

# FACULTY OF JURIDICAL SCIENCES

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# Lecture-33



## **What happens if the person doesn't respond to a Legal Notice?**

If the person to whom the notice is sent, doesn't respond to it in a stipulated time, then the aggrieved party files a suit in the appropriate Court of Law. Once the suit is filed in the court, the order will be sent to the respondent by the Court to appear before the court and to answer the charges pressed against them by the opposite party.

## **Benefits of a Legal Notice**

### **The Legal Notice has the following benefits:**

- **Warning**– A legal notice acts as a warning against the offender as it ensures that the offender is aware of the duties that have to be performed by him otherwise face the consequences of non-compliance.
- **Resolution of dispute**– A fair chance is given to both the parties to resolve their dispute, that can be through negotiation, mediation or arbitration without dragging the matter before the Court.
- **Amicable settlement**– The litigation process is time and money consuming, thus, it is preferable to directly settle the matter via the legal notice, that is much easier and a quick process.

### **Legal notice must mention the following points**

1. **Name and address of the parties**– The legal notice must mention the name and address of the party to whom the legal notice has to be sent.
2. **Facts and grievances**– The facts and grievances caused to the sender must be mentioned in the legal notice sent by the sender in paragraphs and points.

3. **Compensation**– After stating the facts, the legal notice must mention the amount of compensation if any, claimed for the inconvenience caused. Sometimes the legal notice mentions an alternative mode of redressing the dispute. It is mandatory to mention the laws under which the compensation is claimed.
4. **Signature**– At the end of the legal notice, there should be a signature and stamp of the lawyer who sends the legal notice on behalf of the client.

### **The procedure of sending a legal notice**

1. You can either draft a legal notice yourself or you can take the lawyer's assistance. Though, it is advisable to engage a qualified lawyer, as one should be extremely cautious with the language used and the choice of words. While drafting a legal notice, you should be cautious of using any fact that might later work against you in the court. Once a legal notice is sent, it cannot be changed and if you use any contradictory statement in the court, then it might weaken your case.
2. The legal notice must be addressed to the person against whom you have grievances.
3. A legal notice must be sent on a plain paper or on the letterhead of a lawyer.
4. You must categorically mention in the legal notice the time period in which the addressee must respond to the notice, the time period can be 30 to 60 days. The time period must be stipulated within which the other party is expected to fulfil the demands.
5. The legal notice should be signed by the lawyer as well as the sender.
6. The legal notice must be sent either through a registered post or courier. It is advisable to ensure that the acknowledgement is retained.

## Cases in which legal notice is served

The legal notice is mostly served in following cases:

- **Notice by an employer**– Notice can be for violation of HR policies, leaving job without resignation letter, committing sexual harassment at the workplace, violation of employment agreement provisions etc.
- **Notice by an employee**– Notice can be for wrongfully terminating the employees, violation of the employer’s rights, unpaid salary etc.
- **Property disputes**– Property disputes involve disputes regarding mortgage, the partition of family property, eviction of the tenant on unreasonable grounds etc.
- **Consumer complaints**– Notice can be served to the company who is manufacturing contaminated or low standard products, negligent service, fraudulent advertisement etc.
- **Breach of Contract**– Notice is served if the other party fails to comply with the provisions of a contract, or fails to fulfil the agreement in the contract
- **Recovery of Money**– Notice is served to the debtor to recover money after the lapse of time.
- **Cheque Bounce**– Notice is served to the issuer of cheque in case of cheque bounce.
- **Personal conflict**– Notice can be conflicts regarding divorce, child custody, maintenance, division of maternal property etc.

The formats for all the above mentioned legal notices are the same. Mostly notice is sent through a registered post but it can also be delivered in person. Recently there is a trend of sending a legal notice through online means, it has the same effect as that of a notice sent through a post or delivered in person.

