**How to Draft and Send a Legal Notice==Legal Notice and its importance : Procedure ?**

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In today’s world we enter into numerous litigations with individuals/firms wherein filing of civil suit becomes imperative which we do generally file. Some individuals/firms enters into litigation straightaway while others opt for serving a notice upon opponent of giving out intention filing of a civil suit in court of competent jurisdiction. There are certain legislations which make it mandatory to file a legal notice before filing  any litigation otherwise that litigation will be bad in law. What is a Legal Notice: A “**Legal Notice**”  is a notice indicating your opponent that you are preparing to litigate a lawsuit against him in case the so called demand is not fulfilled.

Importance of Filing a Legal Notice

**Before you decide to start a court case, there are several things that you should think about. Like majority of cases settle before trial. If you think your case can be settled, you may want to consider alternatives before you begin your lawsuit. Some of these alternatives are:**

1. **Negotiation (e.g., an exchange of letters between the parties);2.Mediation; and 3.Arbitration**

**Nobody wants to waste their time & money in litigating over matter which can be resolved by negotiations very well. These days, even companies while entering into contacts with individuals/firms makes it obligatory on their part to specify  clause stating that disputes are to be settled through arbitration instead of going to court.**

**However, when negotiations do not work, an individual/firm need not require to directly file a suit in court of law. Individual may serve a Legal Notice demanding resolution and giving clear intention of filing a lawsuit whereby there are chances of resolution of dispute through settlement avoiding law suit trials that run for years together.**

**Legal Notice under section 80 of The Code of Civil Procedure, 1908**

Legal Notice is filed generally in civil cases. In criminal cases, no legal notice is filed as action is taken by the State who is the supreme power. However if you are seeking civil action against government you have to first serve government a legal notice. It is only thereafter that you can file civil suit against government.

Drafting and sending a legal notice from a Senior lawyer’s office may cost more from Rs.5,000/ onward . Also it depends upon the issue in question. A simple cheque bounce notice can be availed for as cheap as Rs.2500/. Whereas the drafting of legal notice where complicated issues of law are in question , the charges would be on the higher side. The legal notice document is also referred to during the litigation of the matter. It is advisable that a legal notice or its reply should always be drafted by an experienced lawyer.

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**IS LEGAL NOTICE MANDATORY?**

Legal notice is not mandatory in all cases. Certain statutes prescribe issue of legal notice before filing any case before a court of law. For example

Section 80 of Civil Procedure code(CPC) provides issue of a legal notice prior to suing. Section 138 of Negotiable Instruments Act, makes it mandatory to send a cheque bounce notice before knocking on the court’s door.

Hence non filing of legal notice is fatal in certain cases. It can be said that a legal notice is more or less an imitation of the plaint. Therefore, If issue of legal notice is not made mandatory by a statute, it may be avoided altogether, unless you have good reasons to issue a legal notice. But be careful to issue it by claiming all the reliefs that you are claiming against.

Sometimes the other person may not be aware of the wrong/mistake he has committed or the other person may get alarmed after the notice and settle the matter amicably. So, In general practice, it is advisable to send a legal notice before resorting to litigation

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