

**Agreement  
between the Government of the Sultanate of Oman  
and the Government of the Republic of India  
on Legal and Judicial Cooperation in Civil and Commercial Matters**

The Government of the Sultanate of Oman and the Government of the Republic of India (hereinafter referred to as the “Two States”),

Recognizing the established friendly relations between the States and desiring to improve the effectiveness of both countries in cooperating in the field of Civil and Commercial matters:

**Have agreed as follows:**

**Article (1)  
Scope of Application**

1. By virtue of this Agreement, each State shall provide the widest measure of reciprocal legal and judicial assistance in civil and commercial matters to the other State in accordance with their laws.
2. Under the provisions of this Agreement, legal and judicial assistance shall include the following:
  - a) Service of judicial orders, summons and other legal and judicial documents or processes;
  - b) Taking of evidence through request;
  - c) Execution of judgments, settlements and arbitral awards.

3. This Agreement does not prejudice the rights and obligations of either States under other agreements or arrangements or treaties.
4. This Agreement also applies to any request for reciprocal legal assistance relating to civil and commercial matters submitted before or after its entry into force.

#### Article (2)

#### Central Authorities for Attesting Documents

1. Requests for assistance shall be made through the Central Authorities of the two States.
2. For the Sultanate of Oman, the Central Authority shall be the Ministry of Justice. For the Republic of India, the Central Authority shall be the Ministry of Law and Justice.
3. Unless otherwise stated, all the documents in connection with the assistance shall be officially signed by the court under its seal which should be authenticated by the Central Authority of the Requesting State.
4. All requests and supporting documents shall be submitted in duplicate copies accompanied with a translation in one of the official languages of the Requested State.

#### Article (3)

#### Service of Judicial Orders, Summons and Legal and Judicial Documents

1. Summons and other judicial documents in the two States shall be served through the courts in whose jurisdiction the concerned person resides.

2. The service of summons and other judicial documents shall be effected in accordance with the procedure provided for in the laws of the Requested State, or by a particular method desired by the Requesting State, unless such a method is incompatible with the law of the Requested State.
3. The summons and other judicial documents served in accordance with this Agreement shall be deemed to have been served in the territory of the Requesting State.
4. The provisions of paragraph (1) of this Article shall not preclude the right of either of the two States to effect such service, through its diplomatic or consular representatives, of summons and other judicial documents on its nationals residing in the territory of the other State without application of any compulsion. Service in such cases shall entail no responsibility for the State of accreditation.
5. Subject to the provisions of paragraph (2) of this Article, summons and other judicial documents may be served directly through postal channels or by delivery to an addressee who accepts it voluntarily without any compulsion.
6. Any claim about the addressee being a national of the State in whose jurisdiction the service is to be affected shall be determined in accordance with the law of that State.

#### Article (4)

#### Data and Attachments to the Request for Service of Documents

The request for the service of summons and other legal documents shall include all data relating to the person to be served, particularly his name, surname and where

possible address, place of residence and workplace as well as a list of all the documents and papers to be served. Reference shall also be made to any particular method of service. In relation to juristic persons, names and addresses are sufficient. The names and titles of legal representatives of the concerned persons, if any shall be provided.

#### **Article (5)** **Refusal of Service of Documents**

1. A request for the service of summons and other judicial documents, which is in conformity with the provisions of this Agreement, shall not be refused, unless the Requested State considers that compliance with the request would infringe its sovereignty, security or public policy.
2. Service shall not be refused on the ground that the request does not show sufficient legal grounds supporting the merits of the case.
3. Whenever the service is not executed, the Requested State shall forthwith notify the Requesting State of the reasons thereof.

#### **Article (6)** **Methods of Service**

1. The Competent Authority in the requested State shall serve the said documents and papers in accordance with the laws and rules applicable in this regard. No fees or costs may be levied for executing such service.

2. Service may be executed in a special method specified by the Requesting State, provided that it does not contravene the laws of the Requested State. In such a case the Requesting State shall bear costs of such a special method of service.

#### **Article (7)**

#### **Powers of the Competent Authority and Proof of Service**

1. The powers of the Competent Authority in the Requested State shall be limited to the delivery of the judicial documents and papers to the addressee.
2. Delivery shall be proved either by the signature of the addressee on the copy of the judicial document or paper, or by a certificate issued by the competent authority stating the name of the addressee, the date and method of delivery, and where such delivery could not be executed, the reasons for such non-delivery.
3. A copy of the judicial document or paper signed by the addressee or a certificate proving delivery shall be sent to the Requesting State through the Central Authority.

#### **Article (8)**

#### **Taking of Evidence**

1. The judicial authorities in either of the two States may, in accordance with the provisions of the law of that State, request the taking of evidence in civil and commercial matters by means of a Letter of Request addressed to the competent judicial authorities of the other State.

2. For the purpose of this Agreement, taking of evidence shall be deemed to cover the following:
  - a. Taking statements on oath or other wise of a witness.
  - b. Taking oath of witness, with regard to any legal proceedings
  - c. The production, identification and examination of documents, records relevant to the requested evidence which was submitted by the person whose evidence is taken under paragraphs (a) & (b) above
3. The Letter of Request for evidence shall specify the following:
  - a. The judicial or other competent authority requesting the evidence;
  - b. The nature of the case for which the evidence is required and all necessary information related thereto;
  - c. The name and addresses of the parties to the case;
  - d. The evidence to be obtained; and
  - e. The names and addresses of the person to be examined.
4. Where deemed necessary, the Letter of Request shall be accompanied by a list of questions to be put to the witnesses or other concerned persons or a statement of the subject matter about which they are to be examined and documents relevant to such evidence or Statement.
5. The Letter of Request shall indicate whether the evidence required is to be taken on oath or affirmation.

**Article (9)**  
**Execution of Letter of Request**

1. The Competent Authorities in the Requested State shall execute the Letter of Request in accordance with the provisions of its own laws and shall obtain

the required evidence by applying the same methods and procedures as are permissible under its laws, including the same appropriate methods of compulsion.

2. The Requested State should follow any special method or procedure which has expressly been specified in the Letter of Request in so far as it is not incompatible with its laws and practices.
3. The Letter of Request for evidence shall be executed as expeditiously as possible.
4. The Requesting State shall, if it so desires, be informed of the time when, and the place where, the proceedings will take place, in order that the parties concerned, and their representative, if any, may be present. This information shall be sent directly to the concerned parties or their representatives when the Requesting State so requests.
5. When the Letter of Request for evidence has been executed, the necessary documents showing execution should be sent to the Requesting State.
6. In case the Letter of Request is not executed in whole or in part, the Requesting State should be informed immediately and advised of the reasons.

#### Article (10)

1- The execution of the Letter of Request may only be refused to the extent that;

- a. The Request does not fall within the functions of the judiciary; or

b. The Requested State considers that its sovereignty, security or public policy would be prejudiced by its execution.

2. Without prejudice to the provision contained in paragraph (1) of this Article, execution of the Letter of Request may not be refused solely on the ground that under its internal laws, the requested State has exclusive jurisdiction over the subject- matter of the action or that its internal laws would not admit right of action on it.

#### **Article (11)**

The Execution of Letter of Request and the taking of evidence by the Requested State shall not give rise to any reimbursement of charges, expenses or costs, under whatever description by the Requesting State. However, the Requested State shall have the right to seek reimbursement of:

- a. Any expenses and charges paid to the witnesses, experts or interpreters;
- b. Any costs and expenses paid for the use of a special procedure related to the request;

#### **Article (12)**

##### **Taking of Evidence by Diplomatic and Consular Representatives**

Diplomatic or Consular representatives in either of the two States may take the evidence from the nationals of the country they represent without compulsion in

order to help in the completion of judicial proceedings commenced in the courts of the country they represent.

### **Article (13)**

#### **Execution of judgments and arbitral awards**

1. Each of the two States shall, in accordance with its laws, recognize and/or execute the decrees/judgments passed by the courts of the other State in civil and commercial matters and by criminal courts in civil matters.
2. The term 'judgment' as used in this Agreement, what ever its designation, means any decision rendered in judicial proceedings by a competent court of the either States.
3. This agreement shall not apply to interim or provisional measures, except matters relating to allowances.

### **Article (14)**

#### **Competent Courts**

In disputes involving the questions of capacity or status of a person, the courts of the State of which that person is a national at the time of institution of the suit shall have the jurisdiction in those matters.

**Article (15)**

The courts of the State where immovable property is situated shall have the competency to determine the rights related to such property.

**Article (16)**

**Jurisdiction of Courts**

In matters other than those related to capacity or status of a person, or immovable property, the courts of the either States shall have jurisdiction in the following cases:

- a) If the defendant has his domicile or residence in the territory of that State at the time of institution of the suit.
- b) Or the defendant had a commercial or industrial center or a branch in the territory of that State at the time of institution of the suit, and the suit relates to such activity.
- c) Or by virtue of an express or implied agreement between the plaintiff and the defendant, the contractual obligations giving rise to the litigation have been or have to be performed in the territory of the State.
- d) Or in case of non-contractual liability the act is committed in the territory of that State.
- e) Or the defendant has expressly or impliedly accepted the jurisdiction of the courts of that State, and the law of the State allows such acceptance.

- f) Or in case an application for provisional measures, the courts of such State are deemed to be competent to hear the principal dispute, as per the provisions of this Agreement.

#### Article (17)

Subject to the provisions of this Agreement, the courts of the State requested to recognize or execute a judgment shall, upon examining the grounds upon which the jurisdiction of the courts of the other State was established, be bound by the facts stated in that judgment/decree and on which jurisdiction was based, unless the said judgment/decree had been passed in absentia.

#### Article (18)

##### Non-recognition of Judgments/Decrees

A judgment/decree shall not be recognized or executed in the following cases:

- a. It contravenes with the State's Basic Statute or Constitution or the principles of public order or morals in the Requested State;
- b. It has not been pronounced by a court of competent jurisdiction according to Article (17);
- c. It contravenes the rules regulating the legal representation of persons lacking capacity in the Requested State;

- d. It was passed in absentia and the concerned party was not duly summoned so as to be able to defend himself.
- e. if the dispute is between the same parties and involved the same subject matter and cause of action of a dispute to which a final judgment/decree was passed in the Requested State or in a third State and was recognized by the Requested State.
- f. The dispute in which the judgment/decree was passed is pending in a suit before any of the courts in the Requested State, between the same parties and involving the same causes, and that dispute was raised before any of the courts of the latter State, at a date prior to filing the dispute in the court which passed the judgment.
- g. It was not final or was not executable in accordance with the laws of the State in which it was passed.

#### **Article (19)**

Procedures relating to recognition or execution of a judgment/decree shall be subject to the laws of the Requested State.

#### **Article (20)**

1. The role of competent judicial authority in the Sate requested to recognize or execute a judgment/decree is to make sure that the judgment/decree is in full compliance with the rules provided for in this agreement without reviewing the merits of the suit.

2. In executing the judgment/decreed, the competent judicial authority in the Requested State shall, when necessary, take the necessary action to notify the judgment/decreed in the same manner as if it were passed in its own territory.
3. The order may be made to execute the whole judgment/decreed or part thereof if the execution of such part of the decree is severable.

#### **Article (21)**

The Central Authority in the State requesting the recognition or execution of a judgment/decreed in the other State shall submit the following:

- a. An official copy of the judgment/decreed.
- b. A certificate showing that the decree is final and executable, unless that is provided for in the decree itself.
- c. In case of a judgment/decreed is passed in absentia, an authenticated copy of the summons or any other document showing that the defendant was duly summoned.
- d. If the request is limited to the execution of a judgment/decreed, the official copy should be in an executable form.

#### **Article (22)**

The settlement of a claim that is filed before the competent judicial authority in either of the States according to its national law shall be recognized and enforced in the territory of the other State, after ascertaining that it is executable

in the State in which it was concluded, and that it does not contradict the constitutional rules or the principles of public order or morals of the Requested State.

The party requesting recognition or execution of a settlement should submit an official copy thereof and a certificate from the judicial authority stating the extent, if any, to which the judgment/decreed or the settlement has been honored.

### **Article (23)**

1. Without prejudice to the provisions of Article (22) and (24) of this Agreement, arbitral awards given in the territory of either State shall be recognized and enforced in the territory of the other State provided that:

a. The award of arbitrators is based on a written agreement of the parties to the dispute to submit to arbitrators for determination of any specific or future dispute arising out of their legal relations.

b. The award is made on matters referable to arbitration in accordance with the law of the State requested to recognize or enforce the Arbitration award unless it contradicts the Basic Statute or Constitution or Principles of Public Order or morals of the Requested State.

2. The State requesting the recognition and enforcement of an award shall produce a copy of the award accompanied by a certificate from the competent judicial authority in the Requesting State to the effect that the award is executable.

3. A certified copy of the Agreement between the Parties to the dispute empowering the arbitrators to decide on the dispute shall also be produced.

#### Article (24)

##### Entry into Force

This Agreement is subject to ratification as per the applicable legal procedures in each State. It shall come into force after one month of the date of exchange of instruments of ratification.

#### Article (25)

##### Amendment


This Agreement may be amended by the consent of the two States through the diplomatic channels.

#### Article (26)


##### Termination

Either of the two States may terminate this Agreement by giving six months notice to the other State. All measures started by any of the two States shall continue up to the end of the notice.

Done at Muscat on Sunday 11<sup>th</sup> the month of February in 2018 in two originals each in Arabic, Hindi and English languages, all texts being equally authentic. In case of any discrepancy, the English text shall prevail.



For the Government of  
the Sultanate of Oman



For the Government of the  
Republic of India