



കേരള സർക്കാർ
Government of Kerala
2015



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI
Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 4 Vol. IV	} തിരുവനന്തപുരം, ചൊവ്വ Thiruvananthapuram, Tuesday	2015 ഏപ്രിൽ 21 21st April 2015	} നമ്പർ No. 16
		1190 മേടം 7 7th Medam 1190	
		1937 വൈശാഖം 1 1st Vaisakha 1937	

PART III

Judicial Department

THE HIGH COURT OF KERALA

NOTIFICATION

No. D1(A)58357/2002/D1. 10th March 2015.

In exercise of the powers conferred by section 122 of the Code of Civil Procedure, 1908 (Central Act V of 1908), and of all other powers hereunto enabling it in this behalf, the High Court of Kerala, after previous publication of the draft rules in Vol. II, Part III of the Kerala Gazette No. 26, dated 25th June, 2013 and having received no objection or suggestion within the time limit specified and with the previous approval of the Government of Kerala conveyed in G.O. (Ms.) No. 269/2014/Home, dated the 31st day of December, 2014, hereby makes the following rules, namely:

Rules

1. Short title, application and commencement:—

(1) These rules may be called the Kerala Civil Courts (Case Flow Management) Rules, 2015.

(2) They shall apply to all suits, appeals and other proceedings of civil nature before the Subordinate Courts and Tribunals under the superintendence of the High Court of Kerala.

(3) They shall come into force on the date of its publication in the official Gazette.

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

(1) 'Court' includes Tribunal;

(2) 'Court Officer' means the Chief Ministerial Officer of the Court or the officer authorized by the Court to exercise the powers of a Court Officer under these Rules.

3. *Categorization of suits, appeals and other proceedings of civil nature:*—(1) The Court Officer shall categorize the suits, appeals and other proceedings in the Court concerned into three tracks namely, Track-1, Track-II and Track-III, at the time when they are instituted in the following manner:

- (a) Track-I:
- (i) Matters relating to maintenance;
 - (ii) Matters relating to guardianship or custody of children;
 - (iii) Matters relating to adoption;
 - (iv) Matters relating to visitation rights;
 - (v) Matters relating to the grant of Letter of Administration, Probate and Succession Certificate;
 - (vi) Original Proceedings and appeals under the Kerala Buildings (Lease and Rent Control) Act, 1965 (Act 2 of 1965);
 - (vii) All Civil Miscellaneous appeals;
 - (viii) Suits for money;
 - (ix) Proceedings under the Mental Health Act, 1987 (Central Act 14 of 1987);
 - (x) Proceedings for transfer of matters pending before Civil Courts;
 - (xi) All summary suits.
- (b) Track-II:
- (i) Matters relating to matrimonial disputes not falling under track I;
 - (ii) Suits for eviction;
 - (iii) Suits for injunction;
 - (iv) Claim petitions under the Motor Vehicles Act, 1988 (Central Act 59 of 1988);
 - (v) Land Acquisition references and petitions for compensation relating to property under other different legislations like Telegraph Act, 1885 (Central Act 13 of 1885), Petroleum Act, 1934 (Central Act 30 of 1934) etc.;
 - (vi) Proceedings under the Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996);
 - (vii) Suits under the Fatal Accident Act, 1855;
 - (viii) Suits and other proceedings relating to Intellectual Property Rights.
- (c) Track-III:
- (i) Suits for partition;
 - (ii) Suits for declaratory relief;
 - (iii) Suits for specific performance;
 - (iv) Suits for possession;
 - (v) All appeals other than Civil Miscellaneous Appeals and appeals under the Kerala Buildings (Lease and Rent Control) Act, 1965 (Act 2 of 1965);
 - (vi) Suits for damages;
 - (vii) Suits relating to easement rights;
 - (viii) Suits and other proceedings relating to trust property;
 - (ix) Proceedings under the Insolvency Act, 1955 (Act 2 of 1956);
 - (x) Suits for accounts;
 - (xi) Matters relating to execution;
 - (xii) Such other cases not included elsewhere.
- (2) The Presiding Officer of a Court shall take every endeavor to dispose of the cases within the time frame as specified hereunder:
- (i) Track-I-Six months from the date of institution of proceedings
 - (ii) Track-II-Twelve months from the date of institution of proceedings
 - (iii) Track-III- Twenty Four months from the date of institution of proceedings;
- Provided that in cases where a lesser time limit is prescribed for disposal of any particular category of cases under any other Statutes, Rules, Regulations or Circulars of the High Court, such category of cases shall be disposed of as stipulated in the respective Statutes, Rules, Regulations or Circulars of the High Court, irrespective of the time limit specified above.
4. *Service of Notices and Summons:*— (1) The summons or notices issued in suit, appeal or original proceedings shall indicate maximum of thirty days for filing written statement or objection from the date of service of summons or notice.
- (2) (a) The plaintiff or petitioner or appellant shall, as far as possible, file copies of the plaint or petition or appeal and interlocutory application filed in the proceedings, together with the list of documents for service on the defendant or respondent, at the time of institution of the proceedings itself.
- (b) The plaintiff for petitioner for appellant shall furnish the full and correct postal address of the parties in the pleadings with PIN Code.
- (3) (a) When the State or Union Government or Public Servants of a State or Union Government in official capacity are parties to the suit, appeal or proceedings, in such cases, in addition to the summons or notice under sub rule (1), copy of the plaint or petition or memorandum

of appeal etc. shall be served on the Government pleader of the State or Counsel of the Central Government, as the case may be, before filing the same in Court and necessary endorsement in proof of such service shall be obtained and produced before the Court.

(b) The summons or notice along with the copy of the pleadings, served on the Government pleader or Central Government counsel, as the case may be, shall be deemed to be a valid service.

(4) The process fee for service shall be paid within seven days from the date of order, failing which, the case will be posted in Cause List-I referred to in Rule 5 hereunder for dismissal for non-prosecution. On application, the Court may extend the time for payment of process.

(5) The process fee, if paid in time, for service through Court or Post, the case shall be posted to a date not later than twenty one days, if service is to be effected within the same District and in other cases, not later than thirty days from the date of issuance of summons or notice, for appearance.

(6) When summons or notice is permitted to be served under Order V, Rule 9 (A) of the Code of Civil Procedure, 1908, the report of such service shall be filed in Court with necessary acknowledgment of service along with an affidavit of the plaintiff.

(7) Whenever summons or notice issued to defendant or respondent through post or courier is reported unserved, the Court shall order issuance of summons through Court and for substituted service simultaneously.

(8) The envelope of the summons or notice sent through registered post or courier shall bear written or printed instructions to the server to deliver summons or notice to the party and in his absence, to any adult member of the family residing with him.

5. *Calling of Cases:*— (1) The various stages of the suit, appeal or proceedings before Court shall be as follows:

- (a) Return of summons or notices;
- (b) Filing of objection or counter affidavit to the interlocutory applications;
- (c) Hearing of interlocutory applications;
- (d) Filing of written statement or objections;
- (e) Consideration of alternative Dispute Resolution mechanisms;
- (f) Framing of issues in case of suits;
- (g) Pre-trial steps;
- (h) Evidence: Examination in chief, cross examination and re-examination;
- (i) Arguments;
- (j) Judgment.

(2) The Presiding Officer of a Court shall cause preparation of two cause lists of the cases for the calling work every day.

(3) The case at the stage of hearing of interlocutory applications, consideration of Alternate Dispute Resolution mechanisms, framing of issues, pre-trial steps, evidence including the examination in chief, cross examination and re-examination of witnesses, arguments and judgment or order shall be listed in Cause List-I.

(4) Execution matters shall be listed in Cause List-I.

(5) The case at the stage of return of summons or notices, appearance of parties, filing of written statement, counter statement or objections shall be listed in Cause List-II.

(6) The case at the stage of appearance of parties and steps be posted in Cause List-I for necessary orders, if requested for, by the Advocate or Party.

(7) The cases listed in Cause List No. I shall be called in open Court.

(8) The Court Officer shall attend to the cases listed in Cause List No. II.

(9) Cause List Nos. I and II shall be published in advance by the Court Officer before 4.30 p. m. on the previous day.

(10) Whenever the Advocate or party fails to attend or take steps in the case posted in Cause List-II and does not seek extension of time, the case shall be included in Cause List-I and posted for necessary orders within three days.

6. *Procedure regarding disposal of Interlocutory Applications:*— (1) In a suit, appeal or proceeding, if only notice is ordered in the interlocutory application, the application shall be posted for hearing in Cause List-I immediately on the appearance of the defendant or respondent.

(2) In a suit, appeal or proceeding, if an *ex parte* interim order is granted on an interlocutory application, the same shall be posted in Cause List No. I for disposal on merits immediately after the appearance of the defendant or respondent and the Court shall endeavor for disposal of the said application within thirty days from the date of the order.

(3) Applications filed for interim orders in respect of cases in Cause List No. I may be filed on the date of hearing or in advance, after due notice to the other side.

(4) Applications seeking emergent interim orders in any matter pending in Cause List No. II before the Court Officer, shall be posted before the Court forthwith.

7. *Land Acquisition References*:— As and when a reference in respect of the acquisition of land for a particular project or purpose is received, the Reference Court shall address the Collector or Land Acquisition Officer concerned to forward all the reference applications in respect of the acquisition proceedings within a time limit, with notice to the requisitioning authority, if any.

8. *Appeals*:— The procedure for calling work, grant of interim orders applicable to suits and civil proceedings, shall *mutatis mutandis* apply to Appeals.

9. *Citation of Authorities*:—Whenever authorities are to be cited, the list of the same shall be given to the opposite counsel at least on the previous day.

10. *Intimations regarding the filing of appeal*:— As and when an appeal is filed, the Appellate Court shall, within three days from the date of filing the appeal, intimate the trial Court that an appeal has been filed.

11. *Saving*:—Whenever there is any inconsistency between these Rules and the provisions of the Code of Civil Procedure, 1908 or any other Statute, the provisions of the Code or any other Statute shall prevail.

By order,

N. ANIL KUMAR,

Kochi.

Registrar (Subordinate Judiciary).

Explanatory Note

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

The Honourable Supreme Court of India had, in its judgment dated 25-10-2002 in WP (C) No. 496/2002 titled Salem Advocate Bar Association Vs. Union of India, appointed a Committee headed by Mr. Justice M. Jagannadha Rao to devise a model case management formula with the objective of achieving more disposal of cases. The Supreme Court, after considering the report filed by the Committee, directed the High Courts, vide Judgment dated 2-8-2005 in the said case, to adopt the said report with or without modification, so as to provide a fair, speedy and inexpensive justice to the litigant public. Accordingly, the High Court of Kerala has considered the matter and framed the above rule.

The notification is intended to achieve the above object.

Chief Judicial Magistrate's Court, Thiruvananthapuram

NOTIFICATION

No. A-1625/2015.

11th March 2015.

Sub:—Honorary Special Judicial Magistrate of 2nd Class (Railways), Kollam—Conferring Powers u/s. 190 (2) and 14 (1) of the Code of Criminal Procedure—Reg.

Read:—Notification No. B4-31736/2014 dated 3-3-2015 of the Hon'ble High Court of Kerala.

In exercise of the powers conferred under Section 14 (1) and 190 (2) of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Chief Judicial Magistrate, Thiruvananthapuram hereby empowers the Honorary Magistrate mentioned in Column No. (1) of the Schedule given below, all the powers conferred on a Magistrate of the First Class under the said Code, and to take cognizance of the offences mentioned in Column No. (3) of the Schedule within the area mentioned in Column No. (2) of the Schedule below for a period of one year with effect from the date of assumption of charge.

SCHEDULE

<i>Name and Designation</i>	<i>Area of jurisdiction</i>	<i>Offences</i>
(1)	(2)	(3)
Sri S. Suresh, Honorary Special Judicial Magistrate of 2nd Class (Railways), Kollam	Over any part of Southern Railway within the District of Thiruvananthapuram	All cases of persons travelling without a proper pass or ticket over any part of the Southern Railway within the District of Thiruvananthapuram and any of the offences falling u/s. 137 to 139, 141, 142, 144 to 147, 155 to 157, 159, 162, 163, 166 and 167 of the Indian Railways Act 1989 (Central Act 24 of 1989) committing over any part of the Southern Railway within the District of Thiruvananthapuram



കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 4 Vol. IV	തിരുവനന്തപുരം, ചൊവ്വ Thiruvananthapuram, Tuesday	2015 ജൂൺ 9 9th June 2015 1190 ഇടവം 26 26th Idavam 1190 1937 ജ്യേഷ്ഠം 19 19th Jyaishta 1937	നമ്പർ } No. } 23
---------------------	---	---	---------------------

PART III Judicial Department

THE HIGH COURT OF KERALA

ERRATUM NOTIFICATION

No. D1(A) 58357/2002/D1. 14th May 2015.

Sub:—The Kerala Civil Courts (Case Flow Management) Rules, 2015—Notification published in the Kerala Gazette—Printing Error—Rectification of—Reg.

Ref:—High Court notification of even number dated 10-3-2015, published in the Kerala Gazette No. 16, Vol. IV, dated 21st April 2015.

In the High Court notification referred above published in Part III of the Kerala Gazette No. 16, Vol. IV, dated 21st April, 2015, in clause (b) of sub rule (2) of rule 4, the word '*for*' appearing twice shall be read as '*or*'. The above Gazette notification shall stand amended to that extent.

By order,
S. JAGADEES,
Registrar General.

Explanatory Note

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

The High Court had issued the Kerala Civil Courts (Case Flow Management) Rules, 2015, vide notification cited. But a printing error has been noticed in the notification published in the Kerala Gazette. This notification is issued for rectifying the error.

NOTIFICATION

No. B1-60/2015. 24th April 2015.

(i)

In exercise of the powers conferred by Section 11 (3) of the Code of Criminal Procedure 1973, the High Court of Kerala hereby appoint the persons mentioned in Column (2) of the schedule hereto attached to be the Judicial Magistrates of the First Class to preside over the Court specified against their names in Column (3) thereof from the date on which they take charge.