
(2025) 10 KH CK 0019

Kerala HC

Case No: Judicial Practice And Procedure No. 2 Of 2025

Suo Motu Jpp Initiated
By The High Court,
Ernakula

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision: Oct. 9, 2025

Acts Referred:

- Constitution of India, 1950 — Article 225, 226, 227, 228, 323A
- Code of Civil Procedure, 1908 — Section 122

Hon'ble Judges: Nitin Jamdar, CJ; Basant Balaji, J

Bench: Division Bench

Advocate: V. Manu, V. Tekchand, K. B. Pradeep

Final Decision: Disposed Of

Judgement

Nitin Jamdar, CJ

1. In I.A. No. 1 of 2025 in M.F.A. (E.C.C.) No. 9 of 2012, a learned Single Judge of this Court observed that though an application for substituted service by newspaper publication had been filed, the name of the newspaper and the edition in which publication was sought had not been mentioned. By order dated 30 May 2025, the applicant was, therefore, directed to file a memo specifying the name of the newspaper and the edition. After issuing this direction to the applicant, the learned Single Judge also issued a general direction to the Registry to ensure that in all future applications for substituted service by newspaper publication, the name of the newspaper and the edition in which the publication is sought, must be stated before such applications are numbered. The effect of this order is that no application for substituted service can be accepted or numbered unless it contains these particulars, as the omission to mention the name of the newspaper and its edition would thus be treated as a defect in filing.

2. Since the order was akin to framing general guidelines to be followed by the Registry while registering such applications in future, the Registry was of the view that an amendment to the existing rules or the issuance of an Office Memorandum would be necessary. As the subject falls within the domain of Judicial Practice and Procedure (JPP) for the issuance of appropriate directions, the Registry has placed this matter as a suo motu JPP for consideration. While the direction issued by the learned Single Judge dated 30 May 2025 is both practical and desirable, its implementation would also need to be formalised by way of an amendment to the existing rules or the issuance of an Office Memorandum to ensure uniformity in practice.

3. In exercise of the powers conferred by Article 225 of the Constitution of India, Section 122 of the Code of Civil Procedure, 1908, and other enabling provisions, the High Court of Kerala has framed the Rules of the High Court of Kerala, 1971 (hereinafter referred to as "the Rules of 1971"). These Rules are divided into several chapters and have schedules annexed thereto. The Rules of 1971 consist of 19 chapters that lay down the procedures to be followed on various matters. Some of the important subjects include Officers of the Court (Chapter I), Form and Institution of Proceedings (Chapter III), Service of Notices (Chapter IV), Posting of Cases (Chapter VIII), Paper Books and Printing (Chapter IX), Proceedings under Articles 226, 227, and 228 of the Constitution, (Chapter XI), Contempt Proceedings (Chapter XII), and Criminal Cases (Chapter XIII).

4. Since the functioning of the Registry and the Court is structured by the Rules of 1971, a brief overview of the Rules is necessary. Chapter I concerns the officers of the Court, primarily the Registrar and the Deputy Registrar. Rule 15 defines the powers and duties of the Registrar, including receiving and admitting appeals and petitions, issuing and serving notices, returning defective filings for correction, extending time limits, allowing affidavits as evidence, and adjourning cases except those appearing in the fair list. The Registrar also supervises the payment of court fees, authorizes record searches, makes orders on costs, and handles procedural matters such as substitution, amendment, withdrawal, and appointment of guardians ad litem, subject to the directions of the Chief Justice or reference to the Court. Chapter III, which covers Rules 32 to 50, sets out the procedure for the form and institution of proceedings. It prescribes how petitions, appeals, and other filings are to be presented before the High Court, whether in person, through an advocate or clerk, or by e-filing, and specifies the required formats, office hours, and stamping. It also details the documents that must accompany appeals and revision petitions, the timelines for filing, and the rules for docketing, date-stamping, and handling time-barred appeals. The Chapter further requires statements of value, signing and dating of documents, and the return of defective papers for correction, ensuring orderly and standardized filing practices. Chapter IV prescribes the rules governing the service of notices in court proceedings. Notices are ordinarily sent by registered post to the address of the respondent but may also be served personally, on a family member, or by affixture if the respondent avoids service. It provides for substituted service, payment of service fees, and the procedure to be followed when service remains incomplete. The Chapter also lays down timelines for payment and hearing, regulates service on pleaders in subordinate courts, and provides for urgent applications. It further mandates that notice be issued to the Attorney General or Advocate General whenever a substantial question of constitutional

interpretation arises.

5. Chapter VIII outlines the procedure for posting of cases for hearing in Court. It specifies the timelines for notifying cases which are ready for hearing, 14 clear days for first appeals and 7 clear days for all other appeals and matters, and accords priority to urgent and part-heard matters in the daily cause list. It allows applications for early posting and identifies categories of cases that must be expedited, such as matrimonial, tax, and probate matters. The Chapter specifies that Advocates shall exchange lists of authorities before the date of hearing and provides for notice and objections to findings of subordinate courts. Urgent matters may, with the approval of the Chief Justice, be moved before a different Bench to ensure prompt disposal. Chapter IX contains provisions relating to the preparation, printing, and management of paper books in appellate cases. It specifies the documents to be included in appeals from original decrees such as pleadings, judgments, and reports, and places responsibility for printing costs on the appellant, except in legal aid cases where the Court bears the expense. It permits parties to request the inclusion of additional papers and to raise objections against unnecessary documents. The Chapter also regulates the format, number of copies, and distribution of paper books, and includes provisions for translating documents not in English, copying plans, and determining printing charges.

6. Chapter XI governs writ proceedings under Articles 226, 227, and 228 of the Constitution of India. It lays down the form, content, and filing requirements of writ petitions, including necessary affidavits and supporting documents. In the case of Public Interest Litigations (PILs), the petitioner must declare that the petition is filed in genuine public interest and not for personal or private benefit. The Court may impose costs for frivolous or mala fide PILs. The Chapter also regulates the impleadment of parties, service of notices, filing of counter affidavits and replies, and the grant of interim orders. It provides for the preparation of paper books, exchange of pleadings, communication of orders, and appeals from decisions of Single Judges in writ matters. Special provisions are included for habeas corpus petitions to ensure the prompt production and release of persons unlawfully detained.

7. Chapter XII of the Rules of 1971 lays down the procedure governing contempt of court proceedings before the High Court. It provides a complete framework for initiating, hearing, and enforcing orders in cases of contempt, whether relating to the High Court or subordinate courts. Such proceedings may be initiated through a formal application or by the Court on its own motion. Contempt petitions are filed as Original Petitions (Contempt) and are heard by a Bench of two Judges. The alleged contemnor must be served with notice and is generally required to appear in person. If he evades service, the Court may order arrest or attachment of property. Once produced, the contemnor is examined, and if the contempt is admitted, the Court may impose punishment, including imprisonment, or grant bail pending final orders. The Deputy Registrar draws up and enforces the orders of the Court and issues certified copies upon request. Chapter XIII prescribes the procedure for criminal cases before the High Court. It covers the posting of criminal appeals and revision petitions for admission, the service of notices, including special provisions for prisoners and absentees, and the preparation and custody of paper books and case records. It requires that State Prosecutors be informed in transfer applications and referred trials. Judgments and orders are to be transmitted electronically to subordinate courts to avoid delay, and urgent

orders, such as those concerning acquittals or releases, must be issued without delay. The Chapter further provides for the appointment of advocates at State expense to defend unrepresented accused persons, particularly in death sentence cases, and sets out their fees and entitlements. Finally, it directs the return of records after disposal and payment of batta and travel allowance to prisoners released by the Court.

8. The endeavour to give an overview of the Rules of 1971 is that the procedure to be followed by the Registry, both on the judicial and administrative sides, is structured by these Rules. Apart from these Rules, Office Memoranda under the directions of the Chief Justice are also issued from time to time. Thus, the Registry is guided by the Rules of 1971 and the Office Memoranda, and any change in the Rules follows a consultative procedure, wherein the Committee in charge of framing the Rules examines the issue, and the matter is thereafter placed before the Chief Justice and the Full Court where all judges get an opportunity to discuss the change. The proposed draft Rule is notified and then, final notification is issued.

9. When the petition was taken up on 7 July 2025, noting the above position, as a first step, the Registry was directed to report whether any codification or standardised checklist existed for the scrutiny of filing. The Registry reported that, at present, no such codification or standardised checklist is in place and that defects are being notified by the Filing Scrutiny Officers (FSOs) based on various Office Memoranda and judicial orders issued from time to time. The Registry has pointed out that the absence of consolidated and codified set of Rules, Office Memoranda, and judicial orders issued by various Benches from time to time have created difficulties in maintaining uniform scrutiny standards. Thereupon, the Registry was directed to prepare a compilation based on the Office Memoranda and judicial directions.

10. After the directions issued in July 2025, the Registry has undertaken an exercise for compilation of the requirements at the time of filing in respect of each category of cases instituted in the High Court, based on various Office Memoranda. The Registry has accordingly prepared the Standard Checklist for various categories of cases filed in the High Court based on the Compilation. A comprehensive exercise is undertaken by the Registry within a short span of time in formulating a standardised checklist drawn from various sources, a task that had not been previously undertaken.

11. The nomenclature of cases based on the Compilation, is as follows:

â€œ(i) Writ Petition (Civil);

(ii) Writ Petition (Criminal);

(iii) Writ Petition (Public Interest Litigation);

(iv) Original Petition (Civil);

(v) Original Petition (Criminal);

- (vi) *Original Petition (Central Administrative Tribunal);*
- (vii) *Original Petition (Kerala Administrative Tribunal);*
- (viii) *Original Petition (Debt Recovery Tribunal);*
- (ix) *Original Petition (Family Court);*
- (x) *Original Petition (Forest Tribunal);*
- (xi) *Original Petition (Labour Court);*
- (xii) *Original Petition (Motor Accidents Claims Tribunal);*
- (xiii) *Original Petition (Rent Control);*
- (xiv) *Original Petition (Tax);*
- (xv) *Original Petition (Wakf Tribunal);*
- (xvi) *Original Petition (National Consumer Disputes Redressal Commission);*
- (xvii) *Transfer Appeal (Civil);*
- (xviii) *Writ Appeal;*
- (xix) *Arbitration Request;*
- (xx) *Arbitration Appeals;*
- (xxi) *Execution Petition (International Commercial Arbitration);*
- (xxii) *Original Petition (Arbitration Time Extension);*
- (xxiii) *Original Petition (International Commercial Arbitration);*
- (xxiv) *Cross Objection;*
- (xxv) *Caveat (Original Petition);*
- (xxvi) *Civil Revision Petition;*
- (xxvii) *Execution First Appeal;*
- (xxviii) *Execution Second Appeal;*
- (xxix) *First Appeal from Orders;*

(xxx) First Appeal from Orders (Remand Order);

(xxxi) Regular First Appeal;

(xxxii) Regular First Appeal (Miscellaneous);

(xxxiii) Regular Second Appeal;

(xxxiv) Supreme Court Leave Petition;

(xxxv) Transfer Petition (Civil);

(xxxvi) Review Petition;

(xxxvii) Company Adjudications Appeal;

(xxxviii) Company Appeal;

(xxxix) Company Application;

(xl) Company Claims;

(xli) Company Case;

(xlii) Company Petition;

(xliii) Criminal Complaint;

(xliv) Miscellaneous Company Application;

(xlv) Misfeasance Company Application;

(xlvi) General Report;

(xlvii) Contempt Case (Civil);

(xlviii) Contempt Appeal (Civil);

(xlix) Contempt Case (Criminal);

(l) Bail Application; (li) Criminal Appeal;

(lii) Criminal Appeal (Victim); (liii) Criminal Leave Petition; (liv) Criminal Miscellaneous Case; (lv) Criminal Revision Petition;

(lvi) Revision Petition (Juvenile Justice); (lvii) Transfer Petition (Criminal); (lviii) Devaswom Board Application; (lix) Devaswom Board Audit Report; (lx) Devaswom Board Petition;

(lxi) Matrimonial Appeal;

(lxii) Matrimonial Appeal (Execution); (lxiii) Revision Petition (Family Court); (lxiv) Election Petition;

(lxv) Central Excise Appeal; (lxvi) Customs Appeal; (lxvii) Income Tax Appeal; (lxviii) Insurance Appeal; (lxix) Other Tax Case; (lxx) Other Tax Appeal; (lxxi) Other Tax Revision; (lxxii) Sales Tax Appeal; (lxxiii) Sales Tax Revision; (lxxiv) Admiralty Suit;

(lxxv) First Appeal (Admiralty);

(lxxvi) Admiralty Appeal against Orders; (lxxvii) Caveat Petition (Admiralty); (lxxviii) Civil Suit (Designs Act);

(lxxix) Civil Revision Petition (Land Reforms);

(lxxx) Civil Revision Petition (University Act);

(lxxxi) Civil Revision Petition (Wakf);

(lxxxii) Land Acquisition Appeals;

(lxxxiii) Motor Accident Claims Appeal;

(lxxxiv) Miscellaneous First Appeal (DPA);

(lxxxv) Miscellaneous First Appeal (FEMA);

(lxxxvi) Miscellaneous First Appeal (Forest);

(lxxxvii) Miscellaneous First Appeal (Hindu Religious

& Charitable Endowments);

(lxxxviii) Miscellaneous First Appeal (Succession);

(lxxxix) Miscellaneous First Appeal (Insolvency);

(xc) Miscellaneous First Appeal (Kerala Medical Education);

(xci) Miscellaneous First Appeal (Railway Claims Tribunal);

(xcii) Miscellaneous First Appeal (Finance);

(xciii) Miscellaneous First Appeal (Employees Compensation Act);

(xciv) Miscellaneous First Appeal (Kerala Panchayat Raj Act);

(xcv) Miscellaneous First Appeal (Mental Health Act);

(xcvi) Miscellaneous First Appeal (WAQF);

(xcvii) Miscellaneous First Appeal (Guardian and Wards Act);

(xcviii) Miscellaneous First Appeal (GST);

(xcix) Miscellaneous First Appeal (Lunacy Act);

(c) Miscellaneous First Appeal (Foreign Contribution Regulation Act);

(ci) Miscellaneous First Appeal (Agricultural Debt Relief Act);

(cii) Miscellaneous First Appeal (SC/STCC);

(ciii) Miscellaneous First Appeal (Kerala Education Act),

(civ) Miscellaneous First Appeal (Probate);

(cv) Miscellaneous First Appeal (Election); (cvi) Miscellaneous First Appeal (Electricity); (cvii) Miscellaneous First Appeal (TCRA); (cviii) Miscellaneous First Appeal (Securities and Exchange Board of India Act);

(cix) Miscellaneous First Appeal (Copyright);

(cx) Miscellaneous First Appeal (Travancore-Cochin Hindu Religious Institutions);

(cxi) Miscellaneous Second Appeal (Food Safety); (cxii) Rent Control Revision; (cxiii) Special Jurisdiction Cases;

(cxiv) Interlocutory Application, Civil Miscellaneous Application, & Criminal Miscellaneous Application; (cxv) xxxxx

(cxvi) xxxxx

(cxvii) Miscellaneous Jurisdiction Case.

For each of these 117 categories, based on the Compilation, the Registry has prepared a list of items to be verified and scrutinised. For example, in the case of an Original Petition (Central Administrative Tribunal), the matters to be verified and scrutinised are as follows:

Sl. No. Matters to be Verified/Scrutinised

1. Presentation of Proceedings.

2. Nomenclature and year of filing.

3. Title and provision of law.
4. Subject and subject code.
5. Details of the orders/proceedings impugned.
6. Docket
7. Index with correct pagination.
8. Synopsis
9. Cause title
10. Petitioners with their status in the Tribunal.
11. Respondents with their status in the Tribunal.
12. Serving of notice/copy on Standing Counsel/G.P/P.P/DSG/ Counsel appeared in CAT wherever applicable.
13. Statement of facts, Grounds on which the relief is sought for.
14. Statement as to petitions if any filed earlier seeking similar relief on the same subject matter.
15. Relief(s) sought for.
16. Interim relief sought for.
17. Signature of the parties and the counsel.
18. Affidavit shall be as prescribed under Chapter VI of the Rules of the High Court of Kerala, 1971.
19. Order(s) impugned if any.
20. Production of documents shall be as prescribed in High Court O.M.No.A7-127/2020 dated 6.5.2020.
21. English translation of documents wherever required.
22. Payment of court fee shall be as prescribed under Schedule II, Art.9(m)(iii) of the Kerala Court Fees and Suit Valuation Act, 1959 amended w.e.f. 1.4.2025.
23. Papers/documents which are illegible- Vide High Court Notice No. HCKL/3111/2024-A7-HC KERALA dated 13.9.2024.

24. *Papers in improper language or are unnecessarily prolix vide Rule 50 of the Rules of the High Court of Kerala, 1971.*
25. *Vakalath/Memo of appearance.*
26. *Fees payable on vakalaths, memo of appearance and also documents if any.*
27. *Procedure to be followed while presenting the matter through Power of Attorney.*
28. *Paperless subjects.*
29. *E-filing-Form of proceedings.*
30. *O.P (CAT) be posted before Division Bench.*
31. *Jurisdiction/Maintainability*
32. *Re-presentation delay.*
33. *Interlocutory Applications.*
34. *Memo in tune with Sec.8 of the Kerala High Court Act, 1958 specifying in detail the reasons/urgency of the matter for being posted before Vacation Court. (Only if the matter is intended to be posted before Vacation Judge during summer vacation/Onam or Christmas holidays.)*
35. *General Instructions.*

However, in order to achieve uniformity and to ensure that all matters identified for verification and scrutiny are properly grounded in legal principles and rules, each such requirement has to be carefully examined. For instance, one of the requirement No.12, presently raised relates to the alleged omission to serve notice or a copy of the petition on the Standing Counsel of the Central Administrative Tribunal, even in cases where the petition is filed by official respondents against private parties who were the original applicants before the Tribunal. While it may indeed be desirable, as a matter of convenience, to serve a copy of the petition on the Standing Counsel to expedite the process, the legal requirement of making such service mandatory will have to be examined. To cite a further example, we have also encountered cases where petitions filed by original applicants before the Central Administrative Tribunal include their co-applicants as party respondents. Upon inquiry, it was explained that the Registry treats this as a defect, apparently under the misconception that such petitions are in the nature of appeals. Applicants who do not seek to challenge the Tribunal's orders need not be impleaded as respondents, as no relief is claimed against them. The Central Administrative Tribunal is constituted under Article 323A of the Constitution of India, and the High Court does not exercise appellate jurisdiction over the Tribunal's orders. We have come across various cases where the Filing Scrutiny Officers have

raised defects involving objections which are to be decided by the Court on the judicial side and, therefore, could not have been raised by the Registry. This is only to illustrate the need for proper verification and scrutiny of such issues, and for a thorough review of the prevailing practices, to ensure that they are consistent with the applicable legal framework. The judicial orders of general nature, issued from time to time, cannot mean that the process involved under the Rules of 1971 and the issuance of Office Memorandum can be bypassed.

12. The desirability of having a standardised checklist cannot be understated. Advocates and litigants have to know the requirements that have to be fulfilled for filing an application, without which it will not be numbered. It cannot be that this aspect is left to the individual Filing Scrutiny Officer to decide. It would save time for all parties if a standard format checklist in respect of each category of cases is made available in advance. The Registry, as well as the litigants and advocates, would be guided by such a list at the time of filing. A standardised checklist for matters to be verified and scrutinised would also facilitate the effective use of digital tools. Auto-scrutiny of filings would be made easier if defects are entered in the software database as specific fields to be checked, thereby enabling automated scrutiny. The Standard Checklist for various categories of cases filed in the High Court, as prepared by the Registry, will thus bring about greater certainty and uniformity in the process.

13. Two steps are required in this regard. First, the Standard Checklist, prepared from various Office Memoranda and Judicial Orders, and compiled by the Registry, needs to be settled. Second, the Checklist may be implemented either by issuing an Office Memorandum or by amending the Rules, for example, by incorporating the Checklist as an appendix to the Rules. Thereafter, any addition or deletion to the Checklist should follow the same process of amendment of the Rules or issuance of an Office Memorandum.

14. A Committee, comprising learned Judges and assisted by the concerned Registrars, can be constituted to examine and vet the Standard Checklist with reference to the existing Rules and the prevailing legal position. Upon completion of its exercise, the Committee can recommend whether the Standard Checklist should be issued by way of an Office Memorandum or incorporated into the Rules of 1971. Thereafter, the Standard Checklist is notified on the website of the Court and also integrated into the auto-scrutiny program, under the guidance of the Computerisation Committee

15. For this purpose, the Registry will place the matter on the administrative side for issuance of appropriate directions regarding the constitution of the Committee and the further steps to be taken.

16. The JPP is accordingly disposed of.

17. We place on record our appreciation for the valuable assistance rendered by the learned Amicus Curiae and the learned Special Government Pleader to AG.