

THE HIGH COURT OF KERALA

A3-13727/2018

Kochi - 682 031

Dated: 05.07.2024

OFFICIAL MEMORANDUM

Sub:- High Court Establishment - serving notice through Special Messenger - instructions issued – reg.

Ref:- 1.High Court Official memorandum No. A1-10421/2001 dated 17.02.2001
2.High Court Official memorandum No. A1-20331/2011 dated 17.03.2011
3.High Court Official memorandum No. A1-11806/2013 dated 02.12.2013
4.High Court Official memorandum No. K2-36296/2014 dated 11.06.2014
5.High Court Official memorandum No. A3-13727/2018 dated 09.04.2024

An instance has been noticed where notice by special messenger was served on a person other than parties in the case to whom notice was ordered to be served. The case disposed of under the presumption that notice was duly served on the party, which resulted in undue hardships to the parties and the Bench.

In order to avoid such instances in future, the following instructions are issued regarding serving of notice by special messenger:

1. The person who is deputed as Special Messenger shall identify the party by verifying the house name/house number, identity proof with photograph such as Aadhaar Card, driving license etc., and shall specify details regarding the same in his/her messenger report.

If the party to whom notice is served has no identity proof with him, he shall be identified by any respectable person available there and his endorsement in that regard shall be obtained in the original notice along with signature with date, name and address of that person and the details of proof of his identity, if available.

2. After serving the notice, the messenger shall obtain name, address and signature with date of the party in the original of the notice. If the party is illiterate or blind his/her thumb impression may be obtained and the messenger shall inform the party of the nature of the notice.

(P.T.O)

3. If the party to whom notice has been ordered is not at home, notice shall be served to any adult having blood lineage with the party, or his/her spouse, who is a permanent resident of the house. In that case, the messenger shall obtain proof of his/her identity and details of the nature of relationship of the person who accepts notice, with the party and the same shall be specified in the original notice returned to the Court.
4. If there is any discrepancy in the name, signature and address of the party while serving the notice, the messenger shall record the same in the messenger report with clear explanation.
5. If circumstances arise where notice cannot be given, because of intimidation, assault etc. by the party, help can be taken from the nearest Police Station. In such cases, the section concerned of the High Court should be informed immediately.
6. If the notice is lost for any reason it should be reported to the nearest Police Station. Clarification of the circumstances should be brought to the attention of the authorities concerned and the respective section of the High Court immediately.
7. Special Messengers shall not serve notice by affixture unless otherwise ordered by the Court.

While deputing staff for special messenger duty, the Controlling Officer, 'K' Section, High Court shall ensure that staff attached to the Honourable Judge/Judges presiding the Court concerned shall not be deputed as special messenger in that case.

(By Order)


P. Krishna Kumar
Registrar General

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To:-

The Deputy Registrar, K Section, High Court.

The Assistant Registrar, K Section, (He shall bring the contents of this O.M. to High Court.

the notice of all categories of staff being deputed for special messenger duty and shall ensure strict compliance)

The Confidential Assistants to the Registrars and

the Additional Registrar (General Administration), High Court.

The 'K' Section, High Court.

The File.