

THE HIGH COURT OF KERALA

Ernakulam-682031

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No: DI-1/22133/2015

OFFICIAL MEMORANDUM

Sub.: Commercial Courts Act, 2015 – High Court notification issuing Practice Directions under Section 18 of the Commercial Courts Act, 2015 – reg.

Ref.: High Court Notification No. DI-1/22133/2015 dated 07/11/2023 published in Part III of the Kerala Gazette Vol. XII No. 46 dated 14/11/2023

A copy of the notification mentioned under reference is communicated for information and necessary action.

(By Order)

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Encl: as above

Justus Wilson

Assistant Registrar

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To,

All the Principal District Judges (They shall communicate a copy to all the Commercial Courts in the district)

Copy to,

All Joint Registrars, Deputy Registrars and Assistant Registrars, High Court
The Chief Librarian, High Court
PS to Chief Justice
All PS to Judges

The Confidential Assistant to Registrars, High Court
The A & D-II Sections, High Court
The IT Section, High Court (For publishing in the High Court website)
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The ARS, High Court (2 copies)
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Regn.No. KERBIL/2012/45073 <u>dated 2012-09-05 with RNI</u> Reg No.KL/TV(N)/634/2021-2023

കേരള സർക്കാർ GOVERNMENT OF KERALA

കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത് PUBLISHED BY AUTHORITY

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Part III

Administration of Justice - Judiciary

കേരള സർക്കാർ GOVERNMENT OF KERALA 2023



THE HIGH COURT OF KERALA

NOTIFICATION

No. DI-1/22133/2015.

7th November 2023.

In exercise of the powers conferred by Section 18 of the Commercial Courts Act, 2015 (Act No. 4 of 2016), the High Court of Kerala hereby issues the following practice directions to supplement the provisions of Chapter II of the Commercial Courts Act, 2015 and the Code of Civil Procedure, 1908 in so far as such provisions apply to the hearing of commercial disputes of a Specified Value.

PRACTICE DIRECTIONS

- 1. These Practice Directions shall apply to all suits/appeals/proceedings in relation to commercial dispute, as defined under Section 2 (c) of the Commercial Courts Act, 2015.
- 2. These directions are supplemental to the provisions of Code of Civil Procedure, 1908 as amended in the manner specified in the Schedule of the Commercial Courts Act, 2015, in their application to any suit/appeal/proceedings in respect of a commercial dispute of a Specified Value.
 - 3. In these Practice Directions, unless the context otherwise requires:
 - (a) "Act" means the Commercial Courts Act, 2015 (Act No. 4 of 2016);
 - (b) "Arbitration Act" means the Arbitration and Conciliation Act, 1996 (Act No. 26 of 1996)
 - (c) "Code" means the Code of Civil Procedure, 1908 (Act No. 5 of 1908).
 - 4. The nomenclature of the proceedings filed under the Act shall be as follows:
 - (i) 'C.S.' Commercial Suit
 - (ii) 'C.A.' Commercial Appeal

 (Appeals filed under Section 13 of the Act)
 - (iii) 'O.P.(Arb)' O.P. (Arbitration)

(All original petitions filed under Arbitration and Conciliation Act, 1996, other than Civil Miscellaneous Applications filed under Sections 9 & 17 of the Arbitration Act)

(iv) 'M.A.(Arb)' - Miscellaneous Application (Arbitration)

(Applications filed under Section 9 and 17 of the Arbitration Act)



(v) C.M.A. (Arb) - Civil Miscellaneous Appeal (Arbitration)

(All appeals under the Arbitration Act)

(vi) E.P.(Com) - Execution Petition (Commercial)

[All execution petitions filed under Order XXI of the Code for execution of decrees and orders passed by the Commercial Courts including execution petition for execution of arbitral awards passed under Section 73 of the Arbitration Act with respect to Commercial Disputes; and deemed awards under Section 12A(5) of the Act]

(vii) E.A.(Misc) - Execution Application (Miscellaneous)

(All applications of interlocutory nature, which are filed in connection with or under any execution petitions)

- 5. The parties to the proceedings shall provide their respective e-mail address, if available, along with the plaint/written statement.
- 6. Documents shall be filed only with a list of documents. No document shall be filed as annexures to any pleadings.
- 7. The list of documents to be filed along with the plaint or written statement, as the case may be, shall strictly be in accordance with Order XI of the Code.
- 8. The plaintiff or the defendant shall serve a list of the copy of the documents filed in Court to the opposite party.
 - 9. A list of dates/brief synopsis shall be filed along with the plaint or written statement.
- 10. The court shall, *inter-alia*, pass orders as it may think fit to conduct Case Management Hearing under Order XV-A of the Code for the speedy disposal of the suit or narrowing the controversy between the parties.
- 11. Parties to the suit shall within four weeks prior to the commencing of the oral arguments, submit concisely and under distinct headings, written arguments in support of his case to the Court under Order XVIII of the Code with a copy to be furnished simultaneously to the opposite party.
- 12. The Court while exercising powers under sub-rule (6) of Order XV-A of the Code shall appoint an Advocate Commissioner for recording the evidence in the case. The Court while appointing an Advocate Commissioner shall strictly follow the guidelines prescribed in Circular No. 2/2016 dated 5-4-2016 issued by the High Court of Kerala.
- 13. The Court shall also strictly monitor the recording of evidence which has been delegated to an authority appointed by the Court.



- 14. The plaintiff filing a suit shall serve an advance copy of the plaint to the opposite party, if the opposite party is represented by a Government Pleader or a Standing Counsel/Empaneled Counsel who may have been nominated. The plaintiff shall then intimate the Court the service of plaint to the opposite party.
- 15. The provisions of the Civil Rules of Practice, Kerala which are not inconsistent with these Practice Directions, shall apply to the proceedings before the Courts in matters which are not covered by the Act and the Code.
- 16. The Electronic Filing Rules for Courts (Kerala), 2021 shall be applicable to the suits/appeals/proceedings filed under the Act.
- 17. The Courts shall as far as possible make use of the facilities as mandated under the Electronic Video Linkage Rules for Courts (Kerala), 2021.
- 18. The Central Government has issued the Commercial Courts [Pre-Institution and Settlement] Rules, 2018 for the conduct of pre-institution mediation. For the conduct of the Mediation and Settlement, the "Guidelines for Pre-Institution Mediation in Commercial Courts" issued by the Kerala State Legal Services Authority shall be applicable.
- 19. The provisions of Part II Execution and Order XXI of the Code shall apply to the execution of the judgment or decree or orders under the Act.
- 20. The statistical data regarding the number of suits, appeals or applications filed under the Act before the relevant Courts as the case may be, the pendency of such cases, the status of each case and the number of cases disposed of shall be maintained and updated every month by each of the respective Commercial Courts and shall be published in the website of the High Court of Kerala.
- 21. The summons for settlement of issues shall be as per form mentioned below. Every summons may be issued electronically or otherwise.



FORM

Summons for settlement of issues in a Suit relating to Commercial Disputes
In the Court of
Commercial Suit No of 20
Plaintiff/s
To [Name, description and place of residence]
Whereas has instituted a suit relating to a commercial dispute against you and you are hereby summoned to appear in this Court in person, or by an Advocate duly instructed on the day of
Take notice that, in default of your appearance on the day and time aforementioned, the suit will be heard and determined in your absence.
Given under my hand and the seal of the Court, this day of 20
Judge.

By order,

P. KRISHNA KUMAR, Registrar General.

