



“A comparative analysis of “Service of summon” in India vis’-a-vis’ USA”

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ABSTRACT: This research paper is an outcome of comparative analysis of service of summons in India *vis-a-vis* USA, leaving no stone unturned. The Code of Civil Procedure, 1908 needs re-calibration with a purpose bringing in clarity, certainty and filling in the statutory vacuums. The Federal Code of Civil Procedure, 2021 as its name suggests is partially federal in nature i.e., leaves spaces for the state to make laws upon. The precept of “service of Process” is tantamount to the Indian system in terms of the basic pre-requisites. The major difference being “modes of service”. While on one hand, Indian Judiciary has been stepping parallelly with the newest technology (e.g.- Service through WhatsApp and E-mail are now recognised as valid modes.) the FRCP, 2021 limits the service of summon through traditional mode only and in addition to that, it leaves spaces for states to enact laws in this regard turning it extremely vague and anomalous. At the same time the FRCP, 2021 enshrines profound and efficient majors such as “Waiver of Service” which is indeed budget friendly for one who can’t bear the cost of summons. Another example could be “Service to a minor”, CPC 1908 encapsulate no express provisions for the same while FRCP, 2021 does. Insertion of these precepts could bring a sea change in the Code of Civil Procedure, 1908.

Index Terms – Federal Code of Civil Procedure, 2021, summon, Limitation period, Code of Civil procedure, 1908, waiver.

I. INTRODUCTION

As a commandment of natural justice, whenever a suit is brought against any defendant, he shall be informed that a suit has been filed against him and that he has a fair chance of hearing for which he is bound to appear before such court either in person or through his pleader. The process of service of summoning is the legislative manifestation of the doctrine, which is famously known as “*Audi alteram partem*,” meaning both sides must be heard. Almost all democratic countries appreciate this principle of natural justice, and the same is well reflected in their legislations as well. The USA is no exception to this principle, and hence it is deeply ingrained in their judicial and legislative framework. In American jurisprudence, this rule is purely axiomatic and that where a judgment is passed by a court against a person who is not a party to such suit shall be regarded as void and may further be annulled by the court¹. Furthermore, in the case of *Doyle et al. v. Brown, Guardian*², which is a case of Supreme court of North Carolina, Reade, J. reiterated that “where the defendant is neither served with process nor does he appear before the court in person or through an attorney, any judgment passed in such a case will not just be voidable but void.”

In India, the doctrine of “*Audi-alteram-partem*” is construed in a much more strict and inclusive sense. Therefore, it’s not merely limited to the judicial framework but also to the administrative inquiries. When we look into the para (5) of the landmark decision of *Maneka Gandhi v. Union of India*³ it has been reiterated that “when the test of the applicability of the doctrine is put to a pragmatic situation there can be no distinction between quasi-judicial function and administrative function because the aim of both is to arrive at a just decision”. “Issue of process” or “service of summoning” is that attribute of the law of civil procedure where both the countries share a common ground, subject to a few distinctions.

¹ Harrison v. Harrison, 11 S.E. 356, 106 N.C. 282 (N.C. 1890)

² Doyle et al. v. Brown, Guardian, 72 N.C. 393 (N.C. 1875)

³ Maneka Gandhi v. Union of India, (1978) 1 SCC 248

II. SOURCE OF “SUMMON” IN USA

In India, for the proceeding of civil matters, we have the “Code of Civil Procedure, 1908”, Which was bought to consolidate and amend laws relating to procedures of courts of civil judiciary. Under the 7th schedule of the Indian Constitution, the subjects have been well determined to make substantive legislation. Similarly, the USA has a two-tier government and so does the legislative framework. The central laws are known as “Federal laws” and state legislations are known as “State law”. Federal laws apply to all 50 states and where inconsistency arises between state and federal laws the latter shall prevail⁴.

The process of “summon” has been enshrined under Title 2, Rule 4 of FRCP, 2020. Herein, all the aspects of summons have been discussed, it includes inter-alia content, issuance, place of service, amendment in summon, time of service, etc, further, the “clauses” are to be read as “Paragraph” and sub-clauses as “Sub-Division”. In the year of 1993, a drastic amendment was brought in the legislation affecting Rule 4. It added, “Waiver of service” which is one of its most distinctive features from “Summons” provided under the CPC 1908. In the year 1933, the term “Process” was replaced by the insertion of the term “Summon”. The key differences between “Summon” in India and USA are all mentioned below-

Herein, we shall discuss the difference between “Summons” or “Process” in terms of definition, process of service, modes and consequence.

1. Definition (Before the amendment of 1993)
2. The time limit for service of summon and modes of service of Summon
3. Waiver of service
4. Service to Government and Public Officer
5. Term of filing Written statement (India) and Responsive Pleading (USA)

III. KEY DISTINCTIONS

A. Definition (Prior to the Amendment of 1993)-

In the FRCP the term “process” was replaced by the term “summon” post amendment of 1993. Prior to the amendment the term “process” had a much more wider scope than the expression of “Summon” instrumented in India. In the Indian context “Summon” simply refers to the “An intimation document issued by the court of law which binds the defendant to be present before such court/officer on the date mentioned thereunder”.

On the other hand, the term Process had a wide ranging meaning. It was inclusive to such an extent that Pre-judgement attachments and post-judgement executions were a part of the expression. An execution resulting in “seizure or attachment of property” was also a process. This shows that unlike Summon in India which merely requires the defendant to be present before the court of law on the given date, the term “Process” demands a greater degree of submission from the defendant. It involves two ingredients as-

- a) Subjecting a person to court’s jurisdiction as well as,
- b) Mandate such person to abide by court’s demands.

However, the Amendment of 1993 to the Rule of Civil Procedure brought in the term “Summon” which breached all its references with the other categories of processes and now it simply means “Subjecting a person to the court’s jurisdiction”.

B. Limitation period and modes of service of Summon-

The modes of service of summon i.e. Who all can serve the summon is specifically mentioned under “Rule-4 (c)” of FRCP while on the other hand Code of Civil Procedure provide distinctive provisions under Order 5 which represent modes of service of summon, such as Rule-9, 9A, 10-16, 18, 17, 19 and 20. Sub-division 1 of Rule-4 prescribes that plaintiff must file the summon along with the copy of the complaint within the time limit prescribed under Rule-4 (m) of the FRCP.

As the first part under this head, we shall discuss the “limitation period for filling summon” under both the statutes from a comparative point of view. In Indian civil jurisprudence, it’s a presumption that if the manner of service provided under the Order 5 (Rule 9-20) is complied by the plaintiff summon is served to the defendant and there is no additional onus on the plaintiff with regards to the limitation period for service of summon. The court doesn’t consider mere procedural irregularities in service of summon. In the matter of *Prabhin Ram Pukhan v. the State of Assam*, (2015) 2 SCC (Civ.) 331, Supreme Court held that “mere procedural irregularities in service of summon should not be coined as bad before law unless a substantial prejudice is caused to the defendant”. However, Order 9 Rule 5 of the CPC, 1908 puts forth a limitation period as to “Application of fresh service”. According to Ord. 9 R. 5 provide that where the summon returns unserved the plaintiff has a limited period of 7 days to apply for fresh service of summon, failing of the same would result in dismissal of the suit by the concerned court. Within this specified time the plaintiff needs to prove before the court that he has taken all due diligence and still failed in serving the prior summon or that the defendant is wilfully avoiding such service or due to any other sufficient cause. Before the “Amendment of 1999,” the stipulated period under this rule was one month. In contrast to CPC 1908, FRCP 2021 specifies the limitation period as to filling the written statement under Rule 4 (m). It was only after the 1983 Amendment that a time cap was set by the rule. Before the amendment the system was due diligence was taken into consideration in a sense that summon was to be served within a reasonable period. Then at that time “Court Marshals” were the only mode of service of summon. Yet another amendment was done to the same division i.e. Amendment of 2015. After the amendment of 2015, the time cap was reduced to 90 days from 120 days because the plaintiff was taking benefit of the long term and was serving the summon only when the bell was about to ring which was in contravention of the purpose of division “M”. However it has an expression “Good cause” within it, by citing the same the plaintiff can pray for an extension in service period. Good Cause may include several factors one of such factors is being a “pro se” plaintiff. Wherein, a litigant himself carry out all legal process without an attorney because of the scarcity of economic resources to hire one, or at times it includes “litigant who is behind the bars and can’t pay for service of process”. Because of non-payment of fees, the Court Marshal fails to carry out his duty of serving the summon. In cases

⁴ LEYBA DEFENSE PLLC (last visited Oct. 22, 2021)

where the plaintiff is incarcerated i.e. convicted and proceeding in forma- pauperis (Can't pay the expenses) to penalize him court must not dismiss his claim⁵. The same was made even more flexible in the case of *Sellers v. United States*⁶, The Seventh Circuit reiterated that failure to serve the summon on the part of the Marshal is in itself a good cause. On the other hand, if the original draft of the complaint is different from the copy annexed with the summon then in that case the plaintiff won't get a benefit of good cause rather the action against the defendant shall be dismissed by the court⁷.

In this second part of the head, we shall discuss the modes of service of Summon in the USA in comparison to India. As mentioned above in India several rules are dealing with the modes of service which are much more exhaustive as compared to that of Modes of service in the USA because FRCP only deals with "Who can serve a summon ?" and not "by what means ?" (post, e-mail, etc.). In addition to that in the Indian context each method of service provided under Rule 9-20 of Code of Civil Procedure, 1908 has equal weightage and effect before the court of law provided that the mannerism enshrined in any of the above-cited provisions is complied with and that the defendant has received the notice of the suit. The flexibility in means of service in India went to such an extent that in the matter of In *Re-Cognizance for Extension of limitation, Suo moto writ petition (civil) No.3 of 2020*⁸, Supreme Court of India validated service of summon through Instant messaging application such as WhatsApp, Telegram, etc. with a condition that on the same date plaintiff has to additionally e-mail the copy of the summon to the defendant.

On this point, India and USA share a concrete duality because the Federal Rule of Civil Procedure, 2021 is much more rigid and narrower on the aspect of modes of service as compared to modes provided under the CPC, 1908. As far as the interpretation of Rule 4 (c) subdivision (2) is concerned the degree of reliability before the court of law differs with each of the agent/authorities serving the summon. For example- The service of process by the Marshal has a greater degree of correctness and reliability in terms of procedural flaws than any other means of service. That provides the defendant with a golden opportunity to raise an objection based on the procedural flaws against any agent serving such summon other than the Marshal.

Subdivision (2) of Rule 4 under FRCP, 2021 empowers "any person" above the age of 18 years to serve a summon. There are diverse people covered under this expression including the plaintiff himself. It was often seen that defendants used to deny the service vehemently even when it was served the plaintiff's counsel. Hence the court in the matter of *Trustees of Local Union No. 727 Pension Fund v. Perfect Parking, Inc.*⁹ United States District Court, N.D. Illinois, Eastern Division held that Service of Summon by the plaintiff's counsel holds no lesser value than service by Marshal. "It may not be the most preferable but it is proper". Thereafter in the matter of *Benny v. Pipes*¹⁰, Interestingly, in this case, a prisoner filed a suit to bring-up civil action against a few guards for violating his right and summon issues in the same case was served to the defendants by one of the co-prisoners who was not a party to the suit. As a response, the guards threw it into the dustbin believing that the service through a convict isn't valid. For non-appearance in this matter, the lower court levied \$ 2000 upon the defendants after which they appealed to the Ninth Circuit. The Ninth Circuit held that because the expression "any person above 18 years" won't exclude prisoners.

Subdivision (3) of FRCP, 2021 provides for the second and the most preferred mode of service of summon. By a "Marshal or Someone Specially Appointed". There are various instances under which liability of service lies on a Marshal. The U.S. Code promulgates general principles with regards to the existing statutes and is published by the House of Representatives every six years. Title 28 part-v, Sec 1915 encompasses that person who is "forma pauperis" or a "seamen" under sec 1916 are dispensed with the liability of sustain any expenses of service and hence Marshal shall serve to summon on behalf of these fellows. However, it doesn't exclude a plaintiff who doesn't fall under the above-mentioned categories to avail a Marshal. A general plaintiff can avail a Marshal by putting forth an application and it's the discretion of the court to provide him with one. At times exigencies may occur wherein the hostility of the defendant poses a threat against the private process server therefore Marshal is directed to serve the summon. The expression "appointee" may include any other officer. But, the condition is that such a person must accede to take the responsibility of service¹¹. That's how the Sub-division (3) of Rule 4 is much more restricted and non-exhaustive as compared to the Indian Law of summon and that's a huge drawback in the present scenario. The USA is a developed country the courts must introduce service of summoning through electronic means to ease the process of service and reduce expense and complications arising out of physical service method.

C. Waiver of service

Waiver of service is one of the most distinctive and unique feature of the Federal Rule of Civil Procedure. This is the process through which the traditional ritual of service is wiped out altogether. In the 1983 version of the Rule 4 summon through mail wherein an acknowledgement letter was attached upon which the defendant was supposed to sign and sent it back to plaintiff. But, in the with the amendment of 1993 the system of mail was replaced by "waiver" under Sub-division (d) of Rule 4. However, process remains the same wherein a waiver form is sent to the Defendant which need to signed and returned to the plaintiff for showing that the defendant has acknowledged the same. Where the defendant doesn't acknowledge the waiver of the plaintiff, he have to turn back to the traditional mode of service provided that for such refusal of Waiver the defendant shall bear the expenses of summon served to him by the plaintiff. This, benefit of waiver is given to an individual, association and corporation.

1. Pre-requisites of a valid Waiving

Following are the requisites of a valid waiver as provided under Rule 4 sub-division (d) Para-I (A -G) :-

- A- The waiver need to be addressed to the individual, or to appointed agent (If defendant is a corporation),
- B- Name of the Court (Where the complained is filed),

⁵ Puett v. Blandford, 912 F.2d 270 (1990)

⁶ Sellers v. United States, 902 F.2d 598 (1990)

⁷ West Coast Theater Corp. v. City of Portland, 897 F.2d 1519 (1990)

⁸ Re-Cognizance for Extension of limitation, Suo moto writ petition (civil) No.3 of 2020.

⁹ Trustees of Local Union No. 727 Pension Fund v. Perfect Parking, Inc., 126 F.R.D. 48 (ND Ill. 1989).

¹⁰ Benny v. Pipes, 799 F.2d 489 (1986)

¹¹ Potomac Leasing Co. v. Uriarte, 126 F.R.D. 526 (SD Texas 1988)

- C- Accompanied by copy of complaint, 2 waiver form and prepaid service of returning the same,
- D- A form reflecting the consequences of waiving and not-waiving service to be annexed,
- E- Any such date when the request was sent to be mentioned,
- F- A reasonable time of 30 days to be given to the defendant or 60 days if he resides outside any judicial district of United States to return such waiving,
- G- To be sent through First class mail or any similar service.

Such waiver may be sent by any reliable mode like Fax or through messenger etc. It ensures that the plaintiff has ease availing any reliable mode for a waiver, keeping in mind that such waiver is communicated to the defendant but the court primarily prefers a “First class Mail”. The flexibility was expressly widened in the matter of *Jaffe v. Federal Reserve Bank of Chicago*¹² United States District Court, N.D. Illinois, Eastern Division held that “It’s immaterial whether he/she receives the mail (Waiver mail) at home, at play or anywhere else”.

2. Consequence of failure to waive

From the above-mentioned ingredients, it’s clear that the defendant is made aware of the fact that he has to bear the expenses of formal service if he denies the waiver. Further Paragraph (2) of Rule 4(d) clearly mentions that defendant doesn’t just bear the expenses of formal service but also “attorney’s fees for any motion of such attorney for collection of service expenses.” In the matter of *Premier Bank, National Association v. Ward*¹³ in this case, “the expense of serving the summons was a mere \$50 but to that \$1237.50 was added as the attorney’s fees which included arranging for service by other means and in making the motion for the costs assessment.”

3. Limitation period for the defendant

The pre-1993 rule used to demand an oath from the defendant the same isn’t the case now. However, Rule 4(d)(2)(F) provides a 60 days cap for the defendant to respond to the waiving and 90 days for the defendant who lives outside the judicial United States. A fact to be noted here is that unlike failing formal service of summon here the consequence is not the dismissal of the suit, rather the defendant only has to pay for the service of summon and reasonable expenses of hiring an attorney. This transition from waiving to formal service of summon again provides the plaintiff with additional 21 days to respond to the summon and this is indeed a huge drawback of waiver because it provides the defendant with a huge amount of valuable time of judiciary to waste.

D. Service to Government and Public Officer

In the Code of Civil Procedure, 1908 service of summon is not provided under Order 5 which contains general provision of summon. Suits by or Against the government is dealt by Section 80 and Order 27 of Code of Civil Procedure, 1908. In a person can’t directly sue the government or any officer at first he need to give a notice to the secretary of the state or such public officer. The primary objective of this provision is to give the government and the secretary a fair chance to revisit the mistake from their end. The notice shall contain the following details-

1. Name of the person serving notice
2. Description
3. Residential address
4. Cause of action
5. Relief claimed

The abovementioned ingredients are to be presented in such a manner that the receiver must be able to identify such sender¹⁴. Section 80 is mandatory before opting for a civil suit against such a government or public officer. But what if even after such notice the problem was not addressed? Well, In that case, Order 27 comes into the picture. In any suit by or against the government shall appoint a person, well versed with the facts of the case on behalf of it. Rule 5-A of Order 27 put forth the principle that whenever a suit is filed against a public officer for damages or any other relief government becomes a necessary party to such a suit.

Here, the expression government means where such suit is filed against “Central government or Public officer employed Central government” the central government and where such suit is filed against “State government or Public Officer employed under state government” it refers to the state government.

However, the person who receives the process/summon is the “government pleader” of the court which issues such summon as provided under Rule 4 of Order 27 of the Code of Civil Procedure. This was an insertion through the Amendment of 1937. Further, Rule 8 provide the procedure followed in suits against a public officer as follows-

1. The government pleader when furnished with summon to appear and answer the plaint, he shall make an application to the court upon which the court enters the note of his authority in the register of civil suit.
2. If no application is made under the first head than in that case the court shall proceed as if it’s a matter concerning private parties.

As described above if the government against whom such suit is filed if fails to appear on such date before the court of law, it shall be regarded as a non-appearance of the defendant and the consequences can certainly be an “ex-parte” trial against the defendant i.e. the government/ officer of such government (Order 9 Rule 6 of Code of Civil Procedure, 1908).

All the above-mentioned provision shows how a suit is initiated against the government or its officer, who receives the process and consequence of non-appearance of the government in India.

Unlike India, In the USA laws with regards to the service of summon to the government, its agencies, and employees have been discussed in a much more comprehensive manner. Rule 4 Sub-division (i) of the Federal Rule of Civil Procedure, 2021 deals with the mannerism of service of summon albeit it doesn’t provide the consequences of appearance and non-appearance. One of the most important points to note here is that the concept of “Waiver of service” under subdivision (d) doesn’t apply to the united states and federal agencies or any officer therein. Clause (A) of the sub-division has close similarity with the Indian

¹² Jaffe v. Federal Reserve Bank of Chicago, 100 FRD 443 (ND Ill. 1983)

¹³ Premier Bank, National Association v. Ward, 129 FRD 500 (MD La. 1990)

¹⁴ Union of India v. Shankar Stores, AIR 1974 Ori 85.

provision of service of process wherein the plaintiff shall serve a summon along with the copy of the complaint into the U.S. Attorney's Office of the district wherein such complaint is filed.

The process can also be served before the "Civil Process clerk". This was inserted because in a lot of cases the process server was denied by the front desk to deliver such summon to the U.S. In such cases, the plaintiff has to re-serve the summon for which additional cost has to be sustained by the plaintiff that's why the server may also serve the summon to the Civil process clerk.

Clause (B) of Sub-division provides that where the federal government is itself a party or is joined as a party, the copy of the summon and complaint shall be sent to the attorney general office at Washington DC and the same shall be sent through a certified mail service. Clause (c) further covers the situation wherein the order of any federal officer is challenged or wherein any federal agency is not made a party to a suit then the copy of the summon shall be sent to such officer or agency individually through a certified mail.

Clause (2) further provides that where the agency, corporation, an officer is sued in his official capacity along with sending the copy of the summon and complaint to such agency, officer, or corporation the plaintiff is required to send a copy of the summon and complaint to the U.S. Attorney under clause 1 (A) of as well as a mailing to the Attorney General under clause (B). The intention of using the term "certified mail" is to curtail the extra cost demanded by a "registered mail" through which only articles of value are sent. Clause (3) it's very much clear that when the officer or employee of the United States issued in individual capacity even though he is not sued in individual capacity United States is a necessary party for receiving summon and the party shall be served under the Rule 4 e, for g depending on the circumstances.

Coming to Clause 4 extends flexibility to the plaintiff in terms of time limitation. Since the process of summoning is a bit complicated when it comes to the serving process to the Agency; Corporation; Officer or Employee, mistakes are inevitable provided that the plaintiff must have taken all the due diligence in his part to deliver such summon. It can be construed from the language of the para A of clause (4) that as long as summon is properly served upon the U.S. Attorney and Attorney General and there is latency in service to other officials, the court may provide the plaintiff with an extension of time to make the service.

E. Term of filing Written statement (India) and Responsive Pleading (USA)

Once the summon is diligently served upon the defendant, the defendant must present before the court with his pleadings as a defence. In India, the pleadings of the defendant are known as "Written statement" provided and in the USA as "Responsive pleadings".

In the Code of Civil Procedure, the 1908 written statement is enumerated under Order 8. In the written statement of the defendant, "set-off" and "counterclaims" can be established against the plaintiff. The major difference between a written statement and responsive pleading lies in terms of time limitation.

According to Rule 1 of Order 8, there is a general limitation of **30 days**. However, it has an exception inserted through the Amendment Act of 2002 i.e. if the defendant fails to file the written statement within **30 days** then the court shall allow him to file the same within **90 days** from the date of service of summoning. However, in the matter of *Kailash v. Nankhu*, AIR 2005 SC 2441, the supreme court reiterated that even though the language of the code is couched compulsively it's not mandatory but the directory in nature. But after a few months in the matter of *Salem Bar Association v. Union of India*¹⁵ the Supreme court held that Rule 10 of Order 8 vests power in the court to allow the defendant to file a written statement even after 90 days but under special circumstances only.

The second proviso to Rule 1, Order 8 of CPC, 1908 which enshrines that in the matter of commercial disputes, if the defendant fails to file the written statement within 30 days then an outer limit of 120 days from the date of service of summoning shall be provided to the defendant. In contrast to the India law the Federal Rule of Civil procedure provide the defendant with a nominal amount of time. Under the Federal law the pleadings of the defendant is known by the term "Responsive Pleading" and is dealt under Rule 12 of FRCP, 2021. Subdivision (a) clause 1 (A) enshrines provision with regards to the general defendants. It enshrines that if a formal summon is served to the defendant he has a period of 21 days to file his responsive pleading and in case of waivers it's 60 days for an individual residing within the judicial district or 90 days if the defendant resides outside the territory of the judicial district. Clause 1(B) encapsulates the limit for the plaintiff or defendant against whom a counterclaim or cross-claim is filed has to serve an answer to such "counterclaim" or "Crossclaim", which is 21 days. Under the US law, a cross-claim means a "claim set forth by one plaintiff against co-plaintiff or by one defendant against another co-defendant and such claims relates to the cause of action of that very suit" whereas a Counterclaims means "a claim for relief is filed against the opposite party after the original claim is filed". However, this time constrain is much flexible when it comes to suits against the USA and It's Employees agencies; corporations; Officer or Employees. Clause (2) of the sub-division provides these officials a time cap of 60 days to file their responsive pleading. Under Clause (3) the time limit remains the same even though such officer or employee of the United States issued in Individual capacity. Clause (2) and (3) set this time frame not only for Responsive pleading but also for complaint, counterclaim, or crossclaims, etc.

IV. CONCLUSION

From the above study, we can extrapolate that the law of summoning in India and the USA doesn't pose a black and white (Completely different) situation but in terms of comprehensiveness, both the statutes have substantial differences. The major drawbacks in Service of Process under the FRCP, 2021 are a) less comprehensive when it comes to means of service of summon and has an orthodox pattern of mailing the physical document, which necessarily needs an insertion for introducing substituted means of service of summon which may include recognized "messenger applications". Another major plus point CPC, 1908 over FRCP, 2021 is that it's very nature of exhaustiveness and unambiguity. The Federal Rule of Civil Procedure, in a lot of provisions, leaves spaces for the laws of state government to govern on because of which the probability for inconsistency and ambiguity is higher in its case. Nonetheless, from a socio-economic point of view "waiver of process" is something that can be adopted and can bring a sea-change in the Indian legal system by boosting its expediency and affordability. In terms of limitation periods Code of Civil procedure provides an elongated period for filing written statements and looking at the pendency of cases before the Indian Judiciary, it is something the judiciary is bound to appreciate. Lastly, both the laws are explicitly inclusive and don't create anomaly at any point with regards to the procedure and elements of Service of Summon.

¹⁵ Salem Bar Association v. Union of India, (2005) 6 SCC 344