

Communicate to
all civil courts
for strict compliance
MHC
23-10-24

copy to Nazirate Secy

PR 24480/24



THE HIGH COURT OF KERALA

Ernakulam-682031

Email: dsec.hc-ker@gov.in

Phone: 0484-2562985

Date: 18-10-2024

DI-3/ 8753/ 2024

NOTIFICATION

Sub: Service of summons/ notice through registered post/ speed post in the Civil Courts in the District Judiciary- reg.

Ref : High Court notification of even number, dated 03-02-2024.

By taking note of Rule 9(3) of Order V of the Code of Civil Procedure, 1908 and to ensure the service of summons/ notices in a better manner, the High Court of Kerala vide notification referred 1st above had notified that the civil courts in the District Judiciary shall send summons/ notice in **suits/ appeals** in the first instance through registered post/ speed post acknowledgement due, wherever it is found possible. Accordingly, it was instructed that the parties presenting a plaint or memorandum of appeal shall also file in court sufficiently stamped envelopes along with the process memo for sending the summons/ notice to the defendant/ respondent through Registered post/ speed post acknowledgement due.

Though the above notification mentions only suits/ appeals, the procedure is equally applicable to other civil proceedings like **Original Petitions, Execution Petitions, Civil Miscellaneous Appeals, Rent Control Petitions/Appals and Land Acquisition References**. Hence it is clarified that the procedure of sending summons/ notice through

(PTO)


registered post/ speed post in the first instance envisaged in the notification cited shall be adopted in the case of all such civil cases.

Accordingly, it is instructed that the parties presenting any proceedings mentioned above shall also file in court sufficiently stamped envelopes along with the process memo for sending the summons/ notice to the defendant/ respondent through Registered post/ speed post acknowledgement due.

In the High Court notification cited above, it is stated that the party presenting a plaint or memorandum of appeal on or after 1-3-2024 shall also file in court sufficiently stamped envelopes along with the process memo for sending the summons/ notice to the defendant/ respondent through Registered post/ speed post acknowledgement due. In this regard, it is clarified that the courts are at liberty to order such service even in cases filed before 1-3-2024.

It is further clarified that in cases where the court deems it appropriate, summons can be served as prescribed under rule 9(1) of Order V of the Code of Civil Procedure.

(By order)


P. Krishna Kumar
Registrar General

To

All Principal District Judges in the State
(They shall communicate a copy to all the civil courts and all the Bar Associations in the District)

Endorsement on C2-24480/24 dated 23.10.24 of the District Court, Thiruvananthapuram
Copy communicated to all courts in this Civil Judicial Unit for information and necessary action. Copy also communicated to E Court Section, District Court, Thiruvananthapuram for necessary action.

12 JS S.S.

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SHERISTADAR

Copy to:

The Advocate General, Kerala, Ernakulam
The Director, Kerala Judicial Academy, Athani
The Secretary, the Kerala High Court Advocates Association,
High Court building, Ernakulam
Adv. G. Unnikrishnan, Secretary, Rule Committee, GTWRA-1,
Vigneswaram, Ganapathy Temple Road, Edappally- 682024.
The Secretary, Bar Council of Kerala, Ernakulam- 682 031.
The Chief Librarian, High Court
The Superintendent of Government Presses, Thiruvananthapuram
(for publishing in the Kerala gazette)
The PS to Chief Justice
The PS to Judges
The CA to Registrars
The A,B,C,D-II, E & I Sections, Inspection Cell and E Courts Cell
The IT Section (For publishing in the High Court website)
The Stock file



THE HIGH COURT OF KERALA

Ernakulam-682031

Email: d1section.hc-ker@gov.in

Phone: 0484-2562985

Dated:18-10-2024

DI-3/ 8753/ 2024

OFFICIAL MEMORANDUM

Sub: Service of summons/ notice through registered post/ speed post with acknowledgment due— clarifications issued – reg.


- Ref.: 1. High Court OM of even number dated 03-02-2024.
2. High Court notification of even number dated 18-10-2024.

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In continuation of the OM cited above, the Notification cited 2nd above is forwarded herewith. The District Judges are requested to communicate a copy of the same to all the Civil courts and all the Bar Associations in the District. They shall arrange to publish the same in their respective websites.

Doubts have also been expressed from some of the courts with regard to the mode of service of summons in emergent suits. While the summons is sent in such suits through registered post as directed in the High Court OM, the process in the IA (injunction/ attachment application) is served in person through the process server. Hence though the defendant gets notice in the IA immediately, copies of the plaint will only be served later. In this regard, it is clarified that as per the High Court notification, it is not mandatory to send summons in all circumstances through registered post. It directs that the summons shall be sent by registered post/ speed post in the first instance 'wherever, it is found possible'. Hence wherever a notice in an emergent petition is served through a process server, the summons in the suit can also be served

along with it. There is no need to send the summons through registered post in such cases.

(By Order)


P. Krishna Kumar
Registrar General

To

All Principal District & Sessions Judges in the State.
The Director, Kerala Judicial Academy, Athani
Adv. G. Unnikrishnan, (Secretary, Rule Committee, GTWRA1,
Vigneswaram, Ganapathy Temple Road, Edappally- 682 024.)
The Administrative Records Section, High Court
The stock file