

HIGH COURT OF KARNATAKA, BENGALURU
NOTIFICATION
No.HCLC 74/2021, DATED 21.08.2023

In exercise of powers conferred under Article 227 of the Constitution of India read with Sections 122, 126 and 129 of the Code of Civil Procedure, 1908 and all other powers enabling the High Court of Karnataka hereby makes and publishes the following draft with regard to amendment to Schedule-I of the Code of Civil Procedure, 1908, for information of all persons likely to be affected thereby and notice is hereby given that the said amendment shall be taken into consideration immediately after 15 days from the date of publication of this Notification in Karnataka Gazette.

Any objections or suggestions which may be received from any person with respect to the said draft by the High Court of Karnataka after the specified period will not be considered. Objections or suggestions may be addressed to the Registrar General, High Court of Karnataka, Bengaluru-560 001.

DRAFT RULES

1. Title and commencement – (1) These Rules may be called the ‘Code of Civil Procedure (Amendment) (Karnataka) Rules, 2023.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of First Schedule:-

In the First Schedule to the Code of Civil Procedure, 1908-

I In Order I.-

(i) **For the Karnataka High Court Amendment in sub-rule (3) of Rule 8**, for the words ‘where from the number of persons or any other cause’, the words ‘**by other modes permitted under the rules framed by the High Court, where**’ shall be substituted.

After amendment, sub-rule (3) of Rule 8 of Order I would read as under:

“(3) The Court shall in all such cases give at the expense of such party as it may decide, notice of the institution of the suit to all persons so interested either by personal service or **by other modes permitted under the Rules framed by the High Court, where** such personal service is not reasonably practicable, by public advertisement, as the Court may in each case direct.”

II In Order III.-

(i) **For the Karnataka High Court Amendment in sub-rule (1) of Rule 4**, (1) after the words ‘No pleader’ the punctuation and word ‘**/Advocate**’ shall be inserted;

- (2) after the words 'unless he has been appointed for' for the word 'the', the word '**that**' shall be substituted;
- (3) for the word 'document', the word '**memorandum**' shall be substituted;
- (4) after the words 'with his signature in his own hand', the word '**or digitally signed**' shall be inserted.

After amendment, sub-rule (1) of Rule 4 of Order III would read as under:

“(1) No pleader/**Advocate** shall act for any person in any Court, unless he has been appointed for **that** purpose by such person by a **memorandum** subscribed with his signature in his own hand **or digitally signed** by such person or by his recognized agent or by some other person duly authorized by or under a power of attorney to make such appointment and the appointment has been accepted in writing by the pleader.”.

(ii) **For the Karnataka High Court Amendment in sub-rule (3) of Rule 4,**

- (1) after the words 'decree or any order in the suit' the words '**or miscellaneous proceedings under Section 141 of the Code**' shall be inserted;
- (2) after the words 'Section 144 of the Code or otherwise,' the words '**revision petitions under Section 115 of the Code or petitions under Article 227 of the Constitution, appeals or**' shall be inserted.

After amendment, sub-rule (3) of Rule 4 of Order III would read as under:

(3) For the purpose of sub-rule (2), proceedings in the suit shall mean all interlocutory and miscellaneous proceedings connected with the suit or any decree or order passed therein taken in the Court in which the suit has been instituted or by which the suit has been disposed of, and shall include applications for review of judgment, applications for amendment or correction of the decree, applications for execution of the decree or any order in the suit **or miscellaneous proceedings under Section 141 of the Code** or for restitution under Section 144 of the Code or otherwise, **revision petitions under Section 115 of the Code or petitions under Article 227 of the Constitution, appeals or** applications for leave to appeal against any decree or order passed in the suit, and applications or acts for the purpose of obtaining copies of documents or copies of judgments, decrees or orders or for the return of documents produced or filed in the suit or for obtaining payment of refunds of monies paid into Court in connection with the suit or any decree or order therein.

(iii) **For the Karnataka High Court Amendment in clause (a) of sub-rule (4) of Rule 4,** after the words 'applications for review of judgment', the **punctuation and words ', miscellaneous proceedings under Section 141 of the Code, for restitution under Section 144 of the Code, revision petitions under Section 115 of the Code or petitions under Article 227 of the Constitution, appeals'** shall be inserted.

After amendment, clause (a) of sub-rule 4 of Rule 4 of Order III would read as under:

“(4)(a) In the case of applications for execution of a decree, applications for review of judgment, **miscellaneous proceedings under Section 141 of the Code, for restitution under Section 144 of the Code, revision petitions under Section 115 of the Code or petitions under Article 227 of the Constitution, appeals** and applications for leave to appeal, a pleader whose appointment continues in force by virtue of sub-rule (2) of this rule and who has been served with the notice in any such application shall be at liberty to intimate to the Court in writing in the form of a memorandum filed into Court at or before the first hearing of any such application or appeal that he has not received instructions from his client and to retire from the case.”

(iv) **For the Karnataka High Court Amendment in sub-rule (6) of Rule 4,**

(1) for the words ‘No pleader who has been engaged for the purpose of pleading only shall plead on behalf of any party unless he has filed into Court a memorandum of appearance signed by himself’, the words **‘A pleader appointed to represent a party shall file into Court a memorandum of appearance signed by himself’** shall be substituted;

(2) before the words ‘(c) the name of the person’ the word **‘and’** shall be deleted.

(3) At the end of the sub-rule(6), the following shall be inserted namely:-

“(d) the full postal address of the party and the pleader and (e) if available, the email address, fax number, short messaging services number, instant messaging services number and other social media account details of the party and the pleader.”

After amendment, sub-rule (6) of Rule 4 of Order III would read as under:

“(6) A pleader appointed to represent a party shall file into Court a memorandum of appearance signed by himself and stating (a) the names of the parties to the suit, (b) name of the party for whom he appears, (c) the name of the person by whom he is authorized to appear, (d) the full postal address of the party and the pleader, and (e) if available, the email address, fax number, short messaging services number, instant messaging services number and other social media account details of the party and the pleader.

Provided that nothing in this sub-rule shall apply to any pleader engaged to plead on behalf of any party by any other pleader who has himself been duly appointed to act in Court on behalf of such party.”

(v) **For the Karnataka High Court Amendment in sub-rule (1) of Rule 5,** after the words ‘or left at the office or ordinary residence of such pleader’, the words **‘or sent to the e-mail address, fax number, short messaging services number, instant messaging number and other social media account details of such pleader’** shall be inserted.

After amendment, sub-rule (1) of Rule 5 of Order III would read as under:

“5.(1) Any process served on the pleader of any party or left at the office or ordinary residence of such pleader **or sent to the email address, fax number, short messaging services number, instant messaging number and other social media account details of such pleader** and whether the same is for the personal appearance of the party or not, shall be presumed to be duly communicated and made known to the party whom the pleader represents, and unless the Court otherwise directs, shall be as effectual for all purposes as if the same had been given to or served on the party in person.”

- (vi) **For the Karnataka High Court Amendment in sub-rule (2) of Rule 5**, after the words ‘Court absence of instructions from his client’, the words **‘or retires from the case’** shall be inserted.

After amendment, sub-rule (2) of Rule 5 of Order III would read as under:

“(2) A pleader appointed to act shall be bound to receive notice on behalf of his client in all proceedings in the suit as defined in sub-rule (3) of Rule 4. Where, however, such pleader having been served with notice reports to Court absence of instructions from his client **or retires from the case** under sub-rule (4) of Rule 4, the Court shall direct that notice shall be issued and served personally on the party in the manner prescribed for service of summons on a defendant under Order V of this Code.”

III In Order V.-

(i) **In Rule 2,**

(1) In the heading, after the words ‘Copy of plaint’, the punctuation and words **‘etc., to be’** shall be inserted;

(2) after the words ‘accompanied by a copy of the plaint’, the following shall be inserted namely,-

“, plaint documents, interlocutory applications, affidavits in support thereof, and if service is effected by modes provided under relevant rules made in relation thereto, as provided by such rules.”

After amendment, Rule 2 of Order V would read as under:

“2. Copy of plaint etc., to be annexed to summons. – Every summon shall be accompanied by a copy of the plaint, **plaint documents, interlocutory applications, affidavits in support thereof, and if service is effected by modes provided under relevant rules made in relation thereto, as provided by such rules.”**

(ii) **Rule 4** shall be substituted with the following, namely.-

“4. Appearance of a recognized agent when Court directs personal appearance of either plaintiff or defendant.- On an application filed on behalf of plaintiff or defendant who is directed to be present personally under Rule 3 above, Court may in its discretion permit a person specifically authorized in

that regard by such plaintiff or defendant to appear instead of appearing in person.”

(iii) **In Rule 7,**

(1) after the words ‘The summons to appear and answer shall order the defendant to produce’, the words **‘in such sufficient numbers as there are plaintiffs and defendants in the suit’**, shall be inserted;

(2) after the words ‘[all documents or copies thereof specified in rule 1-A of Order VIII]’, the words **‘attested by the concerned party’** shall be inserted.

After amendment, Rule 7 of Order V would read as under:

“7. Summons to order defendant to produce documents relied on by him. –

The summons to appear and answer shall order the defendant to produce, **in such sufficient numbers as there are plaintiffs and defendants in the suit**, all documents or copies thereof specified in rule 1-A of Order VIII **attested by the concerned party** in his possession or power upon which he intends to rely in support of his case.

(iv) **In sub-rule (1) of Rule 9,**

(1) after the words ‘(1) Where the defendant resides’, the words **‘or has his place of business’** shall be inserted;

(2) after the words ‘to such courier services’, the words **‘as are’** shall be deleted;

(3) after the words ‘such courier services as are approved by the’ the word **‘Court’** shall be deleted and the following words shall be inserted namely.-

“High Court, or by any other means or by any other electronic modes of transmission of documents (including fax message or short messaging services or instant messaging services or on any social media account of such defendant) provided by the rules made by the High Court.”

After amendment, sub-rule (1) of Rule 9 of Order V would read as under:

9. Delivery of summons by Court.-(1) Where the defendant resides **or has his place of business** within the jurisdiction of the Court in which the suit is instituted, or has an agent resident within that jurisdiction who is empowered to accept the service of the summons, the summons shall, unless the Court otherwise directs, be delivered or sent either to the proper officer to be served by him or one of his subordinates or to such courier services approved by the **High Court, or by any other means or by any other electronic modes of transmission of documents (including fax message or short messaging services or instant messaging services or on any social media account of such defendant) provided by the rules made by the High Court.**

(v) **In sub-rule (3) of Rule 9,**

(1) after the words ‘the Court referred to in sub-rule (1) or by any other means’, the words **‘or by any other electronic modes’** shall be inserted;

(2) for the words '(including fax message or electronic mail service) provided by the', the words **'by short messaging services or instant messaging services or on any social media account of such defendant as per the'** shall be substituted.

After amendment, sub-rule (3) of Rule 9 of Order V would read as under:

(3) The services of summons may be made by delivering or transmitting a copy thereof by registered post acknowledgment due, addressed to the defendant or his agent empowered to accept the service or by speed post or by such courier services as are approved by the High Court or by the Court referred to in sub-rule (1) or by any other means or by any other electronic modes of transmission of documents or **by short messaging services or instant messaging services or on any social media account of such defendant as per the** rules made by the High Court.

Provided that the service of summons under this sub-rule shall be made at the expenses of the plaintiff.

(vi) **After sub-rule (3) of Rule 9, the following shall be inserted, namely.-**
"3(a) Insofar as the service of speed post/registered post with acknowledgment due, the postal acknowledgment/shara purporting to contain the signature of the party may be deemed to be *prima facie* proof of sufficient service of the summons on the defendant on the day on which it purports to have been signed by him. If the postal cover is returned unserved, any endorsement purported to have been made thereon by the delivery person or an employee or officer of the Postal Department shall be *prima facie* evidence of the statements contained therein."

(vii) **In sub-rule (5) Rule 9,**
 (1) after the words 'by any other means specified in sub-rule (3) when tendered or transmitted to him,' the words **'or that the defendant or his agent has not claimed such postal article when intimation is left at the address of such defendant or his agent,'** shall be inserted.

(2) in the proviso, at the end, the following shall be inserted namely.-
"and if the website of the Department of Posts indicates that the said postal article was delivered."

Provided service of summons by Courier Service or by any other means or by any other electronic modes of transmission of documents (including fax message or electronic mail service or short messaging services or on any social media account of such defendant) as provided under sub-rule (3), shall be held sufficient according to the Rules framed by the High Court in that regard."

After amendment, sub-rule (5) of Rule 9 of Order V would read as under:

“(5) When an acknowledgment or any other receipt purporting to be signed by the defendant or his agent is received by the Court or postal article containing the summons is received back by the Court with an endorsement purporting to have been made by a postal employee or by any person authorized by the courier service to the effect that the defendant or his agent had refused to take delivery of the postal article containing the summons or had refused to accept the summons by any other means specified in sub-rule (3) when tendered or transmitted to him, **or that the defendant or his agent has not claimed such postal article when intimation is left at the address of such defendant or his agent**, the Court issuing the summons shall declare that the summons had been duly served on the defendant:

Provided that where the summons was properly addressed, pre-paid and duly sent by registered post acknowledgment due, the declaration referred to in this sub-rule shall be made notwithstanding the fact that the acknowledgment having been lost or mislaid, or for any other reason, has not been received by the Court within thirty days from the date of issue of summons **and if the website of the Department of Posts indicates that the said postal article was delivered.**

Provided service of summons by Courier Service or by any other means or by any other electronic modes of transmission of documents (including fax message or electronic mail service or Short Messaging Services or on any social media account of such defendant) as provided under sub-rule (3), shall be held sufficient according to the Rules framed by the High Court in that regard.”

- (viii) **In sub-rule (4) of Rule 9-A**, for the words ‘or for any reason such summons cannot be served personally, the Court shall, on the application of the party, re-issue such summons to be served by the Court in the same manner as a summons to a defendant’, the words **‘and upon the application of the party accompanied by an affidavit of the person who has tendered such summons, the Court issuing such summons shall declare that the summons had been duly served on such person’** shall be substituted.

After amendment, sub-rule (4) of Rule 9-A of Order V would read as under:

“(4) If such summons, when tendered, is refused or if the person served refuses to sign an acknowledgment of service, **and upon the application of the party accompanied by an affidavit of the person who has tendered such summons, the Court issuing such summons shall declare that the summons had been duly served on such person.**”

- (ix) **In Rule 10**, at the end, the following shall be inserted, namely.-
‘as provided by the applicable Rules framed by the High Court’.

After amendment, Rule 10 of Order V would read as under:

“10. Mode of service. – Service of the summons shall be made by delivering or tendering a copy thereof signed by the Judge or such Officer as he appoints in this behalf and sealed with the seal of the Court, **as provided by the applicable Rules framed by the High Court.”**

(x) **For the Karnataka High Court Amendment in Rule 15,**

(1) after the words ‘service may be made on any adult’ the word ‘**male**’ shall be deleted;

(2) after the words ‘member of the family of the defendant’, the words **(not being a servant)** shall be deleted.

(3) In the proviso of Rule 15, after the words ‘Provided that where such adult’, the word ‘**male**’ shall be deleted.

After amendment, Rule 15 of Order V would read as under:

“15. Where service may be on an adult member of the defendant’s family:

Where in any suit the defendant is absent from his residence at the time when the service is sought to be effected on him thereat and there is no likelihood of his being thereat within a reasonable time, unless he has an agent duly empowered to accept service of the summons on his behalf, service may be made on any adult member of the family, of the defendant who is residing with him:

Provided that where such adult member has an interest adverse to that of the defendant, summons so served shall be deemed for the purposes of Rule 13 of Order IX of this Code or of the 3rd column of Article 123 of the Schedule of the Limitation Act, 1963, not to have been duly served.”

(xi) **In Rule 16,**

(1) for the words ‘defendant personally, or to an agent or other person on his behalf’, the words ‘**party personally**’ shall be substituted;

(2) after the words ‘delivered or tendered to’ the word ‘**endorse**’ shall be inserted;

(3) after the words ‘an acknowledgement of service’ the word ‘**endorsed**’ shall be deleted.

(4) at the end, the following shall be inserted namely.-

“along with his/her phone/mobile number/e-mail ID.

(2) Where the serving officer delivers or tenders a copy of the summons on an agent or other person on behalf of a party, he shall require the signature of the person to whom the copy is so delivered or tendered to endorse acknowledgment of service on the original summons along with the nature of relationship with the party and their phone/mobile/e-mail ID.”

After amendment, Rule 16 of Order V would read as under:

“16. Person served to sign acknowledgement.—(1) Where the serving officer delivers or tenders a copy of the summons to the **party personally**, he

shall require the signature of the person to whom the copy is so delivered or tendered to **endorse** an acknowledgement of service on the original summons **along with his/her phone/mobile number/Email ID.**

(2) Where the serving officer delivers or tenders a copy of the summons on an agent or other person on behalf of a party, he shall require the signature of the person to whom the copy is so delivered or tendered to endorse acknowledgement of service on the original summons along with the nature agency/ relationship with the party and their phone/mobile number/ Email ID.”

- (xii) **For the Karnataka High Court Amendment in Rule 17**, for the words ‘and the name and address of the person (if any) by whom the house was identified and in whose presence the copy was so affixed’, the words **‘the Serving Officer shall mention the name, address and the phone/mobile number/e-mail ID, of the person, by whom the house was identified and in whose presence the copy was so affixed. The Serving Officer shall also obtain the signature of that person to such report.’** shall be substituted.

After amendment, Rule 17 of Order V would read as under:

17. Procedure when defendant refuses to accept service, or cannot be found.- Where the defendant or his agent or such other person as aforesaid refuses to sign the acknowledgement, or where the defendant is not present at the house in which he ordinarily resides or carries on business or personally works for gain at the time when service is sought to be effected on him thereat and there is no likelihood of his being found thereat within a reasonable time and there is no agent empowered to accept service of the summons on his behalf nor any other person upon whom service can be made under Rule 15, the serving officer shall affix a copy of the summons on the outer door of or some other conspicuous part of the house in which the defendant ordinarily resides or carries on business or personally works for gain, and shall then return the original to the Court from which it was issued, with a report endorsed thereon or annexed thereto stating that he has so affixed the copy, the circumstances under which he did so, **the Serving Officer shall mention the name, address and the phone/mobile number/Email ID, of the person, by whom the house was identified and in whose presence the copy was so affixed. The Serving Officer shall also obtain the signature of that person to such report.**

- (xiii) **For the Karnataka High Court Amendment in Rule 18-A,**

(1) At the beginning, the following heading shall be inserted, namely.-
“18-A. Reissuance of fresh summons.-”

(2) after the words, ‘the plaintiff does not object to the’ for the word ‘issue’, the word **‘re-issuance’** shall be substituted.

After amendment, Rule 18-A of Order V would read as under:

18-A. Reissuance of fresh summons: The Presiding Officer of a Civil court may delegate to the Chief Ministerial Officer of the Court, the power to order issue of fresh summons to a defendant when the return on the previous summons is to the effect that the defendant was not served and the plaintiff does not object to the **re-issuance** of fresh summons within 7 days after he has been required to deposit the necessary process fee for the issue of fresh summons. If the plaintiff objects, the matter shall be placed before the Presiding Officer for his orders.

(xiv) **Rule 19** shall be substituted with the following, namely.-

“19. Examination of serving officer.— Where a summons is returned under Rule 17, the serving officer or where the service is by way of courier, the concerned person from such courier agency shall verify by an affidavit the compliance with the procedure prescribed under Rule 17, and the Court, on considering such affidavit, may make such further enquiry in the matter as it thinks fit; and shall either declare that the summons has been duly served or order such service as it thinks fit.”

(xv) **In Rule 21,**

(1) In the heading, for the words ‘jurisdiction of another Court’, the words **‘the State of Karnataka’** shall be substituted;

(2) after the words ‘Court by which it is issued, the words **‘whether’** and **‘or without’** shall be deleted.

After amendment, Rule 21 of Order V would read as under:

“21. Service of summons where defendant resides within the State of Karnataka.— A summons may be sent by the Court by which it is issued, within the State, either by one of its Officers or by post or by such courier service as may be approved by the High Court, by fax message or by electronic mail service or by any other means as may be provided by the rules made by the High Court to any Court (not being the High Court) having jurisdiction in the place where the defendant resides.”

(xvi) **In Rule 23,** after the words ‘proceed as if it had been issued by such Court’ the words **‘in accordance with the Rules applicable to that Court’** shall be inserted.

After amendment, Rule 23 of Order V would read as under:

“23. Duty of Court to which summons is sent.— The Court to which a summons is sent under Rule 21 or Rule 22 shall, upon receipt thereof, proceed as if it had been issued by such Court **in accordance with the Rules applicable to that Court** and shall then return the summons to the Court of issue, together with the record (if any) of its proceedings with regard thereto.”

(xvii) **For the Karnataka High Court Amendment in sub-rule (1) of Rule 25,**

(1) At the beginning, the following heading shall be inserted namely.-

“Service of summons where defendant resides outside the State of Karnataka:

(2) At the end, the following shall be inserted namely:-

‘The Court may also direct the proper officer within the meaning of Rule 9 to cause the summons to be addressed to the defendant by any other means of transmission of documents, including speed post/registered post with acknowledgement due or courier or fax message or electronic mail service as per the applicable Rules framed by the High Court of Karnataka.’

(3) At the beginning of sub-rule (2) of Rule 25, the following heading shall be inserted, namely-

“Service of summons where defendant resides outside India”

(4) In sub-rule (2) of Rule 25, for the word ‘out of’, the words ‘**outside**’ shall be substituted.

(5) At the end of sub-rule (2), after the words ‘where the Court is situate’ the following shall be inserted, namely-

“The Court may also direct the proper officer within the meaning of Rule 9 to cause the summons to be addressed to the defendant by any other means of transmission of documents, including speed post/registered post with acknowledgement due or Courier or fax message or electronic mail service as per the applicable Rules framed by the High Court of Karnataka.”

(6) At the end of the first proviso of sub-rule (2), after the words ‘arrangement may have been agreed upon’ the following shall be inserted, namely-

“if the said arrangement does not prohibit, the summons may be sent to by any means of transmission of documents, including Speed Post/Registered Post with acknowledgement due or Courier or fax message or electronic mail service as per the applicable Rules framed by the High Court of Karnataka.”

After amendment, Rule 25 of Order V would read as under:

“25. (1) Service of summons where defendant resides outside the State of Karnataka.- Where the defendant resides outside the State of Karnataka but within the territories of India, the Court may direct the proper officer within the meaning of Rule 9 to cause the summons to be addressed to the defendant at the place where he ordinarily resides or carries on business, or works for gain and sent to him by registered post prepaid for acknowledgement. When it is so sent by registered post, the provisions of the proviso to Rule 10 shall apply thereto. **The Court may also direct the proper officer within the meaning of Rule 9 to cause the summons to be addressed to the defendant by any other means of transmission of documents, including speed post/registered post with acknowledgement due or Courier or fax message or electronic mail service as per the applicable Rules framed by the High Court of Karnataka.**

(2) Service of summons where defendant resides outside India.- (1) Where the defendant resides **outside** India and has no agent in India empowered to accept service, the summons may be addressed to the defendant at the place where he is residing and sent to him by post, if there is postal

communication between such place and the place where the Court is situate. **The Court may also direct the proper officer within the meaning of Rule 9 to cause the summons to be addressed to the defendant by any other means of transmission of documents, including Speed Post/Registered Post with acknowledgement due or Courier or fax message or electronic mail service as per the applicable Rules framed by the High Court of Karnataka:**

Provided that, if by any arrangement between the Central Government and the Government of the foreign territory in which the defendant resides, the summons can be served by an officer of the Government of such territory, the summons may be sent to such officer in the same manner as by the said arrangement may have been agreed upon **if the said arrangement does not prohibit, the summons may be sent to by any means of transmission of documents, including Speed Post/ Registered Post with acknowledgement due or Courier or fax message or electronic mail service as per the applicable Rules framed by the High Court of Karnataka.**

Provided further that, where any such defendant resides in Pakistan, the summons together with a copy thereof, may be sent for service on the defendant to any Court in that country (not being the High Court) having jurisdiction in the place where the defendant resides:

Provided further that, where any such defendant is a public officer in Pakistan (not belonging to the Pakistan military, naval or air forces) or is a servant of a railway company or local authority in that country, the summons together with a copy thereof, may be sent for service on the defendant, to such officer or authority in that country as the Central Government may, by notification in the Official Gazette, specify in that behalf.”

- (xix) **For the Karnataka High Court Amendment, Rule 26** shall be substituted with the following, namely

“26. Service of summons in foreign territory through Political Agent or Court.- Where-

1(a) in the exercise of any foreign jurisdiction vested in the Central Government, a Political Agent has been appointed or a Court has been established or continued with power to serve summons or process issued by a Court under this Code in any foreign territory in which the party resides, or by any arrangement between the Central Government and the Government of the foreign territory in which the party resides, the summons or process may be served by an officer of the Government of such territory, the summons or process may be sent to such Political Agent or Court or officer through the Ministry of the Central Government dealing in the external affairs;

(b) the Central Government has, by notification in the Official Gazette, declared that any Court situate in any foreign territory may serve

summons or process and where no Political Agent is appointed or Court is established or continued as aforesaid by the Central Government, the summons or process may be sent to such Court as may be specified in the said notification by any means of transmission of documents including Speed Post /Registered Post with acknowledgement Due or Courier or fax message or electronic mail service as per the applicable rules framed by the High Court of Karnataka.

(2) If such political agent, Court or other officer specified as per clause (1), returns the summons duly signed with an endorsement that the summons has been served on the specified Party in the manner herein before, such endorsement shall be deemed to be evidence of service.”

- (xx) **In Rule 26-A**, after the words ‘Government of India dealing with foreign affairs or’, the words **‘by any means of transmission of documents, including speed post/registered post with acknowledgment due or courier or fax message or electronic mail services as per the applicable rules framed by the High Court of Karnataka or’** shall be inserted.

After amendment, Rule 26-A of Order V would read as under:

26-A. Summonses to be sent to officers of foreign countries.- Where the Central Government has, by notification in the Official Gazette, declared in respect of any foreign territory that summonses to be served on defendants actually and voluntarily residing or carrying on business or personally working for gain in that foreign territory may be sent to an officer of the Government of the foreign territory specified by the Central Government, the summonses may be sent to such officer, through the Ministry of the Government of India dealing with foreign affairs or **by any means of transmission of documents, including Speed Post/Registered Post with acknowledgement due or Courier or fax message or electronic mail service as per the applicable Rules framed by the High Court of Karnataka**, or in such other manner as may be specified by the Central Government; and if such officer returns any such summons with an endorsement purporting to have been made by him that the summons has been served on the defendant, such endorsement shall be deemed to be evidence of service.

- (xxi) **For the Karnataka High Court Amendment Rule 27** shall be substituted with the following namely.-,
“27. Service on a public servant.- Where the defendant is a public servant (not belonging to the Indian military, naval or air forces), the Court may, if it appears to it that the summons may be conveniently so served, through the head of the office in which he is employed, send the summons or process by speed post/registered post prepaid for acknowledgement or courier or fax message or electronic mail services as per the applicable Rules framed by the High Court for service on the defendant together with a copy to be retained by the defendant.”

(xxii) **For the Karnataka High Court Amendment, Rule 28** shall be substituted with the following:

“28. Service on defence personnel including soldiers, sailors, airmen, members of Border Security Force, Indo Tibetan border Police:- Where the defendant is a soldier, sailor or airman, the Court shall send the summons or process by Speed Post/Registered Post prepaid for acknowledgment or Courier or fax message or electronic mail service as per the applicable Rules framed by the High Court for service on the defendant together with a copy to be retained by the defendant to his Commanding Officer.”

(xxiii) **For the Karnataka High Court Amendment, Rule 29-A**

(1) after the words ‘the defendant is a public’, for the word ‘officer’, the word **‘servant’** shall be substituted;

(2) for the words ‘registered post prepaid for acknowledgement together with the original summons, which the defendant shall sign and return to the Court which issued the summons’, the following words shall substituted:

‘speed post/registered post prepaid for acknowledgment or courier or fax message or electronic mail service as per the applicable rules framed by the High Court together with the original summon. Where the summons or process is issued by the Speed Post/ registered post prepaid for acknowledgment or Courier, the defendant shall sign and return to the Court which issued the summons.’

After amendment, Rule 29-A of Order V would read as under:

“29-A Notwithstanding anything contained in the foregoing rules where the defendant is a public Servant (not belonging to military, naval or air force) sued in his official capacity, service of summons shall be made by sending a copy of the summons to the defendant by Speed Post/Registered Post prepaid for acknowledgment or courier or fax message or electronic mail service as per the applicable Rules framed by the High Court together with the original summon. Where the summons or process is issued by the Speed Post/Registered Post prepaid for acknowledgment or Courier, the defendant shall sign and return to the Court which issued the summons.”

(xxiv) **For the Karnataka High Court Amendment in Rule 32**

(1) after the words ‘written statement as the case may be, shall give the’, for the words ‘address of the pleader within the local limits of the city, town or place where the Court is situate and the said address of the pleader shall be the address for service’, the words **‘pleader’s contact details that is to say, the full postal address of his place of residence within the local limits of the city, town or place where the Court is situate as well as electronic mail address, Mobile Number, WhatsApp or Telegram number, details of social media account and these contact details shall be the address/contact details for service’** shall be substituted.

(2) after the words ‘party or pleader or by a person employed by’, for the words ‘the defendant’, the words **‘a party’** shall be substituted;

After amendment, Rule 32 of Order V would read as under:

“32. Where any party in a suit is represented by a pleader, the pleader, the plaintiff or the written statement as the case may be, shall give the **pleader’s contact details that is to say, the full postal address of his place of residence within the local limits of the city, town or place where the Court is situate as well as electronic mail address, Mobile Number, WhatsApp or Telegram number, details of social media account and these contact details shall be the address/contact details for service** on the party represented by the said pleader for purposes of all notices and processes issued in the suit. All such notices and processes in the suit or in any interlocutory matter in the suit shall be sufficiently served if left by a party or pleader or by a person employed by a party or by an officer or employee of the Court at the said address/contact details for service of the party intended to be served.”

(3) **For the Karnataka High Court Amendment,** after Rule 34, the following Rules shall be inserted, namely.-

“35. Service of summons.- Every summons mentioned in any Order or Rule of this Schedule shall be served in any of the modes provided for service of summons under this Order; and the rules as to the manner and proof of service shall apply to such summons.

36. Service of Notice.- Every Notice to a Party other than that permitted to be served on the pleader, shall be served in any of the modes provided for service of summons under this Order; and the rules as to the manner and proof of service shall apply to such Notice.”

IV In Order VI.-

(i) For the Karnataka High Court Amendment in Rule 14

(1) At the beginning, the heading ‘Pleading to be signed’ shall be substituted with the words **‘Pleadings’**;

(2) after the words ‘(1) Every pleading shall contain the party’s full’, the word **‘postal’** shall be inserted;

(3) after the words ‘as well as place of business, if any,’ the words **‘and the contact details that is to say, Electronic Mail Address, Mobile Number, WhatsApp or Telegram number, details of social media account held by such person or entity, PAN Card Number, Electoral ID number, or such of the details as may be available,’** shall be inserted;

(4) for the words ‘Such address for service furnished by the party,’ the words **‘These details furnished by the party,’** shall be substituted.

(5) after the words ‘shall be presumed to be his correct’, for the words ‘address’, the words **‘contact details’** shall be substituted.

(6) after the words ‘When a memorandum of change of’, for the word ‘address’, the words **‘any of the contact details’** shall be substituted.

(7) At the end of sub-rule (1) of Rule 14, the following shall be inserted:

‘as also in such database as maintained by the Court.

Provided that the party may be required to furnish such other contact details as per the Rules framed by the High Court in this regard.

***Explanation:* The expression pleading for the purposes of this rule shall include, plaint, written statement, counter claim, rejoinder/replication, impleading application, obstruction application, third party proceedings, memorandum of appeal, memorandum of review, memorandum of revision, original and miscellaneous proceedings.’**

After amendment, sub-rule (1) of Rule 14 of Order VI would read as under:

“14. Pleadings (1) Every pleading shall contain the party’s full **postal** address for service that is to say full address of his place of residence as well as place of business, if any **and the contact details that is to say, Electronic Mail Address, Mobile Number, WhatsApp or Telegram number, details of social media account held by such person or entity, PAN Card Number, Electoral ID number, or such of the details as may be available,** in addition to his pleader’s address for service as required by Rule 32 of Order V of this Code. **These details furnished by the party,** unless a change therein has been notified to the Court by filing a memorandum to that effect, shall be presumed to be his correct **contact details** for service for purposes of the suit, any appeal or revision or other proceeding directed against the decree or order passed in that suit. When a memorandum of change of **any of the contact details** is filed by any party, a note to that effect shall be made in the cause title of the pleading and if the pleading happens to be the written statement also in the cause title of the plaint, **as also in such database as maintained by the Court.**

Provided that the party may be required to furnish such other contact details as per the Rules framed by the High Court in this regard.

***Explanation:* The expression pleading for the purposes of this rule shall include, plaint, written statement, counter claim, rejoinder/replication, impleading application, obstruction application, third party proceedings, memorandum of appeal, memorandum of review, memorandum of revision, original and miscellaneous proceedings.”**

(ii) **In Rule 14-A,**

(1) sub-rule (1)

(a) after the words ‘Every pleading,’ the words **‘when filed by a party’** shall be deleted.

(b) after the words ‘regarding the address’ the punctuation and words **‘/contact details’** shall be inserted.

(2) sub-rule (2)

- (a) after the words 'such address', the words **'/contact details'** shall be inserted.
- (b) after the words 'be changed by lodging in Court a', the word **'prescribed'** shall be inserted.

(3) sub-rule (3)

- (a) after the words 'The address', the punctuation and words **'/contact details'** shall be inserted.
- (b) after the words 'registered address', the punctuation and words **'/contact details'** shall be inserted.
- (c) after the words 'be deemed to be the address', the punctuation and words **'/contact details'** shall be inserted.
- (d) after the words 'and for the purpose of execution', the words **'final decree proceedings, miscellaneous proceedings arising therefrom'** shall be inserted.
- (e) after the words 'for a period of', for the words **'two years'** the words **'seven years'** shall be substituted.

(4) sub-rule (4)

- (a) after the words 'effected upon a party at his registered address', the punctuation and words **'/contact details'** shall be inserted.

(5) sub-rule (5)

- (a) after the words 'Where the registered address', the punctuation and words **'/contact details'** shall be inserted.
- (b) In clause (a) after the words 'where such registered address', the punctuation and words **'/contact details'** shall be inserted.
- (c) In clause (b) after the words 'where such registered address', the punctuation and words **'/contact details'** shall be inserted.

(6) sub-rule (6)

- (a) after the words 'after furnishing his true address', the punctuation and words **'/contact details'** shall be inserted.

(7) sub-rule (7)

- (a) after the words 'sufficient cause from filing the true address', the punctuation and words **'/contact details'** shall be inserted.

After the above amendments, Rule 14-A would read as under:

"14-A. Address for service of notice.- (1) Every pleading, shall be accompanied by a statement in the prescribed form, signed as provided in Rule 14, regarding the address/**contact details** of the party.

(2) Such address/**contact details** may, from time to time, be changed by lodging in Court a **prescribed** form duly filled up and stating the new address of the party and accompanied by a verified petition.

(3) The address/**contact details** furnished in the statement made under sub-rule (1), shall be called the “registered address/**contact details**” of the party, and shall, until duly changed as aforesaid, be deemed to be address/**contact details** of the party for the purpose of service of all processes in the suit or in any appeal from any decree or order therein made and for the purpose of execution, **final decree proceedings, miscellaneous proceedings arising therefrom**, and shall hold good, subject as aforesaid, for a period of **seven years** after the final determination of the cause or matter.

(4) Service of any process may be effected upon a party at his registered address/**contact details** in all respects as though such party resided thereat.

(5) Where the registered address/**contact details** of a party is discovered by the Court to be incomplete, false or fictitious, the Court may, either on its own motion, or on the application of any party, order:-

(a) in the case where such registered address/**contact details** was furnished by a plaintiff, stay of the suit, or

(b) in the case where such registered address/**contact address** was furnished by a defendant, his defence be struck out and he be placed in the same position as if he had not put up any defence.

(6) Where a suit is stayed or a defence is struck out under sub-rule (5), the plaintiff or, as the case may be, the defendant may, after furnishing his true address/**contact details**, apply to the Court for an order to set aside the order of stay or, as the case may be, the order striking out the defence.

(7) The Court, if satisfied that the party was prevented by any sufficient cause from filing the true address/**contact details** at the proper time, shall set aside the order of stay or order striking out the defence, on such terms as to costs or otherwise as it thinks fit and shall appoint a day for proceeding with the suit or defence, as the case may be.

(8) Nothing in this rule shall prevent the Court from directing the service of a process at any other address, if, for any reason, it thinks fit to do so.”

V In Order VII.-

(i) For the Karnataka High Court Amendment in Rule 1,

(1) At the beginning, the words ‘**Particulars to be contained in plaint**’ shall be inserted as heading.

(2) clause (b) shall be substituted with the following-

“The name, age, description and the address/contact details of the plaintiff as required under Rule 14 of Order VI;

(3) clause (c) shall be substituted with the following-

“the name, age, description and the address/ contact details of the defendant as required under Rule 14 of Order VI so far as can be ascertained by the plaintiff;

(4) after clause (i) the following shall be inserted, namely-

“(j) a list of dates and events in chronological order with relevant material facts or events pertaining to each of the dates shall be furnished in the form of a synopsis.”

After amendment, Rule 1 of Order VII would read as under:

1. **Particulars to be contained in plaint.-** The plaint shall contain the following particulars:—

- (a) the name of the Court in which the suit is brought;
- (b) **the name, age, description and the address/ contact details of the plaintiff as required under Rule 14 of Order VI;**
- (c) **the name, age, description and the address/ contact details of the defendant as required under Rule 14 of Order VI so far as can be ascertained by the plaintiff;**
- (d) Where the plaintiff or the defendant is a minor or a person of unsound mind, a statement to that effect and in the case of a minor, his age to the best of the knowledge and belief of the person verifying the plaint:

Provided that, where, owing to the large number of defendants or any other sufficient cause, it is not practicable to ascertain with reasonable accuracy the age of the minor defendants, it may be stated that the age of the minor defendants is not known;

- (e) the facts constituting the cause of action and when it arose;
- (f) the facts showing that the Court has jurisdiction;
- (g) the relief which the plaintiff claims where the plaintiff has allowed a set-off or relinquished;
- (h) portion of the claim, the amount so allowed or relinquished;
- (i) a statement of the value of the subject-matter of the suit for the purposes of jurisdiction and of Court fees, so far as the case admits; and
- (j) **a list of dates and events in chronological order with relevant material facts or events pertaining to each of the dates shall be furnished in the form of a synopsis.**

(iv) **For the Karnataka High Court Amendment, Rule 9** shall be substituted with the following, namely.-

“9. Procedure on presentation of plaint.- Where the Court orders that the summons be served on the defendants in the manner provided in Rule 9 of Order V, the plaintiff to present, within seven days from the date of such order, as many copies of the plaint along with all document/s, application/s, affidavit/s, memo/s, declaration/s filed along with the plaint on plain paper as there are defendants or in scanned Portable Document Format (PDF) or in such other manner as required by rules framed by the High Court in this regard along with requisite fee for service of summons on the defendant/s as may be fixed by the rules framed by the High Court in this regard.”

VI In Order VIII.-

- (i) **In Rule 1-A**, after sub-rule (4), the following shall be inserted namely.-
“(5) The defendant shall endorse on the written statement or annex thereto a list of documents on which he relies, whether in his possession or power or not, as evidence in support of his defence or case, and the provisions of sub-rules (2) and (3) of Rule 14 of Order VII of this Code shall as far as may apply thereto.
- (6) A copy of written statement along with a list of documents, copies of all documents produced along with it as also copies of all application/s, affidavit/s, memo/s, declaration/s filed with the written statement and the endorsement as mentioned in Rule (2) above shall be furnished to the plaintiff at the time of filing. If directed by the Court, the defendant shall also file a scanned Portable Document Format (PDF) to the Court and the plaintiff.**
- (7) Along with the written statement, the defendant shall file into Court an acknowledgment signed by the plaintiff or his pleader in token of having received a copy of the documents mentioned in rule (3) above or if no such copy has been so delivered to the plaintiff or his pleader, a copy thereof certified to be true by the defendant or his pleader which copy shall be furnished to the plaintiff or his pleader by the office of the Court.”**

VII In Order IX.-

- (i) **In Rule 2,**
- (1) At the end of the heading, the words **‘and furnishing copies’** shall be inserted.
- (2) after the words **‘postal charges, if any, chargeable for such service,’** the words **‘as may be fixed for such purposes by the Rules so framed by the High Court in this regard’** and at the end of the para the words **‘against such defendant’** shall be inserted.

After amendment, Rule 2 of Order IX would read as under:

2. Dismissal of suit where summons not served in consequence of plaintiff's failure to pay costs and furnishing copies.- Where on the day so fixed it is found that summons has not been served upon the defendant in consequence of the failure of the plaintiff to pay the court-fee or postal charges, if any, chargeable for such service, **as may be fixed for such purposes by the Rules so framed by the High Court in this regard**, or failure to present copies of the plaint as required by Rule 9 of Order VII, the Court may make an order that the suit be dismissed **against such defendant:**

Provided that no such order shall be made, if notwithstanding such failure, the defendant attends in person or by agent when he is allowed to appear by agent on the day fixed for him to appear and answer.

(ii) **For the Karnataka High Court Amendment, in Rule 5,**

(1) In the heading, for the words 'seven days', the words '**thirty days**' shall be substituted;

(2) In the third line after the word 'for a period of', for the words 'seven days', the words '**thirty days**' shall be substituted;

(3) For the words 'the next hearing of the suit to apply for issue of fresh summons the court shall make an order that the suit be dismissed as against such defendant, unless the plaintiff within the said period satisfied the court that.-', the words "**next hearing of the suit be dismissed as against such defendant, unless the plaintiff within the said period satisfies the court that.-**" shall be substituted.

(4) In clause (a), for the word 'residence', the words '**address/contact details**' shall be substituted.

After amendment, Rule 5 of Order IX would read as under:

5. Dismissal of suit where plaintiff, after summons returned unserved fails for thirty days to apply for fresh summons.-

(1) Where, after a summons has been issued to the defendant, or to one of several defendants, and returned unserved, the plaintiff fails, for a period of **thirty days** from the **next hearing of the suit be dismissed as against such defendant, unless the plaintiff within the said period satisfies the court that.-**

- (a) he has failed, after using his best endeavors to discover the **address/contact details** of the defendant who has not been served; or
- (b) such defendant is avoiding service of process; or
- (c) there is any other sufficient cause for extending the time, in which case the Court may extend the time for making such application for such period as it thinks fit.

(iii) **In sub-rule (2) of Rule 5 of Order IX,**

sub-rule (2) shall be substituted with the following, namely.-

"(2) Where a suit is dismissed under sub-rule (1) the plaintiff may (subject to the law of limitation) bring a fresh suit; or apply for an order to set the dismissal aside."

(iv) **For the Karnataka High Court Amendment in rule 13,** the Proviso added by Notification No.ROC No.2526/1959, dated 9.2.1967 (w.e.f. 30.3.1967) shall be deleted.

VIII In Order XIV.-

(i) **In Rule 4,** the following shall be inserted at the end, namely.-

“,in the same manner as that provided in Order V’.

After amendment, Rule 4 of Order XIV would read as under:

“4. Court may examine witnesses or documents before framing issues.- Where the Court is of opinion that the issues cannot be correctly framed without the examination of some person not before the Court or without the inspection of some document not produced in the suit, it may adjourn the framing of issues to a day not later than seven days and may (subject to any law for the time being in force) compel the attendance of any person or the production of any document by the person in whose possession or power it is by summons or other process, **in the same manner as that provided in Order V.”**

IX In Order XVI.-

(1) **For the Karnataka High Court Amendment, in Rule 8,** the words ‘**Summons how served**’ shall be inserted as heading;

(2) **In rule 8,** after the words ‘The rules contained in Order V of this Code as to’, the words ‘**the manner,**’ shall be inserted.

After amendment, Rule 8 of Order XVI would read as under;

8. Summons how served.- A summons under this Order may be delivered by the Court to the party applying for such summons for making service on the witness, provided that where the service is not effected by the party or the party is unwilling or unable to do so, the summons shall be delivered through the proper officer of the Court. The rules contained in Order V of this Code as to **the manner,** the mode and proof of service shall apply in the case of all summonses served under this rule.

X In Order XX-A.-

(i) **In Rule 1,** in clause (c) after the words ‘typing, writing or printing’, the words “**or scanning**” shall be inserted.

After amendment, Rule 1 of Order XX-A would read as under:

“1. Provisions relating to certain items.- Without prejudice to the generality of the provisions of this Code relating to costs, the Court may award costs in respect of,-

(a) expenditure incurred for the giving of any notice required to be given by law before the institution of the suit;

(b) expenditure incurred on any notice which, though not required to be given by law, has been given by any party to the suit to any other party before the institution of the suit;

(c) expenditure incurred on the typing, writing, printing **or scanning of** pleadings filed by any party;

(d) charges paid by a party for inspection of the records of the Court for the purposes of the suit;

(e) expenditure incurred by a party for producing witnesses, even though not summoned through Court; and

(f) in the case of appeals, charges incurred by a party for obtaining any copies of judgments and decrees which are required to be filed along with the memorandum of appeal.

(g) cost awarded under sub-rules (a) to (f) shall have to be actual or reasonable cost incurred by the successful party including the loss of income during effective days of hearing, conveyance charges and lodging charges, if any.

(h) in case the Court finds that in respect of statutory notice caused under Section 80 of the Code of Civil Procedure, reply given is evasive and vague and has been given without proper application of mind, the Court shall ordinarily awarded heavy costs, which shall not be less than Rs.3,000/- against the Government or statutory body and direct it to take appropriate action against the concerned officer including recovery of costs from him.

XI In Order XXVII.-

(i) **Rule 4**, shall be substituted with the following namely.-

“ 4. Agent for Government to receive process.- If so directed by the Court, the Government Pleader/Standing Counsel in any Court as an agent of the Government or the official shall accept processes against the Government or the official issued by such Court service on such Pleader/Standing Counsel can be effected by sending an e-mail to such Pleader/Standing Counsel at his e-mail address as notified on the website of the Advocate General’s office or the website of the Government of India or the website of the organization concerned.”

XII In Order XXX.-

(i) **In sub-rule (1) of Rule 1**,the following proviso shall be inserted, namely.-

“Provided when any two or more persons sue claiming to be partners of a registered partnership firm or sue two or more persons alleged to constitute a Registered Partnership firm, the registration details of such registered partnership firm, along with details of the partners, as certified by the Registrar of firms, shall be produced along with the Plaint.”

After amendment, sub-rule (1) of Rule 1 of Order XXX would read as under:

“1. Suing of partners in name of firm.- (1) Any two or more persons claiming or being liable as partners and carrying on business, in India may sue or be sued in the name of the firm (if any) of which such persons were partners at the time of the accruing of the cause of action, and any party to a suit may in such case apply to the Court for a statement of the names and addresses of the

persons who were, at the time of the accruing of the cause of action, partners in such firm, to be furnished and verified in such manner as the Court may direct.

Provided when any two or more persons sue claiming to be partners of a registered partnership firm or sue two or more persons alleged to constitute a Registered Partnership firm, the registration details of such registered partnership firm, along with details of the partners, as certified by the registrar of firms, shall be produced along with the Plaint.

(2) Where persons sue or are sued partners in the name of their firm under sub-rule (1), it shall, in the case of any pleading or other document required by or under this Code to be signed, verified or certified by the plaintiff or the defendant, suffice such pleading or other document is signed, verified or certified by any one of such persons.”

XIII In Order XXXVII.-

- (i) **In sub-rule (2) of Rule 2**, the following shall be inserted at the end, namely.-
‘The provisions of Order V and the rules framed thereunder by the High Court being applicable towards such summons’

After amendment sub-rule (2) of Rule 2 of Order XXXVII would read as under:

2. (2) The summons of the suit shall be in Form No.4 in Appendix B or in such other Form as may, from time to time, be prescribed. **The provisions of Order V and the rules framed thereunder by the High Court being applicable towards such summons.**

- (ii) **In sub-rule (2) of Rule 3**, the following shall be inserted at the end, namely.-
‘, by following the procedure detailed under Order V and/or the Rules framed thereunder.’

After amendment, sub-rule (2) of Rule 3 of Order XXXVII would read as under:

(2) Unless otherwise ordered, all summonses, notices and other judicial processes, required to be served on the defendant, shall be deemed to have been duly served on him if they are left at the address given by him for such service, **by following the procedure detailed under Order V and/or the Rules framed thereunder.**

BY ORDER OF THE HIGH COURT OF KARNATAKA

Sd/-
REGISTRAR GENERAL