

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

THURSDAY, THE 7TH DAY OF APRIL 2022/17TH CHAITHRA, 1944

CON.CASE(C).NO.118 OF 2022

AGAINST THE ORDER IN WP(C).NO.1737/2012
OF HIGH COURT OF KERALA

PETITIONER:

MATHEW Z PULIKUNNEL

AGED 70 YEARS

S/O.LATE MR.ZACHARIAH PULIKUNNEL, 26 STRATHCONA DRIVE,
BELLEVILLE, ORTARIO, K8N4H9, CANADA, REPRESENTED BY
THE POWER OF ATTORNEY HOLDER MR.THARUN THOMAS,
AGED 26 YEARS, S/O.MR.P.J.THOMAS, CHALASSERY,
PULIKKUTTISSERY P.O., KOTTAYAM.

BY ADV.SRI.YESHWANTH SHENOY

RESPONDENTS:

1 SMT.SOPHY THOMAS
(AGED AND NAME OF FATHER/HUSBAND NOT KNOWN TO THE
PETITIONER)
REGISTRAR GENERAL, HIGH COURT OF KERALA,
ERNAKULAM-682 031.

2 SMT.N.ANITHA
(AGED AND NAME OF FATHER/HUSBAND NOT KNOWN TO THE
PETITIONER)
REGISTRAR (JUDICIAL), HIGH COURT OF KERALA,
ERNAKULAM-682 031.

BY ADV.SRI.B.G.HARINDRANATH

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP
FOR ADMISSION ON 07.04.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

J U D G M E N T

A.K. Jayasankaran Nambiar, J.

Pursuant to our order dated 7.3.2022, the 2nd respondent filed an affidavit dated 1.4.2022 giving her explanation as regards the delay that was occasioned in putting up the file relating to the writ petition before the jurisdictional court concerned. On a perusal of the said affidavit, we were not satisfied with the explanation given for the delay occasioned during the period from 14.6.2021 to 9.7.2021. We also found that there was no satisfactory explanation for the repeated noting of defects by the Registry. Taking note of the views expressed by us at the time of hearing on 5.4.2022, the learned counsel appearing for the 2nd respondent undertook to file another affidavit in the matter.

2. In the second affidavit that is filed before us today, the 2nd respondent tenders an unconditional and unqualified apology before this Court for the laxity in not implementing the directions contained in the decision in **Ayub Khan P.A. v. State of Kerala and Another - [2012 (1) KHC 615]**. She has further submitted

that instructions would be issued to the Registry forthwith to the effect that all the defects which come to the notice of the Registry shall be pointed out at first instance itself to facilitate curing of defects with all possible expedition. By way of clarification, it is further stated that instructions would be issued to the Registry not to raise fresh defects periodically, after the earlier defects have been cured or answered.

3. Taking note of the subsequent affidavit filed before us today, and finding that there has been an expression of remorse at the treatment meted out to counsel for the petitioner and that there is an assurance given that in future, the Registry would not note defects in a phased manner and that the directions already issued by a Division Bench of this Court in **Ayub Khan [supra]** will be adhered to in letter and spirit, we deem it appropriate to close this Contempt of Court Case, recording the contents of the affidavits aforementioned.

4. Before parting with this case, we might remind the Registry of this Court that the filing of a case by a litigant before this institution is a manifestation of the confidence reposed by the litigant in the justice delivery system in our country. The right of

access to justice is fundamental to the citizenry and is today recognised as an integral facet of the right to life guaranteed under Article 21 of the Constitution of India. The significance of this right lies in the fact that it is essentially one that is designed to effectuate the rule of law which is a basic feature of our Constitution and a guiding principle that informs the justice delivery system in our country. As an institution of governance under our Constitution, it becomes incumbent on the part of the Judiciary to ensure that the cause of a litigant is brought before the adjudicating authority with due expedition always remembering that a delay in processing of applications is detrimental to the cause of justice. We trust that the Registry will keep in mind these observations while dealing with the files presented before it in future.

The Contempt of Court Case is closed.

**Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE**

**Sd/-
MOHAMMED NIAS C.P.
JUDGE**

APPENDIX OF CON.CASE(C) .NO.118/2022

PETITIONER ANNEXURES:

- Annexure A1 CERTIFIED COPY OF THE ORDER IN AYUB KHAN
P.A. V. STATE OF KERALA AND ANOTHER
REPORTED IN 2012 (1) KHC 615
- Annexure A2 COPY OF THE E-MAIL DATED 2 JULY 2021 FROM
THE PETITIONER'S COUNSEL TO THE RESPONDENTS
- Annexure A3 COPY OF THE NOTICE DATED 5 JULY 2021 FROM
THE PETITIONER'S COUNSEL TO THE RESPONDENTS
- Annexure A4 COPY OF THE E-MAIL DATED 6 JULY 2021 FROM
THE PETITIONER'S COUNSEL TO THE RESPONDENTS
- Annexure A5 THE COPY OF THE DEFECT S SHEET IN W.P.WITH
FILING NUMBER 9031706 OF 2021
- Annexure A6 THE COPY OF THE DEFECTS SHEET IN W.P. WITH
FILING NUMBER 9031715 OF 2021
- Annexure A7 COPY OF THE CAUSE LIST DATED 9 JULY 2021
FOR THE COURT PRESIDED BY JUSTICE
P.B.SURESH KUMAR.

RESPONDENTS EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE