**TOPIC: HOW MANY LEGAL NOTICE ARE SUBMITTED IN THE COURT AND HOW TO DRAFT EACH OF THEM**

**Introduction**

Each and every legal proceedings, need a lot of documents to be filed , requests, decide,petitions, dates and motions.Now, the principle of these document can be termed as notice, which is given to both of the parties and has effect in legal proceedings either to those affected by proceeding on law suit , to the opposing advocates or court. As we all know , court is not a secret agency to act in a secret way as notice is being introduced for transperacy .A legal notice is something by which party can get his rights , duties and obligations to be conferred . It also helps in making the receiving party aware of the grievances of the sender .It makes an attempt to inform an person either individual or an organization about a proforma needed by Honourable court of law.

A legal notice send to defendant must contain :

*facts*

*complaints*

 Purpose is to make aware the defendant about s/he is being accused of, and as procedure (the defendant) is given a reasonable time to answer for the same.; and after a time it is upto the defendant to inform the court of law whether he agrees or disagrees with the facts and complaints.

SENDER – person who sends the notice is called sender .

ADDRESSEE- Notice given to person , who needs to answer in return . After the notice addressee gets the opportunity to provide and present his side without resorting in court. A notice is served only if it is delivered or refused by the person is called as addressee.

Notice can be issued as statutory duty or merely optional, but in both the matters, The main purpose of the notice is :

To inform the recipient thereof, namely the addressee, precisely and clearly of the intention of the sender.

It can also be stated as last warning to the receiver to fulfil a certain condition if he does not want to be in court proceedings .

Condition for issuance of legal notice :

1. Consumer Forums: Matters where faulty product or service is being rendered to a person where s/he can send a legal notice to the concerned person and ask him to solve the deficiencies.
2. Disputes in property like; partition, eviction or matter related to property’s possession.
3. Loan Defaulters: As per (SARFAESI Act), Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 the debt recovery proceedings starts as soon as sending a legal notice to the defaulters . Negotiable Instruments Act: Matters of dishonour of cheque, an aggrieved party an send a legal notice for recovery of payment.
4. Money Recovery matters : First thing to be done in this kind of matter is to send a legal notice .
5. Employee and Employer/Company: If the employer in any way deprives the employees from their salary, then legal notice can be issued to the employer.

By help of legal notice matters can easily be settle t through negotiation, mediation or arbitration . Without being into court’s mess.

PRE-LEGAL NOTICE

Term Pre –legal means ‘before being legal’. Here it is the before or prior notice sent to the parties before the original legal notice. It is a type of personal communication between as well as pre-legal notice is an warning before legal notice.

*Things to be contained in a single Legal Notice:*

1-TITLE OF THE NOTICE

It has to be short, informative, which provides a glimpse of matter which is discussed below in the notice. Moreover, The addressee real and perfect address and contact must be mentioned in notice . So, that the real person gets the notice

example, *“Notice for the recovery of salary pending before five months .”*

2-MATTERS AND FACTS

The reason and cause for the concerned notice. The acts must be mentioned which had created a problem either intentionally or unintentionally for the sender to issue a notice. If any previous communications related to the matter that must be reffered. Any vital information can not be left out the league

example, the body of notice be like:

* *That you bought goods on credit from my client on August 6,2021*
* you had promised to complete the payment within 5 months to my client
* That you were not able to pay the amount till 5 December , 2021

3-DEMAND AND REQUIRMENT

The demand must be carefully drafted and mentioned in the notice. Their can be any specific performance or monetary compensation for the grievance and mental harassment done to sender as he has to suffer because of other parties conduct.

example, the demand clause :

*“I, therefore, through this Legal Notice call upon you, on my client’s behalf, to make the payment of Rs.\_\_\_\_/- in favour of my client, within \_\_\_ days from the date of receipt of this Legal Notice along with interest of Rs.\_\_\_/-.”*

 FORMS OF LEGAL NOTICE

 **Tenant eviction notice**

Whenever any land is leased to a tenant, an Agreement is signed between the tenant and the landlord for the same .Rights of tenants in our country is given in Rent Control Act,1948.

 tenants have some rights which protects them from forced or unlawful eviction, as well as there are the certain conditions depending on which the landlord can file an eviction suit. First thing landlord must do before eviction is to send a legal notice .

The legal notice must contain:

1. The number of days within which the tenant has to vacate the property, and
2. The time and date on which property should be vacated, and
3. The reason for eviction.

**Sample Eviction Notice:**

ADVOCATE        OFFICE Address\_\_\_\_\_\_\_\_\_

Contact No.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_     Email:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Ref. No.\_\_\_\_\_        Dated:\_\_\_\_\_\_\_\_\_\_\_

REGISTERED A.D.

LEGAL NOTICE

To,   *(Name and Address of the Recipient.)*

\_\_\_\_\_\_ Son of \_\_\_\_\_

Resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sir,

Having instructions from and on behalf of my client \_\_\_\_\_ son of \_\_\_\_\_R/o \_\_\_\_\_, I do hereby serve you with the following legal notice:

1. That my client is the owner of \_\_\_\_\_.
2. That my client let out the Land, SCO No.\_\_\_\_\_\_\_\_, measuring \_\_\_\_\_\_sq.metres to you in the month of \_\_\_\_\_, \_\_\_\_\_on a monthly rent of \_\_\_\_\_/- per month plus \_\_\_\_\_/- per month as maintenance charges.
3. You and my client entered into Rent Agreement on \_\_\_\_\_ for the period of \_\_\_\_\_ months.
4. That it was also settled between you and my client that in case you fail to pay the monthly rent consecutively for a period of two months to my client, then my client shall be entitled to get the rented premises vacated immediately and you would hand over the actual physical possession of the rented property to my client.*(Statement of facts.)*
5. That you have paid the rent of the rented premises to my client upto the \_\_\_\_\_ and thereafter you have not made any attempt for the payment till date. *(Cause of action.)*
6. Thereafter, my client demanded the rent due to him \_\_\_\_\_/- per month for the months of \_\_\_\_\_ amounting to \_\_\_\_\_/.
7. That, know as per the terms and conditions of the Rent Agreement, the said Rent Agreement was executed for the period of only \_\_\_\_\_ months i.e. upto \_\_\_\_\_ and the period of tenancy has already been completed, therefore, the Rent Agreement dated \_\_\_\_\_ has expired. Now my client is not interested in continuing with the tenancy and wants you to vacate the said premises.*(Reason for eviction).*

I, therefore, through this legal notice call upon you to pay the due amount of rent \_\_\_\_\_/- along maintenance charges and interest and vacate the premises of my client immediately, within \_\_\_\_\_ days from the date of receipt of this legal notice. *(Relief demanded by the Plaintiff).*

In case you fail to do so, then my client has given me clear instructions to file legal proceedings against you in the competent court of law under the provisions of the Indian Contract Act and other applicable laws. In that event you shall be fully responsible for all costs, risks and responsibilities.

*(Legal basis)*

A copy of this legal notice is retained in my office for record and further necessary action.

Advocate.

**Employee and employer/company**

The employee can send a legal notice to his employer and claim the salary back due to him for the services rendered.

Sample legal notice to the employer for non-payment of salary:

Registered A.D.

Legal Notice

To,    *(Name and Address of the Recipient)*     Dated:

Company Name
Through its Managing Director
Mr. X

Sir,

Under instruction and on behalf of my client Mr. A, S/o\_\_\_\_\_\_,R/o\_\_\_\_\_\_\_ I do hereby serve you with the following notice:

1. That my client was appointed by your offer letter dated 21st September 2019 and the salary of my client was fixed at Rs. 57000 /- per month.*(Statement of facts.)*
2. You issued the offer letter in the name of my client and also gave him an Identity card.
3. That my client did his duty regularly and with utmost punctuality.
4. That on 4th January, 2020 when my client went to do his duty then your office abruptly refused to allow my client to do his duty. You told my client his services are no longer required. Thus you terminated the services of my client without any reasonable cause. At the time of termination of the services of my client, you did not pay the salary for the month of November and 15 days salary for the month of December which comes to Rs. 33,500/-.
5. That my client visited your office from time to time and spent a huge amount of Rs. 2800/- on the charges of travelling but you refused to pay. Lastly on 2nd February, 2020 you clearly refused to pay the salary of Rs.33,500/- to my client along with traveling charges. You also did not pay amount of bonus and other service benefits which amounts to Rs. 28000/-. *(Cause of action.)*

I, therefore, call upon you through this Notice, to make the payment of the Rs. 90,000/- to my clients along with interest up to date, within 15 days. *(Relief claimed and a time period provided.)*

In case you fail to do so, my client has given me clear instructions for filing criminal as well as Civil Suit and Suit for Recovery in the competent court of law and in that event you will be fully responsible for all costs, risks, responsibilities, expenses and consequences thereof. *(Legal basis.)*

A copy of this Notice is kept in my office for record and further necessary action to be taken against you and it is advised to keep the copy safe as you would be asked to produce in court of law .

Advocate

***Cheque bounce notice***

In matters related to dishonour of cheques, a legal notice is filed under Section 138 of the Negotiable Instruments Act.

Sample legal notice :

Registered A.D.

Legal Notice

To,           Dated:

Mr. A, *(The Name and Address of the Recipient.)*

Dear Mam,

Under the instruction and authority from my client Mr. XYZ (hereinafter referred to as my ‘client’), I do hereby serve upon you the following notice under Section 138 of the Negotiable Instrument Act, 1881:

1. That my client and you know each other for the last 5 years and on that account you demanded a friendly loan of Rs.6,00,000 from my client in the month of June. My client loaned you the said amount.
2. That earlier, you issued a cheque dated 29th June, 2019 for Rs.6,00,000 drawn on \_\_\_\_\_\_\_, in order to discharge your liability.
3. That when the cheque was presented for encashment by my client the same was returned unpaid by the banker with the reason of “Insufficient Funds”. My client informed you about it through telephone. *(Statement of facts)*
4. That despite various reminders, you failed to pay the due amount to my client. You tried to avoid the matter as it is nothing .This is why my client is left with no other option to tackle this with legal notice. *(Cause of action)*
5. That you have failed to comply with the provisions of the law and also failed to discharge your liability from your accountof paying back amoun and the as same cheque was dishonoured intentionally and willfully.
6. That, either you discharge your liability towards my client in the next 15 days or criminal and civil charges will be framed against you, and you can be punished for imprisonment which may extend to two years, or with fine which may extend to twice the amount of the cheque, or with both.  *(Relief claimed and legal basis)*

Advocate

***Matters of Consumer dispute***

When any person is get into with deficient goods or services rendered to him/her, s/he as a consumer, can file a legal notice against the concerned person/authority/organiztion. In the legal notice, consumer can give a reasonable time, for instance ,15 days to rectify the deficiencies in the product or to face a legal proceedings.

***Sample notice :***

REGISTERED A.D.

LEGAL NOTICE

To,

M/s———————–

Address:*(Address of the seller.)*

Subject: Notice against defective goods sold by you.

Sir,

1. That the undersigned is a consumer as defined under Consumer Protection Act, 1986.
2. That we have purchased goods/ taken a service from you, receipt dated \_\_\_\_\_\_\_\_by paying an amount of Rs.\_\_\_\_\_\_\_\_\_\_\_.  *(Statement of Facts.)*
3. That the said product/service due to the following defects:  *(Description of the Defects.)*
4. That the above said act on your part has caused us great loss as well as inconvenience and loss of value of the said money.
5. That, you are hereby asked to replace the said good or provide us a refund immediately within one week of receipt of this notice.

*(Relief claimed by the Plaintiff.)*

1. In case you fail to do so, the undersigned shall be free to initiate legal proceedings against your act of unfair trade practice and deficiency of services under the provisions of the Consumer Protection Act, 1986 and shall seek to the refund of the amount already paid to you with the total interest and damages for which you shall be liable. *(Legal Basis)*

This notice may be treated as the last and final communication on the issue.

Thanking you,

Yours truly,

(Name)

Address

**Section 80 of the crpc code details two things.**

1. Who should be served with the notice?
2. What should the notice contain?

Who should be served with the notice?

It is stated in the section that,

1. If any suit or proceeding is filed against the Central or State Government, then the notice be served to secretary to that government or collector of the concerned district ;
2. If any suit which is being filed against the railway authority, then notice be served to the General Manager;
3. If the suit is filed against Government of Jammu and Kashmir, the Chief Secretary to the government or any other authorized person will be served with the notice;
4. If any suit is to be filed against a public officer, then the notice should be delivered to him or his /her office.

A timeframe of 2 months is given to resolve the issue given to Government or the officer who is served with the notice are provided with. In matter they failed to do so, legal proceeding can be initiated .

It is the mandatory follow up requirement made to discourage frivolous lawsuits against the government and its administration .

What should the notice contain?

Section 80 of the Crpc states all essential information as there must be in the notice.

It includes:

The Name, Description, Residence of the person sending the notice;

1. The cause of action for filing the notice;
2. The relief/compensation claimed by the plaintiff.

**Procedure of Filing a legal notice**

A legal notice can be filed and drafted with the help of lawyer or can also be served by self .The notice should be typed on the lawyer’s letterhead if lawyers services is being rendered.

All the material facts of the case must be contained in concerned legal notice. There must be recipient’s name and address. And it can be sent by the person himself or his lawyer. The cause of action ,previous communications regarding the action must be mentioned.

Reasonable time must be given by aggrieved party to the recipient for settlement of the concerned matter. The matter can be resolved by:

1. Addressing the grievances of the aggrieved party,
2. Negotiating on the matter, or
3. Performance of the desired action by recipient.

**Point to be kept in mind**

* The whole process of sending a Legal Notice takes around 5-7 working days through Registered Post/ Courier.
* English is the generally accepted language for Legal Notice .
* No documents or annexures are required to be sent .
* It is not mandatory to reply to a Legal Notice, but it is advisable to reply appropriately after consulting with an advocate.
* IKnow a days in various cases, Supreme Court has recognized the Legal Notices sent through social and online platform like; WhatsApp, Telegram, E-mail, or Fax.
* The **Bombay** **High** **Court**, in the matter of **SBI Cards (P) Ltd. Vs. Rohit Jadhav,** two blue ticks on WhatsApp signify the receipt of the notice.
* sender is aware of the recipient’s alternative address,then it must also be mentioned to ensure that the notice reaches him.
* As there is no set format of a Legal Notice. depending upon the drafting skills and command ,language of the advocate.
* Notice in matters of a breach of a contract, it must be sent to the address mentioned under the ‘Notices’ clause of the contract.
* The mode of dispatch (electronic or physical) must also be compliant with the provisions of the contract between the parties.

**Example of legal notice**

ADVOCATE NAME      OFFICE ADDRESS:\_\_\_\_\_\_\_\_\_\_\_

CONTACT NO.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Ref. No.\_\_\_\_\_\_\_\_       Dated: \_\_\_\_\_\_\_\_\_\_\_

 REGISTERED A.D.

To,

1- \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(Name and Address of the Recipient.)*

2- \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SUBJECT: LEGAL NOTICE UNDER SECTION \_\_\_\_OF \_\_\_\_\_ ACT, \_\_\_\_\_. *(Legal Basis)*

Dear Sir,

Under the instructions and on behalf of my client Mr./Ms. \_\_\_\_\_\_\_ S/o \_\_\_\_\_\_\_, resident of \_\_\_\_\_\_\_, I do hereby serve you with the following notice under section \_\_\_ of the \_\_\_\_\_\_\_ Act.

1- That my client \_\_\_\_\_\_\_\_\_\_\_\_\_\_. *(Statement of Facts)*

2- That since \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

3- That on \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

4- That my client wants you to \_\_\_\_\_\_\_\_\_\_\_\_\_\_.*(Relief Demanded by the Plaintiff.)*

I therefore call upon you through this notice \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

A copy of this legal notice is retained in my office for further necessary action.

ADVOCATE NAME

 **Conclusion**

 A well drafted legal notice can make the parties resolve their disputes without indulging in the hassle of a formal legal proceeding and thus can save time and costs. It is the best to tackle the situation which can harm anyone financially, emotionally, or can make self control over the matters which can latter create a great legal problems.

THANK YOU.

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