

HIGH COURT OF DELHI : NEW DELHI

No. 3641-52/DHC/Gaz/G-X/Instructions/2011

From

The Registrar General,
Delhi High Court,
New Delhi.

To

1. The District & Sessions Judge,
Tis Hazari Courts, Delhi.
2. The District Judge & Addl. Sessions Judge I/C,
East District, Karkardooma Courts, Delhi
3. The District Judge & Addl. Sessions Judge I/C,
South West District, Dwarka, New Delhi.
4. The District Judge & Addl. Sessions Judge I/C
North East District, Karkardooma, Delhi.
5. The District Judge & Addl. Sessions Judge I/C
North District, Tis Hazari, Delhi.
6. The District Judge & Addl. Sessions Judge I/C,
North West & Outer District, Rohini, Delhi.
7. The District Judge & Addl. Sessions Judge I/C
West District, Tis Hazari, Delhi.
8. The District Judge & Addl. Sessions Judge I/C
South & South East District, Saket Court Complex New Delhi
9. The District Judge & Addl. Sessions Judge I/C
New Delhi District, Patiala House Court, New Delhi.
10. The Principal Judge, Family Courts,
Dwarka Court Complex, New Delhi.

New Delhi, dated the 13/9/2011.

Sub : Service Abroad of Judicial and Extra-judicial Documents under the Hague Convention of 1965/Mutual Legal Assistance Treaties/Reciprocal arrangements with foreign countries in Civil and commercial Matters-regarding.

Madam/Sir,

I am directed to forward herewith a copy of Office Memorandum dated 18.8.2011 received from the Joint Secretary and Legal Adviser, Govt. of India, Ministry of Law & Justice, Department of Legal Affairs (Judicial Section) on the above subject with the request to kindly circulate the same amongst all the Judicial Officers under your control, for information and necessary compliance.

Yours faithfully,

(R. Gopalan)

Deputy Registrar (Gazette)
for Registrar General

D&SJ
14/9
As (Justice) / of (Gazette)

Enclosed: As above

F.No. 12(77)10Judl
Government of India
Ministry of Law and Justice
Department of Legal Affairs
(Judicial Section)

Shastri Bhawan, New Delhi
Dated 18.8.2011

Office Memorandum

Sub: Service Abroad of Judicial and Extra-judicial Documents under the Hague Convention of 1965/Mutual Legal Assistance Treaties/Reciprocal arrangements with foreign countries in Civil and commercial Matters-regarding

The undersigned is directed to refer to the subject cited above and to state that this Department is the Central authority for service of summons/notices in foreign countries under the provisions of the above Agreements.

2. It has been observed by this Department that a large numbers of documents received from the various courts are incomplete in one respect or the other and it gets quite difficult to process those documents to the foreign countries for service.

3. It is therefore requested to all Registrar Generals of supreme Court/High Courts to circulate the following information to the courts within their jurisdiction with the direction to ensure the particulars of documents before sending the same to this Department:-

S. No.	Particulars of information
1.	Summons/Notices in duplicate shall be issued providing 3 months time in advance this to Department for affecting the service in foreign countries
2.	Full address of the party and translation of the documents in the official language of requesting country wherever necessary.
3.	The Central Authority, USA has authorized to receive the summons/notices under Hague Convention of 1965 to an agency, Process Forward International. The Notice/summons for USA may therefore be sent directly by the Courts to Process Forwarding International, 633 Yesler Way, Seattle, WA 98104, USA along with the required fee etc.(details available at www.hcch.net).
4.	Ministry of Home Affairs is the nodal ministry and Central Authority for seeking and providing the mutual legal assistance in <u>criminal law matters</u> . Ministry of Home Affairs receives all kind of such requests, examines and takes appropriate action(as per circular no T4410/14/2006 dated 30.04.2010 of Ministry of External Affairs).
5.	The Central Authorities in Canada are charging a cost of Rs. \$ 50.00 Canadian for the process of service under the Hague convention of Service Abroad of Judicial and Extra Judicial Matters, 1965. The payment accompanying the documents to be served must be in the form of a traveller's cheque or a cheque, in the amount of Can \$50 per request. The travellers cheque or cheque must be drawn on a Canadian Bank . The details may be seen at www.hcch.net
6.	Consulate General of India in Sydney has informed that the Sheriff's Office of NSW levies a fee of AUD 54 for serving summons through their office. The fee could be remitted in favour of the Consulate General of India, Sydney and the details of the 'Head of Account' under which such payment has to be debited be provided for making necessary action. (details available at www.hcch.net).

7	This Department process the service of summons/notices in civil and commercial matters issued by an Indian court fore service on a person residing in a foreign country with which there is any reciprocal arrangement. The list of member State/non-member State may be seen at www.hcch.net	
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4. Since the number of requests from various courts on the subject has increased to manifold, the incomplete documents received in this regard will be returned to the court concerned with a copy of this circular.

5. This issues with the approval of Hon'ble MLJ

M.A. Khan Yusufi
 (M.A.Khan Yusufi)
 Joint Secretary and Legal Adviser

To

1. Registrar General, Supreme Court of India.
2. Registrar General of all the High Courts.

GENERAL RECEIPT
 Court of Delhi
 26 AUG 2011
 Receipt No. 5043

1844
 30/8/11