

**Notification of Individuals and Legal Entities
with a Known Residence Abroad**



للاستشارات القانونية وأعمال المحاماة
Advocates & Legal Consultants

According to Article (11) of the Kuwaiti Code of Civil Procedure No. 38 of 1980, as amended by Law No. 9 of 2020:

(A person residing outside the State of Kuwait may be notified via their personal email or any other known modern electronic communication method used by the party requesting the notification. If such a method is not available, the notification shall be made at their known residence abroad, and the documents of the notification shall be delivered to the Public Prosecution, which will then send them to the Ministry of Foreign Affairs for delivery through diplomatic channels. If the residence or workplace of the notified person is unknown, a copy of the document shall be delivered to the Public Prosecution. Violation of the provisions of this article will result in nullification of the notification.)

Conditions for Valid Notification

From the analysis of the aforementioned article, it is clear that two essential conditions must be met for the notification of a person with a known residence abroad to be valid:

1. Existence of a Known Residence for the Notified Person:

The term "residence" is used to refer to the place of abode, which may be either a chosen or original residence. However, this residence must be real and not fictitious, meaning it must exist in reality. If the notifying party serves notice to the notified person at an address that has no connection to them, the notification becomes invalid, leading to the nullification of all subsequent actions arising from that invalid notification.

2. Delivery of Documents to the Public Prosecution:

The documents of the notification must be delivered to the Public Prosecution, which will then send them to the Ministry of Foreign Affairs to be forwarded to the Kuwaiti embassy abroad. The embassy will then send them to the Ministry of Foreign Affairs in the country where the notified person's residence is located. Once the notification is completed, the documents are returned to the Public Prosecution from the Ministry of Foreign Affairs.

The second paragraph of Article (11) clarifies that if these procedures for notifying a person residing abroad with a known residence are violated, such violation will result in nullification of the notification procedure without the need to prove substantive damage.

This is in regard to individuals who have a known residence abroad. If the person to be notified does not have a known residence abroad, the notification should be delivered to the Public Prosecution.



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