

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT**

THE HONOURABLE MR. JUSTICE S.MANU

Monday, the 18th day of August 2025 / 27th Sravana, 1947

WP(C) NO. 21185 OF 2025 (W)

PETITIONER:

FASEELA,

RESPONDENTS:

- 1. THE STATION HOUSE OFFICER, JAIPUR CITY (EAST) POLICE MALVIYA NAGAR, STATION, RAJASTHAN., PIN - 302017**
- 2. THE BRANCH MANAGER, SOUTH INDIAN BANK, PANDIKKAD BRANCH, PERINTALMANNA ROAD, PANDIKKAD, MALAPPURAM., PIN - 676521**

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the second respondent to release the lien amount and permit the petitioner to operate the account bearing Account No. pending disposal of this Writ Petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's orders dated 12.06.2025 & 14.07.2025 and upon hearing the arguments of M/S.T.H.ARAVIND, MANU SRINATH & RUKSANA SATHAR P.A., Advocates for the petitioner, M/S.SUNIL SHANKER, VIDYA GANGADHARAN & THOMAS GLAISON, STANDING COUNSEL for R2, the court passed the following:

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[CR]

S.MANU, J.

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Dated this the 18th day of August, 2025

ORDER

On 12.06.2025, an order was passed directing the petitioner to take steps to issue notice by speed post and also by e-mail to the 1st respondent as provided under Rule 51(3) of the Rules of High Court of Kerala. The learned counsel for the petitioner has filed a memo to show that he has issued a communication by e-mail to the 1st respondent. The learned counsel submitted that the direction to issue notice by e-mail has been thus duly complied with. It is noticed that in several writ petitions similar memos have been filed stating that communication by e-mail was issued to the respondents by the counsel.

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2. Rule 51(3) reads as follows:-

“(3) In addition to other modes of service, the Court may issue notice to the parties through electronic mode:

Provided that where process is ordered by the Court through electronic mode, the petitioner/appellant shall furnish digital copy of the entire papers and e-mail addresses of the respondents.”

3. Language of the Rule is unmistakably clear. The Court may issue notice to the parties through electronic mode in addition to other modes of service. The proviso stipulates that where the process is ordered by the Court through electronic mode, the petitioner/appellant shall furnish digital copy of the entire papers and e-mail address of the respondent. The notice as provided under Rule 51(3) is to be issued to the parties by the Registry on receipt of digital copy of the papers and e-mail addresses of the respondents from the petitioner/appellant.

4. Sending electronic communications by the petitioners or appellants or their counsels to the respondents is not sufficient

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to satisfy the requirements of Rule 51(3). Such a mode of service of notice, directly by the parties or their counsel to the respondents is not envisaged under the Rules of the High Court of Kerala, 1971. No rule in Chapter IV of the Rules dealing with service of notices permits service of notice on the respondents by electronic mode, directly by the petitioners/appellants. Hence, the submission of the learned counsel for the petitioner that by sending e-mail communication to the 1st respondent directly, he has complied with the direction issued on 12.06.2025, cannot be accepted. There is no proper compliance with the order dated 12.06.2025 as the notice by electronic mode was not issued as provided under Rule 51(3) of the Rules of the High Court of Kerala. Petitioner shall take steps as provided under Rules. Digital copy of the entire papers and e-mail address of the 1st respondent shall be furnished by the petitioner within three working days.

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5. Post on 09.09.2025 for return of notice.

If any response is received by the Registry by e-mail from the 1st respondent, that shall be noted in the office notes and if any statement received by electronic mode, the same shall be placed before the Court.

Sd/-

**S.MANU
JUDGE**

ANA

