

CIRCULAR

Sub: Service of Summons and Notices – Requests Received from Foreign Countries for Service of Summons/Notices and for taking of Evidence abroad in Civil or Commercial Matters – top priority to be given – instructions Issued – regarding.

India is a signatory to the Hague Convention on Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters and the treaty is enforced in India with effect from August 1, 2007.

The Convention provides for channel of transmission to transmit a judicial or extra-judicial document from a State party to another for service.

At present there are 43 countries in the Convention. After the enforcement of the treaty in India, requests for Service of Summons/Notices and for taking evidence in Civil or Commercial matters, received from the member countries, are being transmitted to the subordinate Courts, through the High Court, for service/execution.

Though there is no specific time frame mentioned in the Convention for execution of the requests, under Art.9, Para 3 of the Convention, the same are to be executed expeditiously. However, on may occasions there are delays caused by the subordinate courts in executing such requests received from foreign countries.

The Government of India have expressed their concern over such delays caused by subordinate courts as the Hague Secretariat has taken serious exception to the same. The Government of India have also pointed out that since they have to meet international commitments and should not be caught on a wrong foot, the Courts in India should invariably give priority to the requests received from abroad, for execution.

Therefore, all the Judicial Officers in the State are hereby directed to strictly ensure that top priority is given to requests, received from foreign countries, for service of summons/notices or for taking of evidence in Civil or Commercial Matters.

Copies of the Hague Convention on Taking of Evidence Abroad and Service of Summons in Civil and Commercial Matters are enclosed herewith for guidance and strict compliance.

HIGH COURT, MADRAS
DATED : 17/04/2009

Sd/-A.Arumugha Swamy
REGISTRAR GENERAL

//True Copy/ Forwarded / By Order.

DEPUTY REGISTRAR (COMPUTERS)

To

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| 1. All the Principal District Judges, State of Tamil Nadu. | with a request to |
| 2. The Principal Judge, City Civil Court,
Chennai. | bring this circular |
| 3. The Chief Judge, Court of Small Causes,
Chennai. | to the notice of |
| 4. The Chief Judge, Puducherry. | all the Judicial |
| 5. The Record Keeper, High Court, Madras-104. | Officers under |
| | their control/ |
| | respective units |