LETTER OF REQUEST

(Order 26, Rule 5)

(Heading:-To the President and Judges of, etc., etc., or as the case may be.)

WHEREAS a suit is now pending in the ${reliefclaimed} in which ${petitionername} is plaintiff and ${respondentname} is defendant; And in the said suit the plaintiff claims.

(Abstract of claim)

And whereas it has been represented to the said Court that it is necessary for the purposes of justice and for the due determination of the matters in dispute between the parties, that the following persons should be examined as witnesses upon oath touching such matters, that is to say:

E. F., of

G. H., of

and

I. J., of

And it appearing that such witnesses are resident within the jurisdiction of your honourable Court;

Now I......................., as the ................ of the said Court, have the honour to request, and do hereby request, that for the reasons aforesaid and for the assistance of the said Court, you, as the President and Judges of the said................or some one or more of you, will be pleased to summon the said witness (and such other witnesses as the agents of the said plaintiff and defendant shall humbly, request you in writing so to summon) to attend at such time and place as you shall appoint before some one or more of you or such other person as according to the procedure of your Court is competent to take the examination of witnesses, and that you will cause such witnesses to be examined upon the interrogatories which accompany this letter of request (or viva voce) touching the said matters in question in the presence of the agents of the plaintiff and defendant, or such of them as shall, on due notice given, attend such examination.

And I further have the honour to request that you will be pleased to cause the answers of the said witnesses to be reduced into writing, and all books, letters, papers and documents produced upon such examination to be duly marked for identification, and that you will be further pleased to authenticate such examination by the seal of your tribunal, or in such other way as is in accordance with your procedure, and to return the same, together with such request in writing, if any, for the examination of other witnesses to the said Court.

Note.-If the request is directed to a Foreign Court, the words "through 1[the Ministry of External Affairs of the Government of India] for transmission" should be inserted after the words "other witnesses" in the last line of this form.