

# Summary Procedures Act, 2028 (1972)

## Date of Authentication and Publication

2028.12.20 (2 April 1972)

### Amendments:

1. Act (Amending) Some Nepal Acts, 2043(1986) 2043.7.24(10 Nov. 1986)
2. Act (Amending) Some Nepal Acts Relating to Court Proceedings, 2047 (1990) 2047.4.10(25 July 1990)
3. Act Amending Some Nepal Acts, 2048(1992) 2049.1.8(20 April 1992)
- 4<sup>1</sup>. Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010) 2066.10.7(21 Jan. 2010)

### Act Number 17 of the year 2028 (1972)

.....<sup>2</sup>

**Preamble:** Whereas, it is expedient to provide for prompt disposal of small cases by following summary procedures;

Now, therefore, His Majesty King Birendra Bir Bikram Shah Dev has, on the advice and with the consent of the National *Panchayat*, made this Act.

1. **Short title, extension and commencement:** (1) This Act may be called as “Summary Procedures Act, 2028 (1972)”.

(2) It shall come into force in such area and on such date as may be specified by the Government of Nepal by publishing a notice in the Nepal Gazette.<sup>3</sup>

<sup>1</sup> This Act came into force on 15 *Jestha* 2065(28 May 2008).

<sup>2</sup> Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).

<sup>3</sup> This Act has been specified to come into force from 2030.1.1 (13 April 1973) throughout Nepal pursuant to the notice published in the Nepal Gazette dated 2029.10.1 (14 Jan. 1973).

2. **Definitions:** Unless the subject or the context otherwise requires, in this Act:

- (a) "Complaint" means a lawsuit and this term also includes a police report in a criminal case.
- (b) "Case" means a case set forth in Section 3 that is to be tried and settled pursuant to this Act.
- (c) "Court" includes the case trying authority or office.

3. **Cases to be tried pursuant to this Act:** (1)<sup>4</sup> In taking original action and appeal action on any of the following cases to be filed after the commencement of this Act, the procedures as referred to in this Act shall be followed:

- (a) Cases set forth in Schedule-1, or
- (b) Civil cases involving the value/price or claimed amount valued at a maximum of One Thousand Rupees or criminal cases carrying a fine of a maximum of One Thousand Rupees or imprisonment for a term not exceeding Six months or both punishments, other than those set forth in Schedule-2.

(2) Notwithstanding anything contained in Sub-section (1), where any special procedure has been provided by any Act in relation to any cases, nothing contained in this Act shall be deemed to have affected such procedures.

(3) If there arises any question relating to fraud, forgery or coercion from the statement or note of defense of the defendant in any case, the question shall also be decided by the same case upon fulfilling the procedures set forth in Number 78 of the Chapter on Court Proceedings of the *Muluki Ain*.

---

<sup>4</sup> Amended by Act (Amending) Some Nepal Acts, 2043(1986).

4. **Complaints:** If any person does not file a complaint but makes a petition setting out evidence, the court shall take action upon the petition also taking statement if so required.

5. **Examination:** (1) Upon the filing of a complaint in any case, the court shall examine the following matters in that respect:

- (a) Whether the claim of the plaintiff or the accusation intended to be made by the plaintiff against the defendant is based on law or not?
- (b) Whether the evidences presented or intended to be presented by the plaintiff are relevant in the case or not and whether the evidences are adequate to prove the matters set forth in the complaint or not?

(2) If, in making examination pursuant to Sub-section (1), the court finds that the complaint of the plaintiff cannot sustain or the matters set forth in the complaint cannot be proved because of absence of reliable or adequate evidence, it may cancel the complaint also mention the reason for the same.

(3) Except in cases where the complaint is to be canceled pursuant to Sub-section (2), the court shall:

- (a) Take action upon immediately taking statement of the defendant if he or she is present in the court.

Provided that, if the defendant refuses to make statement immediately but intends to submit a note of defense, a time-limit of Seven days shall be given to him or her.

- (b) Issue a summons or process within Three days in the name of the defendant if he or she is not present in the court.

(4) In cases where the court itself is to institute action under any law, if it appears from the immediately available evidence in a case that a case has to be instituted against any person, the court shall execute a memorandum mentioning the following matters and take action pursuant to Clauses (a) and (b) of Sub-section (3):

- (a) Full name and address of the defendant,
- (b) Reason for instituting case, and
- (c) Evidence relating thereto.

**6. Duplicates of complaint and documentary evidence to be given**

**to defendant:** (1) If the defendant is in police custody on a case instituted by the police, the concerned police office shall give duplicate copy of the complaint and each of the documentary evidences relating thereto to the defendant immediately on the filing of the complaint.

(2) In a case instituted pursuant to Sub-section (4) of Section 5, the court shall give duplicate copies of each of the memorandum set forth in that Sub-section and documentary evidence relating thereto to the defendant prior to taking his or her statement or send them along with the summons or process.

(3) In cases other than those set forth in Sub-sections (1) and (2), the plaintiff shall submit to the court along with the complaint duplicate copies of the complaint and documentary evidence relating thereto at the rate of one copy for each plaintiff, and the court shall send the duplicates along with the summons or process to the defendant.

Provided that, it will suffice to submit or send only one duplicate copy of the complaint and documentary evidence relating thereto irrespective of the number of defendants living in the joint family.

(4) Where proceedings of a case have been instituted without giving or sending duplicate copies required to be given or sent to the defendant pursuant to this Section, the proceedings shall be voided.

(5) Where a summons or process has been posted pursuant to Sub-section (2) of Section 7, the person serving the summons or process shall return the duplicate copies sent along with the summons or process to the court, and the defendant may at any time receive the duplicate copies from the court.

7. **Summons or process:** (1) The court shall, in issuing the summons or process pursuant to this Act, issue the same in the format specified in Schedule-3.

(2)<sup>5</sup> If, in serving the summons or process issued pursuant to Sub-section (1), the defendant or any member of his or her joint family is not found or his or her home address cannot be traced, the summons or process shall be posted at the office of Village Development Committee in the case of rural area and at any public place of the concerned ward in the place of home of the defendant in the case of municipal area, in presence of a member or representative of the concerned Village Development Committee or Municipality or any two local persons, and after being so posted, the summons or process shall be deemed to have been duly served.

Provided that, where the defendant or his or her home has not been found due to the fact that the plaintiff has written down a false address or a false address has been mentioned by the court, the summons or process shall not be deemed to have been duly served merely by the reason that it has been posted pursuant to this Section.

(3) The employee who goes to serve the summons or process as referred to in Section has to serve the summons or process within Two days excluding the time required for journey; and if, except for any reasonable reason, there has been a delay in the service of the summons or process, the court may punish him or her with a fine not exceeding Twenty Five Rupees.

---

<sup>5</sup> Amended by Act (Amending) Some Nepal Acts Relating to Court Proceedings, 2047 (1990).

8. **Time-limit, date appointed for presence:** (1) No time-limit, date appointed for presence that has expired in any case instituted pursuant to this Act shall be subject to extension.

Provided that,

- (a) If the court thinks that the time-limit or date appointed for presence has expired due to a circumstance beyond control of the party, it may extend the time-limit or date appointed for presence for a maximum of Fifteen days at One time or Two times.
- (b) The matters set forth in numbers 62 and 175 of the Chapter on Court Proceedings of the *Muluki Ain* shall be governed thereby accordingly.

(2) In issuing the summons or process in the name of a defendant, the time-limit of Seven days excluding the time required for journey shall be given.

9. **Special provision for submission of evidence by others on behalf of absent defendant:** (1) If any heir of the joint family of a defendant, showing any reason that the defendant cannot make defense within the time-limit of the process issued pursuant to Section 7 in any civil case, submits any evidence refuting the claim of the plaintiff within Seven days after the date of the expiration of that time-limit, the court shall dispose the case also examining that evidence.

(2) If any person, showing any reason that the defendant cannot make presence in the court or submit note of defense within the time-limit of the summons issued pursuant to Section 7 in any criminal case, submits any evidence refuting the complaint within Seven days after the date of the expiration of that time-limit, the court shall dispose the case also examining that evidence.

**10. Period for disposal of cases:** (1) Cases shall be disposed within Ninety days after the submission of the note of defense or after the taking of statement where the statement has been taken and after the expiration of the time-limit for the submission of the note of defense or taking statement where the note of defense has not been submitted or statement has not been taken.

(2) Notwithstanding anything contained in Sub-section (1) in relation to the time for disposal of cases, the cases have to be disposed within Three days after the date when the cases have become mature for disposal prior to that time.

Provided that, cases may not be disposed prior to the expiration of the time-limit of extension of the time-limit or date appointed for presence pursuant to Section 8 and the time-limit within which evidence can be submitted on behalf of the absent defendant pursuant to Section 9.

**11. Not required to appear on date appointed for presence after examination of evidence:** (1) After the court has examined the evidences of both the plaintiff and the defendant, any party may, if he or she so wishes, may not appear on the date appointed for presence with the leave of the court.

(2) Even though, after the submission of his or her evidences by the plaintiff, he or she alone or the defendant as well has expired the date appointed for presence, judgment shall not be passed dismissing the case, and the case shall be adjudged based on the evidences that have been examined.

**11A.<sup>6</sup> Time-limit for appeal:** (1) After a case has been adjudged by the court, the judgment shall be read out to the present disputant, and the matter whether appeal can be made against the judgment or not shall be

---

<sup>6</sup> Inserted by Act (Amending) Some Nepal Acts, 2043(1986).

set out, and if appeal can be made, the name of the appeal hearing court shall also be set out, and the disputant shall be caused to execute a deed to the effect that he or she has heard the judgment.

(2) Where the disputant is not present at the time of making judgment, the case disposing court shall immediately issue a process in the name of the disputant setting out the contents of the judgment of the case and where the judgment is appealable, the name of the court hearing appeal.

(3) The disputant may make an appeal against the judgment on the matters with which he or she is not satisfied within Thirty days, where, in an appealable case, the disputant has appeared in the case disposing court and heard the judgment pursuant to Sub-section (1), after the date of hearing of judgment and after the date of the service of the process where the process of appeal has been issued pursuant to Sub-section because the disputant has not appeared. No appeal shall lie after the expiration of the said time-limit.

(4) Where the time-limit of appeal as required to be given pursuant to Sub-section (2) has not been given by the court, the time-limit for making appeal shall be set after the date of payment by the disputant of the imposed penalty, fine or the date of obtaining the duplicate of copy of judgment, whichever date occurs earlier.

**11B.<sup>7</sup> Period for disposal of appeal:** (1) In disposing an appeal, it shall be disposed within Ninety days after the date of submission of the case-file of the case disposed at the first instance.

(2) Notwithstanding anything contained in Sub-section (1) in relation to the disposal of appeal, appeals have to be disposed within Three days after the date when the appeals have become mature for disposal prior to that time.

---

<sup>7</sup> Inserted by Act (Amending) Some Nepal Acts, 2043(1986).



**12. Where procedures as referred to in this Act not required to be followed or not to be followed:**

(1) If it appears in the course of taking action on a case that the case does not appear to fall under this Act, the court shall, upon executing a memorandum along with the reason, following general procedures as referred to in the other prevailing Nepal laws in relation to the remaining proceedings of the case.

(2) If it appears that some matters of a case fall under this Act and the procedures as referred to in the other prevailing Nepal law in relation to some matters, the procedures as referred to in the other prevailing law shall be followed in relation to all matters of the case.

**13. Power to frame Rules:** The Government of Nepal may, on the advice of the Supreme Court, frame Rules to implement the objectives of this Act.

**14. Saving and repeal:** (1) If general procedures as referred to in the other prevailing Nepal law have been followed in a case where the procedures as referred to in this Act have to be followed, the action already taken shall not be voided only by that reason.

(2) The other matters relating to the procedures other than those set forth in this Act and the Rules framed under this Act on a case to be tried under this Act shall be governed by the prevailing Nepal laws.

(3) The following Nepal Acts are hereby repealed:

(a) The phrase "action relating to the offense under this Act shall be taken through summary inquiry" contained in Sub-section (2) of Section 10 of the Statistics Act, 2015 (1958).

(b) The word "summary" contained in Section 12 and Section 26 of the Land Acquisition Act, 2018.

- (c) The word "summary" contained in Section 9, Sub-section (2) of Section 15 and Sub-section (1) of Section 56, and Section 18 of the Forests Act, 2018.
- (d) Sections 49, 50, 51, 53 and 54 of the Village *Panchayat* Act, 2018.
- (e) The phrase "summary equivalent to criminal case" contained in Section 3 of the Begging (Prohibition) Act, 2018 (1962).
- (f) The phrase "by making summary inquiry and taking other necessary action" contained in the proviso to Sub-section (1) of Section 146 of the Companies Act, 2021.
- (g) The words "and in relation to this" to the word "shall be" contained in Section 9 of the Highway Construction Act, 2021.
- (h) The words "shall be and in such a case" to the words "all powers" contained in Sub-section (2) of Section 40 of the Tourism Industry Act, 2021.
- (i) The word "summary" contained in Sub-section (2) of Section 15 of the Corporations Act, 2021.
- (j) The words "by making summary inquiry" contained in Sub-section (1) of Section 5 of the National Transport Management Act, 2026.

## Schedule-1

### (Relating to Clause (a) of Sub-section (1) of Section 3)

1. Cases under the Nepal Agency Related Act, 2014(1957).
2. Cases under the Radio Act, 2014(1957).
3. Cases under the Excise Duty Act, 2015(1958).
4. Cases under the Nepal Factories and Workers Working in Factories Act, 2016.
- 5.<sup>8</sup> Cases under Section 22 of the *Saajha* Corporations Act, 2041.
6. Cases under the Associations Registration Act, 2016.
7. Cases under Sub-section (2) of Section 15 of the Forests Act, 2018.
- 8.<sup>9</sup> Cases under jurisdiction of the Village Development committee pursuant to the Village Development Act, 2047.
9. Cases under Sub-section (2) of Section 146 of the Companies Act, 2021(1964).
- 10.<sup>10</sup> Cases under Section 46 of the Tourism Act, 2035 (1978).
11. Cases under the Patents, Designs and Trademarks Act, 2022 (1965).
12. Cases under the Copyright Act, 2022.
13. Cases under Section 30 of the Standard Measurement Act, 2025 (1968).
14. Cases under Section 10 of the Education Act, 2025 (1968).
15. Cases under Section 17 of the Education Act, 2028 (1971).
16. Cases under Section 7 of the Lottery Act, 2025 (1968).
17. *Muluki Ain:*
  - (a) Cases under the Chapter on *Bona Vacantia*.

---

<sup>8</sup> Amended by Act (Amending) Some Nepal Acts, 2048(1992).

<sup>9</sup> Amended by Act (Amending) Some Nepal Acts Relating to Court Proceedings, 2047 (1990).

<sup>10</sup> Amended by Act (Amending) Some Nepal Acts, 2048(1992).

- (b) Cases under the Chapter on Wages.
  - (c) Cases under the Chapter on Paupers.
  - (d) Cases under the Chapter on Lost and Found of Quadruplets.
  - (e) Cases under Numbers 8 and 9 of the Chapter on Construction of Houses.
  - (f) Cases relating to the maintenance according to income and status under Number 4 of the Chapter on Husband and Wife.
  - (g) Cases relating to the maintenance according to income and status under Number 10 of the Chapter on Partition.
  - (h) Cases under the Chapter on Pledge and Bailment, other than the cases under Number 5 of that Chapter.
  - (i) Cases relating to preemption under the Chapter on Monetary Transactions.
  - (j) Cases under Numbers 3 and 4 of the Chapter on Undue Detention.
  - (k) Cases under Number 7 of the Chapter on Medical Treatment.
18. Cases under the Gambling Act, 2020.

## Schedule-2

### (Relating to Clause (b) of Sub-section (1) of Section 3

1. Any other cases relating to immovable property other than the cases set forth in Schedule-1.
2. Cases relating to right of way.
3. Cases relating to partition or inheritance.
4. Cases relating to the matter prying for the setting of relationship.
5. Cases relating to the crime of sexual intercourse.
6. Cases relating to any type of theft.
7. Cases relating to forgery or fraud except where action has been instituted pursuant to Sub-section (3) of Section 3.
8. ....<sup>11</sup>

---

<sup>11</sup> Deleted by Act (Amending) Some Nepal Acts, 2048(1992).

### **Schedule-3**

**(Relating to Sub-section (1) of Section 7)**

*A Seven-day summons or process issued by .....court/office in the name of defendant....., a resident of.....place*

Whereas, Mr. /Ms....., a resident of.....place has made a complaint/statement/plaint in this office/court on the case of.... against you..... on .....date;

Now, therefore, duplicate copies of the complaint/statement/plaint and documentary evidences relating thereto are hereby herewith sent to you. You are hereby require to make presence in person or send your attorney along with power of attorney to make presence in this office/court, along with the originals or duplicates of your documentary evidences and one duplicate copy each of the evidences to make defense, statement or note of defense within Seven days excluding time required for journey. Action shall be taken accordingly.

Done on....day of the month of.....of the year.....