

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

Thursday, the 4th day of August 2022 / 13th Sravana, 1944

IA.NO.3/2022 IN W.P(C) NO. 16441 OF 2021 (E)

PETITIONER/PETITIONER:

K.M.MOHAMMED KUTTY, AGED 80 YEARS, S/O. LATE K.K.MAKKAR, SHINEST HOUSE, VELOOR VILLAGE, KOTTAYAM TALUK, KOTTAYAM DISTRICT - 686003

RESPONDENTS/RESPONDENTS:

- 1. THE STATE TRANSPORT COMMISSIONER, MOTOR VEHICLES DEPARTMENT, 2ND FLOOR, TRANS TOWER, C.V.RAMAN PILLAI ROAD, DPI, VAZHUTHACAUD, THIRUVANANTHAPURAM-695 014.**
- 2. THE REGIONAL TRANSPORT OFFICER, NEAR TOWN HALL, KANHANGAD, KASARGOD-671 315.**
- 3. SHAJIMON H, AGED 46 YEARS, S/O. P.K.HAKKIM, KARIMATTAM HOUSE, PANAMPALAM MURI, ARPOOKKARA VILLAGE, KOTTAYAM DISTRICT-686 008.**
- 4. ANWAR SADATH, S/O. O.T.MOHAMMED KUNHI, PUZHAKKARA HOUSE, BHEEMANADI OTTAPADAVU, CHEEMENI, KASARGOD-671 313.**

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to clarify Annexure A judgment to the extent that english translation of vernacular documents need be produced only in those cases that are posted before the Judges, who are not familiar with local language by allowing this petition.

This Application coming on for orders upon perusing the application and the affidavit filed in support thereof, and this Court's judgment dated 13.07.2022 and upon hearing the arguments of M/S. S.SHANAVAS KHAN, S.INDU & P.A.HANSALAH MOHAMMED, Advocates for the petitioner in IA/W.P.(C), the GOVERNMENT PLEADER for R1 & R2 in IA/W.P.(C) , M/S. SANTHOSH PETER, P.N.ANOOP, & M.S.SANDEEP SUDHAKARAN, Advocates for the respondent 3 in IA/W.P.(C) and of M/s. G.HARIHARAN & PRAVEEN.H., Advocates for the respondent 4 in IA/W.P.(C) and of SRI.RAJESH VIJAYAN ,PRESIDENT AND SRI K.ANAND,SECRETARY ,BAR ASSOCIATION , the court passed the following:

[P.T.O.]

ANNEXURE A: TRUE COPY OF THE JUDGMENT DATED 13.07.2022 IN WP.(C)NO.16441/2021 OF THIS HON'BLE COURT



AMIT RAWAL, J.

I.A.No.3 of 2022
in
W.P.(C) No.16441 of 2021

Dated this the 4th day of August, 2022

ORDER

Advocates Sri.Rajesh Vijayan, President and Sri.K.Anand, Secretary of the Bar Association appeared.

2. The prayer in the application dated 4.8.2022 is for clarification of the judgment dated 13.7.2022 whereby this Court noticing the provisions of the High Court Act and Rules and Regulations directed the Registry/Registrar (Judicial) not to entertain petitions without the English translation along with the paper books. It has been contended that in the first and second appeals documents in vernacular to be attached are voluminous in nature.

The intention of the Court was with regard to the documents annexed with the Writ Petitions. It did not pertain to any Regular Second Appeal or RFA where even the documents in the trial court are also in the vernacular. The practice of attaching the documents in vernacular in Kerala by making a note by a lawyer, in my view, should not have been followed, instead one more prayer in the end

of the Writ Petition should have to be added by mentioning like "dispense with filing of the translation of vernacular documents". In case such prayers are made in all the Writ Petitions including the Bail Applications, O.Ps, M.A.C.A. Etc, it would be the prerogative of the Hon'ble Judge to grant the dispensation in placing on record the translation of the document.

I.A. ordered accordingly.

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Sd/-
AMIT RAWAL, JUDGE