

PRACTICE NOTE-58

IT IS NOTIFIED for the information of Advocates and parties appearing in person that with effect from **Monday the date 30th August, 2021**, they shall strictly adhere to the provisions of Order V Rule 2 (Bombay Amendment) of the Code of Civil Procedure, 1908 or in other words, they shall lodge with the Registry sufficient number of copies of the plaint along with annexures, certified as true copy by them, for service upon the Defendants at the time of issuance of Writ of Summons.

Sd/-

Date : 26th August, 2021.

Prothonotary and Senior Master

NOTICE

IT IS HEREBY NOTIFIED for the information of the Advocates and parties appearing in person that w.e.f. **Monday the date 30th August, 2021**, the form of summons in Ordinary Suits shall be as under until further orders.

Sd/-

Date : 26th August, 2021.

Prothonotary and Senior Master

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT No. _____ OF _____

Plaint Presented
and filed on
_____ day of
_____, 2021

SUMMONS to
answer Plaint under
Section 27 O.V.
rr.1, 5, 7 and 8 and
O.VIII, r.9 of the
Code of Civil Procedure.

...Plaintiff

VERSUS

...Defendants

To,

1.

The Defendants above named

Whereas the above named Plaintiff has instituted a suit against you, as set out in the Plaint herein, whereof the following is a concise statement, viz.:

-

prayers

You are hereby required to file in this Court an appearance in person or a Vakalatnama and a written statement of your defence and serve a copy of the written statement on the Plaintiff within 12 weeks from the service of this summons upon you.

And whereas the suit will be placed for directions on the board of the Judge in Chambers on the _____ day of _____ 2021.

You are hereby summoned to appear before the Judge in Chambers to answer the Plaintiff's claim on the said _____ day of _____ 2021, at 11 O'clock in the forenoon, either in person or by an Advocate entitled to practise in this Court duly instructed and able to answer all material questions relating to the suit, or shall be accompanied by some other person able to answer all such questions, and

Take notice that on the day before mentioned after hearing parties who appear directions will be given by the Judge as to the date of trial and other matters concerning the suit, and

Take further notice that if you fail to file your appearance in person or a Vakalatnama and written-statement as directed above, or if you fail to

appear before the Judge on the day before mentioned the suit may be ordered to be set down on Board on the same day or any subsequent day as “undefended” and you will be liable to have a decree or order passed against you.

Witness _____ Chief Justice at
Bombay aforesaid, this _____ day of _____, 2021

For Prothonotary and Senior Master.

Sealer

This _____ day of _____, 2021

Advocates for the Plaintiff

You are hereby informed that the Free Legal Service from the State Legal Service Authorities, High Court Legal Services Committees, District Legal Services Authorities and Taluka Legal Service Committees as per eligibility criteria are available to you and in case you are eligible and desire to avail the free legal services, you may contact any of the above Legal Services Authorities/Committees.

N.B.-A copy of the plaint alongwith all annexures there to, certified as true copy by Advocate for Plaintiff, is enclosed herewith.

HIGH COURT

O. O. C. J.

Suit No. _____ of _____

_____ Plaintiff/s

Vs.

_____ Defendant/s

SUMMONS TO ANSWER PLAINT

the ____ day of _____.

Advocates for the Plaintiff
(Address)

1/3
PRACTICE DIRECTIONS

Hon'ble the Chief Justice, on the recommendations of the Hon'ble Judge in Charge (Original Side) has been pleased to direct that Summons for settlement of Issues in a Suit relating to Commercial Dispute shall be issued as per proforma given below until further orders :

“Summons for Settlement of Issues in a Suit Relating to
Commercial Dispute (U/s. 6 of the Commercial Courts, Commercial
Division and Commercial Appellate Division of High Courts Act, 2015
Order V, Rule 1 of Code of Civil Procedure, 1908)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION /
IN IT'S COMMERCIAL DIVISION / COMMERCIAL APPELLATE DIVISION

----- of ----- Plaintiff

Against

----- of ----- Defendant

To,
(Name, description and place of residence of Defendant)

Whereas Plaintiff above named has instituted a suit relating to a commercial dispute against you and you are hereby summoned to file a written statement within 30 days of the service of the present summons and in case you fail to file the written statement within the said period of 30 days, you shall be allowed to file the written statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than 120 days from the date of service of summons. On expiry of one hundred and twenty days from the date of service of summons, you shall forfeit the right to file the written statement and the Court shall not allow the written statement to be taken on record.

You are required to appear in this Court in person, or by a pleader duly instructed, and able to answer all material questions relating to suit, or who shall be accompanied by some person able to answer all such questions, on the _____ day of _____ at _____ O'clock in the _____ noon, to answer the claim; and further you are hereby to

produce on the said day all documents in your possession or power upon which you base your defense or claim for set-off or counter-claim, and where you rely on any other document whether in your possession or power or not, as evidence in support of your defense or claim for set-off, or counter-claim you shall enter such documents in list to be annexed to the written statement.

Take notice that, in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence.

Witness Shri

Chief Justice

Bombay aforesaid, this _____ day of _____ 20__

for Prothonotary and Senior Master

Sealer

The _____ day of _____ 20__

You are hereby informed that the legal services from the State legal Services Authorities, High Court Legal Services Committees, District Legal Services Authorities and Taluka Legal Services Committees as per eligibility criteria are available to you, and in case, you are eligible and desire to avail the free legal services, you may contact any of the above Legal Services Authorities / Committees.

Advocate for Plaintiffs,

N.B.- A copy of the plaint alongwith all annexures there to, certified as true copy by Advocate for Plaintiff, is enclosed herewith.

In the High Court of Judicature at Bombay
Ordinary Original Civil Jurisdiction

Suit No. _____ of _____

_____ Plaintiff

Vs.

_____ Defendant

Summons to answer Plaint

Returned and filed the ____ day of 20

ADVOCATE FOR THE PLAINTIFF