

**TREATY  
ON MUTUAL LEGAL ASSISTANCE  
IN CIVIL AND COMMERCIAL MATTERS**

**BETWEEN**

**THE REPUBLIC OF INDIA  
AND  
THE REPUBLIC OF BULGARIA**

The Republic of Bulgaria and the Republic of India, hereinafter referred to as the “Contracting Parties”;

Attaching importance to the development of cooperation in the field of legal assistance in civil and commercial matters;

Have agreed as follows:

**PART 1**

**GENERAL PROVISIONS**

**Article 1**

**Legal Protection and Legal Assistance**

1. Citizens of one Contracting Party shall enjoy in the territory of the other Contracting Party the same legal protection in respect of their person and

property as do the citizens of the other Contracting Party, to the extent permitted by their laws.

2. The above shall also apply to legal persons established in accordance with the law of either Contracting Party.

3. Citizens of one Contracting Party shall be entitled to free and unimpeded access to the courts or other legal authorities of the other Contracting Party having competence in civil and commercial matters, on the same terms and conditions as its own citizens.

4. Citizens of one Contracting Party shall have the same rights and privileges in the proceedings of a court of the other Contracting Party to the same extent as the citizens of that Contracting Party.

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5. The authorities concerned of the contracting parties shall render mutual legal assistance within their competence, in accordance with their national legislation.

## **Mode of Communication**

In providing legal assistance the courts and other legal authorities of the Contracting Parties shall communicate with each other through the Central Authorities, which shall be:

For the Republic of Bulgaria – Ministry of Justice, for the Republic of India - Ministry of Law and Justice of the Government of India.

The Central Authorities shall communicate with each other directly.

## **PART II**

### **LEGAL ASSISTANCE CONCERNING CIVIL AND COMMERCIAL MATTERS**

#### **Article 3**

#### **Scope of legal assistance**

Legal assistance in civil and commercial matters includes:

1. service and dispatch of documents or summons;

2. provision upon request of information on laws, which are or were in force in the respective States, and on their application by the judicial authorities;
3. taking of evidence from litigants, witnesses and experts;
4. furnishing evidence;
5. obtaining expert opinions;
6. recognition and enforcement of judgments including those by criminal courts in civil matters, arbitration awards and settlements;
7. effecting any other legal assistance.

#### **Article 4**

##### **Request for legal assistance**

A request for legal assistance shall be made in writing and shall contain the following:

1. the designation of the requesting authority;
2. the designation of the requested authority;
3. the specification of the case in relation to which legal assistance is requested;

4. names and surnames of persons relating to the request, information of their citizenship, occupation and permanent or temporary residence. In case of legal persons, their names and addresses;
5. names and addresses of the representatives of persons relating to the request; and
6. contents of the request.

## **Article 5**

### **Execution**

1. In executing the request for legal assistance the requested authority shall apply its national laws. However, upon request of the requesting authority, it may apply procedural rules of the requesting Contracting Party as far as they are not in conflict with the laws of the requested Contracting Party.
2. If the requested authority is not competent to execute the request it shall forward the request to the competent authority and shall inform the requesting authority accordingly.
3. In case of receipt of an executable request the requested authority shall notify the requesting authority, parties interested in, or their representatives, of the place and time of execution of the request.
4. The requested authority shall forward documents to the requesting authority after execution of the request. In case legal assistance could not be provided as requested it shall return the request and notify the reasons for inability to execute it.

## **Article 6**

## **Service of documents or summons**

1. The service of documents or summons shall be affected in accordance with the laws of the requested Contracting Party. When the documents or summons are not drawn up in the language of the requested Contracting Party or are not accompanied by a translation, they may be served on the addressee if he is willing to accept them. In case of non-acceptance of such document or summons the service shall be considered as not having been effected.

2 A request for service shall contain the exact address of the addressee and the title of the document or summons to be served.

### **Article 7**

#### **Proof of service of documents or summons**

The service of documents or summons shall be proved in accordance with the rules in force in the territory of the requested Contracting Party. The date and place of service as well as the person on whom the document or summons was served shall be indicated in a certificate of service.

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### **Article 8**

#### **Service of documents and questionnaires to citizens through diplomatic missions or consular offices**

The Contracting Parties shall be free to effect service of documents and questionnaires to their own citizens through their diplomatic missions or consular offices. No compulsion shall be applied in connection with such service.

## **Article 9**

### **Summons served upon witness or expert abroad**

1. If in course of the judicial proceedings in the territory of one Contracting Party there is need for the personal appearance of a witness or an expert, staying in the territory of the other Contracting Party, the request to serve summons shall be addressed to the competent authority of that Contracting Party.
2. The summons may not entail any penalties for failure of the summoned person to appear.
3. A witness or expert, who in response to a summons, has voluntarily appeared before the competent authority of the requesting Contracting Party shall not be in the territory of that Contracting Party prosecuted, detained or punished for a criminal offence committed by him before he enters its territory.
4. A witness or expert shall be deprived of this immunity if he fails to leave the territory of the requesting Contracting Party within 15 days after being informed by the requesting authority that his presence is no longer necessary. Such period shall not include any period of time during which the witness or expert was unable to leave the territory of the requesting Contracting Party for reasons beyond his control.
5. Witnesses and experts who upon request appeared in the territory of the requesting Contracting Party shall have the right to be reimbursed by the requesting authority their travel expenses and costs connected with their stay in its territory. Experts shall also be entitled to remuneration for making an

examination. The request shall contain the information on reimbursements which the requested persons are entitled to; the requesting Contracting Party shall provide against their statement an advance payment to cover the corresponding expenses.

6. The Contracting Parties shall render all necessary assistance to each other for taking evidence of a witness in accordance with the provisions of their laws or, as the case may be, on the basis of questionnaire or otherwise, which may be admitted as evidence in accordance with the laws of the requested Contracting Party.

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## **Article 10**

### **Recognition of documents**

1. Documents emanating from or certified by a court, any other competent authority or an authorized person of one of the Contracting Parties shall be considered authentic if duly sealed by it. Documents complying to the requirements hereby shall be acknowledged by courts and other competent authorities of the other Contracting Party.

2. Documents considered as official in the territory of one Contracting Party shall have the evidentiary force of official documents also in the territory of the other Contracting Party.

## **Article 11**

### **Costs of legal assistance**

The requested Contracting Party shall normally not apply for the reimbursement of legal assistance costs. However, should the estimated or actual expenses of the requested Contracting Party be of extraordinary amount, the Central Authorities shall consult each other and find the mutually acceptable solution.

#### **Article 12**

#### **Dispatching of certificates of civil status and other documents**

The Contracting Parties undertake to dispatch to each other upon request, by diplomatic channels, without translation and free of charge, certificates or any other documents concerning personal rights and property interests of their citizens.

#### **Article 13**

#### **Refusal of legal assistance**

The requested Contracting Party may refuse legal assistance if it considers it may be prejudicial to its sovereignty, security or public order or is in conflict with its laws or international obligations.

#### **Article 14**

#### **Exemption from payment of legal fees and security**

1. The citizens of one Contracting Party shall be exempt in the territory of the other Contracting Party from payment of legal fees and **security** under the same conditions and to the same extent as citizens of that Contracting Party.
2. The citizens and legal persons of one Contracting Party shall be exempt in the territory of the other Contracting Party from deposit of security for filing a claim before the courts or other legal authorities under the same conditions and to the same extent as citizens and legal persons of that Contracting Party.

### **Article 15**

#### **Issuance of documents on personal, marital and property status**

1. A document relating to personal, marital and property status necessary to receive permission for exemption from payment of legal fees shall be issued by a competent authority of the Contracting Party in the territory of which the declarant resides or stays.
2. If the declarant does not reside or stay in the territories of the Contracting Parties the document issued or certified by a diplomatic mission or consular office of the State, whose citizen he is, is sufficient.
3. A court passing order for exemption from payment of legal fees may request the authority which issued the document to furnish additional information.

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### **PART III**

#### **RECOGNITION AND ENFORCEMENT OF JUDGEMENTS**

### **Article 16**

#### **Recognition and enforcement of judgments on civil and commercial matters and monetary payments awarded in criminal cases**

1. The Contracting Parties shall mutually recognize and enforce final and effective judgements of judicial authorities on civil and commercial matters as well as orders awarding monetary payments in criminal cases.

2. In the territory of the Contracting Parties judgements of declaratory nature which do not require enforcement shall be equally recognized without special proceedings.

3. Procedure relating to recognition and enforcement of judgements shall be subject to the laws of the Requested Party.

**Article 17**  
**Accompanying documents**

Application for recognition and enforcement must be accompanied by:

- 1) a copy of the judgment, certified by the court, together with an official document stating that the judgment or decree is enforceable, if it is not clear from the text of the judgment itself;
- 2) a document from which it follows that a summons was in due time and form at least once handed to the defendant, who refused to accept it or did not participate in the proceedings; and
- 3) certified translations of the application and the accompanying documents into the language of the requested Contracting Party or the English language.

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**Article 18**

## **Costs**

Legal costs relating to recognition and enforcement shall be regulated by the law of the Contracting Party in whose territory the judgment is to be enforced.

## **Article 19**

### **Recognition and Enforcement of Arbitral Awards**

Recognition and enforcement of arbitral awards passed in one of the Contracting Parties shall be made in the other Contracting Party in accordance with the Convention on the Recognition and Enforcement of Arbitral Awards, 1958 (New York Convention) and its national laws.

## **Article 20**

### **Languages**

While complying with the present Treaty, the Contracting Parties shall use their national language attaching the translation in the national language of the other Contracting Party or in English language.

## **PART IV**

### **FINAL PROVISIONS**

## **Article 21**

### **Consultation**

All matters with respect to the interpretation or implementation of this treaty shall be settled by the Contracting Parties through consultation between the authorities mentioned in Article 2 of the Treaty.

## **Article 22**

### **Entry into Force**

1. This treaty shall be subject to ratification and shall enter into force on the 30<sup>th</sup> day of the exchange of instruments of ratification.
2. Either of the Contracting Parties may denounce this Treaty at any time by giving notice to the other Contracting Party through the diplomatic channel; and if such notice is given the Treaty shall cease to have effect six months after the receipt of the notice.

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3. Under the initiative of either Contracting Party amendments may be made to this Treaty, which shall enter into force according to the procedure described in paragraph 1 of this Article.

Done in duplicate at New Delhi this 12<sup>th</sup> day of September 2007 in Hindi, Bulgarian and English languages, each text being equally authentic. In case of any interpretational difference the English text shall prevail.

Sd/-

Sd/-

**FOR THE REPUBLIC OF INDIA**

**FOR THE REPUBLIC OF BULGARIA**