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5894/24



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

Communicate same

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



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.

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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/Appeals and Land Acquisition References**. Hence it is clarified that the procedure of sending summons/ notice through

Communicated

W.M.

(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)

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

Endorsement. No. 15114/2024 dated 23.10.2024 of the District Court, Kottayam.

Copy communicated to the undermentioned Judicial Officers for information and compliance, and are also requested to display the copy of the notification in the Notice Board.



(By Order)

Regina
Sheristadar.

E-mail only

1. The Additional District Judge-I, Kottayam.
2. The Additional District Judge-II (Spl.), Kottayam.
3. The Enquiry Commissioner and Special Court (Vigilance)/
Addl. District Court - III, Kottayam
4. The Additional District Judge-IV, Kottayam.
5. The Additional District Judge-V, Kottayam.
6. The Special Judge, Special Court for Trial of Offences under
PoCSO Act, 2012, Kottayam
7. The Special Judge, Fast Track Special Court, Changanacherry
8. The Judge, Family Court, Ettumanoor/Pala
9. The Motor Accidents Claims Tribunal, Kottayam/Pala.
10. The Prl. & Addl. Sub Judge, Kottayam/Sub Judge, Pala.
11. The Prl & Addl.Munsiff, Kottayam
12. The Munsiff, Ettumanoor/Pala/Erattupetta/Kanjirappally/
Changanacherry/Vaikom.
13. The Nyayadhikari, Gram Nyayalaya Pampady at Pallikathodu/Gram Nyayalaya
Vaikom at Nanadom.

Copy to:

1. The Central Nazir, District Court, Kottayam
2. The Court Keeper, District Court, Kottayam for displaying in the Notice
Board)
3. The System Officer, District Court, Kottayam for publishing the official web
site of District Court, Kottayam.