

# FACULTY OF JURIDICAL SCIENCES

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# Reply to a legal notice

## Table of Contents

- Introduction
- What is Legal Notice?
- The objective of Legal Notice
- Reply to a legal notice
  - What happens if the person doesn't respond to a Legal Notice?
  - Benefits of a Legal Notice
  - Legal notice must mention the following points
  - The procedure of sending a legal notice
  - Cases in which legal notice is served
- Common mistakes while replying to a legal notice
- Tips to provide a proper response
- Sample:
  - Notice under Negotiable Instruments Act, 1881 regarding dishonour of cheque
  - Notice by Vendor to complete the purchase of immovable property
- Conclusion
- References

## Introduction

All the legal actions can be started once the legal notice is served to the entity or to the individual. The process of legal notice legalises the matters to be brought before the Court of law. The intimation sent is known as the legal notice.

## What is Legal Notice?

A legal notice is basically a legal intimation that is sent to the opponent, it indicates that the aggrieved is preparing a lawsuit to be filed against the concern, in the case the demand that is mentioned in the notice does not get fulfilled.

Therefore, a legal notice can be defined as a formal communication to any legal entity or to a person, informing the other party about the intention of undertaking legal proceedings against them.

Legal Notice in India is considered to be the first step in a legal proceeding.

When a legal notice is sent, it conveys the intention prior to the legal proceedings, thus, making the other party aware of grievance.

It is important to note that a legal notice is not sent in criminal cases but only in civil cases under **Section 80 of The Code of Civil Procedure, 1908.**

### **The objective of Legal Notice**

The basic objective of a legal notice is to display the intention of the party to initiate the legal proceedings. The legal notice serves the purpose of giving an opportunity to the opposite party to reconsider his legal position and to make amendments or afford restitution without proceeding to a Court of Law. It was stated by the Supreme Court that “The object of this section is the advancement of justice and securing of public good by avoidance of unnecessary litigation.”

The legal notice is deemed to be served only when the addressee receives or refuses to accept the notice, and not by simply posting the notice. This serves as evidence as to receipt of the notice. Through a legal notice, one can demand from the other party to accede to his request otherwise he will initiate legal action.

The notice helps to settle the disputes outside the Court. Majority of matters settle before the trial commences. The notice gives the opportunity to the opposite party to rethink or reconsider their stance. To avoid a legal dispute the parties can take necessary actions if in their opinion the case can be settled. The parties can settle the matter through negotiation, mediation or arbitration.