



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग चार-क

वर्ष ८ अंक १०(२)]

मंगळवार, मार्च २९, २०२२/चैत्र ८, शके १९४४

[पृष्ठे १०, किंमत : रुपये ९.००

असाधारण क्रमांक १३

### प्राधिकृत प्रकाशन

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकाऱ्यांनी तयार केलेले

(भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांव्यतिरिक्त इतर)

वैधानिक नियम व आदेश ; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, आयुक्त (राज्य उत्पादन शुल्क),

जिल्हादंडाधिकारी व निवडणूक आयोग, निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

### THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

### NOTIFICATION

No. G. / Amend / 610 / 2022.—The Honourable the Chief Justice and Judges of the Bombay High Court are pleased to make the following amendment in Chapter VI, VII, XXVIII and Schedule of Forms of the Bombay High Court Original Side Rules, 1980 with immediate effect :—

Sr. No.	Rules	Chapter	Amendment
1.	69	Chapter VI	Existing Rule 69 shall be substituted with following :— <b>R. 69 Summons to defendant.—</b> (1) In these Rules, wherever the word 'Writ of Summons' is used, it shall include ' <b>Writ of Summons with copy of Complaint with annexures</b> ' (2) The Writ of Summons to appear and answer shall be <i>as per provisions of Order V Rule 1 and 2 (Bombay amendment) of Civil Procedure Code, 1908 and</i> in one of the Form Nos. 8, 9, 9A and 10 as may be applicable to the case with such variations as the circumstances of the case may require.

Sr. No.	Rules	Chapter	Amendment
2.	70	Chapter VI	The words ' <b>and</b> ' after the word 'Name' be substituted with punctuation ',' and the words ' <b>and electronic mail address</b> ' shall be added after the words ' <b>address</b> ' and before the words ' <b>of the party</b> '
3.	71	Chapter VI	(1) The words " <b>or digitally signed</b> " shall be added after word " <b>Signed</b> " and before words " <b>by the Prothonotary and Senior Master</b> "  (2) The words " <b>or Master (Admn.) or Section Officer</b> " shall be added after the words ' <b>or Associates</b> ' and before the words " <b>as the Prothonotary and Senior Master may from time to time direct</b> "
4.	73	Chapter VI	Shall be deleted.
5.	74	Chapter VI	Shall be deleted.
6.	75	Chapter VI	In place of existing Rule (1) and (2) following rule shall be substituted :—  <b><i>"R.75. Suits, other than Commercial Suits, Summary Suits and Matrimonial Suits to appear for directions before Prothonotary &amp; Senior Master.—</i></b>  <b><i>Suits, other than Commercial Suits, Summary Suits and Matrimonial suits shall be placed on board before the Prothonotary &amp; Senior Master for directions as to status and other issues relating to suit on the thirtieth day from the date of issuance of Writ of Summons.</i></b>
7	76	Chapter VI	Following shall be inserted after the sentence "An acknowledgement purported 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."  <b>and</b>  the sentence "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."  <b><i>"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 along-with the activity report or acknowledgement in token of service of the notice/order/Process by</i></b>

Sr. No.	Rules	Chapter	Amendment
			<p><i>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.</i></p> <p><i>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.”</i></p>
8.	81	Chapter VI	Shall be deleted.
9.	87	Chapter VI	In heading and in the rule, in place of words six months, words <b>‘three months’</b> shall be substituted.
10.	88	Chapter VII	In Sub-rule (a) of Rule 88, the words <b>“twelve weeks”</b> is substituted by following : <b>“Thirty days.”</b>
11.	89	Chapter VII	Shall be deleted.
12	90	Chapter VII	The existing rule 90 Shall be substituted with following rule :— <b>“R.90.— Judgment for want of written statement.—</b> <b>The procedure as provided in Order VIII, rule 10 shall be followed for the judgment for want of written statement.”</b>
13	91	Chapter VII	Shall be deleted.
14	93	Chapter VII	The words <b>“four weeks”</b> shall be substituted with words <b>“thirty days”</b>
15	95	Chapter VII	The existing Rule 95 shall be substituted with following rule :— <b>R. 95. Counter-claim by defendant.—</b> <b>The procedure as provided in Order VIII Rule 13 to 22 (as amended for Bombay) of Code of Civil Procedure shall be followed for Counter-claim by defendant”</b>
16	98	Chapter VII	The words <b>“eight weeks”</b> shall be substituted with words <b>“thirty days”</b>
17	100	Chapter VII	The existing Rule 100 shall be substituted with following rule :— <b>R. 100 - Reply to counter claim -</b> <b>The rules relating to a written statement by a defendant shall apply to reply to counter-claim.</b>

Sr. No.	Rules	Chapter	Amendment
18	101	Chapter VII	The words “ <b>Judge in Chambers</b> ” shall <i>be</i> substituted with word “ <b>Judge</b> ”
19	103	Chapter VII	Shall be deleted.
20	445	Chapter XXVIII	The words “ <b>Judge in Chambers</b> ” shall be substituted with word “ <b>Judge</b> ” <b>Following sentence shall be inserted at the end of the rule.</b> <i>“In addition to above, Writ of Summons may be served as prescribed by Chapter VI (as amended) of these Rules.”</i>
21	448	Chapter XXVIII	Following Rule shall be inserted in place of existing Rule <b>R. 448 - Time within which writ of summons to be lodged for service.—</b> (1) The Writ of Summons in Suits, other than Commercial Suits, shall be transmitted for service to the office of the Sheriff within <b>two weeks</b> from the date of issuance of Writ of Summons or from the date of any order for amendment of the Writ of Summons. If it is not so lodged, the Sheriff shall not accept the Writ of Summons for service, unless otherwise ordered by the Prothonotary & Senior Master or by the Judge. (2) The Writ of Summons in Commercial Suits shall be transmitted for service to the office of the Sheriff within ten days from the date of issuance of Writ of Summons or from the date of any order for amendment of the Writ of Summons. If it is not so lodged, the Sheriff shall not accept the Writ of Summons for service, unless otherwise ordered by the Judge. (3) <b>After effecting the service by the office of Sheriff, the Advocate shall file affidavit of service within 2 weeks otherwise the office of Sheriff shall file the service report of the Bailiff directly to the Court thereafter.</b>
22.	Form No. 9	Schedule of Forms	The Form No. 9 attached herewith shall be inserted in Schedule of Forms.
23.	Form No. 9A	Schedule of Forms	The Form No. 9A attached herewith shall be inserted in Schedule of Forms
24.	Form No. 15	Schedule of Forms	In the existing Form No.15, eight weeks shall be substituted with ‘thirty days ’

**Form No. 9**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**SUIT No. \_\_\_\_\_ OF \_\_\_\_\_**

**Plaint Presented**

**and filed on**

\_\_\_\_\_ **day of**

\_\_\_\_\_, **202**\_\_ .

**SUMMONS to answer Plaintiff under**

**Section 27 O.V.**

**rr.1, 5, 7 and 8 and**

**O.VIII, r.1 and 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 annexed herewith.

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 30 days from the service of this summons upon you 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 the reasons to be recorded in writing, but  
which shall not be later than ninety days from the date of service of summons, as per Order VIII,  
Rule-1 of Civil Procedure Code, 1908.

And whereas the suit will be placed for directions on the board of the Prothonotary and  
Senior Master on such date as may be directed by him, for directions as to the date of trial and  
other matters concerning the suit.

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 Prothonotary and Senior Master the suit may be ordered to be set down on Board on any subsequent day as “undefended” and you will be liable to have a decree or order passed against you.

Witness Shri

Chief Justice

at Bombay aforesaid, this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_ .

For Prothonotary and Senior Master.

Sealer

This \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_ .

Advocate for the Plaintiff :

Address :

**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.

**Note :—** Next date in this Suit is ..... / ..... 202..... . Please check the status and next / further date of this Suit on the official web-site of the High Court :— *https:// bombayhighcourt.nic.in /*

In the High Court of Judicature at Bombay  
Ordinary Original Civil Jurisdiction  
Suit No. \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ ... Plaintiff

Vs.

\_\_\_\_\_ ... Defendant

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Summons to answer Plaintiff

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Returned and filed the      day of      20 .

ADVOCATE FOR THE PLAINTIFF.

**Form No. 9A**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION /  
IN ITS 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.

Take notice that, in default the Suit may be taken up for a decree or order against you for want of Written Statement.

Witness Shri.

Chief Justice

at 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 thereto, certified as true copy by Advocate for Plaintiff, is enclosed herewith.

Note :—Note : Next date in this suit is ..... /..... /20..... .

Please check the status and next/further date of this suit on the official website of the High Court :— <https://bombayhighcourt.nic.in/>

No. 15

**Notice of Counter claim (Rule 98).**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT No. \_\_\_\_\_ OF \_\_\_\_\_

..... PLAINTIFF

VERSUS

..... DEFENDANT

To,

The withinnamed X.Y.

Take notice that you are required to file an appearance in person or a vakalatnama and your reply to the counter-claim of .....within 30 days from the service of this written statement and counter-claim upon you. If you fail to do so, you will be liable to have a decree passed against you on the counter claim.

The ..... day of ..... 20 .

For Prothonotary and Senior Master,

Sealer

The ..... day of ..... 20 .

Advocate for.....