

# THE HIGH COURT OF KERALA

DI-1/66325/2015

Kochi- 682 031,  
Dated 19/11/2021

## NOTIFICATION

In exercise of the powers conferred by section 122 of the Code of Civil Procedure, 1908 (Central Act V of 1908) and all other powers hereunto enabling it in this behalf, the High Court of Kerala hereby publishes the draft of the amendments proposed to the Civil Rules of Practice, Kerala, for general information.

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

### Draft Rules

#### **1. Short title and commencement:**

- (1) These Rules may be called the Civil Rules of Practice, Kerala (Amendment), 2019.
- (2) They shall come into force at once.

#### **2. In the Civil Rules of Practice, Kerala**

(1) In Rule 5,

- i) In sub rule (1), after the word 'appointed' the following words 'or the electronic mail address furnished' shall be inserted.
- ii) In sub rule (2), after the words 'whether written' the word 'digital' shall be inserted.
- iii) After sub rule (5), the following new sub rule '(6)' shall be inserted namely :-

'(6) "Computer System" means the Case Information System software or any other software used in courts;'

iv) Existing sub rules '(6) to (11)' shall be renumbered as '(7) to (12)'

v) After sub rule (12) so renumbered, the following new sub rule '(13)' shall be inserted namely :-

'(13) "Signed" includes affixing electronic signature as defined in Section 2(d) of the Information Technology Act, 2000;'

vi) Existing sub rules '(12)' and '(13)' shall be renumbered as '(14)' and '(15)'.

(2) In Rule 7,

i) After the words 'in writing' the words 'or digital,' shall be inserted.

ii) After the words 'acknowledgment of such service' the words 'or by electronic mail service' shall be inserted.

(3) In Rule 8, for the figure '10. 30 a.m.' the figure '10.00 a.m.' shall be substituted.

(4) The existing Rule 10 shall be deleted and in its place the following new Rule shall be substituted, namely :-

**'10. Form of plaints etc.** - Save as otherwise provided in these Rules, all plaints, written statements, applications, statements, affidavits, memoranda of appeal and other proceedings presented to the Court, shall ordinarily be printed in Times New Roman font with 14 font size, 1.5 line spacing and full justification on 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. Number shall be expressed in figures. Except in the case of plaints, written statements, or memoranda of appeal, the printing may be on both sides of the paper:

Provided however that the last sheet in all cases be printed on the inner page only.'

(5) After Rule 10 so inserted, the following new Rule shall be inserted namely :-

'10A. Form of Complaint etc. for E-filing.- (1) All complaints, written statements, applications, affidavits, memoranda of appeal and other proceedings presented electronically to the Court shall be in searchable Portable Document Format {searchable PDF}. The style of the text shall be as under -

Paper size: Foolscap folio paper (legal)

Outer margin: 4 c.m.

Inner margin: 1.5 c.m.

Top: 4 c.m.

Bottom: 4 c.m.

Justification: Full

Font: Times New Roman

Font size: 14

Line spacing: 1.5

(2) Where the document is not a text document and has to be enclosed with the petition, appeal or application or other proceedings, the document shall be scanned using an image resolution of 300 dpi (dot per inch) and saved as a searchable PDF document.

(3) The maximum permissible size of the file that can be uploaded at the time of E-filing is 100 MB.

(4) The text documents prepared in office suite application software as well as scanned documents shall be merged as a single PDF file and book marked. The merged documents shall be uploaded at the time of E-filing by using the facility provided at the E-filing centre.'

(6) In Rule 14,

(i) The word 'also' shall be deleted.

(ii) The existing rule shall be numbered as sub rule '(1)'.

(iii) After sub rule (1) so numbered, the following sub rule shall be inserted namely:-

'(2). Every proceeding shall also contain details of E-filing in such form as may be prescribed by the High Court from time to time.'

(7) After Rule 15, a new Rule shall be inserted as Rule 15A, namely :-

**'15A. Cause Title of Impleading Petitions.-** The full name, age, residence, address and description of the parties sought to be impleaded either as plaintiff / petitioner or as defendant / respondent shall be shown in the cause title itself and not in the prayer portion or below the prayer portion. This Rule shall also apply to impleading petitions filed in appeals/revision petitions/original petitions.'

(8) In sub rule (5) of Rule 27, after the words 'of his address' and before the words 'for service' the following words 'including a local address, mobile phone number and electronic mail address, if any' shall be inserted.

(9) In Rule 29,

(i) In sub rule (1), after the words 'other documents' the following words 'with soft copy thereof' shall be inserted.

(ii) In sub rule (1), the words 'Chief Ministerial Officer of the Court or any' shall be deleted.

(iii) In sub rule (1), for the words 'and, if a proceeding is thereby instituted, noting thereon its serial number' the following words 'enter or cause to be entered the relevant details in the appropriate fields in the computer system and issue an acknowledgment generated there from. A proceeding thus instituted shall be given a serial number and details thereof shall be entered in the computer system.' shall be substituted.

(iv) In sub rule (2), the words 'telegram or phonogram' shall be deleted and the following words 'or any other mode' shall be substituted.

(10) In Rule 31,

(i) In sub rule (1), the words 'The chief ministerial officer of the Court' shall be deleted and the following words 'The authorised officer in this behalf' shall be substituted.

(ii) In sub rule (1), after the words 'the document bears.' the following sentence shall be inserted, namely 'He shall enter or cause to be entered such details in the Computer System.'

(iii) After sub rule (1), the following proviso shall be inserted, namely:-

'Provided that, where court-fee is paid by e-payment, the officer competent to cancel stamp shall verify the genuineness of the payment and after satisfying himself that the court-fee is paid, shall lock the entry in the computer and make an endorsement under his signature on the document that the court-fee is paid and the entry is locked.'

(iv) In sub rule (2), the words 'chief ministerial officer' shall be deleted and the following words 'authorised officer in this behalf' shall be substituted.

(v) After sub rule (2), the following sub rule (3) shall be inserted, namely:-

'(3) If the court fee is paid by any other mode, it shall be verified and endorsed on the document and in the Computer System by such officer.'

(11) In Rule 32, after the words 'court shall be returned' the following words 'with the check list generated from the Computer System' shall be inserted.

(12) In Rule 33,

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

'(1) The posting of cases shall be to definite dates. Unless the Judge otherwise orders, the case at the stage of issuance and return of summons/notice, appearance of parties, filing of written statement, counter statement or objections need not be called in open court. Such cases shall be attended to by the Chief Ministerial Officer or other officer authorised by the Court.'

(ii) In sub rule (2), after the words 'latter attends the Court' the following words 'and in the website of the Court' shall be inserted.

(13) In sub rule (1) of Rule 35, after the words 'the Court's notice board' the following words 'and in the website of the Court,' shall be inserted.

(14) In Rule 60, the following proviso shall be inserted namely:-

'Provided that process sent from the electronic mail identification of the court shall be electronically signed.'

(15) In Rule 61,

(i) The existing sub rule (1) shall be deleted and the following shall be substituted namely:-

'(1). In any proceeding in which summons or notice has to be issued by any Court to any person, the party presenting the plaint, memorandum of appeal, cross objection or application shall along with sufficient number of copies of the plaint, memorandum of appeal, cross objection or application, for service on the parties concerned, file in Court a process memo affixing the necessary stamps or e-payment receipt or pay the process fee in such other manner as may be prescribed.'

(ii) After sub rule (1) so substituted, the following proviso shall be inserted, namely:-

'Provided that where process is ordered by electronic mail service such copies shall be in digital form.'

(iii) In sub rule (3), delete the last word 'blank' and in its place the following words 'unfilled. The process may also be generated from the Computer System.' shall be inserted.

(iv) In sub rule (5), after the word 'their pleadings' the following words 'producing printed form,' shall be inserted.

(v) Sub rule (7) shall be deleted.

(vi) The existing sub rules (8) and (9) shall be renumbered as (7) and (8).

(vii) After sub rule (8) so renumbered, the following two new sub-rules shall be inserted, namely :-

'9. A plaintiff/ petitioner seeking service of summons/ notice by e-mail shall, at the time of filing the plaint/ petition/ application, furnish to the court, a soft copy of the entire plaint/ petition/ application in PDF format along with the e-mail addresses of the defendants/ respondents.

10. In every case where the court orders issuance of summons/ notice by e-mail, the office of the court shall send summons/ notice along with the soft copy of the entire plaint/ petition/ application to the e-mail addresses of the defendants/ respondents, provided by the plaintiff/ petitioner.'

(16) After Rule 61, the following Rule shall be inserted namely:-

**'61A. Mode of Service.-** Every Court while ordering process, shall direct service by one or more modes of service specified in Order V Rule 9 of the Code in the following order of priority-

- {i} Electronic mail service
- {ii} Registered post with acknowledgment due or by speed post
- {iii} Approved courier service
- {iv} Fax message
- {v} Through officer of the court'

(17) The existing Rule 65 shall be deleted and the following new Rule shall be substituted namely:-

**'65. Postal Charges.-** The postage required for the transmission of process by post shall be met by the party.'

(18) In sub rule (1) of Rule 67, after the words 'the process by post' the following words 'or by electronic mail service with electronic image of the report or by fax.' shall be inserted.

(19) In Rule 68, the following words 'money order, and in such cases the money order commission shall also be paid into Court by the party at whose instance the process is issued' shall be deleted and in its place the following words 'demand draft or such other mode as directed by the court and in such cases the expenses thereof shall be met by the party at whose instance the process is issued.' shall be substituted.

(20) After Rule 68 so amended, the following new Rule shall be inserted, namely:-

**'68A. Expenses for video conference. -** When a witness is examined through video conference, the expenses as fixed by the Court shall be met by the party at whose instance the witness is examined.'

(21) In Rule 69,

(i) In sub rule (1), after the words 'appointed to take evidence' the following words 'or examination by video conference' shall be inserted.

(ii) In sub rule (1), after the words 'summons and postal' the words 'and money order



charges' shall be deleted and in its place the following words 'charges, expenses for video conference, other expenses' shall be substituted.

(iii) In sub rule (1), after the words 'travelling and attendance' the words 'in court' shall be deleted and in its place the following words 'for the above purpose' shall be substituted.

(iv) The existing sub rule (3) shall be deleted and in its place the following sub rule (3) shall be substituted :-

'(3). Unless otherwise ordered by the Court, copies of the lists mentioned in sub rules (1) and (2) shall also be served on the opposing counsel. In default the Court may refuse to examine the witness.'

(v) In sub rule (4), after the words 'a process memo' the following words 'with requisite fee' shall be inserted.

(22) The existing Rule 70 shall be deleted and in its place the following shall be substituted namely :-

**'70. Scale of allowances.-** (1) In the case of official witnesses, the allowances shall be calculated at the rate as applicable from time to time to the grade to which the Government servant belongs.

(2) In the case of other witnesses, the allowances payable shall be calculated at the rate applicable to grade III Government servants.'

(23) In Rule 71,

(i) After the words 'the summons shall' the following words 'ordinarily sent it in duplicate' shall be deleted and the following words 'send it by electronic mail service' shall be substituted.

(ii) The word 'letter' shall be deleted and in its place the word 'request' shall be substituted.

(iii) The words 'return it to the Court under his signature' shall be deleted and in its place the words 'send a confirmation of service of process either in writing or by electronic mail service.' shall be substituted.

(24) After Rule 74, the following proviso shall be inserted, namely:-

'Provided that the process issued through electronic mail service need not be sealed.'

(25) In Rule 75, after the words 'registered post' the following words 'or electronic mail service' shall be inserted.

(26) In Rule 80, after sub rule (5) the following new sub rule (6) shall be inserted, namely:-

'(6) Service by electronic mail service.- Process sent by electronic mail service shall be certified by the Central Nazir or Deputy Nazir or the officer authorised in this behalf on a print out of the mail sent to the party.'

(27) The existing Rule 82 shall be deleted and in its place the following Rule shall be substituted, namely :-

**'82. Presentation of memoranda for issue of processes.-** All memoranda for issue of processes shall be presented to the Central Nazir, Deputy Nazir, or the officer authorized in this behalf, who shall enter them in the Computer System. Where money is deposited it shall be paid to the Central Nazir, Deputy Nazir or the officer authorized in this behalf, who shall grant a receipt to the party. He shall make necessary entries of payment in the Computer System.'

(28) The existing Rule 83 shall be deleted and in its place the following Rule shall be substituted, namely :-

**'83. Emergent processes.-** The officers referred to in Rule 82 shall then forward the

memoranda of process to the clerk-in-charge of the records of the suit or proceeding to which the process applications relate, who shall return them with the copies of the complaints, etc., if any, to be delivered to the defendants or respondents and such records as may be necessary for the correct preparation of the processes. The processes shall then be prepared in the order of receipt of applications. The records, when no longer required, shall be returned to the clerk concerned on acknowledgment.'

(29) The existing Rule 85 shall be deleted.

(30) In Rule 86, the words 'Central or Deputy Nazir' shall be deleted and the following words 'officers referred to in Rule 82' shall be substituted.

(31) The existing Rule 87 shall be deleted and in its place the following Rule shall be substituted, namely :-

**'87. Transmission of amount for service of process.-** The presiding officer of the Court shall send by demand draft or by such other mode the amounts relating to the service of processes received by him to the presiding officer of the Court concerned who shall hand over the same to the officers referred to in Rule 82. He shall make a note of the particulars relating to the amount received in the Computer System.'

(32) In Rule 88,

(i) After the words 'the notice board' the following words 'and in the website' shall be inserted.

(ii) After the figure '3' the word 'days' shall be deleted and in its place the words 'working days' shall be substituted.

(33) In Rule 89, the words 'Central or Deputy Nazir' shall be deleted and the following words 'officers referred to in Rule 82' shall be substituted.

(34) In Rule 90,

(i) The words 'Central or Deputy Nazir of each court' shall be deleted and the following words 'officers referred to in Rule 82' shall be substituted.

(ii) After the words 'sent by post' the words 'or approved courier service or such other mode' shall be inserted.

(35) The existing Rule 91 shall be deleted and in its place the following Rule shall be substituted, namely :-

**'91. Procedure on receipt of processes for service.-** On receiving any batch of processes, the officers referred to in Rule 82 shall give them general numbers and enter them in the Computer System.'

(36) In Rule 92,

(i) The words 'Central or Deputy Nazir' shall be deleted and in its place the words 'officers referred to in Rule 82' shall be substituted.

(ii) The words 'Register No.38' shall be deleted and in its place the words 'the Computer System' shall be substituted.

(37) In Rule 93,

(i) The words 'Every day each Central or Deputy Nazir shall' shall be deleted and the words 'The officers referred to in Rule 82 shall everyday' shall be substituted.

(ii) After the words 'them with the list to the' the words 'Central or Deputy Nazir' shall be deleted and the word 'officer' shall be substituted.

(38) In Rule 94, the words 'Central or Deputy Nazir' shall be deleted and the following words 'officers referred to in Rule 82' shall be substituted.

(39) In Rule 95, the words 'every Central and Deputy Nazir shall enter in Register No.36' shall be deleted and in its place the words 'the officers referred to in Rule 82 shall enter in the Computer System' shall be substituted.

(40) In sub rule (3) of Rule 96, the words 'money order' shall be deleted and in its place the words 'demand draft or such other mode' shall be substituted.

(41) In Rule 98,

(i) After the words 'service shall be remitted by' the words 'money order' shall be deleted and in its place the words 'demand draft or such other mode,' shall be substituted.

(ii) After the words 'returned to the Court issuing the process by' the words 'money order' shall be deleted and in its place the words 'demand draft or such other mode, by the Court' shall be substituted.

(iii) The words 'the issue of such money orders. The money order commission' shall be deleted and in its place the words 'the details of such payment. The expenses incurred' shall be substituted.

(42) The existing Rule 99 and marginal heading shall be deleted and in its place the following new Rule and marginal heading shall be substituted, namely:-

**'99. Statement of remittances made to other Courts.-** On or before the 6<sup>th</sup> of every month, the Court mentioned under the preceding Rule, shall send to each Court a statement showing the particulars of money remitted and it shall be the duty of the presiding officer of the latter Court to see that the amounts involved have been received and accounted for.'

(43) In sub rule (1) of Rule 100, after the words 'Deputy Nazir' the words 'or the officer authorised in this behalf' shall be inserted.

(44) In the proviso to Rule 101, the words 'at the rate of one rupee a day for a peon or two rupees a day for an amin for the time he is likely to be employed on such duty' shall be

deleted and in its place the words 'equivalent to the daily allowance payable to the officer deputed' shall be substituted.

(45) In Rule 104, the existing clause '(6) Reference to an arbitrator' shall be deleted and in its place the following '(6) Reference under Section 89 of the Code' shall be substituted.

(46) In Rule 116,

(i) Instead of the figure and word '75 paise' the figure and word 'Rupees 100' shall be substituted.

(ii) After the words 'stamps affixed to the application.' the following words 'or by e-payment or such other mode as directed by the Court.' shall be inserted.

(47) In Rule 118,

(i) The entire paragraph 'On every application for inspection or for a copy of any document or record there shall be paid, in Court Fee Stamps, in addition to the usual fee on such application an additional fee for search of the document or record at the rate mentioned below:' shall be deleted and in its place the following paragraph shall be substituted, namely: 'On every application for inspection or for a copy of any document or record, fee shall be paid in Court Fee Stamps or by e-payment or such other mode as prescribed by the Court, in addition to the usual fee on such application, for search of the document or record at the rates mentioned below:'

(ii) The words 'Re. P.' shall be deleted.

(iii) The figures '0 50' shall be deleted and in its place the figure '₹ 50' shall be substituted and the figures '1 00' shall be deleted and in its place the figure '₹ 100' shall be substituted.

(48) In sub rule (5) of Rule 119, after the words 'a copy or photograph' the words 'and a soft copy' shall be inserted.

(49) In sub rule (4) of Rule 120, after the words 'a copy or photograph' the words 'and a soft copy' shall be inserted.

(50) In Rule 135, the words 'ten paise for every hundred words if in manuscript, or at double this rate if the copy is typed or printed, four figures being calculated as one word:' shall be deleted and the following words 'Rupees Five per page' shall be substituted.

(51) After Rule 138, the following new Rule 138A shall be inserted, namely:-

**'138A. Examination through video conference.-** The Court may having regard to the special circumstances of any particular case, order the examination of any witness through video conference.'

(52) The existing sub rule (1) of Rule 146 shall be deleted and the following sub rule (1) shall be substituted namely:-

'(1) After a deposition has been read over to the witness, except in the case of examination through video conference, all pages thereof shall be signed by him. The Judge shall initial every page if the deposition is not recorded in his hand. A certificate in the following form shall be appended at the foot of the deposition and the Judge shall affix his signature thereto, with date, over his name:

Taken down by/before me in open Court/through video conference,  
interpreted/read over to the witness and admitted by him to be correct.'

(53) In Rule 167, after the following words 'the cost thereof, at the rate of' the words and figure '20 paise per foolscap page of typewritten matter or 15 paise per foolscap page of manuscript' shall be deleted and in its place the following words '₹ 3 per page' shall be substituted.

(54) In Rule 174, for the figure 'Rs.2,000' the figure '₹ 25,000' shall be substituted.

(55) In sub rule (2) of Rule 182, the words 'A decree' shall be deleted and in its place the words 'An order' shall be substituted.

(56) In Rule 191, after the words 'such stamps with the statement of the case.' the following sentence shall be added, namely :-

'The court may in the alternate, direct the parties to remit the amount required for service of notice, by way of e-payment.'

(57) The existing Rule 194 shall be deleted.

(58) After the existing Rule 194 so deleted, the following new Rule 194A shall be inserted namely :-

**'194A. Intimation of Filing of Appeal and Calling for Records.-** (1) On an appeal being preferred from the judgment/order of a trial court, the appellate court shall send an intimation to the trial court in Form No. 34(a), within one week of presentation.

(2) The records of the trial court, if necessary, shall be called for by the appellate court by intimation in Form No. 34 (b).'

(59) In Rule 248,

(i) In the first proviso to sub rule (1), after the words 'foolscap paper of durable quality' the word 'either' shall be inserted.

(ii) In the first proviso to sub rule (1), after the words 'requisite court fee stamps affixed on each sheet' the words 'or with e-payment receipt for the requisite amount' shall be inserted.

(iii) In the second proviso to sub rule (1), the words 'in the shape of' shall be deleted and the words 'by way of' shall be substituted.

(iv) In the second proviso to sub rule (1), after the words 'adhesive court fee stamps' the



words 'or e-payment receipt for equivalent amount' shall be inserted.

(v) In sub rule (3), after the words 'separate copying stamp papers' the following words 'or in the manner mentioned in the provisos to sub-rule (1).' shall be inserted.

(60) In sub rule (3) of Rule 251, after the words 'each such non-judicial stamp paper' the words 'or equivalent amount remitted by e-payment.' shall be inserted.

(61) In Rule 290, the figure and words 'Rs.10 per diem.' shall be deleted and in its place the following figure and words '₹ 100 per day' shall be substituted.

(62) In Rule 297 the figure '(6)' shall be deleted.

(63) In Rule 300,

(i) In clause (c) of sub rule (1), the figure 'Rs.50' shall be deleted and in its place the figure '₹ 500' shall be substituted.

(ii) In sub rule (3), the words 'money order' shall be deleted and the following words 'demand draft or by such other mode as directed by Court.' shall be substituted.

(64) In Rule 308,

(i) In sub rule (1) after the words 'days at the rates fixed' the words 'in sub rule (2)' shall be deleted and the following words 'by the Court' shall be substituted.

(ii) The existing sub rule (2) shall be deleted and the following sub rule (2) shall be substituted, namely:-

'(2) The expenses for custody, preservation and maintenance of animals, birds etc. shall be as fixed by the Court.'

(65) In Rule 321, after the words 'be transmitted' the words 'in a sealed cover, registered

when sent by post, to be' shall be deleted and in its place the following words 'by electronic mail service or by registered post to the' shall be substituted.

(66) In Rule 345, after the words 'the sale price, the name,' the following words 'passport size photograph, identity card number and the left thumb impression or any of the fingers, in the absence of left thumb' shall be inserted.

(67) In Rule 350, the words 'court-fee stamp' shall be deleted and in its place the following word 'fee or e-payment receipt for the requisite amount' shall be substituted.

(68) The existing Rule 355 and the marginal heading shall be deleted and in its place the following new Rule and marginal heading shall be substituted namely:-

**'355. Payment into Court.-** A person desirous of paying money into Court, hereinafter called the payer, shall pay it by way of demand draft, or by electronic payment or as may be prescribed by the High Court.'

(69) The existing Rule 356 shall be deleted and in its place the following new Rule shall be substituted namely :-

**'356. Cash payment for special reasons.-** For special reasons the money to be paid into Court in cash, may, with leave of the Judge, be paid to the Chief Ministerial Officer of the Court and the payment shall forthwith be entered in the cash book and receipt issued to the party. The amount so collected, shall, on the next day on which the treasury is open, be paid by the Chief Ministerial Officer of the Court into the Treasury.'

(70) After Rule 358, the following new Rule 358A shall be inserted, namely.-

**'358A. Payments by e-payment.-** All payments into the court may also be made by e-payment.'

(71) After Rule 363, the following new Rule 363A shall be inserted, namely:-

**'363A. Payments by e-payment.-** All payments out of court may also be made by e-payment.'

(72) In Rule 366,

(i) In the marginal heading after the words 'made in cash' the words '**or by e-payment**' shall be inserted.

(ii) After the words 'mentioned may be paid in cash' the words 'or by e-payment' shall be inserted.

(iii) In clause (3) for the figure '10' the figure '1500' shall be substituted.

(iv) In clause (10) for the figure '10' the figure '1500' shall be substituted.

(73) In Rule 372,

(i) In the marginal heading the word 'stamps' shall be deleted.

(ii) The word 'should' shall be deleted and the following word 'shall' shall be substituted.

(74) The heading 'D. Oath Agreement' and the Rules 375 and 376 shall be deleted.

(75) The existing Rule 384 and the marginal heading shall be deleted and in its place the following new Rule and marginal heading shall be substituted, namely:-

**'384. Proceedings in Court.-** The proceedings of each suit, appeal or miscellaneous matter shall be maintained furnishing therein full information as to the several judicial steps taken in the proceedings, such as adjournments with reasons, documents filed, witnesses examined, further steps ordered to be taken in the case of absent witnesses etc. The proceedings shall be recorded in Computer System or written or caused to be written and signed or initialled by the Judge

himself in open Court.'

(76) In Rule 397,

(i) After serial number 9, the following shall be inserted namely:-

- '9(a) Register of Interlocutory Applications to Restore Suit/to Set Aside Exparte Decree
- 9(b) Register of Review Applications
- 9(c) Register of Final Decree Applications'

(ii) 'Sl.No. 51. Register of Records sent for appeal, etc.' shall be deleted and in its place 'Sl.No. 51. Register of intimation of appeals, records sent for appeals etc.' shall be substituted.

(iii) 'Sl.No.52. Register of Records received for appeals etc.' shall be deleted and in its place 'Sl.No. 52. Register of Intimation and Records received for appeals etc.' shall be substituted.

(iv) After serial number 85, the following explanation shall be inserted, namely :-

Explanation: Wherever the Courts are computerised, it shall be sufficient if print outs are taken and compiled periodically from the Computer System and signed by the Judge.'

(77) In Form No.30, Appendix I – Judicial Forms,

(i) After 'Rule 182' the figure '(2)' shall be inserted.

(ii) In the heading the word 'DECREE' shall be deleted and the word 'ORDER' shall be substituted.

(iii) In the heading after the word and figure 'Rule 11' the letter '(i)' shall be deleted and the

figure '(1)' shall be substituted.

(78) After the existing Form No. 34 in Appendix I – Judicial Forms, the following new Form No. 34(a) shall be inserted, namely :-

**FORM No. 34(a)**  
**{Rule 194A (1)}**

Intimation to Trial Court of Filing of Appeal

IN THE COURT OF THE .....

Appeal Suit No. .... of 20

To,

Sir,

This is to inform you that an Appeal Suit No. .... has been preferred to this Court from the judgment/order dated in ..... (state here the case number). You are also informed to arrange the records and get them ready for despatch to this Court.

Dated this the .....

Yours faithfully,  
Chief Ministerial Officer

(79) After the new Form No.34(a) so inserted, the following new Form No. 34(b) shall be inserted, namely -

**FORM No. 34(b)**  
**{Rule 194A (2)}**

**Intimation to Trial Court for despatch of records**

IN THE COURT OF THE .....

Appeal Suit No. .... of 20

To,

Sir,

You are requested to despatch to this court the records in ..... (state here the case number with date), at the earliest.

Dated this the .....

Yours faithfully,  
Chief Ministerial Officer

(80) In Form No. 69, Appendix I – Judicial Forms,

(i) In the heading after the words 'OF CASH DEPOSIT' the word '/E-PAYMENT' shall be inserted.

(ii) In the bottom portion of the form the following Note shall be inserted, namely:-

'Note: In case of e-payment, receipt to be attached'

(81) In Form No. 76, Appendix I – Judicial Forms,

(i) The heading '**PROCEEDINGS PAPER**' shall be deleted and in its place the words '**PROCEEDINGS IN COURT**' shall be substituted.

(ii) The words 'Note below in the handwriting of the Judge the proceedings of the case from the first hearing till disposal' and the words 'The entries in this column are to be made by the Clerk' shall be deleted.

(82) In Civil Register No.32, Appendix II- Civil Registers, after the existing column no.12 the following column shall be inserted, namely :-

<b>E-Payment Receipts</b>
<b>12 A</b>

(83) In Appendix II- Civil Registers after Civil Register No.9, the following Registers shall be inserted namely:-

**CIVIL REGISTER No.9(a)**

**Register of Interlocutory Applications to Restore Suit/to Set Aside Exparte Decree**

<b>No. of Application</b>	<b>Date of Presentation</b>	<b>No. of Main Matter</b>	<b>Name of Petitioner</b>	<b>Relief Sought</b>	<b>Final Order with date</b>	<b>No. of Appeal, if any</b>	<b>Remarks</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>

**CIVIL REGISTER No.9(b)**  
**Register of Review Applications**

No. of Application	Date of Presentation	No. of Main Matter	Name of Petitioner	Relief Sought	Final Order with date	No. of Appeal, if any	Remarks
1	2	3	4	5	6	7	8

**CIVIL REGISTER No.9(c)**  
**Register of Final Decree Applications**

No. of Application	Date of Presentation	No. of the Suit	Name of Petitioner/s	Transferred to another Court	Decree Modified	Decree Confirmed	Compromise Decree	Final Decree Date	Appeal, if any	Remarks
1	2	3	4	5	6	7	8	9	10	11

(84) The existing Civil Register No. 51 in Appendix II- Civil Registers, shall be deleted



and in its place the following new Register shall be substituted, namely:-

**CIVIL REGISTER NO. 51**

**Register of intimation of appeals, records sent for appeals etc.**

Name of the Court .....

Date of receipt of intimation regarding filing of appeal	From which Court received	No. and year of the case in the Appellate Court	No. and year of the case in the Original Court	Date of receipt of intimation of calling for records	Date of submission of records	Date of receipt of records with the order calling for finding	Date of re-submission of records with finding	Date of receipt of copies of judgment and decree from the Appellate Court	Date of final return of records from the Appellate Court	Remarks
1	2	3	4	5	6	7	8	9	10	11

(85) The existing Civil Register No. 52 in Appendix II- Civil Registers, shall be deleted and in its place the following new Register shall be substituted, namely :-

**CIVIL REGISTER NO. 52**

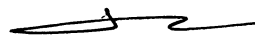
**Register of intimation and records received for appeals etc.**

Name of the Court .....

No. and year of the appeal	Name of the original court	No. & year of the case in the original court	Date of intimation regarding filing of the appeal	Date of intimation to the lower court calling for records	Date of receipt of records from the lower court	Date of order if any calling for finding from lower court	Date of receipt of finding from lower court	Date of final judgment	Date of despatch of copy of judgment & decree to the lower court	Date of return of records to the lower court	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

(86) In Civil Register No.59 Appendix II- Civil Registers, in column 8 after the words 'How received' the words '/Whether by cash/e-payment/other modes' shall be inserted.

(By order)



Registrar (District Judiciary)

### Explanatory note

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

Owing to computerisation of courts, certain existing procedures have become redundant. High Court feels that changes are required in certain existing rules, process, procedure and Registers & Forms. It was decided to introduce necessary amendments to the Civil Rules of Practice, Kerala. Hence, the amendment to Rules 5, 7, 8, 10, 14, 27, 29, 31, 32, 33, 35, 60, 61, 65, 67, 68, 69, 70, 71, 74, 75, 80, 82, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 98, 99, 100, 101, 104, 116, 118, 119, 120, 135, 146, 167, 174, 182, 194, 290, 297, 300, 308, 321, 345, 350, 355, 356, 366, 372, 384, 397, Forms 30 & 76. New Rules 10A, 61A, 68A and 138A are also inserted. Rules 85, 194, 375 and 376 are deleted.

The High Court had occasion to notice that there is no prescribed format in the Civil Rules of Practice, Kerala for applications seeking impleadment due to which there is no uniform pattern in the impleading petitions filed before various Courts in the State. In order to attain uniformity in the matter, it was decided to introduce necessary amendments to the Civil Rules of Practice, Kerala by insertion of a new Rule 15(a).

In the Civil Rules of Practice, Kerala, there is no provision for service of Summons through e-mail to alleviate the problem of delay in serving notice, due to which the same could not be implemented in subordinate civil courts in the State. In order to empower the subordinate civil courts to resort to the above said additional mode of service of summons, it was decided to introduce necessary amendments to the Civil Rules of Practice, Kerala by insertion of new sub rules 9 and 10 in Rule 61.

Instances have come to the notice of the High Court where, case records were destroyed while the appeals were pending in the Appellate Court. It is also noticed that there is no provision in the Civil Rules of Practice, Kerala, empowering subordinate civil courts to maintain Appeal Intimation Forms and Registers. In order to rectify this shortcoming, it was decided to introduce necessary amendments to the Civil Rules of Practice, Kerala by insertion of new Rule 194A, new Forms 34(a) & 34(b) and new Civil Registers 51 & 52.

In the Civil Rules of Practice, Kerala, there is no provision for maintaining separate Register for Interlocutory Applications to Restore Suit (filed under Order IX Rule 9, Civil Procedure Code 1908) and Interlocutory Applications to Set Aside Exparte Decree (filed under Order IX Rule 13, Civil Procedure Code 1908), due to which these applications could not be distinguished from other Interlocutory Applications. There is also no provision for maintaining

Registers for Review Applications and Final Decree Applications. In order to empower the subordinate civil courts to maintain these Registers, it was decided to introduce necessary amendments to the Civil Rules of Practice, Kerala by insertion of new Civil Registers 9(a), 9(b) and 9(c).

NIC in Pune and the Software Development Team of the e-Committee of the Honourable Supreme Court have developed a programme for online payments to the Treasury and Courts. Preparation of a code for integration of e-filing application and Case Information System software through web services is also underway. Integration of various e-payment gateways and e-filing application is also under process. To put the software into operation, relevant Acts and Rules have to be amended which includes Civil Rules of Practice, Kerala. Hence the amendment to Rules 31, 61, 116, 118, 191, 248, 251, 350, 366, Form No. 69 and Civil Registers 32 & 59. New Rules 358A and 363A are also inserted.

The notification is issued to achieve the above objectives.