

PART E—ISSUE OF SUMMONS OR OTHER PROCESSES
FOR SERVICE ON A PERSON RESIDING WITHIN THE
JURISDICTION OF AN OTHER COURT IN THE SAME OR
ANOTHER STATE OR TERRITORY WHO HAS NO AGENT TO
ACCEPT SERVICE WITHIN THE JURISDICTION OF THE
COURT ISSUING THE PROCESS. SERVICE OF PROCESSES
ISSUING TO OR FROM OTHER STATES AND TERRITORIES.

GENERAL.

1. When the person to be served resides within the jurisdiction of another Court the Judge must decide how service is to be effected, and pass orders accordingly.

Different modes
of service.

If the process has to be served within the jurisdiction of another Court but within the same district, the agencies located at tahsils will be employed, the processes being transmitted by post from one agency to another. If the process has to be served in another district, but within the State or Union territory it should be transmitted by post to the Senior Sub-Judge for service and return. But no Court should refuse to serve any process received for service within its jurisdiction from a Court in another district or State, or Union territory merely by reason of the process not having been sent through the senior Subordinate Judge. Processes issued to districts in other States or Union territories should be forwarded for execution to the District Judge of the district in which service of such process is desired, except where they are to be served within one of the Presidency towns (Order V, Rule 22, Civil Procedure Code), when they should be transmitted for service to the Judge of the Court of Small Causes.

The Government of Bengal have decided that in the case of all warrants or other processes which are required to be executed or served by the Court of Small Causes, Calcutta, on or after the 1st June, 1942, conveyance charges at the rate of Rs 1.50 nP. per warrant and annas 4 per copy of summons or other process shall be realised and paid in

court fee stamps in advance and that before warrants or other processes are transmitted to that Court for execution of service, a certificate of realisation of the charge should be endorsed on the warrants or other processes, as the case may be, for the information of the Court of Small Causes, Calcutta, in the absence of which certificate it will not be possible for that Court to execute or serve warrants or processes.—(General letter No. 4 (Civil) of 1942, from the Registrar of the High Court of Judicature at Fort William in Bengal, Appellate Side, copy endorsed to all District and Sessions Judges in the Punjab and Delhi with High Court endorsement No. 7391-R/XXIX-F-2, dated the 4th August, 1942].

2. In issuing processes for service in other States or Union territories the presiding officer of the Court issuing the process should personally satisfy himself that such full particulars of the description of the person summoned are entered in the process as will render it unlikely that the serving officer should mistake the identity of the person summoned. The name, occupation and address should be recorded in the summons, together with any further particulars which, in the opinion of the Court, will facilitate service of the process. The issue of the process should be delayed until such particulars are satisfactorily furnished by the person applying there for. The same care should be taken in regarding to all processes which are to be served outside the jurisdiction of the Court issuing the process.

Full description to be given of person summoned.

[1] 3. All summons should set forth distinctly both the Court from which the summon is issued and the name of the district. Summons should also bear the seal of the Court and should be signed legibly by the Presiding Officer or the Officer authorized by him. The practice of signing initials only or of using a stamp is objectionable and should not be adopted/e-summons should be e-signed or digitally signed by the Presiding Officer or Officer authorized by him.

Summons should bear the seal and signature of the Court and show the name of the Court and District/e-summons should be e-signed or digitally signed.

4. All processes sent for service to any district, the vernacular of which differs from that in which, the process is written, should be in duplicate and accompanied by a translation in English.

Cases where in processes should be accompanied by translation in English.

All reports made on the processes received for service from any district or State or Union territory the vernacular of which

[1] Amended vide Correction Slip No. 182 Rules/II.D4 dated 27.11.2018

differs from that of the district in which the report is written, shall be translated into English, which translation shall accompany the process when returned to the Court issuing it.

5. In every case in which application is made for the issue of a process to a place in India, but beyond the limits of the jurisdiction of the Court, the stamp requisite for the issue of such process, under the rules in force in the Punjab will be levied and affixed to the diary of process fees ; and a note will be made on the process to the effect that the proper fee has been paid. A process issued by any Court in the Punjab will be served or executed free of charge in any other part of India, if it be certified on the process that the proper fee has been levied under the rules in force in the Punjab. (See also Chapter 5).

Note on the process that proper fee has been levied.

6. Processes issued by any Courts in India will be served free of charge by the Punjab Courts under the same conditions as are mentioned in the preceding paragraph, i.e., if it be certified on the process that the proper fee has been levied under the rules in force in that state or territory.

Process issued to or by any Court in India to be served free of charge.

7. Summonses issued for service on a defendant residing out of India who has no agent in India empowered to accept service, shall be addressed to him at the place in which he is residing and sent by post in accordance with Order V, rule 25 of the Code of Civil Procedure.

Summons to defendant out of India to be sent by post.

8. All correspondence between judicial officers in Punjab and the Courts in other States and territories should be conducted in the English language.

Correspondence with Courts in other States etc.

9. Complaints are frequently received that the processes sent for service to other district are not properly attended to. All processes received from other district should be shown regularly in the register "Tamil Zilla Ghair" and the disposal of the processes should be watched by the presiding officer of the Court from time to time.

Service of processes received from other districts should be watched by the presiding officer.

Duty of Court receiving summons from another Court for service.

10. If a summons is issued under the provision of Order V, Rule 21, of the Code of Civil Procedure, it is the duty of the Court serving the summons (a) to proceed as if it had been issued by such Court, (b) to return the summons to the Court of issue together with the record (if any) of its proceedings with regard thereto and (c) to make the declaration referred to in Order V, Rule 19.

In returning the summons from 10 of Schedule I, Appendix B of the Civil Procedure Code, should be used and should be duly signed and sealed.

Service in territories in India to which the Code does not extend.

11. Attention is invited to section 28 of the Code which provides that such summonses and processes may be sent for service in another State to such Court as may be prescribed by rules in force in that State. The word 'State' in this section is to be construed according to the definitions contained in section 3(58) and (41) of the General Clauses Act, 1897 (X of 1897). So construed, the provisions of the Section apply to service in territories forming part of India to which the Code does not extend as such territories are either included in or form a 'State.'

(Government of India letter No. F-80(49)/55-G, dated the 29th February, 1956.)