CHAPTER VI
WRIT OF SUMMONS

69. Summons to defendant.— The Writ of Summons [1][with copy of Plaint with annexures] to appear and answer shall be [1][as per provisions of Order V Rule 1 and 2 (Bombay amendment) of Civil Procedure Code, 1908 and] in one of the Form Nos. 8, 9, [1][9A] and 10 as may be applicable to the case with such variations as the circumstances of the case may require.

70. [2][Name, address and electronic mail address] of the party or of the Advocate to be stated in every process.— [2][The name, address and electronic mail address] of a party or of the Advocate appearing for a party shall be stated in every Writ of Summons, Notice, Warrant and every process of the Court issued at the instance of such party or Advocate.

71. Summonses, etc., how attested and signed .—All Writs of Summons, Rules, Orders, Warrants and other mandatory processes shall be sealed with the seal of the Court and shall have and bear the attestation of the Chief Justice or acting Chief Justice, or, in the vacancy of the said office, of the senior puisne Judge and shall be signed [2][or digitally signed] by the Prothonotary and Senior Master or the Master and Assistant Prothonotary or such one of the Assistant Masters or Associates [2][or Master (Admn.) or Section Officer] as the Prothonotary and Senior may from time to time direct, adding thereto the date of signing.

72. Sealing of summons, rule, decree.—The seal of the court shall not be affixed to any Writ of Summons, Rule, order Warrant, or other mandatory process, unless the same is signed by an Officer of the Court to be called the sealer and unless the name of the party or his Advocate on record be subscribed thereto. The date of the sealing shall be inserted below the signature of the sealer.

73. [3][*Deleted*]

74. [3][*Deleted*]

---

1 . Substituted vide Notification No. G / Amend/610/2022, dated-24-03-2022
2 . Substituted and Added vide Notification No. G / Amend/610/2022, dated-24-03-2022
3 . Deleted vide Notification No. G / Amend/610/2022, dated-24-03-2022

[1][**75. Suits, other than Commercial Suits, Summary Suits and Matrimonial suits to appear for directions before Prothonotary and Senior Master .—**

Suits, other than Commercial Suits, Summary Suits and Matrimonial suits shall be placed on board before the Prothonotary and Senior Master for directions as to status and other services relating to Suit on the thirtieth day from the date of issuance of Writ of Summons.]

76. Mode of service of summons.—A Writ of Summons shall be served within the local limits of the Ordinary Original Civil Jurisdiction of the High Court by personal service or, if the plaintiff so desires, by registered post pre-paid for acknowledgement. Where the Writ of Summons is to be served at a place situate beyond the said limits, it may be served by registered post pre-paid for acknowledgement. An acknowledgement purporting to be signed by the defendant or an endorsement by a postal servant that the defendant refused service shall be deemed to be *prima facie* proof of service.

In all other cases, the Court shall hold such inquiry as it thinks fit and either declare the summons to have been duly served or order such further service as may in its opinion be necessary.

[2][In addition to above, the Writ of Summons may be served by Fax, Speed Post or Courier with acknowledgement, wherever such facility is available, at the cost of the parties. Such service shall be treated as good service upon production of the Original Fax Notice/order/process alongwith the activity report or acknowledgement in token of service of the notice/order/Process by speed post or by Courier. Such acknowledgement purporting to be signed by the Defendant or an endorsement by Postal servant or Courier Agent that the Defendant refused service shall be deemed to be prima facie proof of service.

In addition to above, if the Plaintiff so desires the Writ of Summons may be served by Electronic Mail Service, in which case the provisions of Bombay High Court Service of Processes by Electronic Mail Service (Civil Proceeding) Rules 2017 shall apply to Writ of Summons in all Suits including Suits under Commercial Court Act.]

77. Writ of summons and other process not to be served on Saturdays, Sundays and holidays.—No Writ of Summons or other process shall be served on Saturdays, Sundays or on holidays notified by the Court, except by leave of the Court or the Judge in Chambers.

---

1. Substituted vide Notification No. G / Amend/610/2022, dated-24-03-2022
2 .Inserted vide Notification No. G / Amend/610/2022, dated-24-03-2022

78. Service at advocate's office not to be effected after 5:30 p.m.—No Writ of Summons or other process shall be served at the office of an Advocate after 5:30 p.m. on week days.

79. Undertaking by advocate to accept service.—A Writ of Summons need not be served on a defendant personally, if his Advocate undertakes in writing to accept service, and file a Vakalatnama.

80. Only one writ may be served, when advocate appears for several defendants.— Where an Advocate undertakes in writing to accept service and to file a vakalatnama on behalf of more defendants than one, it shall be sufficient to serve only one Writ of Summons on the said Advocate on behalf of his clients.

81. [1]**[*Deleted*]**

82. Power to direct issue of fresh summons.—Whenever upon the further amendment of any Writ of Summons the Prothonotary and Senior Master shall be of opinion that a fresh Writ of Summons should be substituted, he shall direct it to be done and such fresh writ of Summons shall be prepared by the plaintiff or his Advocate on record and be examined, signed and sealed by the proper officer, and in such case, the Chief Translator's office shall be entitled only to a comparing fee of twenty paise per folio in respect of the words inserted in the printed form of the writ of summons.

83. Service of notice on Attorney General or Advocate General.—If the Court directs that notice of any application be given to the Attorney General of India or to the Advocate General of any State, the notice shall be issued and served by the Office of the Prothonotary and Senior Master.

84. Proof of service of Summons.—Unless the Court shall otherwise order, the service of a Summons to appear and answer shall be proved by the vakalatnama having been filed or when no vakalatnama has been filed, by evidence showing that the Summons was served in the manner provided by the Code of Civil Procedure. Such proof shall ordinarily be by the affidavit of the bailiff and (as to such matters as the bailiff cannot speak to of his knowledge)

1. Deleted vide Notification No. G / Amend/610/2022, dated-24-03-2022

of the person who attended the bailiff for the purpose of identification at the time of service., or of such other person or persons as can speak to the identity of the person served or to other matters necessary to be proved in respect of the service.

85. When service through Court.—When the Summons has been served through another Court, the service may be proved by deposition made before the Court through which the service was effected.

86. Substituted service.—Application for substituted service of the Writ of Summons shall be made in chambers. The application shall be supported by an affidavit, and in the case of service through another Court, by the deposition of the Officer who attempted to make the service, and of such other person or persons as may have accompanied him for the purpose of pointing out the party to be served, stating when where and how such service was attempted to be made.

87. Suits to be placed on board for dismissal if summons not served within [1][three months].—if the Writ of Summons is not served within [1][three months] from the date of the filing of the plaint, the Prothonotary and Senior Master shall, unless good cause is shown, place the suit on board for dismissal. The Prothonotary and Senior Master shall notify such suits on his notice board one week before they are placed on the board for dismissal.

*****

1. Substituted vide Notification No. G / Amend/610/2022, dated-24-03-2022