

FACULTY OF JURIDICAL SCIENCES

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Lecture-30



When to send a legal notice?When to send a legal notice

The legal notices are generally sent in two cases. i.e., criminal cases and civil cases. In a criminal case, all the legal formalities are handled by the state authorities. In case of a civil case, you can send across the legal notices.

A brief mention of these civil cases has been mentioned below:

1. Property Disputes Scenarios

Disputes between two parties related to property matters are prevalent in India's courts. The survey revealed that civil property or land disputes cases are almost 66% in an Indian court. Out of these 66% cases, nearly 30% are related to the acquisition, and 25% are land disputes. The legal notice is sent to the other party in the following cases –

- When the constructor of the building inhibits the custody of the property;
- Family members wanting to separate willingly;
- Tenant Banishment

2. Personal Clashes Scenarios

If you have encountered any personal disputes with your partner, parents, or anybody else, then you hold the right to drag the case to court. You can do so by sending a legal notice to the other party. It can eventually lead to filing a legal claim against him if the matter fails to get sorted or acknowledged by the other party within the given timeframe. Such scenarios of personal clashes with your partner mainly include the following –

- Child Custody Case;
- Prenuptial Agreement Infringement;
- Personal Maintenance;
- Divorce with your partner;
- Conjugal Rights Rebate

3. Customer Complaints Scenarios

Legal notice can be sent, and a case can be filed in a situation when the products or services don't meet the initially committed standard. In such scenarios, a consumer holds a right to file a case or send the legal notice to the actual provider of the utilities.

- They are defective, wrongly advertised, and leading to fooling the public.
- The final product or services a customer receives is different from what was projected initially through advertisements.

4. Filing Complaints against the Employee

Strict action can be taken against his employer if they break the rules; the general cases of violation of company rules for employees are –

- If they violate and go against the Employment Agreement;
- If they seem to get indulged in the sexual harassment activities;
- If they fail to adhere to the preset HR policies;

5. Filing Complaints against the Employer

An employee can send his employer a legal notice if wrongful things are done against him during payroll. The employee is eligible to draft a legal statement against the employer and send it across in the following cases –

- If they are not paid their monthly salary;
- If they face a sort of discrimination or disparity or partiality based on caste, creed, or color;
- If they are terminated without reason or the manager fails to clearly state the 'Explanation of Termination.'
- If the employer misuse his power or authority against the employee;
- If they face sexual harassment of any sort from their employer, then filing a case is the employee's right.

6. Bounce of Check

In a rare case when a check bounces back, the person holds the right to draft a legal notice and send it to the check issuer. Negotiable Instruments Act has Section 138, which says that you can file a legal case against the issuer of the cheque if it bounces back.

How much does it cost to draft a legal notice?

The entire cost of drafting a legal notice depends upon the complexity of the dispute between two parties and the lawyer you have hired for this purpose. Once you have the clarity on the issue that needs to be addressed to the addressee, you can calculate the lump sum charge by a free consultation. In minor cases, the cost of drafting a legal notice by an advocate can go as low as INR 500/- and in significantly complicated cases, it can go up to digits in lakhs.

‘Take an example where you need to send a legal notice regarding the disputes of non-adherence to duty rules, a shoppers case, or a check bounce – it will cost you between INR 1500/- to INR 5000/-. For more complex cases like property disputes and other claims, the fees might go up to lakhs.’ Deciding on the price also depends on the studies, experience, and degree achieved by the advocate.

Based on his years of expertise in this field, you will be charged. The best way to decide upon it is to go for a free consultation provided by an advocate. If you feel that you can write it on your own and you have an idea of it, you shall go for it and get it proofread by some known advocate, a person holding knowledge in this field. It will save a lot of your money and other going back and forth processes.

Benefits of drafting a legal notice

Writing a legal notice can save you from a lot of legal complications. There are several benefits linked to drafting a legal notification and sending it to the addressee.

1. Attaining Mutually Agreed Outcome

The step of sending a legal notice is intended to come to a common judgment regarding the civil disputes. Here, both parties can put forth their underlying problems, clashes, and different viewpoints. By weighing both sides, you can reach a joint decision or a sound output for both parties. Therefore, taking this particular step can be beneficial for the parties to save mutual respect, bond, understanding, time, and money.

2. Money-Saving Step

If you think that the entire litigation procedure will be under INR 2000/- in India, then you are fooling yourself. Dragging such a civil case to the court can highly put you under the finances debts. Henceforth, taking a mid-step to save money involves rolling out a legal notice. It gives the pathway to another party to review the entire case and sort it out with the sender to avoid a lengthy and not-so-pocket-friendly litigation process.

3. Time-Saving Process

Every Indian has a fair idea about the Indian courts and how many pending cases exist today. Pulling your case to the court can take from weeks to years to conclude. Sending a legal notice not only saves your time but also allows the other party to give a rethought to their actions and sort the matter.

Conclusion:

Legal notices are highly effective in resolving disagreements between two or more parties. Seek help from a professional lawyer or any other expert who is well versed in legal terminologies. If you think you can write on your own, you should first understand how to draft a legal notice and then get the final proofreading done by an expert.

It will help you to reject all the unnecessary statements from your drafted legal notice. Make sure to send across the legal information as your initial warning to resolve the clashes. Also, mention a specific timeline in it. If still, you didn't get any positive response from the other party, then the case needs to be dragged to court for the final judgment. It may be highly time-consuming and not so pocket-friendly.

So, the first step to resolve the case is via sending an effectively written legal notice. Get a thorough study of the format and other mandatories shared above in this article to ensure you are on the right pathway.