

shall be numbered in every year according to the order in which the plaints are admitted.

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**ORDER V**  
**ISSUE AND SERVICE OF SUMMONS**

**ISSUE OF SUMMONS**

**1. Summons.**—<sup>1</sup>[(1) When a suit has been duly instituted, a summons may be issued to the defendant to appear and answer the claim and to file the written statement of his defence, if any, within thirty days from the date of service of summons on that defendant:

Provided that no such summons shall be issued when a defendant has appeared at the presentation of plaint and admitted the plaintiff's claim:

Provided further that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the same on such other day as may be specified by the Court, for reasons to be recorded in writing, but which shall not be later than ninety days from the date of service of summons.]

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**KARNATAKA AMENDMENT**

<sup>2</sup>[Provided also that where the defendant fails to file the Written Statement within the said period of thirty days, he shall be allowed to file the Written Statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than one hundred twenty days from the date of service of summons and on expiry of one hundred twenty days from the date of service of summons, the defendant shall forfeit the right to file the Written Statement and the Court shall not allow the Written Statement to be taken on record.]

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<sup>3</sup>*Provided further that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the written statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the*

1. Sub-rule (1) substituted by Act No. 22 of 2002, w.e.f. 01-07-2002.
2. Proviso inserted by The Code of Civil Procedure (Karnataka Amendment) Act, 2024 *vide* Act No. 40 of 2025, dated 26-05-2025, w.e.f. 05-06-2025.
3. Shall be applicable to Commercial Disputes of a Specified Value by Act No. 04 of 2016, w.e.f. 23-10-2015.

*Court deems fit, but which shall not be later than one hundred twenty days from the date of service of summons and on expiry of one hundred twenty days from the date of service of summons, the defendant shall forfeit the right to file the written statement and the Court shall not allow the written statement to be taken on record.*

(2) A defendant to whom a summons has been issued under sub-rule (1) may appear.—

- (a) in person; or
- (b) by a pleader duly instructed and able to answer all material questions relating to the suit; or
- (c) by a pleader accompanied by some person able to answer all such questions.

(3) Every such summons shall be signed by the Judge or such officer as he appoints, and shall be sealed with the seal of the Court.

<sup>1</sup>**[2. Copy of plaint annexed to summons.—**Every summon shall be accompanied by a copy of the plaint.]

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#### KARNATAKA HIGH COURT AMENDMENT

**2. Copy of plaint, <sup>2</sup>[etc., to be] annexed to summons.—**Every summon shall be accompanied by a copy of the plaint, <sup>3</sup>[plaint documents, interlocutory applications, affidavits in support thereof, and if service is effected by modes provided under relevant rules made in relation thereto, as provided by such rules.]

**3. Court may order defendant or plaintiff to appear in person.—**(1) Where the Court sees reason to require the personal appearance of the defendant, the summons shall order him to appear in person in Court on the day therein specified.

(2) Where the Court sees reason to require the personal appearance of the plaintiff on the same day, it shall make an order for such appearance.

**4. No party to be ordered to appear in person unless resident within certain limits.—**No party shall be ordered to appear in person unless he resides.—

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1. Rule 2 substituted by Act No. 46 of 1999, w.e.f. 01-07-2002.

2. Inserted by Notification No. HCLC 74/2021, dated 17-02-2025, w.e.f. 21-02-2025.

3. Inserted by Notification No. HCLC 74/2021, dated 17-02-2025, w.e.f. 21-02-2025.