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കേരള സർക്കാർ
Government of Kerala
2018



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കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA
Law (Legislation-E) Department
NOTIFICATION

No. 25297/Leg.E1/2017/Law.

*Dated, Thiruvananthapuram, 7th April, 2018
24th Meenam, 1193
17th Chaithra, 1940.*

The following Ordinance promulgated by the Governor of Kerala on the 7th day of April, 2018 is hereby published for general information.

By order of the Governor,

B. G. HARINDRANATH,
Law Secretary.

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ORDINANCE No. 22 OF 2018**THE KERALA HIGH COURT (AMENDMENT)
ORDINANCE, 2018**

Promulgated by the Governor of Kerala in the Sixty-ninth Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala High Court Act, 1958.

Preamble.—WHEREAS, the Kerala High Court (Amendment) Ordinance, 2017 (30 of 2017) was promulgated by the Governor of Kerala on the 14th day of December, 2017;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No. 87 of 14th Kerala Legislative Assembly and the same could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 22nd day of January, 2018 and ended on the 7th day of February, 2018;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala High Court (Amendment) Ordinance, 2018 (3 of 2018) was promulgated by the Governor of Kerala on the 12th day of February, 2018;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No. 113 of 14th Kerala Legislative Assembly and the same could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 26th day of February, 2018 and ended on the 4th day of April, 2018;

AND WHEREAS, under sub-clause (a) of clause (2) of Article 213 of the Constitution of India, the Kerala High Court (Amendment) Ordinance, 2018 (3 of 2018) will cease to operate on the 9th day of April, 2018;

AND WHEREAS, difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala High Court (Amendment) Ordinance, 2018.

(2) It shall be deemed to have come into force on the 15th day of December, 2017.

2. *Act 5 of 1959 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala High Court Act, 1958 (5 of 1959) (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in section 3 and the provisions of section 4.

3. *Amendment of section 3.*—In clause (13) of section 3 of the principal Act,—

(i) in sub-clause (b), for the words “one lakh rupees”, the words “forty lakh rupees” shall be substituted;

(ii) after sub-clause (g), the following sub-clause shall be inserted, namely:—

“(h) from an award passed by the Motor Accidents Claims Tribunal.”.

4. *Special provision in respect of pending appeals, suits and other proceedings.*—Notwithstanding anything contained in the principal Act or in any other law for the time being in force, or in any judgment, decree or order of any court, the provisions of sub-clauses (b) and (h) of clause (13) of section 3 of the principal Act as amended by this Ordinance shall apply to all suits, appeals and other proceedings and the applications for compensation under the Motor Vehicles Act, 1988 (Central Act 59 of 1988), as the case may be, instituted prior to the date of commencement of this Ordinance and are pending disposal and all appeals pending before the Bench of two Judges of the High Court as on the said date, where the amount or value of the subject matter of suits or other proceedings involved does not exceed forty lakh rupees, and all appeals from the awards passed by the Motor Accidents Claims Tribunals, shall be transferred to, and disposed of by the Single Judge:

Provided that the said provision shall not apply to appeals pending before a Bench of two Judges under section 5 of the principal Act.

5. *Repeal and saving.*—(1) The Kerala High Court (Amendment) Ordinance, 2018 (3 of 2018) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

P. SATHASIVAM,
GOVERNOR.