordered to be lodged	do.
92. Local Despatch Book	do.
93. Arrears list	do.
94. Leave applications	do.
95. Late Attendance Register	do.
96. Register showing the applications for appointment	do.
⁸² [97. Register relating to the destruction of records and registers on the Administrative Side in Form No. 28].	do.

⁸² Inserted by Notification No. D1-40118/72 dt. 11-12-1974 published in K.G. No. 1 dt. 7-1-1975.

FORMS

FORM No. 1

(Rule 19)

VAKALATH

(Cause-title)

I, Appellant/Respondent/Plaintiff/Defendant/Petitioner in the above appeal/suit/petition do hereby appoint and retain..... Advocate of the High Court to appear for me in the above appeal/suit/petition and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including all applications for return of documents, applications for review, in appeals under Section 5 of the High Court Act and in applications for leave to appeal to the Supreme Court and to draw any moneys payable to me in the said appeal/suit/petition.

Dated.....day.....20.....

(Signed) A.

B.

In the presence of

Name (and designation, if any)

Accepted

Signature of the Advocate

⁸³[Roll Number]

Date:

The address of service of the said Advocate is.....

Note:—Strike off unnecessary portions.

⁸³ Inserted by Notification No. D1(A)–68443/01/D1(B) dt. 20-9-2004 published in K.G. No. 41 dt. 19-10-2004.

⁸⁴[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 parties filing Vakalath :

Telephone No. (Landline/Mobile) :

e-mail I.D. :

Name of the Advocate :

Telephone No. (Landline/Mobile) :

e-mail I.D. :

Signature of the Advocate.]

⁸⁴ Inserted by Notification No. D1-65782/2014 dt. 4-2-2019 published in K.G. No. 7 dt. 12-2-2019.

FORM No. 2

(Rule 38)

FORM OF DOCKET

IN THE HIGH COURT OF KERALA, ERNAKULAM

O.P.
A.S. No.....of 20.....

Petitioner/Appellant

A.B.

By Advocate C. D.

Respondent

State and 2 Others

Advocate

Appeal against the decree dated.....in...../.....of
the.....Court.

Valuation ₹.....

Court fees due ₹.....

Court fees paid ₹.....

Presented by appellant's Advocate C. D.

on

FORM No. 3

(Rules 41, 42, etc.)

Memorandum for service on Respondent

(Cause-title)

Court Fee Stamp affixed for ₹..... Particulars for service of process on Respondent.

Name	Father's, Mother's or Karanavar's Name	Occupation, if any	District	Taluk	Address for service	
					Village or Town with name of street and door No.	Post Office
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Date:

(Signed)
Advocate for Appellant.

FORM NO. 4

(Rule 77)

Affidavit of Solemn Affirmation

Solemnly affirmed or sworn at the office of the.....
This the day of.....20.....before me.

(Signed)

G.H. (Description).

FORM NO. 5

(Rule 78)

Certification when deponent is unacquainted with the language of the affidavit or is blind or illiterate

Solemnly affirmed or sworn at the office of the.....this the day of 20 before me, the contents of this affidavit or solemn affirmation (and the exhibits therein referred to) having been first truly and audibly read over to the deponent in Malayalam, he being unacquainted with English (or being blind), and he appeared perfectly to understand the same, and made his mark thereto (or signed the same) in my presence.

(Signed)

G.H. (Description).

FORM NO. 6

(Rule 80)

Certificate to be endorsed on an exhibit to an affidavit

(Short Cause-title)

This is the exhibit marked "P" referred to in the affidavit of A.B. sworn (or affirmed) before me this the.....day of.....20.....

(Signed)

C. D. (Description).

FORM NO. 7

(Rule 82)

Concluding Portion of Affidavit

What is stated above in paragraphs.....is true to my knowledge and what is stated in paragraphs.....is stated on information and belief derived from records and/or obtained from.....and I believe the same to be true.

FORM NO. 8

(Rule 85)

Form of Application for search of public records

To

The Registrar, High Court of Kerala,
Ernakulam.

Name and address of applicant in full	Description of record as far as possible	Purpose of which inspection or copy is required

Date:

Signature of Applicant.

⁸⁵[FORM NO. 9

(Rule 128)

Copy Application Form

- Name and address of the Applicant :
- Whether applied in person or online :
- Whether for State/Central Government :
(mention the party array)
- Number and year of the case :
- Date and amount of copying charges paid :
- Details including the number of the :
e-payment receipt
- Date of Judgment/order :
- *Description of the document required :
- Number of copies required :
- Whether party to the proceedings in the :
High Court or not
- If party, then state the status of the :
applicant in the case
- If application filed under Rule 133, then :
mention the Subordinate Court's name
and case number and status of the
applicant in the case
- Number of the application filed under :
Rule 132 or Rule 133 and the date of
the order allowing the application
for copy
- E-mail address of the applicant :
(to be mandatorily provided)

*The description of the document applied for should be clearly mentioned.

Date:

Signature of Advocate/Applicant]

⁸⁵ Substituted by Notification No. DI-1/20613/2018 dt. 8-12-2021 published in K.G. Ext. No. 2 dt. 11-1-2022.

⁸⁶[FORM NO. 9A

(Rule 128)

Application for carbon or photostat copies of documents

To

The Deputy Registrar,
High Court of Kerala, Ernakulam.

Sir,

Please furnish me with free copies of the documents mentioned hereunder:

Sl. No.	Case No.	Date of Disposal	For which Respondent/petitioner the Application is made	Description of document required	No. of copies

Dated this the.....day of.....20....

Government Pleader/
Central Government Standing Counsel.]

⁸⁶ Added by Notification No. D1(A)-34761/2000 dt. 19-6-2003 published in K.G. Ext. No. 1076 dt. 19-6-2003.

FORM NO. 10

(Rule 146)

IN THE HIGH COURT OF JUDICATURE, KERALA
(Special Original Jurisdiction)

Original Petition No.of 20.....

Between

A. B.Petitioner

and

C. D.Respondent

Petition under Article 226 of the Constitution of India. The petitioner above named states as follows:

1. The petitioner is (give description and address). The address of the petitioner for service of all notices is....

2. The respondent is (give description and address)

⁸⁷[3. Here set out the facts]

⁸⁸[4.] (Here set out the grounds for relief)

⁸⁸[5.] For the reasons set out above and in the affidavit filed herewith the petitioner prays that (set out the reliefs sought) ⁸⁹ [including the interim reliefs].

(Sd.) Petitioner

(Sd.) Advocate for Petitioner

Date.....

⁸⁷ Inserted by Notification No. D1-2051/71 dt. 26-10-1972 published in K.G. No. 46 dt. 21-11-1972.

⁸⁸ The existing items 3 and 4 renumbered as items 4 and 5 by Notification No. D1-2051/71 dt. 26-10-1972 published in K.G. No. 46 dt. 21-11-1972.

⁸⁹ Added by Notification No. D1(A)-34761/2000 dt. 19-6-2003 published in K.G. Ext. No. 1076 dt. 19-6-2003.

FORM NO. 11

(Rule 163)

Order issuing writ of Certiorari Nisi

IN THE HIGH COURT OF JUDICATURE, KERALA

.....day, the.....day of Two thousand
and.....

Present

The Honourable Mr. Justice

Original Petition No.of 20.....

Between

.....Petitioner

and

.....Respondent

Petition praying that in the circumstances stated in the affidavit filed therewith, the High Court will be pleased to issue a Writ of Certiorari calling for the records in..... on the file of the.....and quash the order therein.

This petition coming on for orders, upon perusing the petition, the affidavit filed in support thereof and upon hearing the arguments of Shri.....Advocate for the petitioner, IT IS ORDERED as follows:

1. That a writ of certiorari nisi returnable on.....do issue to the.....calling for the records in.....on the file of.....

2. That a rule nisi do issue to the respondent herein directing him to appear before this Court in person or by advocate on.....at 10.30 a.m. and to show cause why this application should not be complied with.

Date.....20....

Deputy Registrar.

FORM NO. 12

(Rule 163)

Writ of Certiorari: Order Nisi

(To produce and/or to appear)

IN THE HIGH COURT OF JUDICATURE, KERALA

(Special Original Jurisdiction)

.....day, the.....day of Two thousand
and.....

Original Petition No.of 20....

Between

..... Petitioner

and

..... Respondent

To

.....

Whereas upon motion made on.....day of
19..... unto this Court by Shri, Advocate for
the petitioner for issuing a writ of certiorari calling for the records and the Court
being of opinion that the records in.....together with the decision therein
should be called for and perused and for quashing the orders therein, this Court
directed the issue of Writ and Rule Nisi returnable, on.....and
whereas the Writ and Rule Nisi issued in pursuance of the above order have/
have not/been returned unserved/served and whereas this Court hath this day
directed the issue of a fresh Writ and Rule Nisi.

It is hereby commanded.

(1) That you.....do send forthwith for our use in the High Court of
Kerala all and singular the said records and orders with all things touching the
same as fully and perfectly as they have been made by you and now remain in
your custody or power together with this our writ on or before the.....
day of.....20.....at 10.30 a.m. and/or

(2) That you.....do appear before us personally or by advocate on.....day of.....at 10.30 a.m. and show cause why this petition should not be complied with, and that we may cause further to be done thereon what of right and according to law we shall see fit to be done.

Witness the Honourable Mr.Chief Justice of the High Court of Judicature, Kerala, this.....day of.....in the year Two thousand and.....

Deputy Registrar.

(Seal)

FORM NO. 13

(Rule 163)

Return of the Writ of Certiorari: Order Nisi

(To be endorsed on Writ to appear)

The process of the writ of Certiorari where of mention is within made, was served on..... respondent, this.....day of.....Two thousand and.....

(Signed)

FORM NO. 14

(Rule 163)

Return of the Writ of Certiorari: Order Nisi

(To be endorsed on Writ to produce)

The Process of the Writ of Certiorari whereof mention is within made, with all things touching the same in the several papers hereto annexed as within commanded.

The answer of.....the respondent herein.....

Dated the.....day of.....20.....

(Signed)

FORM NO. 15

(Rule 163)

Writ of Certiorari: Order absolute

IN THE HIGH COURT OF JUDICATURE, KERALA

.....day, the.....day of.....
20.....

Original Petition No.of 20.....

Between

..... Petitioner

and

..... Respondent

This petition coming on this.....day of.....20.....
on further consideration in the presence of the Honourable
Mr. Justice.....and the Honourable Mr. Justice.....
upon perusing the records in.....and comprised in the
return.....to the writ made by the High Court and upon hearing the
arguments of Shri..... Advocate for Petitioner, and
of Shri..... Advocate for the Respondent.

It is ordered as follows:

- (1)
- (2)

Witness the Honourable Mr.Chief Justice
of the High Court of Judicature, Kerala.

This.....day of.....in the year
Two thousand and.....

(Seal)

Deputy Registrar.

FORM NO. 16

(Rule 163)

Writ of Prohibition

IN THE HIGH COURT OF JUDICATURE, KERALA

..... day theday of.....20.....

Original Petition No.of.....

Present

The Honourable Mr. Justice.....

Between

..... Petitioner

and

..... Respondent

Whereas by a petition filed in this Court by the aforesaid petitioner, it has been brought to the notice of this Court that you, the Respondent aforesaid, have taken on your file..... (here describe the proceeding), whereas this Court is of opinion that you, the Respondent aforesaid have no jurisdiction to hear and determine the said.....by reason that

(State facts showing want of jurisdiction).

You are hereby prohibited from further proceeding with the said.....

Witness the Honourable Mr.Chief Justice of the High Court of Judicature, Kerala.

This.....day of.....in the year Two thousand and.....

Deputy Registrar.

(Seal)

FORM NO. 17

(Rule 163)

Order of Petition for Quo Warranto

IN THE HIGH COURT OF JUDICATURE, KERALA

.....day the.....day of.....20.....

Original Petition No.of 20.....

Present

The Honourable Mr. Justice.....

Between

..... Petitioner

and

..... Respondent

Petition praying that in the circumstances stated in the affidavit filed therewith the High Court will be pleased to issue a writ of Quo Warranto directed to.....the Respondent above-named, requiring him to show cause by what authority he claims to have, use, enjoy and perform the rights, duties, privileges of the office of.....

The petition coming on for orders/hearing this day upon reading the petition, etc., upon hearing Shri.....for the Petitioner and the said Respondent appearing by Shri..... and entering a disclaimer to the *Quo Warranto*, this Court doth order and direct that the said..... the Respondent herein do not intermeddle in any manner with the said office and this Court doth further order and declare that the said office of..... vacant.

Witness the Honourable Mr.Chief Justice of the High Court of Judicature, Kerala, this.....day of.....in the year Two thousand and.....

Deputy Registrar.

(Seal)

FORM NO. 18

(Rule 163)

Writ of Mandamus

IN THE HIGH COURT OF JUDICATURE, KERALA

..... day, theday of.....20.....

Original Petition No.of 20.....

Present

The Honourable Mr. Justice.....

Between

.....Petitioner

and

..... Respondent

To

.....

Whereas by section.....of Act (State provision of law on which the act required be done is founded) you are required to..... (specify the act to be done) and whereas it has been represented to the Court, that, contrary to the requirements of the Act, you failed, neglected and refused to.....(state act refused) in spite of demands made in that behalf,

You are hereby directed to do (specifying the act) on or before.....

Witness the Honourable Mr.Chief Justice of the High Court of Judicature, Kerala, this.....day of.....in the year Two thousand and.....

Deputy Registrar.

(Seal)

FORM NO. 19
(Rules 161 & 163)

Summons for Writ of Habeas Corpus

IN THE HIGH COURT OF JUDICATURE, KERALA

The Honourable Mr. Justice.....upon hearing
..... and upon reading the affidavit of.....filed herein:

Let all parties concerned attend the High Court of Kerala on
the..... day of..... 20.....at.....O'clock in the forenoon/afternoon to
show cause why a writ of Habeas Corpus should not issue directed
to.....to have the body.....before the Kerala High Court,
Ernakulam, immediately after the receipt of such writ to undergo and receive all
and singular such matters and things as the said Court shall then and there
consider of concerning him in this behalf.

Dated this the.....day of.....20.....

Deputy Registrar.

(Seal)

FORM NO. 20
(Rules 161 & 163)

Notice to produce restrained person in Court

IN THE HIGH COURT OF JUDICATURE, KERALA
(If the cause already commenced, here insert the title, not otherwise)

To

.....

Whereas this Court has granted a writ of Habeas Corpus directed to.....(or other person) having the custody of.....commanding him to have the body of.....before the High Court of Kerala, immediately to undergo and receive all the singular such matters and things as the Court shall then and there consider of concerning him in this behalf:

Now, take notice, that you are hereby required to have the body of the said.....before the Court on the.....day of.....20.....at the hour of.....in the forenoon/afternoon. And to make a return to the said writ. Or in default thereof, the Court will then take appropriate action for an attachment against you for your contempt in not obeying the said writ.

Witness the Honourable Mr.Chief Justice
of the High Court of Judicature, Kerala, Ernakulam, this the.....day of.....in
the year Two thousand and.....

Deputy Registrar.

(Seal)

FORM NO. 21
(Rules 162 & 163)

Final orders on the Writ of Habeas Corpus, if the petition is allowed

IN THE HIGH COURT OF JUDICATURE, KERALA

.....day the.....day of.....Two thousand and.....

Present

The Honourable Mr. Justice.....

and

The Honourable Mr. Justice.....

Original Petition No.of.....20.....

Between

..... Petitioner

and

..... Respondent

In the matter of.....the person in the custody of.....

Petition under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue directions in the nature of a Writ of Habeas Corpus for production before the High Court, Ernakulam, the person in the custody of.....to be dealt with according to law and direct that he/they be set at liberty.

ORDER

This petition coming on for orders/hearing, upon perusing the petition and the affidavit filed in support thereof and other papers material to this petition, and upon hearing the arguments of Shri....., advocate for the petitioner, and of Shri.....for the Government Pleader on behalf of the State it is ordered that.....the person now in the custody of.....be released forthwith from custody, unless he is liable to be detained in custody for some other cause.

Deputy Registrar.

To

1. (The Officer who has custody of the person directed to be released) in duplicate.
2. The Chief Secretary to Government of Kerala.
3. The District Magistrate.

Dated.....

FORM No. 22
(Rules 161 to 163)

Recommitting a Person produced before Court to custody
(Writ of Habeas Corpus)

IN THE HIGH COURT OF JUDICATURE, KERALA

To

The.....having custody of..... You are hereby directed to produce the body of the said.....now in your charge, under safe conduct before the High Court of Judicature, Kerala at Ernakulam on.....(date).....at..... (hour).....in the forenoon of the same day and unless the said.....shall then and there be ordered by the said Court to be released cause him to be conveyed back under safe custody to the Jail/Asylum-custody.

Witness the Honourable Mr.Chief Justice of the High Court of Kerala, thisday of.....in the year Two thousand and.....

Deputy Registrar.

(Seal)

FORM No. 23
[Rule 195(1)]

IN THE HIGH COURT OF KERALA, ERNAKULAM

Referred Case No.of 20.....
(Reference No. of 20.....)

Applicant

Vs.

Respondent

.....on the file of the Appellate Tribunal.

Take notice that a case has been stated and referred by the Appellate Tribunal for the decision of the Hon'ble Judges of the High Court under.....dated the.....day of.....20.....and has been registered in this Court as referred Case No.of 20.....

You are hereby required to enter an appearance in the said High Court within 14 days after service of this notice on you and to take steps to have the necessary records prepared and that in default of your appearance the said reference will be heard and determined in your absence.

Ernakulam,

Dated..... 20....

Registrar.

FORM NO. 24

[Rule 195(2)]

IN THE HIGH COURT OF KERALA, ERNAKULAM

(Under Sectionof theAct
of.....)

Original Petition No.of 20.....

(Number.....on the file of the Income Tax Appellate Tribunal)

..... : Petitioner

v.

The Commissioner of Income Tax : Respondent

Take notice that the above mentioned Petition under Section.....of the Indian Income Tax Act has been made to the High Court on the.....day of....., 20..... by the above named petitioner to require the Income Tax Appellate Tribunal to state a case and refer that to the High Court for the decision of the Hon'ble Judges. You are hereby required to appear before the said High Court on the.....day of.....20..... in person or by an advocate and be prepared to argue the said petition. In default of your appearance the said petition may be heard and decided in your absence.

By order of the Court,

Registrar.

Ernakulam,

Dated.....20.....

To

The Commissioner of Income Tax

FORM NO. 25

(Rule 205)

IN THE HIGH COURT OF KERALA, ERNAKULAM

Civil Miscellaneous Reference No.of 20..... [In the matter of the Chartered Accountants Act, 1949 (Central Act 38 of 1949) and in the matter of Member of the Institute of Chartered Accountants of India].

The Council of the Institute of Chartered Accountants of India.

Referring Authority

.....Respondent

To

- (1)Member of the Institute, the Respondent above named.
- (2) Secretary to the Council of Institute of Chartered Accountants of India.
- (3) Secretary to the Government of India (Ministry of Finance), New Delhi.

WHEREAS the Council of the Institute of Chartered Accountants of India has forwarded to this Court its finding, dated the.....20.....and the report of the Disciplinary Committee, dated the.....20.....in the above case:

Now take notice that the High Court will proceed to hear the said case and pass orders thereon on the.....day of.....20.....when you may appear either in person or by an Advocate and make your submission to the Court.

Assistant Registrar.

High Court of Kerala,
Ernakulam.

Dated.....20.....

FORM No. 26

(Rule 227)

Certificate as to Service of notice on Respondents

IN THE SUPREME COURT OF INDIA

(Cause-title)

Appeal from.....of.....of the High Court of Kerala

It is certified that notice of the lodgment of the above petition of appeal was served on respondent No. 1 on.....20....., on respondent No. 2 on.....etc.

Dated this the.....day of.....20.....

Deputy Registrar.

FORM No. 27

(Rule 235)

Form of Index

IN THE HIGH COURT OF KERALA, ERNAKULAM

List of Papers in A.S.
S.A. No.of 20.....
etc.

Serial No. of paper on record	Date of paper or date of filing	Description of paper	Remarks
-------------------------------	---------------------------------	----------------------	---------

Part I Part II

By Order,

(Sd.)

Registrar.

⁹⁰[FORM NO. 28]**Records Destruction Register (Administrative Side)**

NATURE OF DISPOSAL

Sl. No.	File No.	Description of file	Date of disposal	Date up to which to be retained	Date of destruction	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

FORM NO. 29

Records Destruction Register (Judicial Side) of *.....

Sl. No.	Case No.	Date of disposal	Number of appeal if any	Date of disposal of appeal	Number of appeal to the Supreme Court, if any	Date of disposal	Date up to which to be retained		Date on which destroyed		No. and date of notification	Remarks
							Part I	Part II	Part I	Part II		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

* Here enter O.Ps., A.S., S.A., etc. as the case may be.

⁹⁰ Forms 28 to 30 inserted by Notification No. D1-40118/72 dt. 11-12-1974 Published in K. G. No. 1 dt. 7-1-1975

FORM NO. 30

Destruction Register of Books and Registers (Judicial Side)

Sl. No.	Description of the Register	Year	Date up to which to be retained	Date of destruction	No. and date of notification	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

⁹¹[FORM NO. 31

Daily Register of Court Fees

Sl. No.	No. nature of the proceedings and name of the lower court	Name of party or pleader presenting documents	No. of enclosures	Institution fee	Stamps on Vakalath	Stamps on documents etc.	Process fee	E-payment Receipts	Total	No. of case on the file of the High Court	Initials of the Asst. of the section concerned who receives the paper	Remarks
(1)	(2)	(3)	(4)	₹ P.	₹ P.	₹ P.	₹ P.	₹ P.	₹ P.	(10)	(11)	(12)

⁹¹ Substituted by Notification No. DI-1/20613/2018 dt. 8-12-2021 published in K.G. No.2 dt. 11-1-2022.

⁹²[FORM No. 32

IN THE HIGH COURT OF KERALA AT ERNAKULAM

C.S. REFERENCE No.....of 20....

[In the matter of the Company Secretaries Act, 1980 (Act No. 56/80) and in the matter of.....a member of the Institute of Company Secretaries of India].

The Secretary of the Council of the Institute of Company Secretaries of India.

To

- (1)
.....

Member of the Institute of Company Secretaries of India.

- (2) The Secretary to the Government of India,
Ministry of Finance, New Delhi.
- (3) The complainant before the Council.

WHEREAS the Council of the Institute of Company Secretaries of India has filed in this Court its findings dated the.....day of.....20.....in the above Reference;

NOW TAKE NOTICE THAT the Reference will be taken up for hearing by this Court on the.....day of.....20.....at 10.15 O' Clock in the forenoon, when you are required to appear either in person or by an Advocate entitled to practice in this Court;

AND TAKE FURTHER, NOTICE THAT in default of your appearance either in person or by an Advocate, the Reference will be heard and determined in your absence.

Dated this.....day of.....20.....

High Court of Kerala,
Kochi-682031.

Assistant Registrar.

(Seal of the Court)

⁹² Forms 32 to 38 inserted by Notification No. D1(A)-6319/97 dt. 29-3-2000 published in K.G No. 21 dt. 23-5-2000

FORM NO. 33
IN THE HIGH COURT OF KERALA AT ERNAKULAM
M.F.A. (C.S.) No.of 20....

[In the matter of the Company Secretaries Act, 1980 (Act No. 56/80) and in the matter of..... a Member of the Institute of Company Secretaries of India.]

Appellant:

.....
.....

To

(1) The Secretary of the Council of the Institute of Company Secretaries of India.

WHEREAS the Appellant above named has filed in this Court an Appeal against Order dated the..... day of..... 20..... of the Council of the Institute of Company Secretaries of India;

NOW TAKE NOTICE that you are required to forward to this Court within two weeks from the date of service of this notice upon you, the findings of the Council, all the documents mentioned in Rule 252(i), and the extra copies mentioned in Rule 252(ii) of these Rules; and

TAKE FURTHER NOTICE that the Appeal will be taken up for hearing by this Court on the day of..... 20..... at 10.15 O' Clock in the forenoon, when you are required to appear either in person or by an Advocate entitled to practice in this Court;

AND TAKE FURTHER NOTICE THAT in default of your appearance either in person or by an Advocate, the appeal will be heard and determined in your absence.

Dated this the..... day of 20.....

High Court of Kerala,
Kochi-682031.

Assistant Registrar.

(Seal of the Court)

FORM NO. 34
 IN THE HIGH COURT OF KERALA AT ERNAKULAM
 M.F.A. (C.S.) No.of 20....

[In the matter of the Company Secretaries Act, 1980 (Act No. 56/80) and in the matter of..... a Member of the Institute of Company Secretaries of India.]

Appellant:

.....

To

- (1) The Secretary, Ministry of Finance, Government of India, New Delhi.
- (2) The Complainant before Council.

WHEREAS the Appellant above named has filed in this Court an Appeal against the Order dated day of 20.... of the Council of the Institute of Company Secretaries of India;

NOW TAKE NOTICE that the Appeal will be taken up for hearing by this Court on the day of 20.... at 10.15 O' Clock in the forenoon, when you are required to appear either in person or by an Advocate entitled to practice in this Court;

AND TAKE FURTHER NOTICE that in default of your appearance either in person or by an Advocate, the appeal will be heard and determined in your absence.

Dated this day of 20.....

High Court of Kerala,
 Kochi-682031.

Assistant Registrar.

(Seal of the Court)

FORM No. 35
IN THE HIGH COURT OF KERALA AT ERNAKULAM
C.S.R. No. of 20....

[In the matter of the Company Secretaries Act, 1980 (Act No. 56/80) and in the matter of a Member of the Institute of Company Secretaries of India.]

Petitioner:

.....
.....

To

The Secretary of the Council of the Institute of Company Secretaries of India.

WHEREAS the Petitioner above named has filed in this Court a Revision Petition against the Order dated the day of 20..... of the Council of the Institute of Company Secretaries of India.

NOW TAKE NOTICE that you are hereby required to forward to this Court, within two weeks from the date of service of this notice upon you, the findings of the Council and all the other documents mentioned in Rule 252(i) and the extra copies mentioned in Rule 252(ii) of these Rules;

AND TAKE FURTHER NOTICE that the Revision Petition will be taken up for hearing by this Court on the day of 20.... at 10.15 O' Clock in the forenoon, when you are required to appear either in person or by an Advocate entitled to practice in this Court;

AND TAKE FURTHER NOTICE that in default of your appearance either in person or by an Advocate, the Revision Petition will be heard and determined in your absence.

Dated this the day of 20.....

High Court of Kerala,
Kochi-682031.

Assistant Registrar.

(Office Seal)

FORM NO. 36
IN THE HIGH COURT OF KERALA AT ERNAKULAM
C.S.R. No.of 20....

[In the matter of the Company Secretaries Act, 1980 (Act No. 56/87) and in the matter of a Member of the Institute of Company Secretaries of India.]

Petitioner:

.....
.....

To

(1)
.....

Member of the Institute of Company Secretaries of India.

(2) The Complainant before the Council.

WHEREAS the Revision Petitioner above named has filed in this Court a Revision Petition against the order dated day of 20..... of the Council of the Institute of Company Secretaries of India.

NOW TAKE NOTICE that the Revision Petition will be taken up for hearing by this Court on the day of 20 at 10.15 O' Clock in the forenoon, when you are required to appear either in person or by an Advocate entitled to practice in this Court;

AND TAKE FURTHER NOTICE that in default of your appearance either in person or by an Advocate, the Revision Petition will be heard and determined in your absence.

Dated this the day of 20.....

High Court of Kerala,
Kochi-682031.

Assistant Registrar.

(Seal of the Court)

FORM NO. 37
IN THE HIGH COURT OF KERALA AT ERNAKULAM
C.S.R. No. of 20...

[In the matter of the Company Secretaries Act, 1980 (Act No. 56/80) and in the matter of a Member of the Institute of Company Secretaries of India.]

To

(1) The Secretary of the Council of the Institute of Company Secretaries of India.

WHEREAS a Revision Petition has been taken on the file of this Court against the Order dated day of 20 of the Council of the Institute of Company Secretaries of India.

NOW TAKE NOTICE that you are hereby required to forward to this Court, within two weeks from the date of service of this notice upon you, the findings of the Council and all the other documents mentioned in Rule 252(i), and the extra copies mentioned in Rule 252(ii) of these Rules;

AND TAKE FURTHER NOTICE that the Revision Petition will be taken up for hearing by this Court on the day of 20 at 10.15 O' Clock in the forenoon, when you are required to appear either in person or by an Advocate entitled to practice in this Court;

AND TAKE FURTHER NOTICE that in default of your appearance either in person or by an Advocate, the Revision Petition will be heard and determined in your absence.

Dated this the day of 20.....

High Court of Kerala,
Kochi-682031.

Assistant Registrar.

(Office Seal)

FORM NO. 38
 IN THE HIGH COURT OF KERALA AT ERNAKULAM
 C.S.R. No. of 20

[In the matter of the Company Secretaries Act, 1980 (Act No. 56/87) and in the matter of a Member of the Institute of Company Secretaries of India.]

To

- (1)
 Member of the Institute of Company Secretaries of India.
- (2) The Complainant before the Council.

WHEREAS the Revision Petition has been taken on the file of this Court against the Order dated day of 20..... of the Council of the Institute of Company Secretaries of India.

NOW TAKE NOTICE that the Revision Petition will be taken up for hearing by this Court on the day of 20..... at 10.15 O' Clock in the forenoon, when you are required to appear either in person or by an Advocate entitled to practice in this Court;

AND TAKE FURTHER NOTICE that in default of your appearance, either in person or by an Advocate, the Revision Petition will be heard and determined in your absence.

Dated this the day of 20.....

High Court of Kerala,
 Kochi-682031.

Assistant Registrar.

(Seal of the Court)]
