



THE KERALA HIGH COURT ADVOCATES' ASSOCIATION

Reg. No. ER 931/2004

High Court Building, Kochi - 682 031

Ph : 2393244, Fax : 0484 - 2394435, E-mail : k.hcaa@yahoo.com

KHCAA/HC- 25 /2021

24.05.2021

From

The Secretary, KHCAA.

To

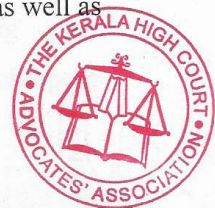
Registrar General,
High Court of Kerala

Sir,

Sub: Complaints of advocates regarding the lack of care of the Registry in maintaining the swiftness of the physical filing system which existed prior to the lockdown:-

The captioned complaint is a widely received one and unless effective corrective measures are taken the same is certain to affect the efficiency of the functioning of our Hon'ble Court itself. A few hours after the issuance of the corrigendum, the confusion created by Clauses 3, 4 and 7 of the notice dated 18.5.2021 vanished, for which we are thankful to the Chief Justice and the Hon'ble Members of the Administrative Committee. But the expected advantage of the changes effected did not reach the bar owing to the lack of diligent monitoring of the process of filing by the registry.

We have advised our members to be very selective in the filing of cases in tune with the decisions taken in our meetings with the Administrative Committee. Therefore, most of the matters which are filed after the reopening are extremely urgent matters which cannot be delayed for some trivial defect or reason. The hard reality we have noticed is that the defects presently noticed have never been earlier pointed out as defects by the registry during our pre-lockdown period i.e. even during the summer recess sittings. For this as well as





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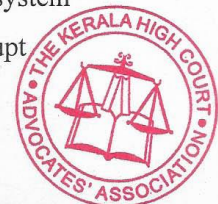
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reasons unknown, an unreasonable delay occurs in the posting of cases is the main complaint which is highlighted herein.

Even the defect curing process is delayed without any cogent reason. For noting defect, one more day is taken now and for curing defect, another gap of one day more is occurring. Thus, altogether, for a file to reach the judge, the initial four days delay illegally declared is now deliberately caused in a circuitous manner, though the judges meeting made a change in the notice that the 4 day delay is not justified and that the same deserves to be changed as just one day i.e. the matter to come before the Hon'ble Judges the day after next of the date of filing. This can be seen only as an open challenge to thwart the contents of the notice issued following the consensus in the meetings held between KHCAA and the Hon'ble Chief Justice and the Administrative Committee which was later approved by the Judges Meeting with positive improvements, particularly in the matter of posting of cases on the 2nd day.

We have already taken up our objection before the Hon'ble Chief Justice on the present notice to post the case only after one more day which is explicitly canvassed in our objection dated 18.5.2021 which led to the issuance of the corrigendum dated 19.5.2021. But the present style of approach adopted by a section of the registry is certain to affect the harmony in the functioning of this institution.

A step-motherly approach is adopted by the registry in dealing with cases filed physically and those filed through e-filing is also found to be a complaint not without basis. The attempt it appears is to persuade the members to adopt e-filing. This also is highly unbecoming as what is attempted to be done is to destroy the mutual trust between the bar and the Administrative Committee which has promised our President to set right the physical filing system removing all the hurdles faced by lawyers and clerks owing to the abrupt





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introduction of the e-mail system. It has been brought to our notice by our clerks that vakalaths, counter affidavits, reply affidavits, process etc. are not accepted by the Registry, as was done prior to lockdown. No authentic explanation is forthcoming from the part of any officer of the Registry is quite shocking.

The aforesaid genuine complaints can be rectified by the Registrar General as these do not involve any policy question, but what is required is only to issue a strong direction to the concerned officers to strictly act in tune with the decisions taken by the Hon'ble Chief Justice of India and Members of the Administrative Committee regarding the filing procedure. We ardently request you to take urgent steps to avoid recurrence of the problems stated above from 24.5.2021 onwards.



Yours Faithfully

Adv. Renjith T.R,
Secretary, KHCAA