

# FACULTY OF JURIDICAL SCIENCES

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# Lecture-12



## CIVIL APPLICATION

### **Legal Notice**

A legal notice is a formal written communication between the parties. Through a legal notice, the sender notifies the recipient about his intention of undertaking legal proceedings against the latter. A legal notice also helps in making the receiving party aware of the grievances of the sender.

It works as a last warning to the receiver to fulfil a certain condition if he does not want a court battle.

It is used in a wide variety of situations:

- In Consumer Forums: In case, a faulty product or service is provided to a person he or she can send a legal notice to the concerned person and ask him to rectify the deficiencies.
- Disputes related to property such as partition, eviction or issues relating to possession of the property.

**Loan Defaulters:** Under the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI Act), the debt recovery proceedings begin by sending a legal notice to the defaulters.

Cases under the Negotiable Instruments Act: In case of dishonour of cheque, the aggrieved can send a legal notice for recovery of payment.

**Money Recovery Cases:** The first step in money recovery cases is sending a legal notice to the concerned person.

**Employee and Employer/Company:** If the employer in any way deprives the employees of their salary, then the employee can send a legal notice to the employer.

It is a tool to save time and cost of litigation as it opens the door for the parties to settle the matter through negotiation, mediation or arbitration.

### **Pre-legal notice meaning**

Pre-legal notice means ‘before being legal’, this notice is sent to the parties before sending them the legal notice. It is a kind of personal communication between parties. While a legal notice warns of a litigation, a pre-legal notice acts as a warning before legal notice.

### **Content of legal notice**

The aggrieved person/ group of persons can draft the notice on their own but it is a wise option to get it drafted by an experienced Legal practitioner. A well-drafted Legal Notice is made on the letter-head of the Advocate having his address and contact details and must also contain the following information-

**Example:** A person ‘X’ took goods on credit from ‘Y’ on 4th May 2020, during the ordinary course of business on the pretext of paying for it after 3 months. Now, if ‘X’ fails to make the payment for the goods after expiry of 3 months, ‘Y’ can send a Legal Notice for recovery of money.

The following things will form the content of the Legal Notice:

### **The title of legal notice**

The title must be short, and informative, which can give a glimpse of the matter which is discussed in the notice, moreover, the perfect address should be mentioned so that the notice reaches the correct destination and to the correct person.

In the above example, the title of the notice can be:

“Notice for the recovery of money on account of credit sale of goods.”

### **Matter and facts**

This part mentions the cause of the concerned notice. The acts which have intentionally or unintentionally created a problem for the sender should be precisely stated. If there are any

previous communications related to the matter that must also be referred. No vital information related to the matter should be left out.

In the above example, the body of notice will look like:

- That you bought goods on credit from my client on May 1, 2020.
- That you promised to make the payment to my client within 3 months.
- That you failed to pay the amount till August 1, 2020.
- Sender's demand and requirements

The demand of the sender of the notice needs to be carefully drafted and mentioned in the notice. The sender can either ask for specific performance or monetary compensation for the grievance and mental harassment that he had to suffer due to the conduct of the other person.