



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

FRIDAY, THE 31ST DAY OF JULY 2026 / 9TH SRAVANA, 1948

JPP NO. 5 OF 2025

PETITIONER

SUO MOTU JPP PROCEEDINGS INITIATED BY THE HIGH
COURT
MARINE DRIVE, ERNAKULAM, PIN - 682031

BY ADV SHRI.LEO LUKOSE

RESPONDENTS

1 STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

2 UNION OF INDIA
REPRESENTED BY THE SECRETARY, MINISTRY OF HOME
AFFAIRS, NORTH BLOCK, NEW DELHI, PIN - 110001

BY ADVS.
GOVERNMENT PLEADER
SMT. O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA
SHRI.K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL
SHRI.K.JAJU BABU, ADVOCATE GENERAL

SMT.O.A.NURIYA-SR.GP

THIS JUDICIAL PRACTICE AND PROCEDURE HAVING COME UP FOR
ADMISSION ON 31.07.2026, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

**ORDER**

(Dated this the 31st day of July 2026)

Soumen Sen, C.J.

Heard Mr.Leo Lukose, learned counsel for the petitioner and Mr.K.Jaju Babu, learned Advocate General assisted by Ms.O.A.Nuriya, learned Senior Government Pleader.

2. In the affidavit filed by the Registrar (Judicial), as directed by this Court on 19.06.2026, the suggestions contained in paragraph 9, sub-paragraph II, III and IV are accepted. Insofar as paragraph 9, sub paragraph I, Proposal No.1 regarding linking publication of interim orders with payment of process fee, we clarify that all orders including interim orders should be uploaded preferably on the day when the said order is passed and shall not be dependant upon any process fees being paid by the petitioner or the parties that may be directed by the court to take steps in this regard. However, non compliance of effecting service of an interim order or any order required to be communicated, shall be subject to the payment of process fees as mentioned in proposal No.1 read with Rule 48 of the Rules of the High Court of Kerala, 1971.



3. The apprehension of the learned Advocate General that, in the event an order is uploaded and the said order is not communicated, there is a possibility of knowledge of the existence of the order being imputed to the respondent, and any steps taken in derogation of an interim order passed, but not communicated, may result in contempt, would not arise because, unless an order is communicated, no knowledge thereof can be imputed to the party against whom such order is passed. Moreover, there may be situations where the court may direct a party to effect service without the intervention of the Department of the Court and the non compliance of such direction may result in the application being dismissed or the order being vacated, for which adequate provisions have been made in the Code of Civil Procedure and by various decisions of the courts. The mere uploading of the order shall not be construed as service of the order upon the affected party. Proposal No.1 is clarified and diluted to the aforesaid extent.

4. Proposal Nos.2 and 3 shall be implemented within a week from date. For the sake of limited convenience, the said proposals are reproduced below:

**Proposal No. 2 Separate Listing Purpose for Process Fee**

Defaults: The High Court Administration has also examined the suggestion regarding identification and monitoring of cases in which process fee has not been remitted within the prescribed period. It is proposed to introduce a separate Listing Purpose in the CMS designated as "Defect Process Fee Not Paid" to facilitate electronic monitoring of such matters. Upon expiry of the period prescribed under Rule 63, the concerned Section may update the status in the CMS so that the matter is automatically reflected under the said Listing Purpose, thereby enabling electronic monitoring and generation of compliance reports.

Proposal No. 3 Preliminary Scrutiny by the Registrar

(Judicial): The High Court Administration has further examined the suggestion that cases involving non-payment of process fee should initially be placed before the Registrar (Judicial). As the proposed amendments creating the office of the Registrar (Case and Court Management) have not yet received the approval of the Government and have not come into force, the existing practice of scrutiny by the Registrar (Judicial) may continue. Upon electronic identification under the proposed Listing Purpose, the matter may first be placed before the Registrar (Judicial) for preliminary scrutiny to ascertain whether the defect has been cured or whether the matter requires judicial orders.

5. The State Government is requested to take necessary steps for the notification of the High Court of Kerala (First Amendment) Rules, 2026, at the earliest.

6. The practice directions as stated in paragraph 12,



sub-paragraph B to F are also approved. For the sake of limited convenience, the said suggestions are reproduced below:

“B. creation of a separate Listing Purpose designated as "Defect -Process Fee Not Paid" for electronic identification and monitoring of cases involving default in payment of process fee;

C. continuation of preliminary scrutiny by the Registrar (Judicial) in cases involving non-payment of process fee until the proposed amendments to the Rules of the High Court of Kerala, 1971, relating to the office of the Registrar (Case and Court Management), are brought into force;

D. issuance of appropriate directions to the Government of Kerala to accord the approval, at the earliest, for the proposed amendments to the Rules of the High Court of Kerala, 1971 creating the office of the Registrar (Case and Court Management).

E. incorporation of appropriate technological features in the Case Management System for the publication, monitoring and and electronic communication of interim orders, including their grant, extension, modification, vacation and cessation.

F. issuance of appropriate directions for standardization of the master data relating to courts and implementation of suitable validation and mapping mechanisms in the Case Management System and e-Filing System to ensure accurate identification of courts and seamless electronic communication of judicial orders.”

The Registrar (Computerisation)-cum-Director (IT) shall



ensure the standardization of the master data relating to courts and implementation of suitable validation and mapping mechanisms in the Case Management System and e-Filing System, within a period of five weeks from today, so as to ensure accurate identification of courts and seamless electronic communication of judicial orders.

The JPP stands disposed of.

Sd/-

**SOUMEN SEN
CHIEF JUSTICE**

Sd/-

**SYAM KUMAR V. M.
JUDGE**

smm

JPP No.5 of 2025

7



2026:KER:58331

APPENDIX OF JPP NO. 5 OF 2025

PETITIONER ANNEXURES

Annexure 1

**HIGH COURT ORDER DATED 03.12.2025 IN CRL.
MC NO.3261 OF 2022**