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SUPREME COURT ON SERVICE OF LEGAL DOCUMENTS

1. Brief Facts:

Service of notices, summons and exchange of pleadings/documents (“**Legal Documents**”) is a requirement in every legal proceeding. The Covid-19 pandemic has caused hurdles in effective delivery of Legal Documents, as it involves visits to post offices, courier services or at times physical delivery.

2. Supreme Court Order:

Supreme Court (“**SC**”), taking into consideration the pandemic situation and to ensure that delivery of justice is unhindered by the existing procedural laws on delivery of Legal Documents, has directed in a *suo motu* writ petition *In Re Cognizance for Extension of Limitation*¹ that delivery of Legal Documents may be effected by e-mail, fax, and the commonly used instant messaging services such as WhatsApp, Telegram and Signal.

Any party opting for delivery of Legal Documents through the above referred modes, the party must also effect simultaneous service of the same Legal Document by e-mail on the same date for the delivery to be considered effective.

3. Recent Update:

SC, in examining various measures to remove deficiencies in a criminal trial and to ensure expeditious trial in criminal cases, has directed the High Courts and Director General of Police to provide suggestions within four weeks on serving summons through digital platforms.

CONCLUSION

This direction by the SC attempts to address difficulties faced by litigants in delivery of Legal Documents during these unprecedented times and is a significant step towards digitalisation of judicial procedures. The order, however, mandates that if a party intends to effect service by instant messaging services, in addition, it must also effect service of the same by e-mail on the same date.

¹ Order in I.A. No. 48461/2020 arising out of Suo Moto Writ Petition (C) No. 3/2020
https://main.sci.gov.in/supremecourt/2020/10787/10787_2020_31_19_22757_Order_10-Jul-2020.pdf

There is a possibility that a party intending to deliver Legal Documents *vide* instant messaging services may not be aware of the recipient's email address or the recipient may not even have an email account.

This aspect may have to be addressed by the courts in future.

This **Counselence Connect** contains information in a nutshell on a recent change in law. This is not legal advice and must not be treated so. For legal advice, please contact us at: info@counselence.com.