

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 :-

“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 or you 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

Bombay aforesaid, this _____ day of _____ 20

Chief Justice

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 ad 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 will be furnished to the Defendant by the Plaintiff or his Advocate, on demand

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